

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**

OF THE

***One Hundred and Eleventh  
Legislature***

OF THE

**STATE OF MAINE**

**Volume I**

**FIRST REGULAR SESSION**

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

**HOUSE**

Friday, May 13, 1983

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

Prayer by Father Peter J. Flanagan of St. Pius X Catholic Church, Portland.

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 12, 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 Marine Resources, the Governor's nomination of William A. Knight, Jr. of Belfast for reappointment to the Marine Resources Advisory Council.

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

The Communication was read and ordered placed on file.

The following Joint Resolution: (S. P. 552)  
JOINT RESOLUTION IN RECOGNITION  
OF THE

**GRIBBIN FAMILY**

WHEREAS, "A boy is a magical creature — you can lock out of your workshop, but you can't lock him out of your heart," and

WHEREAS, the Portland Boys' Club has no locks and its doors have been opened to countless numbers of disadvantaged boys and girls since 1901; and

WHEREAS, the Gribbin family has actively participated as members of this special organization since its founding; and

WHEREAS, in turn, each of the Gribbin children have, in adult life, continued to develop and carry on the club's important work; now, therefore, be it

RESOLVED: That We, the Members of the Senate and House of Representatives of the 111th Maine Legislature, now assembled in the First Regular Session, take this opportunity to join the family and friends of Philip P., Robert A., George H., Watson P., Elizabeth M. and Peter E. Gribbin on their special night to recognize each of them for their many years of inspiring work with the Portland Boys' Club and to pay this tribute to the Gribbin family members who have done so much for those who have so little; and be it further

RESOLVED: That the Gribbin family name be spread upon our journals in lasting testimony to their many years of outstanding service and achievement.

Came from the Senate read and adopted.

The Resolution was read and under suspension of the rules adopted in concurrence.

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

Report of the Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on Bill "An Act to Establish a Supreme Judicial Court and Superior Court Capital Fund" (S. P. 155) (L. D. 556)

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

**Unanimous Leave to Withdraw**

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act to Adopt the Multistate Tax Compact" (S. P. 313) (L. D. 927)

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act to Establish Municipal Cost Components for Services to be Rendered in Fiscal Year 1983-84" (Emergency) (S. P. 192) (L. D. 615)

Report of the Committee on Energy and Natural Resources reporting "Leave to Withdraw" on Bill "An Act to Provide Municipal Authority Over Siting Radioactive Waste Facilities" (S. P. 377) (L. D. 1162)

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

**Messages and Documents**

The following Communication: (H. P. 1210)  
111th Maine Legislature

May 12, 1983

TO MEMBERS OF THE 111TH LEGISLATURE:

Pursuant to the provisions of Joint Rule 22, the Legislative Council has established Friday, May 20, at 5:00 p.m. as the time that all bills must have been voted upon and reported from committee, unless specific authorization is given by the President of the Senate and the Speaker of the House.

Sincerely,  
S/GERARD P. CONLEY  
President of the Senate  
S/JOHN L. MARTIN  
Speaker of the House

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

**Petitions, Bills and Resolves  
Requiring Reference**

The following Bill was received and referred to the following Committee:

**Election Laws**

Bill "An Act Concerning Control of the Content of Rebuttals to Media Editorials" (H. P. 1212) (Presented by Representative Rolde of York) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

(Ordered Printed)  
Sent up for concurrence.

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

Representative Martin from the Committee on Election Laws on Bill "An Act to Clarify Proposed Constitutional and Statewide Referenda Questions which Appear on State Ballots" (H. P. 991) (L. D. 1301) reporting "Ought Not to Pass"

Representative Roberts from the Committee on Election Laws on Bill "An Act to Clarify the Wording on Questions Submitted to the Public at the Polls" (H. P. 66) (L. D. 72) reporting "Ought Not to Pass"

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

**Unanimous Leave to Withdraw**

Representative Willey from the Committee on Labor on Bill "An Act Relating to Attorney's Fees Under the Workers' Compensation Law" (H. P. 631) (L. D. 783) reporting "Leave to Withdraw"

Representative Norton from the Committee on Labor on Bill "An Act Relating to Rehabilitation under the Workers' Compensation Law" (H. P. 1070) (L. D. 1409) reporting "Leave to Withdraw"

Representative Swazey from the Committee on Labor on Bill "An Act Regarding Return to Work Under the Workers' Compensation Law" (H. P. 799) (L. D. 1039) reporting "Leave to Withdraw"

Representative Beaulieu from the Committee on Labor on Bill "An Act to Amend the University of Maine Labor Relations Act" (H. P. 558) (L. D. 709) reporting "Leave to Withdraw"

Representative Lewis from the Committee on Labor on Bill "An Act to Include Salaries, Pensions and Insurance for Binding Arbitra-

tion under the Municipal Public Employees Labor Relations Law" (H. P. 613) (L. D. 761) reporting "Leave to Withdraw"

Representative Bonney from the Committee on Labor on Bill "An Act Concerning Attorney's Fees in Workers' Compensation Cases" (H. P. 1036) (L. D. 1361) reporting "Leave to Withdraw"

Representative Jacques from the Committee on Energy and Natural Resources on Bill "An Act to Protect Air Quality" (H. P. 392) (L. D. 475) reporting "Leave to Withdraw"

Representative Carter from the Committee on Appropriations and Financial Affairs on Bill "An Act Making Authorization and Allocation Relating to Federal Block Grants for the Expenditures of State Government for the Fiscal Year Ending June 30, 1984" (Emergency) (H. P. 516) (L. D. 641) reporting "Leave to Withdraw"

Representative Beaulieu from the Committee on Labor on Bill "An Act Concerning Workers' Compensation Cost Containment" (H. P. 444) (L. D. 537) reporting "Leave to Withdraw"

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

**Ought to Pass in New Draft**

Representative Carroll from the Committee on Transportation on Bill "An Act Relating to Registration and Inspection of Motor Trucks used for Fishing" (H. P. 434) (L. D. 516) reporting "Ought to Pass" in New Draft (H. P. 1205) (L. D. 1600)

Report was read and accepted, the New Draft given its first reading and assigned for second reading, Monday, May 16.

