

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred and Eleventh Legislature

OF THE

STATE OF MAINE

Volume II

FIRST REGULAR SESSION

May 16, 1983 to June 24, 1983

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HOUSE

Friday, May 20, 1983

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

Prayer by the Reverend Kenneth Dutille of the Calvary Bible Baptist Church, North Whitefield.

The journal of yesterday was read and approved.

Committee of Conference Report

Report of the Committee of Conference* on the disagreeing action of the two branches of the Legislature, on Bill "An Act to Require the Wearing of Protective Headgear by all Motorcycle, Motor Driven Cycle and Moped Riders" (H. P. 836) (L. D. 1072) have had the same under consideration, and ask leave to report: that the House recede from its action whereby it accepted the Minority "Ought Not to Pass" Report of the Committee on Transportation; Accept the Majority "Ought to Pass" Report; Read the bill twice; Read and adopt Conference Committee Amendment "A" (H-263) submitted herewith; and pass the bill to be engrossed as amended by Conference Committee Amendment "A" (H-263)

That the Senate recede from Passage to be engrossed; Read and Adopt Conference Committee Amendment "A" (H-263); and pass the bill to be engrossed as amended by Conference Committee Amendment "A" (H-263) in concurrence.

(Signed)

Representatives:

McGOWAN of Pittsfield
MOHOLLAND of Princeton
CAHILL of Woolwich

— of the House.

Senators:

DANTON of York
DIAMOND of Cumberland
GILL of Cumberland

— of the Senate.

The Committee of Conference Report was read and accepted.

The House voted to recede from its action whereby it accepted the Minority "Ought Not to Pass" Report and the Majority "Ought to Pass" Report was accepted in concurrence and the Bill was read once.

Under suspension of the rules, the Bill was read the second time.

Conference Committee Amendment "A" (H-263) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended in non-concurrence and sent up for concurrence.

Papers from the Senate

The Senate of Maine
Augusta

May 19, 1983

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

Dear Clerk Pert:

In reference to the action of the Senate May 18, 1983, in which the Senate Insisted and Joined in a Committee of Conference on L.D. 1067, An Act to Regulate Smoking on Public Conveyance in the State of Maine.

The Chair appointed as conferees on the part of the Senate:

The Senator from York—Senator Danton
The Senator from Penobscot—
Senator Baldacci
The Senator from Cumberland—
Senator Gill

Sincerely,
S/JOY J. O'BRIEN

Secretary of the Senate

Was read and ordered placed on file.

In reference to the action of the House Tuesday, May 17, 1983, whereby it Insisted and Asked for a Committee of Conference, the

Chair appointed the following members on the part of the House as Conferees:

Representative REEVES of Pittston
Representative MANNING of Portland
Representative PINES of Limestone

The following Communication:

The Senate of Maine
Augusta

May 19, 1983

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

The Senate today voted to Adhere to its former action, whereby it accepted the Minority Ought Not to Pass report of the Committee on Energy and Natural Resources on Bill, An Act Concerning the Size of Exempt Lots Under the Subdivision Laws (S. P. 462) (L. D. 1411).

Sincerely,

S/JOY J. O'BRIEN

Secretary of the Senate

Was read and ordered placed on file.

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 Relating to the Municipal Recreation Fund Grants" (S. P. 340) (L. D. 1075)

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 Health and Institutional Services reporting "Leave to Withdraw" on Bill "An Act to Establish an Office of Foster Parent Advocate" (S. P. 445) (L. D. 1387)

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act to Remove Webster Plantation from the Maine Forestry District" (S. P. 118) (L. D. 296)

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act to Allow Plantation No. 14 and the Town of Cooper to Withdraw from the Maine Forestry District" (S. P. 260) (L. D. 805)

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

Non-Concurrent Matter

Bill "An Act to Require Life Preservers to be Used by Canoeists" (H. P. 1220) (L. D. 1627) which was referred to the Committee on Fisheries and Wildlife in the House on May 16, 1983.

Came from the Senate passed to be engrossed without further reference to a Committee in non-concurrence.

In the House: On motion of Mr. MacEachern of Lincoln, the House voted to adhere.

Messages and Documents

The following Communication: (S. P. 569)

The Senate of Maine
Augusta

May 18, 1983

The Honorable Gerard P. Conley
President of the Maine Senate

111th Legislature

The Honorable John L. Martin

Speaker of the Maine House

111th Legislature

Dear President Conley and Speaker Martin:

Please be advised that today two bills were received by the Assistant Secretary of the Senate.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees on May 18, 1983 as follows:

Agriculture:

Bill, An Act Relating to the Branding of Pota-

toes. (S. P. 567) (L. D. 1642) (Presented by Senator CARPENTER of Aroostook) (Cosponsored by Representative C.B. SMITH of Island Falls and Senator VIOLETTE of Aroostook)

Energy and Natural Resources:

Bill, An Act to Include PCB's Within the Definition of Hazardous Wastes. (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27) (Emergency) (S. P. 568) (L. D. 1643) (Presented by Senator KANY of Kennebec) (Cosponsored by Representative HICKEY of Augusta, Senator BUSTIN of Kennebec, and Representative PARADIS of Augusta)

Sincerely,

S/VALERIE MITCHELL

Assistant Secretary of the Senate

S/EDWIN H. PERT

Clerk of the House

Came from the Senate read and ordered placed on file.

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

The following Communication: (H. P. 1240)

State of Maine

House of Representatives

Augusta 04333

May 19, 1983

John L. Martin

Speaker of the House

111th Legislature

Gerard P. Conley

President of the Senate

111th Legislature

Dear Mr. Speaker and Mr. President:

On May 19, 1983 two Bills were received by the Clerk of the House.

Pursuant to the provisions of Joint Rule 14, Bills were referred to the Joint Standing Committees on May 19, 1983 as follows:

BUSINESS LEGISLATION

Bill "An Act to Encourage Competition in Workers' Compensation Insurance Rates" (H. P. 1238) (L. D. 1647) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsors: Senators PRAY of Penobscot, CLARK of Cumberland and Representative BRANNIGAN of Portland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Bill "An Act to Clarify the Rate Filing Procedures and Standards for Workers' Compensation Insurance" (H. P. 1239) (L. D. 1648) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsors: Senators PRAY of Penobscot, CLARK of Cumberland and Representative BRANNIGAN of Portland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Sincerely,

S/EDWIN H. PERT

Clerk of the House

S/JOY J. O'BRIEN

Secretary of the Senate

Was read and ordered placed on file and sent up for concurrence.

