

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

Thursday, May 12, 1983

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

Prayer by the Reverend Richard Beebe of the First Congregational Church, Fryeburg.

The journal of yesterday was read and approved.

Papers from the Senate

The following Communication:

The Senate of Maine
Secretary's Office
Augusta, Maine 04333

May 11, 1983

The Honorable John L. Martin

Speaker of the House

111th Legislature

Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Energy and Natural Resources, the Governor's nomination of Peter J. Wiley of Falmouth to the Board of Environmental Protection.

Mr. Wiley is replacing Maynard Marsh.

Sincerely,

S/JOY J. O'BRIEN

Secretary of the Senate

The Communication was read and ordered placed on file.

Reports of Committees**Referred to Committee on Judiciary**

Report of the Committee on Public Utilities on Bill "An Act to Allow the Public Utilities Commission to set Rates on the Basis of Interpretation of Federal Law" (S. P. 413) (L. D. 1260) reporting that it be referred to the Committee on Judiciary.

Came from the Senate with the Report read and accepted and the Bill referred to the Committee on Judiciary.

In the House, Report was read and accepted. The Bill was referred to the Committee on Judiciary in concurrence.

Divided Report

Majority Report of the Committee on Energy and Natural Resources reporting "Ought Not to Pass" on Bill "An Act Relating to Authority of the Land Use Regulation Commission Over Organized Municipalities" (S. P. 302) (L. D. 916)

Report was signed by the following members:

Sensors:

KANY of Kennebec

PEARSON of Penobscot

— of the Senate.

Representatives:

RIDLEY of Shapleigh

MITCHELL of Freeport

MICHAEL of Auburn

KIESMAN of Fryeburg

McGOWAN of Pittsfield

HALL of Sangerville

— of the House.

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

Report was signed by the following members:

Sensor:

McBREAIRTY of Aroostook

— of the Senate.

Representatives:

DEXTER of Kingfield

MICHAUD of East Millinocket

BROWN of Livermore Falls

— of the House.

Came from the Senate with the Minority "Ought to Pass" Report read and accepted and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-110)

In the House: Reports were read.

On motion of Mr. Hall of Sangerville, the Mi-

nority "Ought to Pass" Report was accepted in concurrence and the Bill read once. Senate Amendment "A" (S-110) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading later in the day.

Non-Concurrent Matter

Bill "An Act Relating to Ownership of Land Adjoining Public Ways Under the Law Defining Subdivision" (H. P. 544) (L. D. 696) on which the Minority "Ought to Pass" in New Draft (H. P. 1196) (L. D. 1587) Report of the Committee on Energy and Natural Resources was read and accepted and the New Draft passed to be engrossed in the House on May 11, 1983.

Came from the Senate with the Majority "Ought Not to Pass" Report of the Committee on Energy and Natural Resources read and accepted in non-concurrence.

In the House: On motion of Mr. Hall of Sangerville, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Extend Consumers Freedom of Choice Regarding Insured Mental Health Services" (H. P. 743) (L. D. 955) which was passed to be engrossed as amended by Committee Amendment "A" (H-190) in the House on May 4, 1983.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-190), Senate Amendment "A" (S-96), and Senate Amendment "B" (S-112) in non-concurrence.

In the House: On motion of Mr. Brannigan of Portland, the House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Amend the Unfair Trade Practices Law" (H. P. 1178) (L. D. 1567) which was passed to be engrossed in the House on May 9, 1983.

Came from the Senate with the Bill and Accompanying Papers Indefinitely Postponed in non-concurrence.

In the House: On motion of Mrs. Mitchell of Vassalboro, the House voted to adhere.

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

Representative Maybury from the Committee on Health and Institutional Services on Bill "An Act to Establish a State Board of Prison Terms and Supervised Release" (H. P. 1033) (L. D. 1358) reporting "Ought Not to Pass"

Was 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 Roberts from the Committee on Local and County Government on Bill "An Act Relating to the Appointment of County Officials" (H. P. 634) (L. D. 785) reporting "Ought to Pass" in New Draft (H. P. 1200) (L. D. 1594)

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 Soule from the Committee on Judiciary on Bill "An Act to Permit Certificates to be Amended" (H. P. 396) (L. D. 479) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Provide a Statement of Birth Parents' Identity for Adoptees" (H. P. 1202) (L. D. 1596)

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

Divided Report**Tabled Unassigned**

Majority Report of the Committee on Election Laws reporting "Ought to Pass" on Bill "An Act Relating to Referendum Campaign Reports and Finances" (H. P. 11) (L. D. 7)

Report was signed by the following members:

Sensors:

PEARSON of Penobscot

USHER of Cumberland

— of the Senate.

Representatives:

STEVENSON of Unity

MARTIN of Brunswick

HANDY of Lewiston

NADEAU of Lewiston

PARADIS of Augusta

MICHAUD of East Millinocket

— of the House.

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

Report was signed by the following members:

Sensor:

REDMOND of Somerset

— of the Senate.

Representatives:

ROBERTS of Buxton

SHERBURNE of Dexter

CAHILL of Woolwich

WENTWORTH of Wells

— of the House.

Reports were read.

On motion of Mr. Diamond of Bangor, tabled unassigned pending acceptance of either Report.

Consent Calendar**First Day**

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

(H. P. 1109) (L. D. 1462) Bill "An Act to Clarify Method of Payment of Salaries to County Commissioners"—Committee on Local and County Government reporting "Ought to Pass"

(H. P. 827) (L. D. 1085) Bill "An Act to Amend the Child and Family Services and Child Protection Act"—Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-232)

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

Passed to Be Engrossed

Bill "An Act to Authorize Municipalities to Guarantee Delivery of their Solid Wastes to Specific Waste Facilities" (H. P. 1048) (L. D. 1392)

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

Second Reader**Later Today Assigned**

Bill "An Act to Require that the Aid to Families with Dependent Children Program Promote Family Unity" (H. P. 609) (L. D. 757)

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

On motion of Mrs. Nelson of Portland, tabled pending passage to be engrossed and later today assigned.

Amended Bill

Bill "An Act to Prohibit Residency Requirements for Municipal Employees" (S. P. 61) (L. D. 167) (S. "A" S-107 to C. "A" S-90)

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

Passed to Be Enacted**Emergency Measure**

An Act to Reform the Workers' Compensation System (H. P. 1019) (L. D. 1322) (H. "A" H-266; C. "B" H-217)

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

The SPEAKER: The Chair recognizes the

gentleman from Scarborough, Mr. Higgins.

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: Before we enact this bill today, I felt it important to say a few words. I went to the hearing and I listened to the testimony by the proponents and the people who were directly involved with this most important issue to the people of the State of Maine. The issue of workers' compensation costs to all our workers and the cost to the employer who is paying those costs. I am sure we are all aware is important to each and every one of our constituents back home.

This issue, needless to say, was probably the hottest and most partisan issue of the 110th Legislature, and while I applaud the result of the commission that brought this bill before us, my concern is, and I think the concern of us all here, should be that it is a first step and a first step only, that we need to be constantly reviewing, updating and giving further consideration, if you will, to how this system can be further made to work better both for the employer and the employee. My concern, as I stated at the hearing, is that because we pass this piece of legislation, it should not lull us into believing that we have resolved the ever-increasing costs of workers' compensation on the people of the State of Maine. I say that, but I hasten also to add that I am supportive of this piece of legislation and I think the vote we saw the other day is indicative that the legislation is good. It may not be all that we wanted, no matter which side of the aisle you are coming from, but it is a first step and an important first step towards at least hedging some of the future increases that might be brought upon us.

With that, I would submit to you and reiterate at the same time—I hope we will not all of a sudden put workers' comp on the back burner and figure that we have somehow resolved this issue once and for all. We have not; we have made a first step.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker, Men and Women of the House: First of all, I want to commend the Speaker and those who worked very hard at addressing this very important area of workers' compensation.

I want to express to you my concerns about some of the aspects of this proposed legislation which appears to be on its way for enactment.

I realize many of you might consider my statements to be self-serving because of the fact that I am a lawyer and because of the fact that I handle numerous workers' compensation cases. As someone who has handled many cases of the injured worker, I think there are a lot of myths that come into focus in talking about this issue. One of those myths is the fact that the injured worker is abusing the process of the system, that there are a lot of malingerers out there and there are a lot of people who are taking advantage, and that there are a lot of attorneys out there who are milking the system.

I am of the belief that in many cases, probably most, attorneys on both sides, representing the insurance carrier, representing the insurance industry and the employer should not be involved. I am also of the belief that in most cases these particular matters, if a person is injured, that person should be paid quickly and should be granted all the benefits that we in fact have on our books, whether it is weekly benefits, whether it is vocational rehabilitation, whether it is medical benefits, whether it is chiropractic care, whether it is permanent impairment, all of those benefits which have been voted by this body for the injured worker.

There is one aspect of the bill which everyone is pushing very hard for. You are probably getting letters from your management people concerning the utilization of attorneys, but I can tell you from first-hand experience, and hopefully I won't be able to say "I told you

so," but I think that is what is going to occur. The informal conference process, which is part of this bill, I feel will be unworkable.

It would be easy for me to sit down and let this thing go through without expressing my concerns about this informal conference. It is very difficult for me to believe that with thousands of cases that are filed each year, that 10 state employees can handle and review and analyze and represent the injured worker prior to the intervention of an attorney. You talk about a public defender system, well, this is what you call a public defender system for workers' compensation.

I know what is going to happen in this situation. Basically, the injured worker will not have the benefit until that first informal conference of legal advice unless that person goes to a lawyer. In most cases, that injured worker goes to a lawyer under duress, with no money, but I can tell you right now that the insurance carriers of the state will have their legal representation. Those injured workers will go there and have their state employee, representative, discuss their case and evaluate their case, but long before that informal conference, the insurance carrier will have their hired gun, their attorney, with a sophisticated memo outlining and preserving the case for the insurance carrier. That might be good, but sometimes I think for the injured worker that might not be to his advantage.

I realize that there is a serious problem with workers' compensation. Unfortunately, I am of the wrong profession because the lawyers of the state have been made the whipping boy, but I want you all to know that there are more than just lawyers on the side of the injured worker. There are also the lawyers that you don't know about because you don't see what it costs for the legal cost of workers' compensation that represent the insurance companies. You don't hear about the retainers and the fees involved, because that is the other aspect of the lawyers' intervention in the workers' compensation system.