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

Representative Michael from the Committee on Agriculture on Bill "An Act to Establish Mandatory Minimum Fines on Agricultural or Forestry Products Theft" (H. P. 531) (L. D. 684) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Related to Unauthorized Taking of Agricultural Products" (H. P. 1209) (L. D. 1603)

Report was read and accepted, the New Draft given its first reading and assigned for second reading Monday, May 14.

**Divided Report**

Majority Report of the Committee on Taxation reporting "Ought Not to Pass" on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Undedicate the Highway Fund (H. P. 1087) (L. D. 1430)

Report was signed by the following members:

Senators:

TWITCHELL of Oxford  
TEAGUE of Somerset

— of the Senate.

Representatives:

HIGGINS of Portland  
BROWN of Bethel  
CASHMAN of Old Town  
DAY of Westbrook  
INGRAHAM of Houlton  
KILCOYNE of Gardiner  
MASTERMAN of Milo

— of the House.

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

Report was signed by the following members:

Senator:

WOOD of York

— of the Senate.

Representatives:

ANDREWS of Portland  
KANE of South Portland  
MCCOLLISTER of Canton

— of the House.

Reports were read.

Thereupon, the Majority "Ought Not to Pass"

Report was accepted and sent up for concurrence.

#### **Consent Calendar First Day**

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

(H. P. 950) (L. D. 1231) Bill "An Act to Amend the Election Laws"—Committee on Election Laws reporting "Ought to Pass" as amended by Committee Amendment "A" (H-238)

No objections being noted, the above item was ordered to appear on the Consent Calendar of May 16, under the listing of Second Day.

#### **Consent Calendar Second Day**

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

(S. P. 113) (L. D. 265) Bill "An Act to Change the Deadline for Holding Municipal Caucuses" (C. "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" (C. "A" H-233)

(H. P. 812) (L. D. 1052) Bill "An Act Concerning Standards for Rejection of Altered Vehicles" (C. "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" (C. "A" H-237)

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

#### **Passed to Be Engrossed**

Bill "An Act to Regulate Smoking in Public Buildings" (H. P. 1203) (L. D. 1597)

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)

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

#### **Amended Bill**

Bill "An Act to Prohibit Harassment of Hunters, Trappers and Fishermen" (S. P. 543) (L. D. 1586) (S. "A" S-114)

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.

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

#### **Passed to Be Enacted Emergency Measure**

An Act to Suspend Operation Authority on Motor Vehicles which Fail to Comply with the Gasoline Reporting Law (H. P. 1183) (L. D. 1576)

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. 103 voted in favor of same and 3 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### **Passed to Be Enacted**

An Act Pertaining to License Revocation Notices Issued by the Commissioner of Inland Fisheries and Wildlife (S. P. 357) (L. D. 1078) (C. "A" S-99)

An Act to Revise the Statutes relating to Ra-

diation Control (S. P. 395) (L. D. 1195) (S. "A" S-92 to C. "A" S-89)

An Act to Provide a Warden's Association Handbook (S. P. 488) (L. D. 1481) (C. "A" S-95)

An Act to Amend the Adult Protective Services Act (S. P. 536) (L. D. 1562)

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 Increase the Compensation for Substitute Teachers (S. P. 538) (L. D. 1568)

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

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

Miss LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: Two years ago, in the 110th Legislature, I debated this bill with not too much success and felt that I would let it pass this year. However, last night the legislative delegation which represents the towns of Minot, Mechanic Falls and Poland attended a meeting with the various school boards out there and the various school boards told us that this particular bill was one of their number one priorities that it not be funded.

The reason why they felt that this was such a dangerous bill is that it would increase property taxes at the local level without allowing the local level to set the rates that it does pay its teachers. They argued that at the local level, the school boards know how much they need to pay to get good substitute teachers and that that should be the mechanism by which these rates are set rather than having the state mandate what the rates are supposed to be to substitute teachers.

Therefore, I would request a division on this measure.

The SPEAKER: The Chair recognizes the gentlewoman from Brunswick, Mrs. Martin.

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I cosponsored this bill. It raises the substitute teachers from \$20. to \$30. A teacher that substitutes hasn't got much left after she has paid a babysitter, etc., on \$20. I think it is a shame. Some substitute teachers work harder than the regular teachers. Some of the regular teachers don't leave any planned work and the substitute teacher has to do guess work when she goes there to teach.

I am sorry that some towns feel that way, but I don't think that \$10. is going to break anybody. With the cost-of-living going up, I think they deserve a raise too.