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

Representative Small from the Committee on Education on Bill "An Act to Clarify the Authority and Responsibility of School Boards in Disciplining Students" (H. P. 1184) (L. D. 1581) reporting "Ought Not to Pass"

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

Unanimous Leave to Withdraw

Representative Gwadosky from the Committee on State Government on Bill "An Act to Insure Fairness in the Administration of the United States Social Security Act by the State Disability Determination Services" (Emergency) (H. P. 1081) (L. D. 1427) reporting "Leave to Withdraw"

Was placed in the Legislative files without

further action pursuant to Joint Rule 15 and sent up for concurrence.

Consent Calendar First Day

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

(H. P. 479) (L. D. 576) Bill "An Act to Make Allocations from the Maine Hazardous Waste Fund for the Fiscal Years Ending June 30, 1984, and June 30, 1985" (Emergency) — Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-258)

(H. P. 1080) (L. D. 1426) Bill "An Act to Control Hazardous Air Pollutants" — Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-259)

(H. P. 871) (L. D. 1125) Bill "An Act to Require Annual Disclosure of Interest in Agricultural Land in Maine" — Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "B" (H-260)

(H. P. 1138) (L. D. 1500) RESOLVE, to Prohibit the Expenditure of Funds Raised for Food Stamps in Androscoggin County (Emergency) — Committee on Local and County Government reporting "Ought to Pass"

(H. P. 835) (L. D. 1087) Bill "An Act to Permit the Use of State Funds for Rail Rehabilitation Projects and Townway Crossing Improvements" — Committee on Transportation reporting "Ought to Pass"

There being no objections, under suspension of the rules, the above items were given Consent Calendar Second Day notification and passed to be engrossed or passed to be engrossed as amended and sent up for concurrence.

(H. P. 810) (L. D. 1050) Bill "An Act Making Adjusted Allocations from the Highway Fund for the Fiscal Year Ending June 30, 1983" (Emergency) — Committee on Transportation reporting "Ought to Pass"

On the objection of Mrs. Mitchell of Vassalboro, was removed from the Consent Calendar.

On motion of Mrs. Mitchell of Vassalboro, tabled pending acceptance of the Committee Report and specially assigned for Monday, May 23.

(H. P. 982) (L. D. 1283) Bill "An Act Relating to the Replacement of Existing Buildings within 33 feet of the Center Line of a State or State Aid Highway" — Committee on Transportation reporting "Ought to Pass"

There being no objections, under suspension of the rules, the above item was given Consent Calendar Second Day notification, passed to be engrossed and sent up for concurrence.

Orders of the Day

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

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)

—In House, Referred to the Committee on Taxation on May 5, 1983.

—In Senate, passed to be engrossed as amended by Senate Amendment "A" (S-113) without reference to a committee in non-concurrence.

Tabled—May 19, 1983 (Till Later Today) by Representative Diamond of Bangor.

Pending—Further Consideration.

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

The Chair laid before the House the second

item of Unfinished Business:

SENATE REPORT—"Ought to Pass" as amended by Committee Amendment "A" (S-116) — Committee on State Government on Bill "An Act to Expand the Tourism Promotion Program" (Emergency) (S. P. 451) (L. D. 1372) Tabled—May 19, 1983 (Till Later Today) by Representative Mitchell of Vassalboro.

Pending—Acceptance of Committee Report. Thereupon, the Report was accepted in concurrence and the Bill read once. Committee Amendment "A" (S-116) was read by the Clerk and adopted in concurrence.

Under suspension of the rules, the Bill was read the second time.

Mr. Carter of Winslow moved that the Bill and all its accompanying papers be committed to the Committee on Appropriations and Financial Affairs in non-concurrence.

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

Mr. GWADOSKY: Mr. Speaker, I wonder if the good gentleman from Winslow, Mr. Carter, would be so kind to explain to the members of this body why he would now like to have this bill, which has been engrossed in the Senate and has had two readings in the House, be committed to the Committee on Appropriations?

The SPEAKER: The gentleman from Fairfield, Mr. Gwadosky, has posed a question through the Chair to the gentleman from Winslow, Mr. Carter, who may answer if he so desires.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: When this bill was brought before this body a few weeks ago, there was some discussion on turf, for one thing, and where this bill should go. I was in the back of the House talking with my House chairman because I honestly felt that because we had the money in regards to this bill in the budgets that we were dealing with, that the bill should have gone down to Appropriations. Nevertheless, Mr. Gwadosky wanted it to go to his committee, and after some discussion with my chair and other members of the committee, it was felt that the bill would be fine if it went there with the proviso that it would be returned back to the Appropriations Committee for further consideration, and I believe that is exactly what Mr. Carter is doing this morning, living up to that end of the bargain.

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

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I apologize to the members of the House this morning for what is about to be an airing of some dirty laundry, but sometimes when we are serving in the legislature here, the principle is much more important than the consequences, and when my integrity is at stake, I intend to speak directly to that point.

As many of you are aware, when this bill was originally being referred to committee, there was a turf fight, if you will, or reference fight on what was the appropriate committee for this bill to go to. The Appropriations Committee felt that since they had dealt with tourism efforts in the past, that this bill should go to Appropriations. Members of the State Government felt that because this bill was of substantial change to our previous efforts, which was simply a funding mechanism, we provided money to the Maine Publicity Bureau, and under this new proposal offered by the Governor, we are creating a division of tourism, we're establishing a travel commission and we are placing this under the office of State Development, our contention was that this creates a new structure, a structure which comes under the jurisdiction of the State Government Committee, we should be involved in the substantive issues, the policy making of this bill, and when it went to Appropriations,

they would be involved in the funding mechanism of the bill, they would get the bill regardless.

Several times the gentleman from Winslow, Mr. Carter, and myself talked about the appropriateness of which committee this should go to. It was suggested at one time or another that perhaps we could hear it and refer it back to Appropriations; I never made an agreement to that particular suggestion.

On the last two occasions, it was discussed where this bill should go, there was a meeting in the office, behind the glass over here, a meeting which I didn't attend nor did the Senate Chairman or members of the State Government Committee. Members came out of the office and said, "You people have tourism, we're taking block grants." We wanted tourism, so enough said—that is basically where we are today.

I see no reason in the world why we can't go ahead and proceed and enact this bill as it goes through the legislative process. If there are individuals who wish to discuss the policy of this bill, I think that is appropriate, but as far as the funding mechanism, that bill is going to go before Appropriations and they have a great deal of leeway with what they can do with that bill and I would ask for a division on the motion to recommit this bill to Appropriations.