So all of us today will leave this hall and we will be able to go back to our insurance company, insurance companies in our own towns and to our employers and say that we tried to do something for workers' compensation, but I submit to you that what we have done is basically have the State of Maine—and look at the appropriation on this bill—subsidize the insurance industry of this state. I will not stand here and tell you that I do not think reform is necessary and that the present mechanism of handling workers' compensation cases by our state should not be revised, because, to tell you the truth, we do not have right now the facilities to check, for example, the number of back cases that exist at the work place as a result of improper utilization of safety factors. We don't have those abilities and we don't have that ability with our present system.

It is my hope, under the competent leadership of Chairman Devoe, and with the other Comp Commissioners that we have, that some of the changes will, in fact, reflect lower premiums for people of our state who do employ individuals. But I wanted you to know my concern and I know what is going to happen, and if I am elected again, or reelected, I hope I won't be able to say, which I think I will today, "I told you so."

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

Miss LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: The minority floor leader has told you this morning that this bill is a first step. I would like to agree that it is a first step, but it is not a good first step. This is a first step towards a bigger bureaucracy. This is a first step that is going to add additional offices in the State of Maine, many state employees and expand state government, something that many of us have campaigned against.

Furthermore, this bill guarantees no rate

reductions. If you really want to do something for the people back home that are paying workers' compensation rates, I don't believe that this bill is going to do one thing for you.

I would like to point out to you several things that have happened with workers' compensation in the past couple of years and ask you whether this bill is really necessary right now.

First of all, the Workers' Compensation Commission has just recently gone to a system of full-time rather than part-time workers' compensation commissioners. One of the main things that the bill in front of you today does is add two more full-time commissioners to bring that to a full complement of nine. I would like to ask you if we have given the present system of full-time workers' compensation commissioners long enough time to work before we go to a system of nine commissioners and, of course, pay for all the things that go along with that?

I would also like to point out to you that just in the 110th Legislature, this legislature authorized the money for a data study, a data system in the Workers' Compensation Commission. Up until the time, all the records were kept manually and if you wanted to know how many bad backs there were with workers' comp claims in the state, you couldn't do that, you would have to manually go through all the files. Now that we are finally getting this data system on line, we are going to be able to find out the answers to the questions that we need to know and find out how to reform the system.

This particular bill is trying to reform the system in the dark, without really using any of the information that soon becomes available in the next year or so.

There certainly is a serious problem with workers' compensation, but this bill is not going to be an answer. This bill is going to cause us other problems. This bill is going to help give us more problems when we try to appropriate the funds for all these kinds of activities in state government. So I hope that some of you will vote against this motion, because it certainly is the right way to go.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: The last two speakers have, indeed, raised all the concerns that we tried to address in committee. There is no doubt about it, this bill is not the ultimate answer to everything, but it is a beginning first effort in trying, if nothing else, to correct what is happening now in the field. There is no doubt about it, the workers' comp system as we see it now is not ideal, it is a malfunctioning system and we need to do something, if nothing else, administratively.

The bulk of this bill is an administrative bill. The rest of it, the informal conference aspect of the bill is something that we feel very strongly we need to try because what we have now certainly is of very little value.

The informal conference is probably the one area that both parties of the Labor Committee feel uncomfortable with, but you can't correct the problem if you don't try to see what the problem is going to be.

The informal conference is designed and intended to provide an opportunity to do a lot of backup work to resolve misunderstandings, to get the questions out and to get the answers to those questions, to gather the data and the simple differences at a very early point to try to avoid the contentious nature of the system we now have and to hopefully reduce the need for a full-blown legal confrontation.

The employee assistants will be there to help the employees with the preparation and their appearances at those conferences. By statute, that is what the employee representative is going to do and, believe me, if at any time during an informal conference procedure the em-

ployer or the insurance company is represented by an attorney, there will also be an attorney for the employee. If, indeed, there is a sophisticated memo from the insurance carrier, there is no doubt that the recommendation will be to the employee—get yourself a lawyer and we will help you to do it.

There are going to be some cases where the informal conference will serve no useful purpose, but at least it will help to identify for both the employee and the carrier just what the major issues are going to be and how they are going to try to resolve them, and if it means going straight to the court, the employee and the insurance carrier and the employer have lost maybe one hour of their time, but an hour well spent.

In terms of caseloads, we had the chair of the Workers' Compensation Commission before us several times. He carefully analyzed the requirements of the commission for both the employee assistants and the commissioners. He indicated in work session before our committee that the 10 employee assistants provided for in this bill are more than adequate to fulfill their purpose under this system.

Another aspect that has not been brought out is that the commissioners themselves will be sitting in on these informal conferences at the informal conference level. He is confident that a total of nine full-time commissioners can handle both the informal conferences and the formal hearings.

I would point out that the chairman in this instance is in a rather unique position to make this judgment because he is currently charged under existing law with the responsibility for administering the overall system. We have to try to trust his analysis of caseloads, and some of those were provided for us in writing and it was very well reviewed by the committee, because this is the area where all parties are concerned.

A comment was made that the funding in this bill comes from the insurance companies—it does. They pay a tax to the state in lieu of property taxes and we are taking that tax that they pay to the state, which they have been paying all along anyway, money that goes in the General Fund, and that's the dollars we are going to use. We use all kinds of taxpayers' dollars in this state and that is where the money comes from. It is not paid in for a specific—I guess the impression was left that if you are using insurance company dollars, they have a control over how they are used—that is not the case.

I may be one of those who is going to be coming back here and saying, I told you so, but I want to be in the position when I say it to be able to identify what happened before I say I told you so. I hope we won't have to be in that position, but if we are, nobody can say I told you so with anyone's gusto than I can.

I ask you to support the bill knowing that it is not perfect, but at least it is an honest attempt to try to get something better for injured employees, for employers, and I haven't seen anybody else come up with anything that can begin to approach this system that we are trying to put in place in hopes that it will work.

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

Mr. BRANNIGAN: Mr. Speaker, Men and Women of the House: Even though the concentration in looking at this bill and talking about it has been on injured workers and the attorney system and benefits, I would just like to point out one of the strong points of this piece of legislation and to address Mr. Higgin's concern that we might end here. For those of us in Business Legislation, this is just a beginning and a very wonderful beginning. Enclosed in this piece of legislation is a very, very strong recommendation for a study of all of the insurance aspects. Remember, that is a large part of this piece of legislation, or this problem is how this is insured. It is a very, very complex

and complicated issue, the insurance end of it.

I am very pleased, and I think I speak for all members of my committee, in the recommendations of the study that is going to follow, and we hope results of that study will be an important contributor to the reduction of the costs of workers' compensation.

The SPEAKER: The Chair recognizes the gentleman from Brooksville, Mr. Perkins.

Mr. PERKINS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to speak just a moment to some of the problems that Representative Hobbins seems to have with this bill.

For 15 years, I supervised and directed a 24-hour loss of time program for over 100,000 employees. Informal conferences were held; the last thing that we wanted to do was bring a lawyer into the picture. I assure you that informal conferences will work, so I don't think we will be having any of this, "I told you so."

The SPEAKER: The Chair recognizes the gentleman from Falmouth, Mr. Bonney.

Mr. BONNEY: Mr. Speaker, Members of the House: I am a member of the Labor Committee. This is a very complicated subject and I am going to try to simplify it. I am not against the women, I am only trying to explain this in a simple manner. For us who courted our wives, we became engaged prior to matrimony and this is what this bill is—we are being engaged in a new subject and the matrimony is coming later and it is going to be wonderful, I am sure.

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

Mr. MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I honestly feel that by passing this, all we are doing is we are going to put money into the pockets of the insurance people. Our employers are not going to benefit, and from what I hear, maybe our employees will be getting their benefits right off. I hope that is true, but I have a gut feeling that says, no, it is not true, but hopefully it is true.

Presently, the insurance rates are set by the national level. Take the woodcutters for instance, they pay \$36 per hundred dollars of wages. No matter what we have done here today, I assure you, it is still going to be \$36 per hundred dollars of wages, no matter what we do.

As for another vehicle which we have had already before in Business Legislation, there is a vehicle that I can assure you, you could have told your employers this is a saving, and that is a state fund. If the Chamber of Commerce of this state would stop and look at it honestly without listening to the mafia people, the insurance people, which I call mafia because they are a very well organized business, they are running this country and I tell you, if you stop and look at it honestly and tell your employers honestly who is making money, it isn't the poor working man that gets injured and it isn't the employer's fault, it is the insurance, period.

The SPEAKER: The Chair recognizes the gentlewoman from Rumford, Mrs. Erwin.

Mrs. ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to go on record today as having some of the same concerns as some of the members in this body, such as the gentleman from Saco, Mr. Hobbins, the gentlewoman from Auburn, Miss Lewis, the gentleman from Lewiston, Mr. Gauvreau, and the gentleman from Durham, Mr. Hayden.

The other day I voted against this measure, but because I think this is a step in the right direction and because I agree with the gentleman from Falmouth, Mr. Bonney, in his recent remarks, I will be supporting this today.

The SPEAKER: The Chair recognizes the gentleman from Canton, Mr. McCollister.

Mr. MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: I believe the gentlewoman from Portland properly represented the labor view and I think industry should be allowed a moment to speak up as they did three days ago. I have a message here from James River Otis, one of the two paper mills in

my district and their comment to me was: "Support L. D. 1322 as is."

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

Mr. GAUVREAU: Mr. Speaker, Ladies and Gentlemen of the House: I rise today again to clarify my position on this bill and I might make reference in my remarks to what the Representative from Canton, Mr. McCollister said.

Clearly, the Labor Committee, when we worked on this bill, which is indeed a complicated comprehensive bill, was really faced with a decision to either accept the bill basically as a whole and make minor technical adjustments to improve the bill. We all felt that it would be inappropriate to undertake radical measures to change the bill because it was the product of the hard work consensus agreement between labor, management and industry officials and we respected that position. Therefore, we really had to decide whether or not on balance we felt L. D. 1322 was a piece of compromise legislation we could embrace and endorse and take back home and explain to our constituents, or whether or not we had to sadly face the fact that perhaps this particular piece of legislation, although well meaning in intent, simply could not perform the function that it purported to do.

Of course, as you know, I am one of the signers of the Minority Report from the Labor Committee on the bill and I want to again explain to you what my major problems are with this bill. I have no doubt that this morning the House will send the bill on for enactment and it will become law, but where I am coming from, twofold—first of all, I am a Representative from the city of Lewiston and my district is primarily low to middle income, millworkers, people who by and large cannot afford counsel, who will not have the benefit of counsel in any of these situations, so my primary concern is with them.