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

Mr. MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: I am very glad that the previous speaker identified some of the towns which are opposing the increase in substitute teachers' pay, because I know for a fact that at least one of the towns is one of the lowest paying towns for substitute teachers in this state. What are they hiring? They are hiring a warm body to babysit, and that is exactly the type of education they are getting from their substitute teachers. They are just somebody to make sure the kids don't stave up the windows while the teacher is out sick.

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

Miss LEWIS: Mr. Speaker, Ladies and Gentlemen of the House: The three towns that I mentioned all pay the same, they pay \$32.50 per day, which is actually fairly good pay, it is better pay than I, myself, receive when I substitute teach in the city of Auburn, because in fact I am a substitute teacher out of session.

What we are arguing is not how much these teachers should be paid but the fact that the pay for these teachers should be set at the local level and not by the state.

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

Mr. MURPHY: Mr. Speaker, Men and Women

of the House: This L. D. before us is a compromise bill. Both labor and management working together agreed to that compromise of raising the minimum floor from \$20 to \$30. These teachers are not covered by collective bargaining and what we are looking at is reimbursement two years later as part of the operating cost and would urge your yes vote today.

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

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: We just heard the previous speaker say that labor and management agreed on this.

Well the management of the school system is the voters of that district, and the voters of my district that are the managers of their school system have not told me that they want the state to take over setting the rates that they will pay for substitute teachers. As a matter of fact, I have the same situation as the gentlelady from Auburn.

I think all of the schools in my district pay more than \$30 at the present time, but the idea is that we should not usurp the authority that the school boards have to set the rates that they will pay. This is done by elected officials, elected members of the school boards, and we should not be doing that. This is taking away some of that home rule that we so zealously guard here occasionally and I think we should reject this.

The SPEAKER: The Chair recognizes the gentlewoman from Brunswick, Mrs. Martin.

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: We are not talking about the towns that pay their teachers, we are talking about the towns that do not pay their teachers and do pay just enough so that those teachers do just really babysit. We want to get out of the babysitting situation; we want them to be teachers.

The SPEAKER: The Chair will order a vote. The pending question is on passage to be enacted. Those in favor of enactment will vote yes; those opposed will vote no.

A vote of the House was taken.

Mr. Kiesman of Fryeburg requested a roll call.

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

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

The SPEAKER: The pending question is on passage to be enacted.

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

Mr. BAKER: Mr. Speaker, I request permission to be excused on the grounds of conflict of interest.

The SPEAKER: The Chair will grant the gentleman from Portland, Mr. Baker, permission to be excused from voting pursuant to House Rule 19.

The SPEAKER: The pending question is on passage to be enacted. Those in favor will vote yes; those opposed will vote no.

#### **ROLL CALL**

YEA—Ainsworth, Allen, Andrews, Beaulieu, Benoit, Bost, Bott, Brannigan, Brodeur, Carroll, D.P.; Carroll, G.A.; Cashman, Chonko, Clark, Connolly, Cote, Cox, Crouse, Daggett, Dexter, Diamond, Dillenback, Erwin, Foster, Gauvreau, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Ingraham, Jackson, Jalbert, Joseph, Joyce, Kane, Kelleher, Kelly, Kilcoyne, LaPlante, Lebowitz, Lisnik, MacBride, MacEachern, Macomber, Manning, Martin, A.C.; Martin, H.C.; Matthews, K.L.; Matthews, Z.E.; Maybury, McCollister, McGowan, McHenry, McPherson, McSweeney, Melendy, Mitchell, E.H.; Mitchell, J.; Murphy, E.M.; Murphy, T.W.; Murray, Nadeau, Nelson, Nor-

ton, Paradis, E.J.; Paradis, P.E.; Perry, Pines, Pouliot, Randall, Richard, Roberts, Rolde, Rondoni, Small, Smith, C.B.; Smith, C.W.; Soucy, Soule, Sproul, Stevens, Stevenson, Stover, Strout, Swazey, Tammara, Telow, Theriault, Thompson, Vose, Webster, Wentworth, Weymouth, Zirkilton.

**NAY**—Anderson, Armstrong, Bell, Bonney, Brown, D.N.; Brown, K.L.; Cahill, Callahan, Carter, Conary, Conners, Day, Drinkwater, Greenlaw, Holloway, Kiesman, Lewis, Livesay, Masterman, Masterton, Michaud, Parent, Perkins, Reeves, J.W.; Roderick, Salsbury, Sherburne, Walker, Willey.

**ABSENT**—Brown, A.K.; Carrier, Cooper, Crowley, Curtis, Davis, Dudley, Hobbins, Jacques, Ketover, Lehoux, Locke, Mahany, Michael, Moholland, Paul, Racine, Reeves, P.; Ridley, Scarpino, Seavey, Tuttle, The Speaker.

**EXCUSED**—Baker.

Yes, 97; No, 29; Absent, 23; Excused, 1.

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

Signed by the Speaker and sent to the Senate.

