

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, May 6, 1983

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

Prayer by Father Roger J. Blain, O.P. of St. Peter and Paul's Catholic Church, Lewiston.

The journal of yesterday was read and approved.

**Papers from the Senate
Non-Concurrent Matters
Later Today Assigned**

An Act to Amend Maine's Wrongful Death Law (H. P. 398) (L. D. 481) (C. "A" H-141) which was indefinitely postponed in the House on May 3, 1983.

Came from the Senate passed to be enacted in non-concurrence.

In the House: On motion of Mrs. Mitchell of Vassalboro, tabled pending further consideration and later today assigned.

Bill "An Act to Require the Wearing of Protective Headgear by All Motorcycle, Motor Driven Cycle and Moped Riders" (H. P. 836) (L. D. 1072) on which the Minority "Ought Not to Pass" Report of the Committee on Transportation was read and accepted in the House on May 2, 1983.

Came from the Senate with the Majority "Ought to Pass" Report of the Committee on Transportation read and accepted and the Bill passed to be engrossed in non-concurrence.

In the House: On motion of Mrs. Mitchell of Vassalboro, tabled pending further consideration and later today assigned.

Messages and Documents

The following Communication:

**State of Maine
Executive Department
State Planning Office
May 4, 1983**

The Honorable John Martin
Speaker of the House
State House Station 2
Augusta, Maine 04333
Dear John:

I am pleased to transmit for your information the 1982 Annual Report of the Maine Land and Water Resources Council.

The Council was created by Executive Order of the Governor in 1976 "to study and recommend solutions to specific land and water resources management problems (and) to recommend coordinated State policies for major proposals that transcend the concerns of any one agency."

Last year, Governor Joseph Brennan asked the Council to develop a Maine "rivers policy" that would create a reasonable and effective balance among the interests now competing for use of our rivers.

Accordingly, the 1982 Annual Report offers a good chronological summary of the hydro-power and rivers initiatives that have come before this Session of the Maine Legislature. I hope you will find it of interest.

With best wishes,

Sincerely,
S/ Richard E. Barringer
Director

Was read and with accompanying report ordered placed on file.

Orders

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

ORDERED, that Representative Muriel Holloway of Edgecomb be excused May 4, 5, and 6 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Mary Small of Bath be excused for the duration of her illness.

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

Representative Soucy from the Committee on Education on Bill "An Act to Remove any Statutory Reference Mandating Teachers to take 6 Credit Hours for Recertification" (H. P. 1005) (L. D. 1313) reporting "Leave to Withdraw".

Representative Nelson from the Committee on Health and Institutional Services on Bill "An Act to Amend the Medicaid Copayment Law" (H. P. 220) (L. D. 268) reporting "Leave to Withdraw".

Representative Richard from the Committee on Health and Institutional Services on Bill "An Act to Establish Inmate Representation" (H. P. 903) (L. D. 1182) reporting "Leave to Withdraw".

Representative Drinkwater from the Committee on Judiciary on Bill "An Act to Amend the Maine Tort Claims Act" (H. P. 655) (L. D. 829) 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/New Title

Representative Theriault from the Committee on Transportation on Bill "An Act to Provide for a Sign on I-95 Directing Traffic to Houlton and the Trans-Canadian Highway" (H. P. 104) (L. D. 111) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Pertaining to Directions from Interstate 95 to the Maritime Provinces" (H. P. 1175) (L. D. 1563).

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.

Ought to Pass in New Draft

Representative Cox from the Committee on Legal Affairs on Bill "An Act to Amend the Law Governing Traveling Shows" (H. P. 1051) (L. D. 1395) reporting "Ought to Pass" in New Draft (H. P. 1179) (L. D. 1569).

Report was read and accepted, the New Draft given its first reading and assigned for second reading, Monday, May 9.

**Divided Report
Tabled and Assigned**

Majority Report of the Committee on Business Legislation reporting "Ought Not to Pass" on Bill "An Act to Amend the Unfair Trade Practices Law" (H. P. 570) (L. D. 718).