I am also an attorney, I practice the general practice of law. I have, on occasion, handled workers' compensation matters, so I bring to this body that experience and also perhaps that prejudice from an attorney's point of view, which, as Representative Hayden pointed out in his remarks two days ago, you are free to reject my comments if you feel that my prejudice or bias as an attorney participant in the system would color my remarks in this regard.

First of all, L. D. 1322 has some major features which are fine. The direct pay system is excellent, it puts money in the hands of injured workers promptly and we are all in favor of that concept. Secondly, and a point which wasn't brought up, it also strengthens the hands of the chairman of the commission. The commission has waddled the last couple of years because of weak rule-making authority of the chair; this bill allows the chair to have strong rule-making authority, and that is fine.

The basic problem with the bill lies in the area of the informal conference, and ironically, although the bill purports to expedite resolution on an uncontested matter in workers' compensation cases, the real potential, the grave potential is here for further delay and for formal proceedings to begin even later than they begin at the present time.

Let me explain to you how that will or can occur. Under the direct pay system in L. D. 1322, once an employer has knowledge of a work-related injury, the employer or his representative, insurance company, has 14 days to commence direct payments. When the direct payments are commenced, payment can continue for a period of 30 days without prejudice; in other words, the company can pay those additional 30 days' compensation without admitting liability on the claim. This gives rise to the possibility, in my view the distinct possibility, that some carriers, perhaps not all, might even be the majority, but some carriers may very well determine that it is impossible

for them to make payments without prejudice for 30 or 40 days, compile a complete and adequate defense to the worker's claim. In the interim, be aware the worker thinks his claim is uncontested, no problem, he is getting his check, he is not putting his case together and all of a sudden day 41, bang, the insurance company comes in, files a notice, we controvert. What does that mean? That means that the case is going to end up going to court.

The insurance company already has a file together, the adjusters have gone out and gotten statements and put the whole case together. The worker has nothing at all. He runs down to see his lawyer on day 45 or day 47. By this time, all the evidence is not fresh, it is difficult to put the case together, so finally the case goes to hearing. It might get heard, we will say, on the 70th or 80th or the 90th day after the injury. Now that, mind you, is later than under the present system.

Representative Lewis was correct when she pointed out that we really haven't given the present system of compensation a chance to work. Only last session did we add that we go to a full-time system of commissioners and in many areas of the state, the full-time commissioners have been very, very successful in reducing their caseloads to the point now where it is not uncommon when a petition for award of compensation is filed for the matter to be in order for a hearing within 45 days. Under L. D. 1322, ironically, although I am certain that you intend to speed the process whereby the worker can have a determination on his or her rights, in many cases you will be postponing that determination, not increasing it, not expediting it.

There is a very important factor here which we cannot ignore and that is what I have always called the frustration factor. We have a worker, an injured worker, with no money coming in whatsoever and that worker still has obligations, he still has got to pay his car payment, he has got to pay his house payment, he has got to support his wife, his children, or vice versa, if there is no money coming in, there is tremendous pressure brought to bear upon that worker to settle his or her claim. That was brought to bear to me most distinctly last week when after one of the work sessions on this bill I went back to my office, had a fellow come in and he managed to lump sum or settle completely his claim for workers' compensation benefits for a back injury against the State of Maine four years ago, for \$1,500. He didn't have counsel at the time, there was a commissioner there and the commissioner—well, I think the commission booted that one, approving a lump sum back injury for \$1,500 is absurd. Nevertheless, unless I am able to persuade the commission to vacate that award, this fellow, who is now not working, his injury is a symptomatic and candid, he cannot work, this fellow is basically out of luck. That really focuses my concern upon the critical, the urgent need for intelligent and sound advice to the injured worker. I don't think the worker will be getting that type of advice under the present structure in L. D. 1322.

I do agree wholeheartedly with the goal of this bill to avoid frivolous or needless attorney involvement. We should take whatever steps are necessary to avoid that attorney involvement, but, unfortunately, the informal conference that we have here goes beyond that. It really does create an inherently unfair situation.

I cannot divine one good reason why an insurance company would possibly trigger the attorney mechanism in this bill whereby an injured worker could secure counsel, and that mechanism would occur if the insurance company at the informal conference sent its lawyer to the conference. There is no reason to do that. All they have to do is send their adjuster who could be on the phone to his counsel in Portland, go back into the informal confer-

ence, he is pitted against an unrepresented employee, the employee has only the one employee advocate or employee assistant available to him to assess the nature of his claim.

I reject the notion that six or eight or ten of these employee assistants is simply an adequate member to represent the whole or all the injured workers in the State of Maine who will be appearing at these informal conferences, it simply cannot work. Bear in mind that under the statute the employee assistant will have to appear at the informal conferences, so he will be spending two, three or four or whatever days of the week at the informal conferences. The rest of the time, he is supposed to be going out interviewing injured workers, collating all the necessary facts together for the worker's case. Now, you are only going to have five regional offices throughout the whole State of Maine. If you are living up north, say in Baileyville, realistically, is the employee advocate going to travel from Bangor to Baileyville to see one injured worker before the informal conference? Of course not, they will probably meet for the first time five minutes before they go in for the informal conference. You are pitting that kind of hasty preparation against the insurance company and their adjuster at the conference who had time to properly and thoroughly prepare their case. I think that is an inherently unfair situation and we are kidding ourselves if we think otherwise.

My concerns in this regard are not limited to my own personal experience. I have spoken to several people, several commissioners, Workers' Compensation Commissioners' in this matter, and I must submit to this body the knowledge that the chairman sincerely believes that 1322 is going to work, that is not a viewpoint which is held by all or perhaps even a majority of the commissioners presently on the Workers' Compensation Commission. There were some grave misgivings in this regard. There was a feeling that, first of all, the informal conference will not work and in fact they will add to the caseload, add to the workload that the present commissioners have.

I would just point out two more matters before I sit down and let this bill go on its way. First of all, there is a real potential here for the employers or insurance companies to be unfairly treated in this system. I submit to you that if an informal conference date has been set up on a case, the worker goes to the hearing, the worker has not had time to meet with his employee advocate. Some commissioners have already told me what they are going to do is automatically transfer that case to a formal contested hearing, so it might have been resolved at the informal conference, which we all hoped, might in fact be postponed. The case may well be minor in nature, may well have been appropriate for settlement, but that case will not have been resolved at the informal conference if the employee advocate did not have a chance to meet with the employee. In those situations, some commissioners have told me that they are going to routinely send those matters for a hearing. Now that is fine for the employee but I submit that it is unfair for the employer.

The second problem I have with this bill, and a concern which many of you have voiced before in this session, is for the possibility of attorney abuse. During the first 44-day period, after the employer has notice of the injury by the worker, and until day 44 when the insurance company has to decide, are they to contest the claim or to admit liability and pay—during that time neither the employer nor the insurance company has the right to be represented by counsel at the informal conference level. I submit to you what is going to happen is that the injured worker goes and contacts some attorney who says: "Well, gee, I have got this claim and I would like to have your representation but I have no money coming in, I

cannot afford counsel, what can I do?" The lawyer is going to say: "Fine, I will take your case but I will take you on a contingent fee basis." In other words, the lawyer is probably going to end up taking a substantial portion of the injured worker's eventual compensation. Bear in mind that in the past, his workers have been winning 80 percent or more of their cases, so what the attorney has is the possibility of getting a substantial amount of money on a case he or she might invest very little time in. That, to me, is an intolerable abuse. It is an abuse that may occur and ironically, although 1322 tries to avoid this type of abuse, it may actually encourage it.

For these reasons, I have grave misgivings on this legislation and I must today cast my vote against it.

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

Mr. DEXTER: Mr. Speaker, Men and Women of the House: I don't think anyone here is affected by workers' comp more than I am and the people that I represent. In my area alone, 100 jobs were lost last year. The people left because they simply couldn't afford workers' comp. So what do these people do? They are injured in a way, they have house payments, car payments and, in many cases they turn to alcohol and smoke three or four packs of cigarettes a day, which is injurious to their health. So as far as the informal conference goes, you have some faith in human nature and like the commercial—"we've said it all."

Mr. Speaker, I ask for a roll call.

The SPEAKER: The Chair recognizes the gentleman from Sanford, Mr. Tuttle.

Mr. TUTTLE: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. I, like Mr. Gauvreau, represent a lot of mill workers and I have worked in mills myself as most of my relatives have.

I endorse this bill as a step in the right direction. I think that for so many years, unfortunately, labor and management haven't come together and I think that is probably one of the big reasons why the Workers' Compensation system is in its situation today. I believe that this bill is a beginning, as Mr. Brannigan said, it is an attempt in good faith.

On a more humorous note, Mr. Joyce and I have a way of timing whether people speak too long or not, an hour glass, I promised not to go longer than that. I wouldn't want to say who went two or three times on the mechanism today, I think we have so I won't belabor this any longer but I hope you will support this bill. It is a bill in good faith, good effort, and, as I said, it is a beginning, not an end.

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 Madawaska, Mr. McHenry.

Mr. McHENRY: Mr. Speaker, I would like to pose a question through the Chair. Would the employees of the self-insured people be treated the same way as people that are covered?

The SPEAKER: The Chair would answer in the affirmative.

Mr. McHENRY: Mr. Speaker, would these people of the self-insured companies be treated as swiftly and receive their payments if they get injured on the job as those that are by insurance companies?

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

The Chair recognizes the gentlewoman from

Portland, Mrs. Beaulieu.

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: The answer is definitely yes to both, and if that should be different, we will take care of it in short order.

The SPEAKER: The pending question is on passage to be enacted. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor of enactment will vote yes; those opposed will vote no.