An Act to Remove the Bureau of Alcoholic Beverages from Under the Department of Finance and Administration (S. P. 539) (L. D. 1574)

An Act to Authorize the Maine Turnpike Authority to Receive Applications and Approve Descriptive and Directional Signs on the Maine Turnpike (H. P. 750) (L. D. 962)

An Act Concerning Right-of-way for Emergency Vehicles (H. P. 850) (L. D. 1100) (C. "A" H-206)

An Act to Amend the Standard Valuation Law for Life Insurance and Annuities and the Standard Nonforfeiture Law for Life Insurance (H. P. 876) (L. D. 1130) (S. "A" S-104) and C. "A" H-198)

An Act to Amend the Protection and Advocacy Agency for the Developmentally Disabled in Maine Statutes (H. P. 932) (L. D. 1177) (C. "A" H-203)

An Act Relating to the Licensing of Dental Radiographers (H. P. 996) (L. D. 1329) (S. "A" S-109 and C. "A" H-200)

An Act Repealing the Law on the Effect of Bail Following Conviction and Commitment (H. P. 1115) (L. D. 1473)

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

#### Enactor

#### Tabled and Assigned

An Act Relating to Attendants for Power Boilers (H. P. 1180) (L. D. 1572)

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

On motion of Mr. Armstrong of Wilton, tabled pending passage to be enacted and specially assigned for Monday, May 16.

An Act Concerning Solids in Milk (H. P. 1181) (L. D. 1573)

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

#### Orders of the Day

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

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

Tabled—May 12, 1983 (Till Later Today) by Representative Nelson of Portland.

Pending—Passage to be Engrossed.

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

Mrs. NELSON: Mr. Speaker, Ladies and Gen-

tlemen of the House: We are having some trouble getting the appropriation printed up and I would appreciate it if someone would tabled this for one legislative day.

On motion of Mrs. Mitchell of Vassalboro, retabled pending passage to be engrossed and specially assigned for Monday, May 16.

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

Bill "An Act to Establish a Commission to Review and Evaluate the University of Maine System" (S. P. 537) (L. D. 1566)

Tabled—May 11, 1983 by Representative Kelleher of Bangor.

Pending—Passage to be Engrossed.

On motion of Mr. Kelleher of Bangor, retabled pending passage to be engrossed and specially assigned for Tuesday, May 17.

**JOINT ORDER** relative to amending Joint Rule 21-A. (H. P. 1204)

Tabled—May 12, 1983 by Representative Diamond of Bangor.

Pending—Passage.

On motion of Mr. Diamond of Bangor, retabled pending passage and specially assigned for Monday, May 16.

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

**HOUSE DIVIDED REPORT**—Majority (10) "Ought to Pass" in New Draft (H. P. 1201) (L. D. 1595)—Minority (3) "Ought Not to Pass" — 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)

Tabled—May 12, 1983 by Representative Joyce of Portland.

Pending—Motion of Representative Soule of Westport to accept the Majority "Ought to Pass" in New Draft Report.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I oppose the motion before the House at this time. I don't think that I have had such a bill that has given me so many problems in my nine years here.

I wish today that I could place upon the desk of each one of you here a scale, that scale of justice, and you weigh individually the good side and the bad side of this bill. This bill will boggle your minds if you try to decide honestly the way the law should be.

This bill, if you had those scales, you would have trouble keeping them in balance. This bill, in its second edition, is no better than the first edition that came out. It is a bill, when debating it, it will be important that we weigh our words because of the tender ears that we have in the balcony today.

This bill boils down to this particular situation—a young child becomes the victim of a sex crime or a crime of rape, as a complainant in this type of case, the law requires that seven, six or eight year old child to sit in the witness chair in an open court and the defense attorney is guided only by the general rules of that court. There are some horrible questions asked of that child to describe certain organs of the individual that was alleged to have attacked her. It is a sad situation, and in my 27 years in law enforcement, I could think of no tragedy that has stuck with over the years than that of the death of a little child or the questioning of a little child in that courtroom.

Now, must this system operate the way it does? This bill says no and makes a very simple solution of that problem, so they think. All you have to do is go out and get a couple of rules and change them. You don't have to change them, you can bend them. They have a Rule of Evidence, 804, that I think some of you are familiar with, it covers hearsay—when can it be used? The suggestion here in this bill or the suggestion that brought it about, let's bend

that hearsay rule. You know, I don't like to bend the Constitution, I don't like to bend the Rules of Evidence. I figured when we got that person in court charged with these heinous crimes, we should throw the book at them, but we shouldn't rewrite the book before the trial.

This isn't Poland. When you left your house this morning, you weren't followed, this is America, the land of the free, the land that in 1791 our forefathers decided to add to the Bill of Rights and put in that amendment IV and V to protect rights. Now, this bill, what it will do, it will take that little girl and bring her into the judge's chamber. The district Attorney will be there; the defense counsel will be there. The person that is alleged to have raped her will be there and the attorneys will question that girl. This sounds like it might be pretty clean court procedure but, you know, in our system, the American system of jurisprudence, it is not the judge that is going to decide whether that man is guilty or innocent, it is not the DA—who is going to decide? It is that jury, those 12 tried and true.

Under this bill, they won't hear the words uttered from that child, and I feel that this flies right in the face of fair play as it is outlined in our Constitution. What they propose to do is take a video tape or a stenographer into the judge's chambers and they are going to run it. They are not going to run it to put it on the six o'clock news, they are going to run it to bring it in and show it to the jury. Somehow that just isn't right.

I went to one of what I consider the top five criminal attorneys in this state and I posed this bill to him and he said, "Oh no, that would be so wrong." He said, "Let me give you an example. If I go home tonight at five o'clock and my wife tells me that my 11 year old did something wrong, I would call my 11 year old into my room, I would sit down and talk to her," and he said, "You know, John, after talking to her, I would know whether she was telling me the truth or if it was a fabricated story."