Report was signed by the following members:

Senators:
SEWALL of Lincoln
CHARENTE of Androscoggin
— of the Senate.

Representatives:
BRANNIGAN of Portland
CONARY of Oakland
TELOW of Lewiston
PERKINS of Brooksville
MacBRIDE of Presque Isle
MARTIN of Van Buren
POULIOT of Lewiston
— of the House.

Minority Report of the same Committee reporting "Ought to Pass" in New Draft (H. P. 1178) (L. D. 1567) on same Bill.

Report was signed by the following members:

Senator:
CLARK of Cumberland
— of the Senate.

Representatives:
MURRAY of Bangor
RACINE of Biddeford
STEVENS of Bangor
— of the House.

Reports were read.

On motion of Mr. Diamond of Bangor, tabled pending acceptance of either Report and specially assigned for Monday, May 9.

**Consent Calendar
First Day**

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

(H. P. 1097) (L. D. 1445) Bill "An Act to Allow Retailers to Sell Prison Made Items" (Emergency)—Committee on Health and Institutional Services reporting "Ought to Pass".

(H. P. 996) (L. D. 1329) Bill "An Act Relating to the Licensing of Dental Radiographers"—Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-200).

(H. P. 932) (L. D. 1177) Bill "An Act to Amend the Protection and Advocacy Agency for the Developmentally Disabled in Maine Statutes"—Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-203).

(H. P. 864) (L. D. 1113) Bill "An Act to Amend Certain Provisions of the Laws Defining Sex Offenses"—Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-204).

There being no objections, these items were ordered to appear on the Consent Calendar of May 9, under the listing of Second Day.

**Consent Calendar
Second Day**

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

(S. P. 272) (L. D. 835) Bill "An Act Relating to Agricultural Contracts" (C. "A" S-81).

On the request of Mr. Michael of Auburn, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (S-81) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading the next legislative day.

(S. P. 335) (L. D. 980) Bill "An Act to Authorize the Commissioner of Transportation in Maine to Enter into Interstate Agreements Related to Reciprocal Enforcement of Fuel Use Laws" (C. "A" S-85).

On the request of Mrs. Ketover of Portland, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the bill read once. Committee Amendment "A" (S-85) was read by the Clerk.

Mrs. Ketover of Portland offered House Amendment "A" to Committee Amendment "A" and moved its adoption.

House Amendment "A" to Committee Amendment "A" (H-201) was read by the Clerk and adopted.

Committee Amendment "A" (S-85) as amended by House Amendment "A" (H-201) thereto was adopted.

The Bill was assigned for second reading the next legislative day.

(S. P. 420) (L. D. 1273) Bill "An Act Relating to Drinking in Public" (C. "A" S-86).

(H. P. 866) (L. D. 1114) Bill "An Act to Clarify the Rights of Putative Fathers in Adoption Proceedings".

(H. P. 717) (L. D. 908) Bill "An Act to Clarify the Fuel Charges of Electric Utilities" (C. "A" H-195).

(H. P. 427) (L. D. 509) Bill "An Act to Remove the Requirement that Farm Vehicles have a Fuel Use Decal" (C. "A" H-197).

(H. P. 422) (L. D. 505) Bill "An Act to Revise the Mexico Water District Charter" (C. "B" H-196).

(H. P. 876) (L. D. 1130) Bill "An Act to Amend the Standard Valuation Law for Life Insurance and Annuities and the Standard Nonforfeiture Law for Life Insurance" (C. "A" H-198).

No objections having been noted at the end of the Second Legislative Day, 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 concur-

rence.

Passed to Be Engrossed

RESOLVE, Providing for a Study to Determine the Need for a Statewide Task Force on Arson. (Emergency) (H. P. 1173) (L. D. 1556)

Bill "An Act to Protect the Integrity of the Unemployment Compensation Fund" (Emergency) (H. P. 1174) (L. D. 1561)

Bill "An Act to Require Physicians, Chiropractors and Podiatrists to Post their Policy regarding their Acceptance of Medicare Assignments" (S. P. 524) (L. D. 1542)

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

Amended Bill

Tabled and Assigned

Bill "An Act to Allow the Training of Bear Dogs" (S. P. 371) (L. D. 1145) (C. "A" S-87).