ROLL CALL

YEA—Ainsworth, Allen, Anderson, Armstrong, Beaulieu, Bell, Bonney, Bott, Brannigan, Brodeur, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Carrier, Carroll, D.P.; Chonko, Clark, Conary, Cote, Cox, Crouse, Crowley, Daggett, Day, Dexter, Diamond, Dillenback, Drinkwater, Dudley, Erwin, Gwadosky, Hall, Handy, Hickey, Higgins, L.M.; Holloway, Ingraham, Jackson, Jacques, Jalbert, Joseph, Joyce, Kelly, Ketover, Kiesman, Kilcoyne, LaPlante, Lebowitz, Lehoux, Lisnik, Livesay, Locke, MacBride, MacEachern, Macomber, Manning, Martin, A.C.; Martin, H.C.; Masterman, Masterton, Matthews, K.L.; Matthews, Z.E.; Maybury, McCollister, McGowan, McPherson, McSweeney, Melendy, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, E.M.; Murphy, T.W.; Murray, Nadeau, Nelson, Norton, Paradis, E.J.; Paradis, P.E.; Parent, Paul, Perkins, Perry, Pines, Pouliot, Racine, Randall, Reeves, J.W.; Reeves, P.; Richard, Ridley, Roberts, Roderick, Rolde, Rotondi, Salsbury, Scarpino, Sherburne, Small, Smith, C.B.; Soucy, Soule, Sproul, Stevens, Stevenson, Stover, Strout, Swazey, Tammaro, Telow, Theriault, Thompson, Tuttle, Vose, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilton, The Speaker.

NAY—Andrews, Brown, K.L.; Connors, Connolly, Foster, Gauvreau, Greenlaw, Hayden, Higgins, H.C.; Hobbins, Kane, Lewis, McHenry, Smith, C.W.

ABSENT—Baker, Benoit, Bost, Carroll, G.A.; Carter, Cashman, Cooper, Curtis, Davis, Kelleher, Mahany, Seavey.

Yes, 124; No, 14; Absent, 12; Vacant, 1.

The SPEAKER: One hundred and twenty-four having voted in the affirmative and fourteen in the negative, with twelve being absent and one vacant, the Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

Passed to Be Enacted Emergency Measure

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

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

Enactor

Later Today Assigned

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

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 later today assigned.

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 En-

grossed Bills as truly and strictly engrossed.

The SPEAKER: The Chair recognizes the gentleman from Farmington, Mr. Webster.

Mr. WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: I request a roll call on enactment.

I do not oppose limiting spent fuel storage as proposed by this legislation. I am about to vote against enactment of this measure. I ask the people out there watching us vote today to notice that all of us here in Augusta are voting against your wishes.

Four months ago this Legislature reached an all-time low when we repealed the vote of the people by repealing a portion of tax indexing. Today, we are about to stoop even lower when we vote to close Maine Yankee in 10 years. I am not debating today the issue of nuclear power, I am debating the issue of trust, a trust that when we are elected to represent our districts that we would vote for our people. I would suggest today that a vote in favor of this measure is a direct slap in the face to the majority of the people in your district, that is to say if the majority of those people in your district voted to keep Maine Yankee open.

I am not about to vote against this measure for any other reason except to say that the majority of my people in my district, my constituents, told me so, told me to vote the way they wanted and on November 2nd, the majority of people in my district voted to keep Maine Yankee open and I refuse to vote for a measure that would do otherwise. I intend to represent the majority of the people in my district today.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I take a little bit of exception to the reference made by my colleague from Farmington, Mr. Webster. Having been elected to this body three times, the last two times unopposed, I don't believe that I have voted against the best interests of the people in my district and I hardly believe that I have slapped them in the face. If I had, I doubt very seriously that I would be here today.

We discussed this issue last week and I think we did a very good job of it. This issue is purely one of safety and good common sense. My number one priority in this Legislature is to look out for my people. Allowing Maine Yankee to keep repacking and repacking and increasing the storage of spent fuels at their plant in Wiscasset is not looking out for my people. There are serious questions and reservations about the safety and good common sense of that. It is the vast feeling that a majority of the committee decided that we should do something to send a very clear message to those involved that we are not satisfied with the way they are trying to solve the problems of spent fuel rods in the State of Maine. I don't care about any other state, I live in the State of Maine and I represent the people in the city of Waterville.

This is purely a matter of safety, ladies and gentlemen of the House, and whether or not this Legislature, the elected people of the State of Maine, are going to provide some direction and provide some good common sense in dealing with that problem down at Maine Yankee.

I can tell you one thing, Mr. Webster, after today when I vote for enactment of this bill, the people in District 52-3 will be just as happy with their Representative as they have been for the last five years because his number one concern is them and nothing else.

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.

I would ask the question of Representative Webster. His people who voted to keep Maine Yankee open, if Maine Yankee is a threat to the rest of the State of Maine, would he say to keep it open?

The SPEAKER: The gentleman from Mada-

waska, Mr. McHenry, has posed a question through the Chair to Representative Webster who may respond if he so desires.

The Chair recognizes the gentleman from Farmington, Mr. Webster.

Mr. WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: Thank you, Mr. McHenry, for giving me another opportunity to speak on this issue.

I feel very strongly that as a Representative to the people in my district that I am here to represent their wishes and not to act as God to decide what is right for them or what is not right for them. First of all, you are asking a hypothetical question that none of us can answer and I have no way to respond to that.

All I can say is that I do what is right for the people in my district and I hope that members of this body would do what they want, not what is best for them.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Jacques from Waterville certainly represents his people well; I think he has demonstrated that time and time again and I certainly wouldn't dispute that.

The issue before us is very simple, it is an obvious attempt to close Maine Yankee. The first attempt was to go to the voters to try and close it immediately and that failed. The second attempt and the most recent one was to go to the voters and shut it down in five years and that failed. The one before it was to shut it down in ten years, and I hope that fails.

Mr. Jacques mentioned the committee's involvement with this bill and we worked long and hard, and I think the thing we tried to do—unfortunately, I think we put ourselves in a position of usurping the role of the NRC, the Nuclear Regulatory Commission, for in our deliberations we attempted to work with figures and numbers and all of the rest to arrive at something which would fit the statutory of 1992 law which went into effect last year. I don't think that was a role with which we were qualified to deal effectively and I felt very uncomfortable about that. The NRC, the National Federal Regulatory Agency, Maine Yankee currently has an application pending before that agency to expand its spent fuel rod pool, the issue that we are dealing with today.

Mr. Jacques talked about safety, and I think that really is the issue that most of you are concerned about and I think it is a justifiable concern. However, I think we should understand a little bit about the material that is being disposed of.

If we doubled the amount of spent rod over the period of time that Maine Yankee produces those spent rods, we are not doubling the radioactivity coming from that pool. You have to know something about the half life of the material that is being disposed of, something about the decay rate. In our information that the committee tells us, once 400 assemblies are placed in that pool, then that is the peak of radio activity that is going to be produced; again because of the half life because of the decay rate of the material. The amount of radioactivity does not increase proportionately with the amount of spent rod that is being disposed of in that pool or being stored in that pool.

Again, I repeat, 400 assemblies will produce the maximum amount of radio activity, the peak amount. There are now 649 assemblies being stored and that doesn't mean, again, that there is more radioactivity being produced because the amount, level of radioactivity, peaks at 400, so the question of safety really is not the issue.

I urge that when you vote, you vote against enactment of this bill, which is intended to shut down Maine Yankee, which is against the will of the voters.

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

Mr. LIVESAY: Mr. Speaker, I would like to pose a question through the Chair. I have heard either over the radio or read in the newspapers in the last couple of weeks, that the Attorney General's Office has some questions about the Constitutionality of this measure. I am curious if he has issued any sort of a statement regarding this matter?

The SPEAKER: The gentleman from Brunswick, Mr. Livesay, has posed a question through the Chair to anyone who may care to respond.

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

Mr. MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: The Attorney General hasn't addressed this question but the whole issue of nuclear power and spent fuel safety was addressed by the U.S. Supreme Court last week or last month. The high court decided that the states do have the right to prohibit—the state of California has the right to prohibit the construction of a nuclear power plant until the high level radio activity waste problem is resolved.

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

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: I think the gentleman from Freeport should go on and elaborate on his statement because he only told you part of the story.

There was very limited area of control that the state of California was allowed to exercise. It did not hinge on the storage of spent fuel.

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

Mr. LIVESAY: Mr. Speaker, Members of the House: I think when we are dealing with this issue, we should be well aware that we are treading on rather thin ice in the constitutional sense, and that is because the federal government, in its infinite wisdom, is determined to preempt the area of regulation and control of nuclear facilities. I suppose there is a fair amount of logic in that preemption in that it is a rather technical field and is a field where each individual state doesn't have the ability and the financial wherewithal to, in any really intelligent fashion, deal with these rather complex questions.

The members of this House also ought to be aware that in the last session we passed some legislation which I think got us out onto some rather thin constitutional ice but which, nevertheless, I supported because I was frustrated, as I think any of you are, with the slowness with which the federal government has discharged its responsibility in terms of seeing to the proper disposition of these spent fuel rods. That legislation that we passed last year said in effect that if come 1992 spent fuel assemblies weren't being removed from the Maine Yankee facility, then that facility would be shut down. The justification for that legislation, I think, lies primarily in our frustration with the slowness of the federal government's actions and I think we have every right to say—look, if you want to preempt a particular area and it is an area where preemption is legitimate, fine, go ahead and do it but meet those obligations which you assume when you undertake that preemption.

I think in addition to that, there is ample justification in that we have some economic concerns. The more assemblies that we allow to be stored there, the more costly the ultimate disposal is going to be. I think with that particular approach it would probably pass the constitutional muster, although I wouldn't want to guarantee that that would happen.

The approach that is suggested in this particular L. D. deals almost exclusively with numbers of spent fuel rod assemblies that can be stored at the Maine Yankee facility, and it seems to me that that is an issue that clearly has been preempted by federal government and it seems to me also that we are running the

risk, I think, of so burdening our statutes with these rather questionable constitutional measures, that this thin ice that we are on right now may very well break out from under us and leave us high and dry with absolutely no protection at all.

So I would hope that you would vote against this piece of legislation. I am not aware of any pending motion, Mr. Speaker, so I would move that this bill and all its accompanying papers be indefinitely postponed, and I would request a roll call.

The SPEAKER: The Chair recognizes the gentleman from Eastport, Mr. Vose.

Mr. VOSE: Mr. Speaker, Ladies and Gentlemen of the House: At first I had a little concern about this bill but now I feel perfectly relaxed voting for it because I know, there is no question in my mind, that when the space is now used up over there, the gentleman from Livermore Falls or from Farmington will have no objections to storing the spent fuel over there in order to keep the plant open.

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 and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is on the motion of the gentleman from Brunswick, Mr. Livesay, that this Bill and all its accompanying papers be indefinitely postponed in non-concurrence. 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.; Callahan, Conary, Connors, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Greenlaw, Higgins, L.M.; Ingraham, Jackson, Kiesman, Lebowitz, Lewis, Livesay, MacBride, Masterman, Masterton, Maybury, McPherson, McSweeney, Murphy, E.M.; Murphy, T.W.; Norton, Paradis, E.J.; Parent, Paul, Perkins, Pines, Racine, Randall, Reeves, J.W.; Roderick, Salsbury, Scarpino, Sherburne, Smith, C.W.; Soucy, Sproul, Stevenson, Stover, Tammara, Telow, Walker, Webster, Wentworth, Willey, Zirkilton.