"Now consider the other side," he said. If my wife had said to my 11 year old at two o'clock in the afternoon, "You call your Dad and explain this to him" and he said, "if my 11 year old called me on the telephone and I asked her questions and she explained what happened, you know, I couldn't tell over the telephone if my eleven year old was telling the truth or telling a lie, a fabrication."

I hate on a Friday, and this is the bill, I just want to remind you that I attempted to table for two days but to keep peace up front, I accepted one day, but I apologize for a Friday debate.

I told you that crimes like this have a way of getting to the heart and you never forget them. I investigated these type cases and I would like to invite you to share the experience that I had and I still carry it, it is a difficult decision to make on these cases.

It was one-thirty in the morning and the place was Monument Square in Portland. Two of my officers observed two little girls, they were really two little Raggedy Anns. The police officers stopped them because of the hour, they each carried a brown paper bag with about \$4.00 each worth of cheap nickel candy in those days, that is all they each had plus that little bit of change. The officers asked them who they were and questioned them about the hour being about the town. They started to cry and told the officer about that man, the man that operated an elevator there in downtown Portland about a block from Monument Square. He was a crippled man and loved by all the people in that community, but in the business I was in, I used to see some pretty respectable people become clients of mine. The officers brought these two little Raggedy Anns to my office, I was a Captain at that time, and it was about two o'clock in the morning when I first got to talk to them and they told those lurid details of how they were handled and

abused by this perverted individual. They went through some details, and the police have to get into these to establish if we have a case. If there are two children, we separate them and see if they tell like stories. Yes, they told stories that were alike. At the time there were four other police officers. I heard one police officer say: Let's go and get that "bleep bleep" and hang him from a tree. I personally thought I, the father of four daughters, that would be too good punishment for a man such as that.

Well, the case moved on and we brought that man into my office, talked to him alone. Yes, it was a tragedy; he cried. He had grandchildren, I thought he was going to have a heart attack. We eventually took him to the hospital. I can cut the story short from here. You know, after investigating and thank God it was in those wee hours of the morning where we had the manpower to investigate thoroughly, we found that these two Raggedy Anns had bummed money along the street, they begged money and they went to a movie theater. They fell asleep in the movie theater and when they found out it was after one o'clock, they knew they would be punished when they went home. Yes, after four hours, we found that these children had never been touched.

But I say sincerely today that if those two little girls had been brought into court, we had an iron clad case. That is why this bill bothers me. It is the type of bill that is going to erase constitutional rights and they might tell you that it is only going to bend Rule of Evidence 804, that is not so. If you had that scale of justice on your desk today, how, if you looked at that bill now and being honest with yourself, do you think you could put the scale in balance? I don't think I could.

We wrestled with this bill for months. I feel that the only proper way for this bill here today is to ask you understanding parents, understanding grandparents, and, yes, you tender ones that have the world ahead of you—weigh this on that scale and then see if you can stand and support the motion that I make, that this bill and all its accompanying papers be indefinitely postponed.

The SPEAKER: The gentleman from Portland, Mr. Joyce, has moved that this Bill and all its accompanying papers be indefinitely postponed.

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: I would hope that you would vote against that motion and that you would see that the majority of the Judiciary Committee voted with this bill. Yes, it took them a long time to wrestle with it. We handled the problem of the constitutionality, we handled all the problems that came before the Judiciary Committee.

Let me tell you what I believe this bill does. First of all, Mr. Joyce spoke about bending the Constitution, the hearsay evidence rule. It is already bent 23 times, this is not new. It says to weigh the scales, to have the scales before you—this is not a case in every instance. We are talking about boys as well as girls under the age of 14 who have experienced a terrible, terrible trauma, and these children would go into the judge's chamber and they would face the person whom they have accused and that person would have a lawyer. Of course, the witness doesn't have a lawyer, the person who is accused does—and when all the questions are asked of that witness and the judge feels for whatever reason this child cannot psychologically go to open court amongst strangers and retell that story, then that child would not have to go. Yet, all the information would be on record. The child would have to undergo a camera viewing the child to see if indeed the child lied or whatever, if there is any physical manifestation of somebody lying.

It is so strange to me that the child, who is required to testify in open court, we are talking

about just open court, we are not talking about a grand jury, the child will still have to do that and certainly in the judge's chambers, that child may experience severe psychological stress in just reliving the witnessed event, that the judicial system has not been sensitive to the victimization that a child may face in a courtroom. It is hard enough for an adult to go into a courtroom under normal circumstances. The court, in effect, have become perpetrators, not protectors of the child's interest.

This legislation, clearly constitutional, is aimed at reducing the trauma in very narrow, specific cases based upon a judge's judgment to a child witness, while at the same time, as I have said, protecting the constitutional rights of the accused.

At the time of the work session, David Crook, an Attorney General, who actually, at the beginning of this whole process was not in favor of the bill, came to tell the committee that a recent judicial court decision was just handed down, that had this bill been in effect could have saved a small child. He was five years old, it was a little boy. This little boy had accused a man of sexually molesting him but the little boy could not go to open court, just could not go. The man who was accused even admitted it. The trial was thrown out because the little boy did not appear in court. That man was guilty and that man walks the streets, your streets, right now.