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

Mr. CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I, too, hate to drag any laundry out in the open, but it seems to me that what transpired behind closed doors is immaterial to the agreement that I reached with the Chair of State Government. The agreement was very simple, that they would share in hearings on the bill and once they had their public hearing and a chance to work the bill, they were going to refer it to the Committee on Appropriations and Financial Affairs; that was our agreement and that agreement has been made with other Chairs in this House on other pieces of legislation.

The good gentleman from Fairfield says that we ought to let the bill go on its way, but let me suggest to you that there are many things wrong with this bill as it is currently drafted and I don't think we should wait until the bill is on the Appropriations Table before we start reworking it.

For one thing, Part I, which is now enacted, contains \$350,000 for the tourism activities of this state. This bill adds another million and a half. Are we going to give the Tourist Bureau \$1,850,000, or are we going to give them \$1.5 million? That is one problem we have got with the bill.

Another problem, it stipulates that there will be \$250,000 of these monies for personal services. How many positions are we talking about? One director for \$250,000? I think that should be clarified. I don't think we should wait until the bill is on the Appropriations Table.

We made an agreement and I think that agreement ought to be honored. I am dismayed to have to stand before you and tell you that we had an agreement and somebody has decided to change his mind.

I hope you will go along with the motion and refer this to the Committee on Appropriations and Financial Affairs.

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

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry to hear the gentleman from Winslow, Mr. Carter, continue to insist that I made an agreement with him. When I give my word, I keep my word.

I reiterate—the last two meetings that were held on where this bill was going to be referred, I wasn't invited to attend nor was the Senate Chairman of the State Government Committee.

Let me address the two points Representa-

tive Carter has indicated are the technical difficulties with this bill. The first technical difficulty he would suggest is that there is \$350,000 going to tourism in the department's budget. There was in the department budget an amount of money totaling \$350,000 which is allocated to the State Development Office. In the past, this money has been used for tourism promotion. We had conversations with the State Development Office who told us they made their presentation before the Appropriations Committee because, as you know, every budget item that appears in the Part II budget, those people have come before Appropriations and justify why they need that expenditure of money, so the public hearing which we had on the tourism bill in State Government was very similar to a hearing that was held in Appropriations. The State Development Office people have informed me that they came before Appropriations and delivered the similar message that we did justifying the need for this new program.

In the department budget, there is \$350,000 that has been allocated to the State Development Office. As I said before, traditionally this money has gone for tourism efforts in a matching fund program which they give to the Maine Publicity Bureau.

The current contract with the Maine Publicity Bureau runs out June 30. That money has yet to be allocated for them. People from the State Development Office have informed us that they had an informal agreement with the Appropriations Committee indicating that if they indeed got \$1.5 million for tourism, that they would then spend that \$350,000 in Part I on new and expanded programs. We have no knowledge or understanding of what agreement was made between the State Development Office and the Appropriations Committee, but the fact remains that we do not, in this bill, deal in any way, shape or form with money that is in the Part I Budget.

The most we can do is send a memo to the Appropriations Committee indicating that—and this is a memo which we have drafted already—saying that if in fact that \$350,000 was to go towards tourism efforts, we would suggest that you, in your deliberations on the tourism bill, reduce the \$1.5 million by \$350,000.

The second point Representative Carter has generated is that the number of positions doesn't appear in the bill. Let me explain the reason why the number of positions doesn't appear in the bill. We had conversations with Bent Schlosser, Ron Lord, the people who work with the Appropriations Committee and they informed us that if we were going to put positions in the bill, we would then have to put an appropriation and even more detailed fiscal note on the bill which would then appear on the Appropriations Table. In that shape and form, the Appropriations Committee would be able to make any needed adjustments that they could make, depending on the amount of moneys we have available. Our suggestion was, the suggestion of the committee, that we should leave this flexibility to the Appropriations Committee, we should simply put in that there was \$250,000 for personal services and we are submitting in a letter to them that in the testimony at our public hearing the State Development Office felt that this would be for eight or nine positions.

Our position is, we want to provide a bill which sets up the framework for very needed tourism promotion in the State of Maine. We wanted to allow the Appropriations Committee as much flexibility as they could have when they got this bill in their committee. They are on top of the situation as far as the money currently in the state; they can make the decisions on the positions and the amount of money that should go to certain programs better than we can because they know the money that is available. So rather than write them specifi-

cally into the bill, we have sent them a memo indicating the testimony we received and offered suggestions allowing them to do whatever they choose.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: Based on the arguments Representative Gwadosky just presented, and all of you who have served a term here knowing the procedure that we in Appropriations and leadership work with on behalf of both Houses in dealing with the table, just good business sense would be to refer this bill to the Appropriations Committee based on all the additional work that he is talking about, particularly the \$250,000, the number of positions and what the "all other" money is going to be in regards to that account. I think it would be wrong for us, if for no other reason than to wait until the last two or three days of the session for us to take a look at this bill, not on just the policy, that is not the big issue, but how money is to be allocated under the provision dealing with the appropriations.

I would urge you, just for good business sense, to send this to the Appropriations Committee at this time.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I haven't been here 15 or 20 years, so I don't know what a turf fight really is; it is not a very business-like operation as I see it.

We took this bill into our committee, we worked long and hard on it, and the few little suggestions we made are in a memo to the Appropriations Committee.

I see no problem. We have had our hearings, and if there are any concerns, those people should have come down to our hearing. There were no concerns, I think we have a fine bill, and I hope you will let it pass on through.

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

Mr. VOSE: Mr. Speaker, Ladies and Gentlemen of the House: I don't know about anybody else, but this is putting myself in a very tough position, to have to decide on the position of two chairs of two very good committees.

I realize that this has tabled occasionally and maybe they have reached an impasse, but it seems to me that somewhere along the line they could get this together and not put us in a position to make a decision such as this.

I realize that we are elected to make decisions and if the chips are down we are going to do so, but I would hope that one of the chairs or one of the members of the committee would table this at least a day or two and take another shot at it.

The SPEAKER: The pending question is on the motion of the gentleman from Winslow, Mr. Carter, that this bill be committed to the Committee on Appropriations and Financial Affairs. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

27 having voted in the affirmative and 90 having voted in the negative, the motion did not prevail.

Thereupon, the Bill was passed to be engrossed as amended by Committee Amendment "A" (S-116) in concurrence.

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

Bill "An Act to Revise the Truancy Laws" (H. P. 877) (L. D. 1131) (C. "A" H-213)

Tabled—May 19, 1983 (Till Later Today) by Representative Diamond of Bangor.

Pending—Motion of Representative Connolly of Portland to Reconsider whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-213)

Thereupon, the House reconsidered its ac-

tion whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-213).