NAY—Ainsworth, Allen, Andrews, Baker, Beaulieu, Brannigan, Brodeur, Brown, A.K.; Cahill, Carrier, Carroll, D.P.; Carroll, G.A.; Carter, Chonko, Clark, Connolly, Cote, Cox, Crouse, Crowley, Daggett, Diamond, Erwin, Gauvreau, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Hobbins, Holloway, Jacques, Jalbert, Joseph, Joyce, Kane, Kelly, Ketover, Kilcoyne, LaPlante, Lehoux, 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.; Perry, Pouliot, Reeves, P.; Ridley, Roberts, Rolde, Rotondi, Smith, C.B.; Soule, Stevens, Strout, Swazey, Theriault, Thompson, Tuttle, Vose, The Speaker.

ABSENT—Benoit, Bost, Cashman, Cooper, Curtis, Davis, Kelleher, Mahany, Richard, Seavey, Small, Weymouth.

Yes, 57; No, 81; Absent, 21; Vacant, 1.

The SPEAKER: Fifty-seven having voted in the affirmative and eighty-one in the negative, with twelve being absent and one vacant, the motion does not prevail.

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

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

An Act to Amend the Used Car Information Law. (H. P. 754) (L. D. 985) (C. "A" H-184)

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

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

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

An Act to Clarify the Timing of Fuel Adjustment Clause Cases before the Public Utilities Commission. (H. P. 962) (L. D. 1243) (C. "A" H-182)

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

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

An Act Relating to Boards of Voter Registration. (H. P. 1146) (L. D. 1509) (S. "A" S-88)

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

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

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

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

Mr. HIGGINS: Mr. Speaker, I would like to pose two questions through the Chair.

First of all, this particular legislation calls for a registration fee, which is sort of a dedicated account, as I understand it, to administer the act—I would like to know if anyone could tell us how much money this would generate?

The second question is, as I read through the bill, there are a number of unlawful acts that people who operate these all-terrain vehicles can do, such as operating on snowmobile trails or operating close to somebody's house and operating under the influence and those sorts of things; however, I don't find anywhere in the bill where it identifies a penalty for doing these 23 unlawful acts and I wonder if I have missed something or if there is somewhere in here that relates to another section of the law that indicates what the penalty for those might be?

The SPEAKER: The gentleman from Scarborough, Mr. Higgins, has posed a series of questions through the Chair to anyone who may respond if they so desire.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: It would be my pleasure to answer the good gentleman from Scarborough, Mr. Higgins.

As for your first question, we have no idea how much revenue this is going to bring in because no one has any idea how many of these things are out there and we really don't know how many people will, in fact, register them, as the law says that they 'shall' or 'must' if they drive on anybody else's land. That is the reason we kept the fee at \$5, because we didn't want to come out with this big bonanza all of a sudden at a cost to the people who have them.

All the offenses are the same ones that you can be guilty of for operating a snowmobile or a boat under the influence, or driving to endanger, and they also follow the same procedure of a snowmobile operating on a public way, whatever, the penalties will be the same and there is a cross-reference in this bill to the section that provides for the penalties and the fines to be levied. I hope that answers your questions.

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

Orders of the Day

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

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 New England and Quebec and the Maritimes. (S. P. 324) (L. D. 969) (C. "A" S-82)

Tabled—May 10, 1983 by Representative Michael of Auburn.

Pending—Final Passage.

On motion of Mr. Michael of Auburn, under suspension of the rules, the House reconsidered its action whereby the Resolve was passed to be engrossed.

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

House Amendment "A" (H-234) was read by the Clerk.

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

Mr. MICHAEL: Mr. Speaker, Ladies and Gentlemen of the House: This bill sets up a Regional Agricultural Committee to join with other New England states and some of the Canadian provinces in exploring ways that we can cooperate in research and in sharing technology and information. When we set the committee up, we had put a member of the House and a member of the Senate on it, or at least provided for that appointment, and also the Canadian liaison, the Director of the Maine-Canadian Advisory Committee. We now find that it is unconstitutional to have legislators and appointees on a committee like this, so the amendment would make the bill constitutional by having those members be advisory and not voting. That left six on the committee, so we added a representative from a private foundation in Maine with an interest in agriculture, so that would make the members uneven, to seven.

Thereupon, House Amendment "A" was adopted.

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

(Off Record Remarks)

The Chair laid before the House the following matter:

An Act to Authorize the Commissioner of Transportation in Maine to Enter into Interstate Agreements Related to Reciprocal Enforcement of Fuel Use Laws (S. P. 335) (L. D. 980) (C. "A" S-85) which was tabled and later today assigned pending passage to be enacted.

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

By unanimous consent, all matters acted upon were ordered sent forthwith to the Senate or to Engrossing.

On motion of Mr. Hall of Sangerville,
Recessed until four o'clock in the afternoon.

After Recess 4:00 p.m.

The House was called to order by the Speaker.

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

Bill "An Act to Revise the Truancy Laws" (H. P. 877) (L. D. 1131)

Tabled—May 11, 1983 by Representative Connolly of Portland.

Pending—Motion of same gentleman to reconsider whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-213).

On motion of Representative Thompson of South Portland, retabled pending the motion of Mr. Connolly of Portland to reconsider and specially assigned for Monday, May 16.

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

An Act to Clarify Certain Provisions of the

Marine Resources Laws" (Emergency) (H. P. 987) (L. D. 1292) (S. "A" S-79 to C. "A" H-157)

Tabled—May 11, 1983 by Representative Crowley of Stockton Springs.

Pending—Passage to be Enacted.

The SPEAKER: The Chair recognizes the gentleman from Stockton Springs, Mr. Crowley.

Mr. CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: Legislative Document 1292 has been tabled for the past two days for legal perusal. After careful examination, it is now ready to be enacted. The communication from the Attorney General's Office, I might read into the record, it came through as follows:

"Dear Chairman Crowley: You have inquired as to whether L. D. 1292 would aid in enforcement of Department of Marine Resources shellfish sanitation laws by eliminating the current exception in 12 M.R.S.A., 6621 (3) (C) which allows 'the handling of shellfish that are not intended for imminent human consumption'. The repeal of this section would greatly strengthen the Department of Marine Resources enforcement efforts against unlawful shellfish harvesting activities and, as a matter of statutory drafting, would eliminate a confusing, if not duplicative, provision concerning relaying of shellfish from closed areas.

"In sum, deletion of this section will streamline the statute and eliminate the confusing duplication in current provisions controlling relaying, now found in both 12 M.R.S.A. 6621 (3) (A) and (C). Signed, Elizabeth R. Butler, Assistant Attorney General."

This bill has the unanimous support of the Marine Resources Committee and the Department of Marine Resources. It is strictly a housekeeping bill that clarifies the existing authority of the Commissioner of Marine Resources.

The SPEAKER: The pending question is on passage to be enacted. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor of this Bill being passed to be enacted will vote yes; those opposed will vote no.

A vote of the House was taken.

114 having voted in the affirmative and none having voted in the negative, the Bill was passed to be enacted.

Signed by the Speaker and sent to the Senate.

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

An Act Regulating the Activities of Political Action Committees. (H. P. 306) (L. D. 365) (C. "A" H-174)

Tabled—May 11, 1983 by Representative Di-
amond of Bangor.

Pending—Passage to be Enacted.

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

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

House Amendment "A" (H-236) was read by the Clerk.

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

Mr. HANDY: Mr. Speaker, Men and Women of the House: If I may read the Statement of Fact on the Amendment—"The purpose of this amendment is to remove the expenditure limit of \$5,000 with respect to political action committees for referenda campaigns."

By removing the expenditure limit for referenda campaigns, this avoids a possible constitutional problem. In addition, the amendment makes technical corrections in the bill.

Thereupon, House Amendment "A" was adopted.

The SPEAKER: The Chair recognizes the gentleman from Biddeford, Mr. Racine.

Mr. RACINE: Mr. Speaker, I would like to

pose a question through the Chair. Could somebody explain to me what this bill does now since the amendment?

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

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

Mr. HANDY: Mr. Speaker, Men and Women of the House: Thank you to the gentleman from Biddeford, Mr. Racine, for asking the question.

The bill puts into state election laws provisions for the purposes of political action committees to disclose where they get their money and to whom they give it on candidates and referendum issues.

Thereupon, the Bill was passed to be engrossed as amended by Committee Amendment "A" and House Amendment "A" in non-concurrence and sent up for concurrence.

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

Bill "An Act Concerning Submerged and Intertidal Lands Owned by the State" (H. P. 952) (L. D. 1233)

Tabled—May 11, 1983 by Representative Mitchell of Vassalboro.

Pending—Motion of Representative Livesay of Brunswick to reconsider whereby the House accepted the Majority "Ought Not to Pass" Report of the Committee on Judiciary.

Representative Livesay of Brunswick requested permission to withdraw his motion to reconsider, which was granted.

Sent up for concurrence.

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

Bill "An Act to Provide a Comprehensive Marketing Program for Maine Agricultural Products" (S. P. 545) (L. D. 1590)

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

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

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

Unanimous Leave to Withdraw

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act to Create a Bill of Rights for Victims and Witnesses" (S. P. 528) (L. D. 1551)

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

Divided Report

Majority Report of the Committee on Fisheries and Wildlife on Bill "An Act to Prohibit Harassment of Hunters, Trappers and Fishermen" (S. P. 63) (L. D. 169) reporting "Ought to Pass" in New Draft (S. P. 543) (L. D. 1586)

Report was signed by the following members:

Senators:
REDMOND of Somerset
USHER of Cumberland
DOW of Kennebec
— of the Senate.

Representatives:
JACQUES of Waterville
CLARK of Millinocket
MacEACHERN of Lincoln
SMITH of Island Falls
GREENLAW of Standish
CONNERS of Franklin
RODERICK of Oxford
PAUL of Sanford
ERWIN of Rumford
— of the House.

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

Report was signed by the following member:
Representative:
KELLY of Camden

— of the House.

Came from the Senate with the Majority "Ought to Pass" in New Draft (S. P. 543) (L. D. 1586) Report read and accepted and the New Draft passed to be engrossed as amended by Senate Amendment "A" (S-114)

In the House: Reports were read.