The idea is that if someone is doing this, that if they did it, that they get help. Why should the child victim be victimized again? The circumstances under this change of hearsay rule is so small that it probably will be used once or twice a year, if at all. But that once or twice could make the difference not only in that child's life, who is already damaged, but in the person who is accused, safeguarding all of his or her rights in the hope that if he is found guilty, he will get help.

I hope that in your wisdom you will vote against the motion to indefinitely postpone this legislation.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: I am sure that Representative Joyce and myself and anyone else who will support his motion appreciates the difficulties that youngsters or, for that matter, anyone has in appearing in a public courtroom. I don't know how many of you have served on a jury. I served on one, and I think the point that Representative Joyce was trying to illustrate is the fact of the public participation of all parties involved in the courtroom. I, myself, if I am doing business, any kind of business but if it is legislative business and I am talking to someone, I want to look at their face. I want to see the reaction of what the conversation has involved and I think that is the point that Representative Joyce made here today.

When I served on the jury, which was 20 years ago, I served on a traverse jury in Penobscot County, it was an experience that I will never forget and I think if you people haven't had an opportunity or if you should in the future have the opportunity to serve on one, you should do just that because of the reactions of individuals in a courtroom in regards to questions in testimony. I think the visibility of the individual and the sound of the voice and the reactions to questions are important to jurors. I know they were to me as a juror and I believe they are to others.

I sympathize—Mrs. Nelson, I sincerely mean that—with you about the tremendous trauma that is placed upon these youngsters. I don't like it any better than you, but I honestly think that in fairness to the whole judicial process in any individual case, that persons involved with it should be visible within the public file in regards to any issue.

I would like to vote with you but I sincerely mean, when I am talking to you, the people in

this House or anyone else about something, I like to look at your face, I like to get the feeling of what you are saying by the expression in your eyes, by the sound of your voice, besides hearing what you are saying. I can't support you on this particular issue, I think Representative Joyce is so right.

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

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I do hope that you do not indefinitely postpone this bill. I have had in my home town a young boy that has allegedly been attacked by a grownup and he was under the age of 14. I want to tell you, that courtroom was jam packed. I wouldn't for the life of me, I would rather die than appear in front of a courtroom saying that I had been molested if I were a child, as a grownup too. That young man today, I honestly believe that as long as he lives in the town of Madawaska, he will never be able to live down the shame that was brought onto him.

I know that my son used to be a good friend of his but my son cannot be seen with him because he feels he will be called gay or a worse word, you know the word they use. I really believe if this bill had been in law, they would have video-taped it and the jurors would have seen it and not the whole town. I really feel for that young man. It is too bad that we had to do what we did.

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

Mr. SOULE: Mr. Speaker, Men and Women of the House: I think it is very clear from the arguments that you have heard so far that this is, indeed, a very delicate balance. In any criminal case we are balancing the rights of the victim, the rights of the accused, and the rights of the estate. I think for too long in these kinds of cases we have leaned perhaps too far in the direction of the rights of the defendant.

In a criminal case, there are constitutional rights that the defendant has. One of those rights is the right to confront his accuser and the right to cross-examine that accuser. This bill, in its original form, I had some problems with because of those constitutional guarantees; in its present form and as it has been drafted and redrafted, as it has been reviewed by a former Supreme Court Judge, it preserves that delicate balance and takes into consideration the victims in these cases.

I certainly appreciate the concerns of Mr. Joyce and Mr. Kelleher when they say that the jury ought to have an opportunity to look at the face of the accused or accuser, look at the face of the witness, to look at the reaction of the person to determine whether or not they are telling the truth.

This bill, in a very limited number of cases, allows children witnesses under the age of 14 years old, only when the judge, after a separate hearing apart from the jury, determines that the well being of the person will be substantially impaired if that person were to be forced to testify in open trial. Once the judge has made that finding, the testimony is taken in the judge's chambers and I think the saving part of this is that that testimony is in the presence of the attorney of the accused and there is opportunity for cross-examination of that witness and there is the further opportunity of that entire proceeding to be video taped.

Now, I think in past years we have had problems with these kinds of cases because we haven't had the technology to reproduce that testimony. It can then be shown to the jury and the jury, in a separate hearing, has the opportunity to view all of what went on inside that judge's chambers. It is not closed, it is not closed in the sense that the jury never sees that, and I think that is the important thing to remember here. What we have gained is the self-respect of some of these child victims and we have lost nothing.

I hope you join me in voting against indefi-



nite postponement.

The SPEAKER: The Chair recognizes the gentleman from Cumberland, Mr. Dillenback.

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Kelleher isn't the only one that has served on a jury, I am sure many of you have too. I can tell you that any witness that gets before you and before the judge is nervous. I happened to serve on a jury where a young teenager was raped. That young girl was very nervous. We could see the girl, she talked, she was very upset and when we went in to talk about this in the jury room, there were several young men on the jury who decided that the girl had not been raped and so the gentleman was let off. We all saw both the witnesses, we saw these people, we both drew our own conclusions, but they were the only two. At a later date, I happened to bump into both of these young gentlemen and they came up to me and apologized, that they were wrong, because this same person who had been accused was bragging around the bars that he had raped the young lady.