Mrs. Thompson of Portland offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-264) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentlewoman.

Mrs. THOMPSON: Mr. Speaker, Men and Women of the House: House Amendment "C" makes a technical correction to the Act to Revise the Truancy Laws. It also deletes a portion of the bill that is deemed to be unconstitutional, and since that question of unconstitutionality was raised, it was certainly appropriate to delete it from the bill.

The amendment leaves, however, the major portion of the bill that in effect strengthens the truancy laws in Maine and gives more tools to the schools when they, indeed, are trying very hard to get young truant children into school.

Thereupon, House Amendment "C" was adopted.

Mr. Connolly of Portland offered House Amendment "D" and moved its adoption.

House Amendment "D" (H-267) was read by the Clerk.

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

Mr. CONNOLLY: Mr. Speaker, Members of the House: As most of you have probably noticed, this truancy bill has been on the table for probably the better part of the last two weeks in an attempt for two different perspectives to try to arrive at some kind of an agreement. There were two particular problems from my point of view with this bill. One of them was an attempt to reinstitute the concept of truancy as a status offense. In the early 1970's, if a kid was truant from school it was possible for being truant, and for that reason alone, for that student to be committed to the Maine Youth Center. We did away with that concept of a status offense for truancy in the mid-1970's. One of the things that this bill, as it came out of committee, attempted to do was to reinstitute that concept of a status offense for truancy. However, the amendment that Representative Thompson has offered has cleared up that question because it clearly does have constitutional problems.

There was, however, another problem from my point of view with this bill and we were not able to arrive at a compromise, and I would like to explain it to you very briefly. There is currently in the law a provision that if a parent is found guilty for contributing to the truancy of their children, they may be fined by the court up to \$200. What this bill does, it not only calls for the fine but also introduces the concept of 50 hours of community service. That is okay, except it goes one step further, it makes the penalty mandatory. If a parent is convicted under this bill as it has been drafted, the parent would either be forced to pay a fine of \$200, it couldn't be less than \$200, or the parent would have to do 50 hours of community service, it couldn't be less than that. This bill does make some positive steps forward as far as holding parents accountable but, in my opinion, we shouldn't have mandatory sentences for virtually any offense and certainly not for truancy.

I would hope that you would support this amendment.

The SPEAKER: The Chair recognizes the gentlewoman from South Portland, Ms. Thompson.

Ms. THOMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to move indefinite postponement of the amendment.

The SPEAKER: The gentlewoman from So. Portland, Ms. Thompson, moves the indefinite postponement of House Amendment "D".

The gentlewoman may proceed.

Ms. THOMPSON: Mr. Speaker, Members of the House: I think it is important for the House

to remember that this bill was reported out of committee unanimous "Ought to Pass." It was supported by both the Teachers Association, the Administrators Association, School Boards Association, it was supported virtually by every person, 20 to 25 people, who testified before our committee.

The schools have not had much success when they have taken cases of truancy to court. The courts have not given the schools enough tools to provide evidence before the court. Therefore, when a case has gone to court, parents have found that the courts usually will not uphold the position of the schools and the child, and in this case, the elementary school child that we are talking about usually continues to be truant. The real problem is, is the law strong enough to assure parents that if they don't get their child to school and they are taken to court, which we know is the last resort, is there a penalty? Our decision is to decide should there be a strong penalty, should there be fine assessed and if people cannot pay the fine, should they therefore have to serve community service?

Because the bill is not meant to be vindictive, it is, however, meant to strengthen the truancy laws and the proposition there is that that, indeed, will bring the child into school. If we seek to break the cycle of families who are dependent upon society, we have got to do as much as possible to educate their children.

Let me remind you, please, that the National Committee on Excellence in Education, in saying that the schools should not be satisfied with mediocrity but with excellence, in fact, said, that it is, however, not only the school's responsibility to educate but it is the parents' responsibility to take an active part in the education of their children. Certainly, getting a child to school is, in fact, a burden that should not be falling on the schools but indeed should be done by the family.

The bill, indeed, is not meant to be vindictive, it does strengthen the truancy laws. Our decision is to decide whether or not by mandating a penalty we will show parents that if action is taken by the schools, do not bring the child into school, and if, indeed, as a last resort the schools have got to take the parents to court, they will be faced with a penalty. In the past, they usually have not been faced with any penalty.

The bill was unanimous "Ought to Pass" out of committee and was supported by everyone who spoke to the committee.

I would request that you vote to indefinitely postpone the amendment and I ask for a division.

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

Mr. MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: I have got to oppose the motion to indefinitely postpone this amendment. I am not thinking about the teachers nor the administrators nor the parents, I am thinking about the children. Much of our truancy is caused because parents are not at home and what is this bill going to do? It is going to take them away from home even more. So I don't see that as the cure to keeping the parents where they know where the children are. Granted, they are going to be doing community work but the kids are still going to be left alone.

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

Mr. BROWN: Mr. Speaker, I would like to pose a question through the Chair.

We are talking about students, children, who are truant, and I guess we are trying to take the parents to court and put them to work for their child's truancy. At what age level are we talking? Are we talking about all school children or is there a cut-off age?

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

if they so desire.

The Chair recognizes the gentlewoman from So. Portland, Ms. Thompson.

Ms. THOMPSON: Mr. Speaker, Men and Women of the House: The bill applies because the compulsory education laws apply to children ages 7 through 14. The bill was motivated by teachers and social workers who felt that the truancy rate at the elementary level was increasing and they felt that was a very serious precedent.

The SPEAKER: The Chair recognizes the gentleman from York, Mr. Rolde.

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair. I would like to ask, in the bill, what constitutes truancy? How many absences from school?

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

The Chair recognizes the gentlewoman from So. Portland, Ms. Thompson.

Ms. THOMPSON: Mr. Speaker, Men and Women of the House: I have to preface my statement to say that this should definitely be checked, I am not exactly sure of the statistics, but I believe it is 10 consecutive days of unexcused absences or a combination thereof before a child is termed an habitual truant.

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 vote for indefinite postponement of this amendment. I believe that once you tie the hands of a judge and you say you must mandate a \$200 fine or 50 days of public service, I think you are asking the judge to give a verdict of not guilty, because I know whenever we mandate a minimum sentence, the judges do not have the discretion, they feel that maybe these parents cannot afford the money or the time. If you have so much time, 50 hours of work, it might be a hardship on these people and the judge, in his judgment, might say, well, rather than going that route, he will judge them not guilty. If you give him that leeway of anywhere up to \$200 and 50 hours, I think that is being fair about it.

Mr. Connolly of Portland 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 Chair recognizes the gentleman from Portland, Mr. Connolly.