On motion of Mr. MacEachern of Lincoln, the Majority "Ought to Pass" Report was accepted in concurrence and the New Draft read once. Senate Amendment "A" (S-114) was read by the Clerk and adopted in concurrence and the New Draft assigned for second reading tomorrow.

Non-Concurrent Matter

Bill "An Act to Change the Date of the Primary Election to the First Tuesday in September" (S. P. 103) (L. D. 235) on which the Minority "Ought Not to Pass" Report of the Committee on Election Laws was read and accepted in the House on May 11, 1983.

Came from the Senate with that Body having insisted on its former action whereby the Majority "Ought to Pass" as amended Report of the Committee on Election Laws was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-103) in non-concurrence.

In the House:

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

Mr. KELLEHER: Mr. Speaker, I move that the House recede and concur.

The SPEAKER: The gentleman from Bangor, Mr. Kelleher, moves that the House recede and concur.

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

Mr. NADEAU: Mr. Speaker and Members of the House: I am not sure we should debate this all over again; I think it was thoroughly debated yesterday. I would, of course, hope that you would vote against the motion to recede and concur so that the House may adhere to its action of yesterday.

Mr. Matthews of Winslow requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that the House recede and concur. All those in favor will vote yes; those opposed will vote no.

The Chair recognizes the gentleman from East Millinocket, Mr. Michaud.

Mr. MICHAUD: Mr. Speaker, I would like to pair my vote with the gentleman from Millinocket, Mr. Clark. If he were here, he would be voting nay; if I were voting, I would be voting yea.

ROLL CALL

YEA—Armstrong, Baker, Brown, A.K.; Carroll, D.P.; Chonko, Cox, Crouse, Curtis, Daggett, Dexter, Drinkwater, Gwadosky, Hall, Handy, Hickey, Higgins, L.M.; Holloway, Jacques, Joseph, Kelleher, Ketover, Kiesman, Kilcoyne, Livesay, Masterman, Matthews, Z.E.; McGowan, Moholland, Nelson, Norton, Paradis, P.E.; Richard, Salisbury, Scarpino, Soucy, Soule, Walker.

NAY—Ainsworth, Allen, Anderson, Andrews, Beaulieu, Bell, Benoit, Bonney, Bost, Bott, Brannigan, Brodeur, Brown, D.N.; Brown, K.L.; Cahill, Callahan, Carroll, G.A.; Carter, Conary, Conners, Connolly, Cote, Crowley, Day, Diamond, Dillenback, Erwin, Foster, Gauvreau, Greenlaw, Higgins, H.C.; Ingraham, Jackson, Joyce, Kelly, LaPlante, Lebowitz, Lehoux, Lewis, Lisnik, MacBride, MacEachern, Ma-

comber, Manning, Martin, A.C.; Martin, H.C.; Masterton, Matthews, K.L.; Maybury, McCollister, McHenry, McPherson, McSweeney, Melendy, Michael, Mitchell, E.H.; Mitchell, J.; Murphy, E.M.; Murphy, T.W.; Murray, Nadeau, Paradis, E.J.; Perkins, Perry, Pines, Pouliot, Racine, Randall, Reeves, J.W.; Reeves, P.; Ridley, Roderick, Seavey, Sherburne, Small, Smith, C.B.; Smith, C.W.; Sproul, Stevens, Stevenson, Stover, Swazey, Tammara, Telow, Theriault, Thompson, Vose, Webster, Wentworth, Weymouth, Willey, Zirkilton.

ABSENT—Carrier, Cashman, Cooper, Davis, Dudley, Hayden, Hobbins, Jalbert, Kane, Locke, Mahany, Parent, Paul, Roberts, Rolde, Rotondi, Strout, Tuttle, The Speaker.

PAIRED—Clark-Michaud.

Yes, 37; No, 92; Absent, 19; Paired, 2; Vacant, 1.

The SPEAKER: Thirty-seven having voted in the affirmative and ninety-two in the negative, with nineteen being absent, two paired and one vacant, the motion does not prevail.

Thereupon, on motion of Mr. Nadeau of Lewiston, the House voted to adhere.

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

Mrs. CAHILL: Mr. Speaker, having voted on the prevailing side, I now move we reconsider whereby we voted to adhere and hope you all vote against me.

The SPEAKER: The gentlewoman from Woolwich, Mrs. Cahill, moves that the House reconsider its action whereby it voted to adhere. All those in favor will say yes; those opposed will say no.

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

Non-Concurrent Matter Tabled and Assigned

Bill "An Act Adjusting the Rate of Refund of Motor Fuel Tax to Users of Aircraft and to Make Technical Adjustments to the Motor Fuel Tax Laws" (Emergency) (H. P. 1177) (L. D. 1571) which was referred to the Committee on Taxation in the House on May 5, 1983.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-113) without reference to a Committee in non-concurrence.

In the House: On motion of Mr. Higgins of Portland, tabled pending further consideration and specially assigned for Monday, May 16.

Non-Concurrent Matter

Bill "An Act to Extend Maine's Returnable Deposit Law" (S. P. 512) (L. D. 1529) which failed of passage to be engrossed in the House on May 5, 1983.

Came from the Senate with that Body having adhered to its former action whereby the Bill was passed to be engrossed in non-concurrence.

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

Petitions, Bills and Resolves Requiring Reference Later Today Assigned

Bill "An Act to Create a Maine Potato Dealers' Licensing Board" (H. P. 1206) (Presented by Representative Lisnik of Presque Isle) (Cosponsors: Representatives MacBride of Presque Isle and Crouse of Washburn)

Committee on Business Legislation was suggested.

On motion of Mr. Lisnik of Presque Isle, tabled pending reference and later today assigned.

Later Today Assigned

Bill "An Act to Promote Efficient Completion of the State Weatherization Program" (Emergency) (H. P. 1207) (Presented by Representative Armstrong of Wilton) (Cosponsors: Representatives Dexter of Kingfield, Brown of Livermore Falls, and Senator Violette of Aroostook) (Approved for introduction by a majority

of the Legislative Council pursuant to Joint Rule 27)

Committee on Energy and Natural Resources was suggested.

On motion of Mr. Gwadosky of Fairfield, tabled pending reference and later today assigned.

Bill "An Act to Provide Additional Revenue to the Department of Inland Fisheries and Wildlife Through an Increase in License Fees" (H. P. 1208) (Presented by Representative MacEachern of Lincoln) (Cosponsors: Representative Roderick of Oxford and Senator Dow of Kennebec) (Submitted by the Department of Inland Fisheries and Wildlife pursuant to Joint Rule 24)

Was referred to the Committee on Fisheries and Wildlife, ordered printed and sent up for concurrence.

Orders Tabled and Assigned

On motion of Representative Nelson of Portland, the following Joint Order: (H. P. 1204)

ORDERED, the Senate concurring, that the Joint Rules be amended by adding a new Joint Rule 21-A to read:

21-A. Committee judicial impact statements. Every bill or resolve affecting the Judicial Department, which has a recommendation other than "Ought Not to Pass," shall include a judicial impact statement. The statement shall be incorporated in the bill before it is reported out of committee. The Office of Legislative Assistants shall have the sole responsibility for preparing those judicial impact statements.

The order was read.

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

Divided Report Tabled and Assigned

Majority Report of the Committee on Judiciary on Bill "An Act Concerning the Admissibility in Criminal Proceedings of Statements by Minors Describing Sexual Contact" (H. P. 481) (L. D. 578) reporting "Ought to Pass" in New Draft (H. P. 1201) (L. D. 1595)

Report was signed by the following members: Senators:

TRAFTON of Androscoggin
COLLINS of Knox
VIOLETTE of Aroostook

— of the Senate.

Representatives:

FOSTER of Ellsworth
SOULE of Westport
HAYDEN of Durham
BENOIT of South Portland
DRINKWATER of Belfast
LIVESAY of Brunswick
HOBBINS of Saco

— of the House.

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

Report was signed by the following members: Representatives:

JOYCE of Portland
REEVES of Newport
CARRIER of Westbrook

— of the House.

Reports were read.

The SPEAKER: The Chair recognizes the gentleman from Westport, Mr. Soule.

Mr. SOULE: Mr. Speaker, I move acceptance of the Majority "Ought to Pass" in New Draft Report.

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

Mr. JOYCE: Mr. Speaker, I move this be tabled for one legislative day.

Thereupon, Mrs. Nelson of Portland requested a division.

The SPEAKER: The pending question is on the motion of the gentleman from Portland, Mr. Joyce, that this be tabled for one legislative day pending the motion of Mr. Soule of Westport to accept the Majority Report. All those in

favor will vote yes; those opposed will vote no.
A vote of the House was taken.

89 having voted in the affirmative and 5 having voted in the negative, the motion did prevail.

Divided Report

Majority Report of the Committee on Health and Institutional Services on Bill "An Act to Prohibit Smoking in Indoor Public Waiting Areas" (H. P. 597) (L. D. 741) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Regulate Smoking in Public Buildings" (H. P. 1203) (L. D. 1597)

Report was signed by the following members:
Senator:

BUSTIN of Kennebec
— of the Senate.

Representatives:

MANNING of Portland
PINES of Limestone
CARROLL of Gray
BRODEUR of Auburn
MELENDY of Rockland
RICHARD of Madison
NELSON of Portland

— of the House.

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

Report was signed by the following members:
Senators:

CARPENTER of Aroostook
GILL of Cumberland
— of the Senate.

Representatives:

WEBSTER of Farmington
MAYBURY of Brewer

— of the House.

Representative:

SEAVEY of Kennebunkport
— abstained.

Reports were read.

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

Mrs. NELSON: Mr. Speaker, I move that we accept the Majority "Ought to Pass" Report and further move we table this for one legislative day.

Mrs. Maybury of Brewer requested a vote.

The SPEAKER: The pending question is on the motion of the gentlewoman from Portland, Mrs. Nelson, that this be tabled for one legislative day pending her motion to accept the Majority Report. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

52 having voted in the affirmative and 56 having voted in the negative, the motion did not prevail.

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: I had asked for this to be tabled so that I could take a few moments to get some statistics on non-smoking, so I am just going to have to try to remind you of the concerns of the Health Committee regarding smoking and non-smoking. Clearly, the majority of the committee believed that we had to set a policy, and that was that we have to be thinking of those people's needs who cannot be in an environment where other people are smoking. That was the concern of the committee; therefore, we ask your support for the "ought to pass."