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

On motion of Mrs. Martin of Brunswick, tabled pending passage to be engrossed as amended and specially assigned for Monday, May 9.

Enactor

Tabled and Assigned

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

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

On motion of Mr. Michael of Auburn, tabled pending passage to be enacted and specially assigned for Monday, May 9.

Orders of the Day

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

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

Tabled—May 5, 1983 by Representative Higgins of Scarborough.

Pending—Passage to be Enacted.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: As I indicated to you yesterday, this bill does require an extra expenditure. However, it is only in the amount of \$500 and from talking with people in Legislative Finance, they have communications from the court system that they are going to absorb this amount of money in their current budget.

While the magnitude of this particular problem doesn't warrant further discussion, my feeling is that should this practice continue in a significant way, not with just this department but any other, I think the Legislature would be well within its bounds to require a fiscal note if they are going to transfer money around in order to make this sort of thing possible. Otherwise, we are circumventing the intent of having an appropriations table in the other body. But in this particular case, for \$500, the paper that it would cost to print the amendment isn't worth the \$500 that it is going to cost to implement the program, so in my opinion, the bill is well within its bounds and should go on its way.

The SPEAKER: The Chair would advise the gentleman from Scarborough, Mr. Higgins, and members of the House that the Chair still does not have in his possession any letter from Legislative Finance advising him that there is no cost to this item; therefore, it is still in violation of the rules until that communication arrives.

Whereupon, on motion of Mr. Diamond of Bangor, tabled pending passage to be enacted and specially assigned for Monday, May 9.

The Chair laid before the House the second

tabled and today assigned matter:

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

—In House, Passed to be Engrossed.

Tabled—May 5, 1983 by Representative Mitchell of Vassalboro.

Pending—Motion of same gentlewoman to reconsider passage to be engrossed.

On motion of Mrs. Mitchell of Vassalboro, tabled pending the motion of the same gentlewoman to reconsider passage to be engrossed and specially assigned for Monday, May 9.

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

House Divided Report—Majority (8) "Ought Not to Pass"—Minority (5)—"Ought to Pass"—Committee on Judiciary on Bill "An Act Concerning Submerged and Intertidal Lands Owned by the State" (H. P. 952) (L. D. 1233)

Tabled—May 5, 1983 by Representative Mitchell of Vassalboro.

Pending—Acceptance of Either Report.

On motion of Mr. Hobbins of Saco, tabled pending acceptance of either Report and specially assigned for Monday, May 9.

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

An Act to Improve Voter Registration Access for Potential Absentee Voters. (H. P. 114) (L. D. 121)

Tabled—May 5, 1983 by Representative Diamond of Bangor.

Pending—Passage to be Enacted. (Roll Call Requested)

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 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 Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I still feel very strongly about this piece of legislation this morning and I hope you vote against final enactment.

I see a real potential for abuse in this legislation. I feel that any person that is going to register to vote in the State of Maine ought to present themselves to the clerk at the municipality in which they reside. This bill will allow any person who can get absentee ballots to go out anywhere they want to, get an absentee application from whoever they might wish, and that is necessarily by this law going to make it presumptuous that they are eligible to vote in that municipality. I think it just smacks of having some real problems down the way.

I am not accusing the sponsor of the legislation of anything here, I am just simply saying that the potential for abuse far outweighs the benefits that this piece of legislation attempts to address.

I cannot believe that there are very many people that happen to be sick on election day that aren't registered to vote and can't get on election day to the polls in order to register to vote, I think there couldn't be more than a handful. To try to attempt to address that situation with this piece of legislation, I think really opens the door to some real significant potential abuses out there. I hope you vote against the pending motion to enact this bill.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I urge the House not to listen to the Minority Floor Leader. One of the most cherished things that we have in this state and this country is the right to vote and there has been a great many people die to protect that right for you and I. I am not about to

disenfranchise anybody by my vote in this body.