Mr. CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: I don't intend to belabor this but I would like to get a roll call because I feel this issue may be with us for the next week or so if this particular problem isn't solved.

When Representative Thompson says that the intention behind the bill is not vindictive, what this bill does in its present form is certainly extremely negative and extremely punitive. The problem that most teachers and school people had was trying to get a conviction of being guilty and the bill does that, it strengthens that process so that it is possible to get a conviction of guilty under the truancy law now. But what they are attempting to do is to go further and to mandate that penalty and, in my opinion, the strengths of the bill should be supported but this particular provision, I believe, has a lot of problems and I hope that you would vote against the motion for indefinite postponement.

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

Mr. GAUVREAU: Mr. Speaker, Men and Women of the House: I hadn't planned on speaking on this bill but I do want to bring to you my perspective on what is going to happen if we fail to adopt House Amendment "D".

You are going to promote an awful lot of filing of these cases by the courts; in other words, the state will not be able to get a conviction if both parties will agree to file the matter on a lesser minor cost, be it \$25 or \$50 or whatever. That way the state's interest being deterred, it doesn't get a conviction. Although you try to impose a greater sentence by the use of mandatory sentencing, you in fact obtain the reverse result. For that reason, I am going along in supporting House Amendment "D".

Ms. Thompson of So. Portland was granted permission to speak a third time.

Ms. THOMPSON: Mr. Speaker, Men and Women of the House: I would just like to quickly say that the bill, the way it is drafted in strengthening the tools that the schools have, we will find that very few cases will have to go to court but it is important for the public and parents to know that if they are taken to court, there is, indeed, a penalty. In the past, it has usually not been assessed.

I would also request that the Clerk read the Committee Report.

Thereupon, the Committee Report was read by the Clerk.

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

Mr. SOUCY: Mr. Speaker, Ladies and Gentlemen of the House: At the public hearing, this bill was supported by elementary school principals, secondary school principals, the Maine Superintendent of Schools Association and as one who has dealt with this for the last 19 years, although this bill is not perfect, it will give those people who are responsible to see that youngsters are supposed to be in school just a little more of an edge.

The SPEAKER: A roll call has been ordered. The pending question before the House is on the motion of the gentlewoman from So. Portland, Ms. Thompson, that House Amendment "D" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Allen, Anderson, Armstrong, Bell, Bonney, Bott, Cahill, Callahan, Carrier, Carroll, G.A.; Carter, Clark, Cote, Cox, Crouse, Crowley, Curtis, Davis, Day, Dexter, Diamond, Dillenback, Drinkwater, Erwin, Greenlaw, Gwadnosky, Hall, Handy, Hayden, Hickey, Higgins, L.M.; Holloway, Jacques, Joyce, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lebowitz, Lehoux, Lewis, Lisnik, Livesay, Locke, MacBride, MacEachern, Macomber, Manning, Martin, A.C.; Martin, H.C.; Masterman, Masterton, Matthews, K.L.; Matthews, Z.E.; Maybury, McGowan, McPherson, McSweeney, Melendy, Michaud, Mitchell, E.H.; 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.; Richard, Ridley, Roberts, Roderick, Rolde, Salsbury, Scarpino, Sherburne, Small, Smith, C.W.; Soucy, Sproul, Stevens, Stevenson, Stover, Strout, Tammara, Telow, Theriault, Thompson, Tuttle, Vose, Webster, Wentworth, Weymouth, Willey, Zirkilton.

NAY—Ainsworth, Andrews, Baker, Beaulieu, Benoit, Bost, Brannigan, Brodeur, Brown, D.N.; Carroll, D.P.; Cashman, Conary, Connolly, Cooper, Daggett, Foster, Gauvreau, Ingraham, Jackson, Joseph, Kiesman, McCollister, McHenry, Michael, Mitchell, J.; Reeves, P.; Soule, Swazey, Walker.

ABSENT—Brown, A.K.; Brown, K.L.; Chonko, Connors, Dudley, Higgins, H.C.; Hobbins, Jalbert, Kane, Mahany, Moholland, Rotondi, Seavey, Smith, C.B.; The Speaker.

Yes, 106; No, 29; Absent, 15; Vacant, 1.

The SPEAKER: One hundred and six having voted in the affirmative and twenty-nine in the negative, with fifteen being absent and one va-

cant, the motion does prevail.

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

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

On motion of Representative Mitchell of Vassalboro, the following Joint Order: (H. P. 1249)

Ordered, the Senate concurring, that "AN ACT to Limit the Storage of Spent Fuel at Nuclear Reactor Facilities," H. P. 314, L. D. 373, be recalled from the Governor's desk to the House.

The Order was read and passed.

By unanimous consent, ordered sent forthwith to the Senate.

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

An Act to Establish the Third-party Prescription Program Act (S. P. 518) (L. D. 1539) (H. "A" H-209)

Tabled—May 18, 1983 by Representative Mitchell of Vassalboro.

Pending—Passage to be Enacted.

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

On motion of the same gentleman, under suspension of the rules, the House reconsidered its action whereby House Amendment "A" (H-209) was adopted.

On further motion of the same gentleman, House Amendment "A" was indefinitely postponed.

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

House Amendment "B" (H-271) was read by the Clerk.

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

Mr. MANNING: Mr. Speaker, Ladies and Gentlemen of the House: House Amendment "B" will take out the so-called price fixing in this third-party payment prescription bill and will leave intact the remainder of the bill which will help establish down the road just how many third-party payments are out there. This bill will require third-party payers to register with the Department of Insurance or the insurance inspector. I think it is not exactly what our committee wanted but I think it is something that both the House and the other body can live with.

Thereupon, House Amendment "B" was adopted.

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

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

An Act to Improve Access to Small Claims Court (H. P. 480) (L. D. 577) (H. "A" H-227)

— In House, Passed to be Enacted on May 17, 1983.

— In Senate Bill and accompanying papers Indefinitely Postponed in non-concurrence.

Tabled—May 19, 1983 by Representative Diamond of Bangor.

Pending—Further Consideration.

On motion of Mrs. Mitchell of Vassalboro, retabled pending further consideration and later today assigned.

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

An Act to Revise the Composition of the Marine Resources Advisory Council (H. P. 1038) (L. D. 1363) (C. "A" H-162) Recalled from Governor pursuant to Joint Order H. P. 1224.

— In House, Passed to be Enacted on May 9.

— In Senate, Passed to be Enacted on May 9.

Tabled—May 19, 1983 by Representative

Mitchell of Vassalboro.

Pending—Further Action.