Mr. Higgins of Scarborough requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentlewoman from Portland,

Mrs. Nelson, that the Majority "Ought to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Ainsworth, Allen, Andrews, Benoit, Bonney, Bost, Bott, Brannigan, Brodeur, Brown, A.K.; Callahan, Carroll, D.P.; Carroll, G.A.; Carter, Conary, Connolly, Cote, Cox, Crouse, Crowley, Curtis, Day, Dexter, Diamond, Drinkwater, Erwin, Gwadosky, Hall, Handy, Higgins, H.C.; Jacques, Joseph, Joyce, Kelleher, Ketover, Kilcoyne, LaPlante, Lewis, Lisnik, Livesay, MacBride, MacEachern, Manning, Martin, A.C.; Masterman, Masterton, Matthews, K.L.; Matthews, Z.E.; McGowan, McHenry, McPherson, Melendy, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Murphy, E.M.; Murray, Nadeau, Nelson, Paradis, E.J.; Paradis, P.E.; Perkins, Perry, Pines, Racine, Reeves, P.; Richard, Smith, C.B.; Soucy, Soule, Stevens, Stevenson, Theriault, Thompson, Vose, Wentworth.

NAY—Anderson, Armstrong, Beaulieu, Bell, Brown, D.N.; Brown, K.L.; Cahill, Connors, Daggett, Dillenback, Foster, Gauvreau, Greenlaw, Hickey, Higgins, L.M.; Holloway, Ingraham, Jackson, Kelly, Kiesman, Lebowitz, Lehoux, Macomber, Martin, H.C.; Maybury, McCollister, McSweeney, Moholland, Murphy, T.W.; Norton, Randall, Reeves, J.W.; Ridley, Roderick, Salisbury, Scarpino, Seavey, Sherburne, Small, Smith, C.W.; Sproul, Stover, Swazey, Tammara, Telow, Walker, Webster, Weymouth, Willey, Zirkilton.

ABSENT: Baker, Carrier, Cashman, Chonko, Clark, Cooper, Davis, Dudley, Hayden, Hobbins, Jalbert, Kane, Locke, Mahany, Parent, Paul, Pouliot, Roberts, Rolde, Rotondi, Strout, Tuttle, The Speaker.
Yes, 77; No, 50; Absent, 23; Vacant, 1.

The SPEAKER: Seventy-seven having voted in the affirmative and fifty having voted in the negative, with twenty-three being absent, the motion does prevail.

Thereupon, the New Draft was read once and assigned for second reading tomorrow.

Divided Report

Majority Report of the Committee on Taxation reporting "Ought to Pass" on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Restrict the Period of Retroactivity of Taxation Legislation to no more than One Year (H. P. 849) (L. D. 1099)

Report was signed by the following members:
Senators:

WOOD or York
TWITCHELL of Oxford
— of the Senate.

Representatives:

HIGGINS of Portland
ANDREWS of Portland
CASHMAN of Old Town
KANE of South Portland
KILCOYNE of Gardiner
MCCOLLISTER of Canton

— of the House.

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

Report was signed by the following members:
Senator:

TEAGUE of Somerset
— of the Senate.

Representatives:

DAY of Westbrook
INGRAHAM of Houlton
MASTERMAN of Milo
BROWN of Bethel

— of the House.

Reports were read.

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

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

The SPEAKER: The Chair recognizes the gentleman from Westbrook, Mr. Day.

Mr. DAY: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you will not vote for

the majority report. It is the feeling of some of us that it is unlikely that except in an extreme emergency that the legislature would put in retroactive taxation. There is an example of one state in the nation that did it recently, but some of us feel that we are tying the hands of future legislatures in case they should have to use this method of raising taxes, and that is the main reason for the minority report.

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

Mrs. MITCHELL: Mr. Speaker, Men and Women of the House: I will speak very briefly because this is a very straightforward position; you are either for this policy or you are opposed to it.

In the earlier part of this session, I became aware, frankly, for the first time that there was really very little limitation on how far back the legislature could reach to tax people. I think it was truly an educational experience for all of us when we came into this session in December and early January. It seemed to me that the resulting decision making that took place in a very bad atmosphere because we were having to do with back tax policy. Going backward in time for tax policy simply cannot be the most prudent way to run the state.

Looking up Supreme Court decision, as I looked back to retroactive tax legislation, they found one case constitutional that went back for two years; one that went back 16 years was unconstitutional, so we concluded that somewhere between two and sixteen years backwards would be okay, at least according to current records.

This bill simply proposes an amendment to the Constitution, which clearly must be voted on by the people if it should survive both bodies here, that says we would prohibit retroactive taxation for a period longer than one year. It is a simple, straightforward policy and, as I said, I brought it to you because I learned about it only in this session when we ended up with the problem of retroactive taxation. I think, frankly, it is better tax policy to plan forward, not to go backwards.

As my good colleague said, Representative Day, it can happen in other states, I believe it was the State of Nebraska who decided they were a little short of change so they put a surcharge on people's taxes for three years back to make up a budget deficit. It could happen, I hope it does not, but I don't think it should even be a possibility because I think it is such bad fiscal planning.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I, too, will be as brief as possible on this particular issue. I do believe it is one that certainly is straightforward enough, and I guess when I first learned of this piece of legislation, it crossed my mind that it was entered basically as a rationalization of what this legislature did in January relative to the indexing question. I submit to you that we slapped the people in the State of Maine in the face on the indexing issue, and this is clearly an attempt to poke them in the eye now that we have got their attention.

I think this is an unfortunate circumstance. I am opposed to fooling around with the Constitution in an attempt to rationalize and make it appear as though we did something wrong, or the people did something wrong, when they voted for tax indexing.

If legislators that want to come here in subsequent years want to be stupid enough to pass a retroactive tax increase, then I don't think we ought to tell them that they can't do it. I don't believe it is going to happen. I think the fact that we passed a constitutional amendment a year or so ago that changed the procedure for obtaining signatures on initiated referendum questions is going to eliminate any possibility of a similar situation happening in the future. I think we are clutter-

ing up the books and I think we are cluttering up the Constitution in an attempt to baffle the people into believing that we were wrong to begin with—or they were wrong to begin with.

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

Mrs. MITCHELL: Mr. Speaker, Men and Women of the House: I am sorry to prolong the debate this late in the afternoon, but I do hope that this issue will not be confused with the initiative process that took place this fall. I think it is much broader than that, I think we are looking forward in time. It has nothing to do with how much time people now have to get signatures to bring in a petition process, because this could happen with a law that started right here in this body. It is much broader than that, and I am sorry that the gentleman from Scarborough thinks it has only to do with that particular issue. It clearly is much broader than that.

It was brought about by that issue, I admit, because, frankly, I did not realize before that this legislature could tax retroactively.

The SPEAKER: The Chair recognizes the gentlewoman from Houlton, Mrs. Ingraham.

Mrs. INGRAHAM: Mr. Speaker, Ladies and Gentlemen of the House: This is a rhetorical question—what makes us think we are any smarter than any future legislators? If it is bad, they won't pass it.

Mr. Higgins of Scarborough requested a roll call vote.

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

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

The SPEAKER: The pending question is on the motion of the gentlewoman from Vassalboro, Mrs. Mitchell, that the Majority "Ought to Pass" Report be accepted. All 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.; Carroll, D.P.; Carroll, G.A.; Carter, Chonko, Connolly, Cote, Cox, Crouse, Crowley, Daggett, Diamond, Dudley, Erwin, Gauvreau, Gwadodsky, Hall, Handy, Hickey, Higgins, H.C.; Jacques, Joseph, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lehoux, Lisnik, MacEachern, Macomber, Manning, Martin, A.C.; Martin, H.C.; Matthews, Z.E.; McCollister, McGowan, McHenry, Melendy, Michael, Michaud, Mitchell, E.H.; Mitchell, J.; Moholland, Murray, Nadeau, Nelson, Norton, Paradis, P.E.; Perry, Pouliot, Racine, Richard, Ridley, Smith, C.B.; Soucy, Soule, Stevens, Swazey, Tammario, Theriault, Thompson, Vose, Willey, The Speaker.

NAY—Anderson, Armstrong, Bell, Bonney, Bott, Brown, D.N.; Brown, K.L.; Cahill, Callahan, Conary, Conners, Curtis, Day, Dexter, Dillenback, Drinkwater, Foster, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Jackson, Joyce, Kiesman, Lebowitz, Lewis, Livesay, MacBride, Masterman, Masterton, Matthews, K.L.; Maybury, McPherson, McSweeney, Murphy, E.M.; Murphy, T.W.; Paradis, E.J.; Perkins, Pines, Randall, Reeves, J.W.; Roderick, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C.W.; Sproul, Stevenson, Stover, Telow, Walker, Webster, Wentworth, Weymouth, Zirkilton.

ABSENT—Baker, Carrier, Cashman, Clark, Cooper, Davis, Hayden, Hobbins, Jalbert, Kane, Locke, Mahany, Parent, Paul, Reeves, P.; Roberts, Rolde, Rotondi, Strout, Tuttle.

Yes, 73; No, 57; Absent, 20; Vacant, 1.

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

Thereupon, the Resolution was read once

and assigned for second reading tomorrow.

Consent Calendar

First Day

(S. P. 113) (L. D. 265) Bill "An Act to Change the Deadline for Holding Municipal Caucuses" — Committee on Election Laws reporting "Ought to Pass" as amended by Committee Amendment "A" (S-111)

(H. P. 1101) (L. D. 1452) Bill "An Act Relating to the Authority of the County Commissioners over the Operation of all County Offices" — Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-233)

(H. P. 812) (L. D. 1052) Bill "An Act Concerning Standards for Rejection of Altered Vehicles" Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-235)

(H. P. 951) (L. D. 1232) Bill "An Act to Establish and Amend the Air Quality Standards and Establish a Chromium Emission Standard" — Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-237)

There being no objections, the above items were ordered to appear on the Consent Calendar of Friday, May 13, under the listing of Second Day.

Consent Calendar

Second Day

(H. P. 1109) (L. D. 1462) Bill "An Act to Clarify Method of Payment of Salaries to County Commissioners"

(H. P. 827) (L. D. 1085) Bill "An Act to Amend the Child and Family Services and Child Protection Act" (C. "A" H-232)

There being no objections, the above items were passed to be engrossed or passed to be engrossed as amended and sent up for concurrence.