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: I would, first of all, urge you to heed the words of the gentleman from Bangor, Mr. Kelleher, and also to just kind of clarify the bill. For a moment there, I wasn't sure the gentleman from Scarborough, Mr. Higgins, was talking about the same bill I am looking at.

All this does essentially is—we are all familiar with the closed period of local boards of registration. Depending upon the size of the community, it could range anywhere from 3 days to 10 days so that the clerk can get the lists in order. All this would provide is for somebody who becomes incapacitated after that closed period, break a leg, what have you, become ill and unable to go anywhere, leave your home, all this would provide is that that person could be registered at home and vote absentee. There are cases, of course, where someone is not registered to vote, they become incapacitated, there is no option for that individual to vote, absolutely none, after the closed period, because you have to appear in person to register to vote. So all this does is to provide, admittedly a small section of Maine's population who become incapacitated the opportunity and the right to vote in a state general election.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I want to clear up one thing. I am in no way, in my opposition to this bill, trying to indicate that I am in favor of disenfranchising people who are able to vote who are legally qualified to vote in the State of Maine. It just seems to me that when you make it so easy for people to obtain an absentee ballot by allowing them to register on election day, I think we are really asking for problems that I don't know how you could correct, I really don't. It cannot be supervised and if you have a situation, in any number of cases, it would be very easy for an individual to go out and solicit absentee applications and then obtain registration forms for people who do not live in the proper district. That is what I am concerned about. I am not concerned about disenfranchising anybody. I am concerned about keeping the integrity of the process intact and protecting my right in not disenfranchising me or you by allowing someone who doesn't reside in my district to vote in my district, that is all I am trying to say. I am not attempting to disenfranchise anybody.

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

Mr. BROWN: Mr. Speaker, I would like to pose a question through the Chair. In the event of a situation where a community has a nursing home, could all of the residents of that nursing home be considered to be incapacitated and unable to vote in accordance with this proposed legislation?

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

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

Mr. HANDY: Mr. Speaker, Men and Women of the House: Under current law, anyone who is incapacitated, and there are also several other reasons a person may vote by absentee ballot, under those same provisions by which a person could vote absentee, that person could also register to vote, but only under those specified conditions in the law.

To carry that a step further, in reference to what Mr. Higgins was saying about being opened to widespread abuse, if that is the case, we are open to that now because of allowing absentee votes.

I would like to pose a rhetorical question—how many cases of abuse have been filed with the Attorney General's office in the State of Maine, and I would answer that, very, very few, if any.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: I still didn't get the answer to my question. I, again, would like to pose that question through the Chair to anyone who might respond to that correctly.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I didn't understand the question. Would you mind elaborating a little more on it, please?

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, has posed a question through the Chair to the gentleman from Livermore Falls, Mr. Brown, who may respond if he so desires.

The Chair recognizes that gentleman.

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: The question is—would all the residents of a nursing home facility in a community be considered to be incapacitated in accordance with the verbiage of this particular bill that we are debating today? In other words, would it be possible—let's take a hypothetical example—for one to go and register all of the inhabitants of a nursing home in that particular community in an attempt to have those folks voting in that municipality; in other words, would those residents qualify as being incapacitated in accordance with this bill?

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: No. The answer is simply no. Incapacitated means incapacitated. If you are in a nursing home that doesn't necessarily mean that you are in that condition because obviously there are residents of nursing homes that can go in and out; some can't. So it depends on the situation there, it depends on whether they register to vote. All this applies to is for those individuals who become incapacitated after the closing period, which is a very short time.

So as far as the potential abuse is concerned, there is no more potential abuse in this than there is in the rest of the system. If such abuse occurs, it is a violation of the law and those persons will be prosecuted. The fear of someone registering in a district that they don't belong, again, that is a violation of the law, you have to be a resident of the district in which you register. If that is discovered, you would be prosecuted and penalized as such.