On motion of Mrs. Mitchell of Vassalboro, retabled pending further consideration and specially assigned for Monday, May 23rd.

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

An Act Concerning the Admissibility in Criminal Proceedings of Statements by Minors Describing Sexual Contact (H. P. 1201) (L. D. 1595)

Tabled—May 19, 1983 by Representative Diamond of Bangor.

Pending—Passage to be Enacted

On motion of Mr. Soule of Westport, retabled pending passage to be enacted and specially assigned for Monday, May 23rd.

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

Unanimous Ought Not to Pass

Representative Brannigan from the Committee on Business Legislation on Bill "An Act Regarding Sales of Used Motor Vehicles" (H. P. 382) (L. D. 465) reporting "Ought Not to Pass"

Representative Brannigan from the Committee on Business Legislation on Bill "An Act Relating to Interstate Banking" (H. P. 624) (L. D. 776) reporting "Ought Not to Pass"

Representative Erwin from the Committee on Fisheries and Wildlife on Bill "An Act Relating to Deer Hunting" (H. P. 316) (L. D. 375) reporting "Ought Not to Pass"

Representative Jacques from the Committee on Fisheries and Wildlife on Bill "An Act to Equalize the Price of Junior Hunting and Trapping Licenses" (H. P. 252) (L. D. 302) reporting "Ought to Not to Pass"

Representative Erwin from the Committee on Fisheries and Wildlife on Bill "An Act Relating to Licensing Fees for Hunting" (H. P. 315) (L. D. 374) reporting "Ought Not to Pass"

Representative Jacques from the Committee on Fisheries and Wildlife on Bill "An Act Relating to Coyote Control" (H. P. 1071) (L. D. 1410) 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 Foster from the Committee on Judiciary on Bill "An Act to Require the Proceedings of Nonprofit Hospitals to be Open to the Public" (H. P. 825) (L. D. 1065) reporting "Leave to Withdraw"

Representative Masterton from the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide for Compensation for Law Enforcement Officers Making Administrative Appearances in the Same Manner as Court Appearances" (H. P. 1118) (L. D. 1493) reporting "Leave to Withdraw"

Representative Jalbert from the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide Funds for Alternate Crop Research" (H. P. 535) (L. D. 688) 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 Murray from the Committee on Business Legislation on Bill "An Act to Amend the Licensing Provisions of the Maine Insurance Code and to Require Filing Fees for Fraternal Benefit Organizations" (H. P. 839) (L. D. 1089) reporting "Ought to Pass" in New Draft (H. P. 1242) (L. D. 1654)

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

Divided Report

Majority Report of the Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-261) on Bill "An Act Relating to Prison Visits" (H. P. 699) (L. D. 888)

Report was signed by the following members: Senators:

BUSTIN of Kennebec
GILL of Cumberland
CARPENTER of Aroostook

— of the Senate.

Representatives:

MAYBURY of Brewer
RICHARD of Madison
PINES of Limestone
SEAVEY of Kennebunkport
NELSON of Portland
BRODEUR of Auburn
CARROLL of Gray
MELENDY of Rockland
MANNING 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 member: Representative:

WEBSTER of Farmington

— of the House.

Reports were read.

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: I move that the House accept the Majority "Ought to Pass" as amended report.

The SPEAKER: The gentlewoman from Portland, Mrs. Nelson, moves that the House accept the Majority "Ought to Pass" Report.

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

Mr. WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to speak very briefly to explain my position and why I am opposing this proposed legislation.

This legislation is, indeed, a compromise between the sponsor of the legislation and the Corrections Department. If you read the legislation with this amendment, the amendment says that these prisoners have a right, under statute, to have visitation by friends and relatives. If you read the amendment, it states that these prisoners are subject to the rules and regulations of the department.

Basically, my concern is that we are placing into statute a guaranteed right that prisoners will have a right to have someone come in, friends and relatives, to visit them. My objection and my concern is that it is not currently stated that way in law but it is being done. Currently, it is my understanding that it is not being stopped; no one is forbidden the right to have someone come visit them and I have a real serious objection to mandating that and saying that under circumstances promulgated by the department, they will have their guaranteed right.

I discussed this legislation with a lawyer, and the proposed amendment, and he feels that in the event that someone was, for example, passing drugs and you wanted to forbid that person from having visitation rights because those visitors were passing drugs to a prisoner, you would not be able to, under this legislation, forbid that from happening. At least if you suspected it, you could not stop these visitors from coming in unless it was endangering the security of the prison.

I would ask for a division.

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: Representative Webster is absolutely right and it is just a question—this department went along with this amendment, thought that it was perfectly reasonable, they have all the safeguards they need for people in prison. Men and women have the right, this is not a conjugal visit, it is a right to visit with

friends and family. If there is any concern about the safety of the other inmates or that the person coming into the prison would have any kind of contraband or would bring anything that would be unsafe or unsuitable, the department has that right to say "no visitors."

It is perfectly safe and perfectly permissible. These are still human beings who have a right, yes, to have a friend visit. It is not in a private place, it is a public place, and if you will notice, it is a majority of 12 people on our committee who listened hard at the hearing and worked hard at the work session.

I urge you to vote for the "Ought to Pass" motion.

The SPEAKER: The Chair will order a vote. The pending question before the House is on the motion of the gentlewoman from Portland, Mrs. Nelson, that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

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

Thereupon, the Bill was read once. Committee Amendment "A" (H-261) was read by the Clerk and adopted and the Bill assigned for Second Reading, Monday, May 23rd.

Divided Report

Majority Report of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act to Increase the Minimum Wage" (H. P. 884) (L. D. 1138)

Report was signed by the following members: Senators:

DUTREMBLE of York
SEWALL of Lincoln

— of the Senate.

Representatives:

WILLEY of Hampden
BONNEY of Falmouth
SWAZEY of Bucksport
NORTON of Biddeford
TUTTLE of Sanford
LEWIS of Auburn
GAUVREAU of Lewiston
ZIRNKILTON of Mount Desert
TAMMARO of Baileyville

— of the House.

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-262) on same Bill.

Report was signed by the following members: Senator:

HAYES of Penobscot

— of the Senate.

Representative:

BEAULIEU of Portland

— of the House.

Reports were read.

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

Mrs. BEAULIEU: Mr. Speaker, I move the acceptance of the Minority "Ought to Pass" Report.

On motion of the same gentlewoman, tabled pending her motion to accept the Minority "Ought to Pass" Report and specially assigned for Monday, May 23rd.