It doesn't do any good whether you see the person or you don't see the person. Can you imagine a small child sitting in front of that jury? I prefer the way that it is set up. I think this is an excellent law and I think it is an opportunity to do justice. I am going to support Mrs. Nelson.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I am not a lawyer and I don't intend to tell you how to vote on this issue but I do want to relate to you a little story, a true story. When I was campaigning for reelection for the second time, I met a lady who asked me about this very same problem that we are talking about today. She had an 11 year old daughter that had been a victim of this type of crime and the daughter just could not appear in court. For whatever reason, she just could not do it; the man was set free. The man was guilty but he was set free. This girl is now 15 years old and her mother told me, everyday of my life, I now have to explain to my daughter why this man was set free. She said, I have to explain to that girl how, in this country, the United States of America, with the democracy that we have set up, the judicial system that we have set up and the word justice meaning so much, how this man was set free because my little girl couldn't go in there and put the final little bit of proof beyond a reasonable doubt that this man was guilty.

I know how I am going to vote on this bill today and it is mainly because of that one story. How you vote is up to you, but I just thought you should know about this.

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

Mr. MATTHEWS: Mr. Speaker, I would like to pose a question through the Chair. My question is, has this law been passed in any other states and I would like to know some of the things that have happened after this has been passed.

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

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

Mrs. NELSON: Mr. Speaker, Members of the House: There is only one other state, to my knowledge, that has passed this legislation and that is where I heard about it, because a friend of mine did it in the state of Washington. They have had no problems with the constitutional-ity of it.

I do know that there are five or six other states at this time who are considering this legislation but it has not passed because the bill has not come up before their legislative bodies yet.

The SPEAKER: The Chair recognizes the

gentleman from Portland, Mr. Joyce.

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I will be brief on this one. The basic fact still remains, the jury is the one who will make the finding of guilty or not guilty; yet, the jury cannot hear nor see the spoken word. Now, what are we talking about? What is missing from this type bill that I have often referred to as computer justice? You want to take a fellow and put him before a computer and say whether he is right or wrong. In order to be right and to fit squarely into our Constitution, we have the problem of communication.

I am very much aware, as many of you are, about communications. I get several notes, usually a couple a week, from the Chair. I glance at them and throw them in the waste basket, but when I get the message with that expression, that frown, that curled lip, that is what the jury should have the opportunity to observe. When I get up here, I know when it is time for me to sit down, and it is not because of the spoken words; I get the message.

I ask that in the interest of fundamental fair play you support the motion before this body now to indefinitely postpone this bill and all its accompanying papers.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Portland, Mr. Joyce, that this Bill and all its accompanying papers be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

14 having voted in the affirmative and 88 having voted in the negative, the motion did not prevail.

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

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

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) and (S. "A" S-91)

Tabled—May 12, 1983 by Representative Diamond of Bangor.

Pending—Passage to be Enacted.

Representative Bott of Orono 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 passage to be enacted. Pursuant to Article VI, Part 1, Section of the Constitution of Maine, this requires a two-thirds vote of all the members present and voting. All those in favor of this Bill being passed to be enacted will vote yes; those opposed will vote no.

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

Mr. MITCHELL: Mr. Speaker, I request permission to pair my vote with the gentleman from Eastport, Mr. Vose. If he were here, he would be voting no; if I were voting, I would be voting yes.

#### ROLL CALL

YEA—Ainsworth, Allen, Andrews, Baker, Beaulieu, Benoit, Bost, Bott, Brannigan, Brodeur, Cahill, Carroll, D.P.; Carroll, G.A.; Cashman, Chonko, Clark, Connolly, Cox, Crouse, Crowley, Daggett, Dexter, Diamond, Gauvreau, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Higgins, L.M.; Ingraham, Jacques, Joseph, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lisnik, MacBride, Martin, H.C.; Matthews, K.L.; Matthews, Z.E.; Maybury, McGowan, McHenry, Michael, Michaud, Mitchell,

E.H.; Murray, Nadeau, Paradis, P.E.; Pines, Randall, Richard, Rolde, Rotondi, Smith, C.B.; Soule, Stevens, Stevenson, Telow, Theriault, Thompson, Webster, Weymouth, Zirkilton, The Speaker.

NAY—Anderson, Bell, Bonney, Brown, D.N.; Brown, K.L.; Callahan, Carter, Conary, Cote, Day, Dillenback, Drinkwater, Erwin, Foster, Greenlaw, Holloway, Jackson, Joyce, Kiesman, Lewis, Livesay, MacEachern, Macomber, Manning, Martin, A.C.; Masterman, Masterton, McCollister, McPherson, McSweeney, Melendy, Murphy, E.M.; Murphy, T.W.; Nelson, Norton, Paradis, E.J.; Parent, Perkins, Perry, Pouliot, Reeves, J.W.; Roberts, Roderick, Salsbury, Sherburne, Small, Smith, C.W.; Soucy, Sproul, Stover, Strout, Swazey, Tammara, Vose, Walker, Wentworth, Willey.

ABSENT—Armstrong, Brown, A.K.; Carrier, Connors, Cooper, Curtis, Davis, Dudley, Hobbs, Jalbert, Kane, Lehoux, Locke, Mahany, Paul, Racine, Reeves, P.; Ridley, Scarpino, Seavey, Tuttle.

PAIRED—Mitchell, J.;—Moholland.

Yes, 69; No, 58; Absent, 21; Paired, 2; Vacant, 1.

The SPEAKER: Sixty-nine having voted in the affirmative and fifty-eight in the negative, with twenty-one being absent, two paired and one vacant, the motion does not prevail.

Sent to the Senate.