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

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: In the last Presidential election, I received a phone call at home from a nursing home to go in and register some people to vote because they came from other communities like Van Buren, Fort Kent, Grand Isle, all from outside of Madawaska and yet they wanted to vote. I went in, registered them to vote, and I went in to apply for absentee ballots and guess what, the board said no, we sat a week ago—too bad. I tell you, those people were crying. Those old people wanted to vote, they really wanted to vote but they couldn't.

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

Mr. WILLEY: Mr. Speaker, Ladies and Gentlemen of the House: I had a bill before the Election Laws Committee earlier this year and the purpose of it was, anybody who went to register to vote simply had to identify themselves as being a member of that community. During the hearing on that particular bill, every single member of the committee who was present that day admitted that election laws in this area were being abused but they didn't know what to do. So my bill got thrown out, which is

neither here nor there. The point is that in this instance of a nursing home in a given community and many of the residents of that nursing home being from other communities and registered in other communities to vote in those communities, under this law, as I read it, can now re-register in that particular town and vote in that particular town on election day, which really doesn't serve the purpose very well.

It would seem to me that this does lead to abuse of election laws, which everybody seems to agree is happening and nobody knows what to do about it or is willing to do anything about it. This just aggravates conditions.

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

Mr. CAHILL: Mr. Speaker, Ladies and Gentlemen of the House: While I believe what the intention of the bill does what Mr. Nadeau says it does, as the bill is written I don't believe that it does prevent an entire nursing home from being registered and voting absentee on election day.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: In my legislative district, there is a home, there are 32 people in that home, 29 of them, by the way, are not of my party, and when it came time for election day, Mr. Brown, all 32 of them voted and they all voted absentee, and I am delighted. Whether they voted for a Democrat or a Republican, it is not important to me; the important factor is, people should have the right to vote and I don't care if there are a thousand living in a nursing home or one. Whatever makes it easier for them to exercise their constitutional right that we give each other in this country, that is what I am for.

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

Mr. BAKER: Mr. Speaker and Members of the House: I have heard a lot of questions raised about this particular piece of legislation. I feel that many of the questions raised are somewhat irrelevant to the point that the bill speaks to.

We already have election day registration. Students who reside in the community where they are going to school are allowed to register and vote in that community. I believe the campus at the Maine Maritime Academy at Castine became an issue which was resolved in favor of those students being allowed to vote.

Maine law says that where a person is domiciled, where you reside, you are allowed to vote. Let's not cloud up the issue.

What the bill does is this—if the person is incapacitated and has not been able to get down to register during the closed period, a notary can come and register them. I see no reason why we should try to make it so difficult for people to exercise a constitutional right.

I have heard a lot of talk about fraud; I have seen very little proven evidence of it.

The SPEAKER: A roll call has been ordered. The pending question is on passage to be enacted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Ainsworth, Allen, Andrews, Baker, Benoit, Bost, Brodeur, Carroll, D.P., Carroll, G.A.; Carter, Cashman, Chonko, Clark, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Daggett, Diamond, Erwin, Gauvreau, Gwadosky, Hall, Handy, Hickey, Higgins, H.C., Hobbins, Joseph, Joyce, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lehoux, Lewis, Locke, MacEachern, Macomber, Manning, Martin, A.C.; Martin, H.C.; Matthews, Z.E.; McCollister, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mitchell, E.H.; Murray, Nadeau, Norton, Paradis, P.E.; Paul, Perry, Pouliot, Racine, Reeves, P.; Richard, Ridley, Roberts, Rotondi, Smith, C.B.; Soucy, Soule, Stevens, Strout, Swazey, Tammara, Tuttle, Vose,

Mr. Speaker.