Divided Report

Majority Report of the Committee on Education on Bill "An Act to Insure State Enforcement of Equal Opportunity in State-supported Educational Programs" (H. P. 841) (L. D. 1091) reporting "Ought to Pass" in New Draft (H. P. 1241) (L. D. 1653)

Report was signed by the following members: Senators:

CLARK of Cumberland
HAYES of Penobscot

— of the Senate.

Representatives:

MURRAY of Kennebunk
BOTT of Orono
SMALL of Bath
RANDALL of East Machias

LOCKE of Sebec
THOMPSON of South Portland
CROUSE of Washburn

— 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:

HICHENS of York

— of the Senate.

Representatives:

MATTHEWS of Caribou
SOUCY of Kittery
BROWN of Gorham

— of the House.

Reports were read.

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

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

On motion of the same gentlewoman, tabled pending her motion to accept the Majority "Ought to Pass" Report and specially assigned for Monday, May 23rd.

Consent Calendar

First Day

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

(H. P. 483) (L. D. 580) Bill "An Act Regarding Multiple Sentences of Imprisonment" — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-265)

(H. P. 923) (L. D. 1202) Bill "An Act to Improve Remedies for Substandard Housing" — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-266)

(H. P. 838) (L. D. 1088) Bill "An Act to Amend Provisions of the Maine Insurance Code Relating to Tender Offers and to Unfair Trade Practices" — Committee on Business Legislation reporting "Ought to Pass"

(H. P. 873) (L. D. 1127) Bill "An Act to Complete the Statewide Coordination System for Preschool Handicapped Children" — Committee on Appropriations and Financial Affairs reporting "Ought to Pass"

(H. P. 517) (L. D. 642) Bill "An Act to Make Allocations from the Transportation Safety Fund for the Fiscal Years Ending June 30, 1984, and June 30, 1985" (Emergency) — Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-269)

(H. P. 1153) (L. D. 1523) Bill "An Act to Amend the Foreclosure Laws" — Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-268)

No objections being noted, under suspension of the rules, the above items were given Consent Calendar, Second Day, notification, the House Papers were passed to be engrossed or passed to be engrossed as amended and sent up for concurrence.

Passed to Be Enacted Emergency Measure

An Act Relating to Forest Practice (S. P. 525) (L. D. 1548)

Was reporting by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure and a two-thirds vote of all the members elected to the House being necessary, a total was taken. 120 voted in favor of same and none against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act to Increase the Fees and Expenses for Medical Examiners (S. P. 254) (L. D. 799) (C. "A" S-118)

An Act to Reinstate the Large Print Book

Pogram at the Maine State Library (S. P. 296) (L. D. 911) (C. "A" S-119)

An Act Concerning Fishways in Dams and Other Artificial Obstructions in Inland Waters (S. P. 405) (L. D. 1253) (S. "A" S-127 to C. "A" S-124)

An Act to Make Extreme Anger or Extreme Fear Brought About by Adequate Provocation an Affirmative Defense which Reduces Murder to Manslaughter, and to Create the Crime of Intentional or Knowing Manslaughter (S. P. 447) (L. D. 1368) (H. "A" H-247)

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.

Enactors

Tabled and Assigned

An Act to Standardize the Disciplinary Proceedings of Health Professional Licensing Boards (S. P. 561) (L. D. 1618)

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

On motion of Mrs. Mitchell of Vassalboro, tabled pending passage to be enacted and specially assigned for Monday, May 23rd.

An Act to Remove the Bureau of Alcoholic Beverages from Under the Department of Finance and Administration (S. P. 539) (L. D. 1574) (S. "A" S-121)

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

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

Mrs. MITCHELL: Mr. Speaker, Members of the House: At the request of someone very interested in this bill, I have been asked to explain why I have set it aside. There seems to be a problem with the confirmation procedures and I am going to ask that it be tabled one legislative day.

On motion of Mr. Diamond of Bangor, tabled pending passage to be enacted, and specially assigned for Monday, May 23rd

An Act to Provide for Annual Motor Vehicle Inspections (S. P. 551) (L. D. 1601)

An Act to Protect the Public from Unsafe Pesticide Use (S. P. 553) (L. D. 1602) (H. "A" H-245)

An Act Concerning the Negotiation of Just Cause Provisions for Teachers (S. P. 554) (L. D. 1608)

An Act Concerning Records of Arrests of Criminal Offenders (S. P. 559) (L. D. 1616)

An Act Regulating the Activities of Political Action Committees (H. P. 306) (L. D. 365) (H. "A" H-236)

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 Discourage Frivolous Court Cases (H. P. 759) (L. D. 990) (C. "A" H-243)

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

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

Mr. SOULE: Mr. Speaker, Ladies and Gentlemen of the House: L.D. 990, as it was originally introduced, was intended, as the title says, to discourage frivolous court cases by providing for the award of cost and attorney's fees in cases that were frivolous and in cases that were in the instance of motions that were intended for delay during the course of a court case.

After our consideration of this matter and after it had been voted out a unanimous committee report, we discovered that the Maine Supreme Court has since acted by amending Rule 11 of the Maine Rules of Civil Procedure to give essentially the same relief that we were seeking in L.D. 990. In fact, they have even gone a bit further. The bill, as drafted, would proba-

bly have to be amended in any case since it didn't provide for fees awarded to a plaintiff, only to the defendant, in a case that was brought frivolously. In that event, we have discussed this in committee and the consensus of the committee was that L.D. 990 is no longer needed and, in that event, I would move indefinite postponement of this bill and all its accompanying papers.

The SPEAKER: The gentleman from Westport, Mr. Soule, moves indefinite postponement of this bill and all its accompanying papers.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: This is my bill and I respect the opinions of the good gentleman, Mr. Soule. This was just brought to my attention this morning and I do have a copy of the amendments to the rules that the gentleman mentioned; however, I have looked them over briefly but I have not had a chance to talk with the Chief Justice of the Supreme Court about them. I say that only because I talked to the Chief Justice before I presented the bill to the committee and he was either unaware of the rules or perhaps I didn't explain the piece of legislation very well to him so that he could tell me that there was a rule already in force that would take care of my problem.

So given those two particular events, I would ask that the House table this for a day if it was possible so I might have an opportunity to check this out.

On motion of Mrs. Mitchell of Vassalboro, tabled pending the motion of the gentleman from Westport, Mr. Soule, to indefinitely postpone and specially assigned for Monday, May 23rd.