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

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

Tabled—May 12, 1983 by Representative Mitchell of Vassalboro.

Pending—Passage to be Enacted.

On motion of Mr. Diamond of Bangor, retabled pending passage to be enacted and specially assigned for Monday, May 16.

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

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

Tabled—May 12, 1983 by Representative Lisnik of Presque Isle.

Pending—Passage to be Enacted.

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

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

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

House Amendment "A" to Committee Amendment "A" (H-239) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Presque Isle, Mr. Lisnik.

Mr. LISNIK: Mr. Speaker and Members of the House: This emergency amendment simply puts an emergency on the bill to ensure that it will go into effect prior to the harvesting season.

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

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

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

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

Mr. BAKER: Mr. Speaker, is the House in possession of House Paper 1087, L. D. 1430, Resolution, Proposing an Amendment to the Constitution of Maine to Undedicate the Highway Fund?

The SPEAKER: The Chair would answer in the affirmative.

Mr. BAKER: Mr. Speaker, having voted on the prevailing side, I would move reconsideration whereby the House voted to accept the Majority "Ought Not to Pass" Report and I would like to speak to my motion.

The SPEAKER: The gentleman from Portland, Mr. Baker, moves that the House reconsider its action of earlier in the day whereby the Majority "Ought Not to Pass" Report was accepted on L. D. 1430.

The gentleman may proceed.

Mr. BAKER: Mr. Speaker and Members of the House: I have no great desire to debate an issue of which we all know the outcome that is going to take place. However, the issue of undedicating the highway fund is such a matter of important public policy that I do feel that the public is entitled to know how we stand on the issue as a body; that is why I would like it if you would support the motion to reconsider, so that we may at least establish a roll call for the record.

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 Portland, Mr. Baker, that the House reconsider its action whereby the Majority "Ought Not to Pass" Report was accepted on L. D. 1430. All those in favor will vote yes; those opposed will vote no.

#### ROLL CALL

YEA—Ainsworth, Andrews, Baker, Beaulieu, Benoit, Brodeur, Carroll, D.P.; Carter, Chonko, Connolly, Cooper, Daggett, Diamond, Gauvreau, Hall, Handy, Hayden, Hickey, Holloway, Livesay, Martin, A.C.; McCollister, Mitchell, E.H.; Mitchell, J.; Murray, Nadeau, Rolde, Thompson.

NAY—Allen, Anderson, Bell, Bonney, Bost, Bott, Brannigan, Brown, D.N.; Brown, K.L.; Cahill, Callahan, Carroll, G.A.; Cashman, Clark, Conary, Cote, Cox, Crouse, Crowley, Day, Dillenback, Drinkwater, Erwin, Foster, Greenlaw, Gwadosky, Higgins, H.C.; Higgins, L.M.; Ingraham, Jackson, Jacques, Joseph, Joyce, Kelleher, Kelly, Ketover, Kiesman, Kilcoyne, LaPlante, Lebowitz, Lewis, Lisnik, MacBride, MacEachern, Macomber, Martin, H.C.; Masterman, Masterton, Matthews, K.L.; Matthews, Z.E.; Maybury, McGowan, McHenry, McPherson, McSweeney, Melendy, Michael, Michaud, Murphy, E.M.; Murphy, T.W.; Nelson, Norton, Paradis, E.J.; Paradis, P.E.; Parent, Perkins, Perry, Pines, Randall, Reeves, J.W.; Richard, Roberts, Roderick, Rotondi, Salsbury, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soucy, Soule, Sproul, Stevens, Stevenson, Stover, Strout, Swazey, Tammara, Telow, Theriault, Vosc, Walker, Webster, Wentworth, Weymouth, Willey, Zirnkilton.

ABSENT—Armstrong, Brown, A.K.; Carrier, Connors, Curtis, Davis, Dexter, Dudley, Hobbs, Jalbert, Kane, Lehoux, Locke, Mahany, Moholland, Paul, Pouliot, Racine, Reeves, P. Ridley, Scarpino, Seavey, Tuttle, The Speaker.

Yes, 28; No, 98; Absent, 24; Vacant, 1.

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

Mr. Hall of Sangerville was granted unanimous consent to address the House.

Mr. HALL: Mr. Speaker, Ladies and Gentlemen of the House: In regard to L. D. 475, Unanimous Leave to Withdraw on "An Act to Protect Air Quality, I would like to read into the record a letter from our Governor. This was very important to me and my cosponsor,

Representative Mitchell from Vassalboro.

"Dear Judy and Don: At the Public hearing on L. D. 475, An Act to Protect Air Quality, a member of my staff indicated to your committee that I am prepared to direct the Department of Environmental Protection to perform the preliminary analysis required by the Clean Air Act of the health, environmental, economic, social and energy effects of the proposed redesignations contained in L. D. 475, and to conduct the necessary public hearings in the areas proposed for redesignation. By copy of this letter, I am directing Commissioner Henry Warren to initiate the necessary studies and analyses and to report back to me by November, 1983 so that the recommendations can be considered at the Second Regular Session of this Legislature.

"I believe this is a sensible approach to addressing this significant environmental issue and I commend your committee for its cooperation. Sincerely, Joseph E. Brennan, Governor of Maine."

#### (Off Record Remarks)

On motion of Mr. Gwadosky of Fairfield,  
Adjourned until Monday, May 16, at nine o'clock in the morning.