NAY—Anderson, Armstrong, Bonney, Brown, D.N.; Cahill, Callahan, Conary, Curtis, Davis, Dexter, Dillenback, Drinkwater, Foster, Greenlaw, Higgins, L.M.; Ingraham, Jackson, Kiesenman, Lebowitz, MacBride, Masterman, Masterston, Matthews, K.L.; Murphy, E.M.; Murphy, T.W.; Paradis, E.J.; Parent, Perkins, Pines, Randall, Reeves, J.W.; Roderick, Salsbury, Sherburne, Smith, C.W.; Sproul, Stevenson, Stover, Walker, Webster, Weymouth, Willey, Zirkilton.

ABSENT—Beaulieu, Bell, Bott, Brannigan, Brown, A.K.; Brown, K.L.; Carrier, Connors, Day, Dudley, Holloway, Jacques, Jalbert, Kane, Lisnik, Livesay, Mahany, Maybury, McPherson, Mitchell, J.; Moholland, Nelson, Rolde, Scarpino, Seavey, Small, Telow, Theriault, Thompson, Wentworth.

Yes, 77; No, 43; Absent, 30; Vacant, 1.

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

Signed by the Speaker and sent to the Senate.

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

An Act to Make Corrections in the Maine State Housing Authorities Law (H. P. 1053) (L. D. 1397) (H. "A" H-165 to C. "A" H-163)

Tabled—May 5, 1983 by Representative Gwadosky of Fairfield.

Pending—Passage to be Enacted.

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

On further motion of the same gentleman, under suspension of the rules the House reconsidered its action whereby Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

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

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

House Amendment "B" to Committee Amendment "A" (H-207) was read by the Clerk.

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

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: This bill represents a unanimous report from the Committee on State Government. It is a bill that deals with several minor technical changes; it is not the major housing bill to come before us, that will come before us in a couple of weeks. It occurred to us that in the process of offering an amendment to make this legislation in compliance with the Administrative Procedures Act, we inadvertently had repealed a section of the bill we didn't want to be repealed, and House Amendment "B" which I have just offered puts that section back into the bill.

Thereupon, House Amendment "B" to Committee Amendment "A" was adopted.

Committee Amendment "A" as amended by House Amendment "B" thereto was adopted.

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

The SPEAKER: The Chair recognizes the gentleman from Kittery, Mr. Soucy.

Mr. SOUCY: Mr. Speaker, is the House in possession of Bill "An Act to Extend Maine's Returnable Deposit Law" (S. P. 512) (L. D. 1529)?

The SPEAKER: The Chair would answer in

the affirmative, having been held at the gentleman's request.

Mr. SOUCY: Mr. Speaker, having voted on the prevailing side, I move we reconsider our action whereby this Bill failed of passage to be engrossed.

Whereupon, Mr. Racine of Biddeford requested a division.

On motion of Mr. Kelleher of Bangor, tabled pending the motion of Mr. Soucy of Kittery to reconsider and specially assign for Monday, May 9.

On motion of Mrs. Mitchell of Vassalboro, the following matter was removed from the Unassigned Table:

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

Tabled—March 24, 1983, by Representative Mitchell of Vassalboro.

Pending—Passage to be Engrossed.

The SPEAKER: The Chair recognizes the gentlewoman from Sebec, Mrs. Locke.

Mrs. LOCKE: Mr. Speaker, I move that this Bill and all its accompanying papers be indefinitely postponed and would speak to my motion.

The SPEAKER: The gentlewoman from Sebec, Mrs. Locke, moves that this Bill and all its accompanying papers be indefinitely postponed.

The gentlewoman may proceed.

Mrs. LOCKE: Mr. Speaker, Men and Women of the House: As a result of information gathered at the public hearing and several work sessions held on L.D. 1313, which is item 6-1 on your calendar, and especially the fact that the State Board of Education is about to present a whole new system for certification and recertification of teachers, the Committee on Education feels that this bill, which would deal with reimbursement for necessary credits that a teacher must earn for recertification, is inappropriate at this time.

Thereupon, the Bill and all its accompanying papers were indefinitely postponed in non-concurrence and sent up for concurrence.

(Off Record Remarks)

On motion of Mr. Masterman of Milo,

Adjourned until Monday, May 9, at nine o'clock in the morning.