An Act to Create a Statutory Will (H. P. 1182) (L. D. 1575) (S. "A" S-126)

An Act to Require Certain Disclosures in Land Installment Contracts for Improved Residential Property and to Provide for Recordation of those Contracts (H. P. 1213) (L. D. 1609)

An Act to Amend the Laws Pertaining to Dissolution and Withdrawal from School Administrative Districts and Community School Districts (H. P. 1214) (L. D. 1610)

An Act to Require Review of Road Construction (H. P. 1215) (L. D. 1611)

An Act to Prevent the Closing of Fire Lookout Towers (H. P. 1217) (L. D. 1613)

An Act to Authorize Out-of-state Credit Unions to Conduct Business in this State (H. P. 1226) (L. D. 1620)

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

Bill "An Act to Provide Immediate Authorization and Funding to Clean Up Hazardous Waste Dump at Buckfield" (Emergency) (S. P. 571) (L. D. 1649)

Came from the Senate referred to the Committee on Energy and Natural Resources and ordered printed.

In the House, referred to the Committee on Energy and Natural Resources in concurrence.

Unanimous Leave to Withdraw

Representative Masterton from the Committee on Appropriations and Financial Affairs on Bill "An Act to Raise the Rate of the State-municipal Revenue Sharing Formula" (Emergency) (H. P. 28) (L. D. 33) reporting "Leave to Withdraw"

Representative Masterton from the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide State Aid to Airports to Assist in the Maintenance of Airport Emergency Services" (H. P. 291) (L. D.

350) reporting "Leave to Withdraw"

Representative Carter from the Committee on Appropriations and Financial Affairs on Bill "An Act to Authorize Full Compensation for Certain Court Appearances of Municipal Law Enforcement Officers" (H. P. 374) (L. D. 457) reporting "Leave to Withdraw"

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

Consent Calendar

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

(H. P. 456) (L. D. 558) Bill "An Act Relating to Administration of Appropriations and Allocations for the Maine Human Services Council" (Emergency) Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-270)

No objections being noted, under suspension of the rules the above item was given Consent Calendar, Second Day, notification, and the House Paper passed to be engrossed as amended and sent up for concurrence.

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

Unanimous Leave to Withdraw

Representative Curtis from the Committee on Local and County Government on Bill "An Act to Prohibit Regional Planning Commissions from Providing any Contractual Services for Municipalities which can be Provided by the Private Sector" (H. P. 615) (L. D. 763) reporting "Leave to Withdraw"

Representative McHenry from the Committee on Local and County Government on Bill "An Act to Change Public Hearing Date for Budget Estimates" (H. P. 1108) (L. D. 1461) reporting "Leave to Withdraw"

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

Referred to the Committee on

Appropriations and Financial Affairs

Representative Murphy from the Committee on Education on Bill "An Act to Identify and to Promote Excellence in Schools" (Emergency) (H. P. 1163) (L. D. 1545) reporting that it be referred to the Committee on Appropriations and Financial Affairs.

Report was read and accepted, the Bill referred to the Committee on Appropriations and Financial Affairs and sent up for concurrence.

Consent Calendar First Day

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

(H. P. 1171) (L. D. 1559) Bill "An Act to Create a Forest Resource Assessment and Marketing Program" Committee on Energy and Natural Resources reporting "Ought to Pass"

No objections being noted, under suspension of the rules the above item was given Consent Calendar, Second Day, notification, the House Paper passed to be engrossed and sent up for concurrence.

The Chair laid before the House the following matter:

An Act to Improve Access to Small Claims Court (H. P. 480) (L. D. 577) (H. "A" H-227) — In House, passed to be enacted; in Senate, Bill and accompanying papers indefinitely postponed in non-concurrence — which was tabled and later today assigned pending further consideration.

On motion of Mrs. Mitchell of Vassalboro, the House voted to recede.

The same gentlewoman moved that House

Amendment "A" be indefinitely postponed.

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

Mr. HIGGINS: Mr. Speaker, I would ask for a roll call on indefinite postponement of this House Amendment "A". My understanding is that this is the sunset provision on the bill, am I correct?

Mrs. Mitchell of Vassalboro requested permission to withdraw her motion to indefinitely postpone House Amendment "A", which was granted.

The same gentlewoman offered House Amendment "B" (H-273) and moved its adoption.

House Amendment "B" (H-273) was read by the Clerk.

The SPEAKER: The Chair recognizes the same gentlewoman.

Mrs. MITCHELL: Mr. Speaker, Men and Women of the House: I would like to thank the gentleman from Scarborough, Representative Higgins. If we had indefinitely postponed the first amendment, the sunset provision for the small claims court change would have been eliminated and that clearly was not our intent. Rather, our intent was to be accommodating to the courts. And let me say that at this point I hope the courts are as accommodating to the people they are going to serve as this legislature has been to the courts.

What we simply do with this amendment is to say that the courts, at their discretion, can choose their one hour of service per month, either at night or on a Saturday, and we also would keep the sunset provision so we can evaluate how often this is utilized over the next two years.

Thereupon, House Amendment "B" was adopted.

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

Mr. Andrews of Portland was granted unanimous consent to address the House.

Mr. ANDREWS: Mr. Speaker, Men and Women of the House: I simply would like to explain an item that was on the calendar today, a unanimous leave to withdraw item, An Act to Insure Fairness in the Administration of the United States Social Security Act by the State Disability Determination Services. I would like to explain the reason why I have taken a "leave to withdraw" on this bill for the record and also to provide some of the members of the House that have had problems in their own districts with this program some information.

For those of you who are not aware, the Social Security Disability Program has been under review for the last two years, and those people who depend upon subsistence level aid from that program have been, in their view and in my view, unfairly terminated from the program and thrown off to fend for themselves, basically, and it has created a tremendous amount of hardship among the disabled community in the State of Maine and among their families and among people generally across the state. I have heard a lot about this problem. I know that other members of the House have heard from their constituents about this problem, and in looking at this issue, I have discovered, along with others, that there are two major problems here—one has to do with the federal government's administration of the program, but also there are some major concerns about the State of Maine's administration of this program. They are arbitrarily creating some hardship and unfairness to the disabled community in the way they administer this program. This bill would have taken a hard look at the state's administration of the program through a legislative committee. The State Government Committee had decided instead to address the concerns that we have raised through this piece of legislation directly

to the commissioner of Human Services and they will be addressing a letter to him to ask him to review these concerns and review these issues and to respond to the State Government Committee and others that are on this piece of legislation as to what their conclusions are.

I want to make it very clear to this body on the record that in taking a "leave to withdraw," I am assuming that this in fact is going to happen, that we are going to be receiving a report from the commissioner, and based upon that report, we will be deciding whether or not to resubmit this bill in the next regular session.

(Off Record Remarks)

On motion of Mr. Dillenback of Cumberland,
Adjourned until Monday, May 23, at nine
o'clock in the morning.