Passed to be Engrossed

Bill "An Act Relating to the Appointment of County Officials" (H. P. 1200) (L. D. 1594)

Bill "An Act to Provide a Statement of Birth Parents' Identity for Adoptees" (H. P. 1202) (L. D. 1596)

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 Relating to Authority of the Land Use Regulation Commission Over Organized Municipalities" (S. P. 302) (L. D. 916) (S. "A" S-110)

Was reported by the Committee on Bills in the Second Reading, read the second time, the Senate Paper was passed to be engrossed as amended in concurrence.

Passed to Be Enacted

Emergency Measure

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

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. 116 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 to Increase the Borrowing Capacity of the Winterport Water District (H. P. 988) (L. D. 1293) (C. "A" H-193)

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 2 against, and accordingly the Bill was passed to be enacted,

signed by the Speaker and sent to the Senate.

An Act to Reestablish the Energy Testing Laboratory of Maine as a Part of Southern Maine Vocational-Technical Institute (H. P. 1104) (L. D. 1492) (S. "A" S-97)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 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.

Enactor

Tabled and Assigned

An Act to Create a Student Seat on the Board of Trustees of the University of Maine (H. P. 24) (L. D. 29) (C. "A" H-177; S. "A" S-91)

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

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

Mr. MURPHY: Mr. Speaker, Men and Women of the House: I hesitate again to rise on this bill knowing full well that every Representative who has a college constituency will follow. I didn't know until just the other day just how many there were.

I would ask you today to vote no on enactment for the following reasons: Because it creates a special two-year term rather than the regular seven-year term for trustees. It limits the Governor to selecting a nominee from a list of five candidates and only five candidates.

We talked the other day about the problem of defining a permanent resident, that that can be done in one or two minutes. We talked the other day also about establishing a quota, a special interest, on that board of trustees when every trustee should be attempting to represent all the citizens of the State of Maine.

The other day, even the students were divided on this issue. We heard from the proponents that we should do this because some other states do it. We actually even saw the trustees kicked around a little bit the other day. They were getting kicked around so much I almost thought they were state legislators.

We heard reference made to a threat to removing the subcommittees if a student was appointed to the board of trustees. And one of the proponents of this bill, I called a leader of the student government and put that question to that individual point blank, and the answer was an emphatic no.

I remind the members of this House that current law, there is no prohibition against a student now serving as a trustee. None have been recently appointed because none have applied. We asked the proponents and we asked students that were at the hearing if they knew of anyone that applied, and we got back hems and haws and shuffling of fees. We followed that up by a check with the Governor's office, and they indicated as well that no students had applied until the last week or week and a half, and you can't appoint someone, you can't even consider someone unless their name is placed there, before the Governor's Office, for consideration. And my feeling, men and women of this House, any interested student that would like to serve all the citizens of the State of Maine on that board of trustees should apply and be processed the same way as any other citizen of this state. Only through that type of full process will that seat mean anything.

Those of us, the few of us, who have been fighting this bill haven't lobbied you in the hall, we haven't lobbied you directly in terms of asking for your support as a favor or as a sign of friendship because we trust today in your good judgment to defeat this bill.

The SPEAKER: The Chair recognizes the gentleman from Washburn, Mr. Crouse.

Mr. CROUSE: Mr. Speaker and Members of

the House: In deference to my Chair who is not here today, I would like to have this item tabled two legislative days. I would like to have somebody table this for me.

Whereupon, on motion of Mr. Diamond of Bangor, tabled pending passage to be enacted and tomorrow assigned.

Enactor Indefinitely Postponed

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

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

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

Mr. **KELLEHER**: Mr. Speaker, could some wise member of this House tell us what we need this study for, and if we do need it, what the cost of it is going to be?

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

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

Mr. **COX**: Mr. Speaker, Ladies and Gentlemen of the House: There was a bill that came before the Legal Affairs Committee which proposed that we set up a task force on arson. The funding that was proposed in the bill was not, in our judgment, anywhere near adequate to do the work of the task force. Furthermore, we needed to do more study to determine whether this task force on arson was required.

The fiscal note on the bill, the appropriation, would be \$1,500. We assume that that would be enough for a couple of hearings or study sessions during the summer for the committee to determine the need for this state-wide task force on arson.

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

Mr. **KELLEHER**: Mr. Speaker, I move that this bill and all its accompanying papers be indefinitely postponed.

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

Mr. **NADEAU**: Mr. Speaker and Members of the House: Just in the way of explanation—the original bill was my bill and the purpose behind it was to put together a task force for the purpose of reviewing the state's response to the arson problem in Maine, not primarily to direct itself to any current problems in the system but in this area there are new ways of combating the problem being developed every day in one state or another, new and creative ways of dealing with the problem. Obviously, arson is a dangerous and potentially life-threatening occurrence in this state, and it was simply an attempt to bring together law enforcement officials, prosecutors, fire fighters at the local level, both volunteer and full-time, and just bring this expertise together to share their ideas on how we can more effectively deal with the problem.

That was my original intent. The original fiscal note, I think, was \$1,500 to cover the cost of travel and so forth.

Subsequently, the committee decided that they wanted to study the study. Personally, I didn't think that was necessary but the committee collectively thought that they would like to have a little more information in regard to the need for a look at the arson problem in Maine. Therefore, I really had no choice in the matter and said that would be fine with me. But, I do think that the arson problem in Maine merits a great deal of attention not only in terms of the life-threatening potential but the cost is astronomical with the national problem that isn't going to go away. Much of the information I received was from the National Legislative Conference on Arson, of which I am a delegate, and these task forces in other states, I think there presently are about 27 states that have on-going task forces or advisory commit-

tees that deal with the problem.

So in the way of explanation, that was my intent, ladies and gentlemen. If the committee feels they want to study the need for a study, I personally will vote for the recommendation, I guess, and if we are not successful, I'm certainly going to attempt to pursue it in some way because it is a problem that ought to be looked into and I think ought to be looked into as soon as possible.

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

Mr. **BROWN**: Mr. Speaker and Members of the House: It is always a pleasure to get up at least somewhere behind Mr. Kelleher from Bangor, and in this case I agree with him. A study of a study sounds to me like paralysis through analysis.

This is one of those issues where both police officials in my area and fire officials have said to me, Darryl, for gosh sakes, what are you doing down there? Let's kill this turkey.

The **SPEAKER**: The Chair will order a vote. The pending question is on the motion of the gentleman from Bangor, Mr. Kelleher, that this Resolve and all its accompanying papers be indefinitely postponed in non-concurrence. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

85 having voted in the affirmative and 30 having voted in the negative, the motion did prevail.

Sent up for concurrence.

Passed to be Enacted

An Act to Establish a Workers' Compensation Hearing Exemption for Agricultural and Aquacultural Employers' Liability Insurance Claim Disputes (S. P. 358) (L. D. 1079) (S. "A" S-98)

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

Tabled and Assigned

An Act Relating to Drinking in Public (S. P. 420) (L. D. 1273) (H. "A" H-201 to C. "A" S-86)

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

The **SPEAKER**: The Chair recognizes the gentleman from Waterville, Mrs. Joseph.

Mrs. **JOSEPH**: Mr. Speaker, I would like to pose a question through the Chair. I would like to know what the purpose of this piece of legislation is and ask somebody to explain it to me, please.

The **SPEAKER**: The gentlewoman from Waterville, Mrs. Joseph, has posed a question through the Chair to anyone who may care to answer.

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

Mr. **COX**: Mr. Speaker, Ladies and Gentlemen of the House: I think I congratulate Representative Joseph for asking this question. I think it is probably just as well that the House have an explanation on what this bill does.

The original bill would have removed the requirement for a policeman to give a warning before anyone could be arrested for public drinking. The committee amendment put the warning back in. We were not prepared to have the police simply arrest someone who has a drink in his or her hand without a warning.

Other changes that are made by the bill that are left, one removes the authority of a person who is in charge of a public place to grant permission to drink in the public place. The concern that was raised here was that in the case of school, if the janitor happened to be on the premises, he could give people permission to drink on the premises. This is one of the things that the bill does.

The major thing that this bill does that changes the public drinking law is that it allows the attorney for the state to elect whether to pro-

ceed under a criminal proceeding or a civil proceeding in these cases. It sets up a few guidelines that the attorney can go by in deciding whether to pursue a civil offense or a criminal offense. For one thing, take into consideration whether the person had previously been convicted or adjudged under a civil violation of the public drinking law or had refused to cease his public drinking when warned by the officer, or during the course of his public drinking had committed some other violation which would perhaps guide the state's attorney into deciding whether to proceed under a civil or a criminal proceeding.

These are just about all the changes, except the statement of fact tries to clarify that if the person who has a drink in his hand after being warned by the police officer, that he is guilty of drinking after the police officer has warned him. There has always been a question raised as to whether this meant that the police officer had to wait a period of time and it still is not spelled out in the law, but that is the intent of the law, that it is a separate offense if the person refuses to dispose of his drink after he has been warned by the officer.

I hope that either confuses people beyond redemption or explains the changes in this bill.

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

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

An Act Concerning State Assistance to Areas Affected by Non-English Speaking Immigrants and Refugees (S. P. 532) (L. D. 1555)

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

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

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

On motion of Mr. Lisnik of Presque Isle, tabled pending passage to be enacted and tomorrow assigned.

An Act to Amend Certain Provisions of the Laws Defining Sex Offenses (H. P. 864) (L. D. 1113) (C. "A" H-204)

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

An Act Concerning Confidentiality of Information (H. P. 998) (L. D. 1306) (S. "A" S-100)

An Act to Make Corrections in the Maine State Housing Authorities Law (H. P. 1053) (L. D. 1397) (H. "B" H-207 to C. "A" H-163)

An Act Pertaining to Directions from Interstate 95 to the Maritime Provinces (H. P. 1175) (L. D. 1563)

An Act to Amend the Law Governing Traveling Shows (H. P. 1179) (L. D. 1569)

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.

The Chair laid before the House the following matter:

Bill "An Act to Create a Maine Potato Dealers' Licensing Board" (H. P. 1206) which was tabled and later today assigned pending reference (Committee on Business Legislation was suggested)

On motion of Mr. Brannigan, 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 Promote Efficient Completion of the State Weatherization Program" (Emergency) (H. P. 1207) which was tabled and later today assigned pending reference. (Committee on Energy and Natural Resources was suggested)

On motion of Mr. Carter of Winslow, the Bill was referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

(Off Record Remarks)

On motion of Mrs. Allen of Washington,
Adjourned until twelve o'clock noon tomorrow.
