

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

Thursday, June 16, 1983

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

Prayer by the Reverend John MacNeill of the Manchester Community Church.

The journal of yesterday was read and approved.

Papers from the Senate

The following Communication:

The Senate of Maine
Augusta

June 15, 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 Majority Ought Not to Pass Report from the Committee on Labor on Bill, An Act to Increase the Minimum Wage (H. P. 884) (L. D. 1138).

Sincerely,

S/JOY J. O'BRIEN

The Communication was read and ordered placed on file.

Messages and Documents

The following Communication:

State of Maine

One Hundred and Eleventh Legislature
Committee on Business Legislation

June 14, 1983

The Honorable John Martin
Speaker of the House
State House
Augusta Maine
Dear Speaker Martin:

The Committee on Business Legislation is pleased to report that it has completed all business placed before it by the first regular Session of the 111th Legislature.

Total No. of Bills Received	147
Unanimous Reports	134
Leave to Withdraw	37
Ought Not to Pass	23
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Respectfully submitted,

S'REP. JOSEPH C. BRANNIGAN

House Chair

The Communication was read and ordered placed on file.

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

Bill "An Act to Revise the Wood Measurement Law" (S. P. 623) (L. D. 1768)

Came from the Senate referred to the Joint Select Committee on Wood Measurement Law and ordered printed.

In the House, the Bill was referred to the Joint Select Committee on Wood Measurement Law in concurrence.

**Non-Concurrent Matter
Later Today Assigned**

Bill "An Act Creating a Maine Milk Pool" (H. P. 1323) (L. D. 1754) on which the Bill and Accompanying Papers were Indefinitely Postponed in the House on June 14, 1983.

Came from the Senate Passed to be Engrossed as amended by Senate Amendment "A" (S-210) in non-concurrence.

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

Passed to Be Enacted

An Act to Improve the Evaluation of Hearing Loss Under the Workers' Compensation Act

(H. P. 1322) (L. D. 1757)

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.

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

The following Communication:

The Senate of Maine
Augusta

June 15, 1983

The Honorable John L. Martin
Speaker of the House
111th Maine 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 Judiciary, the Governor's nomination of David J. Soucy of Fort Kent as a Commissioner of the Workers' Compensation Commission.

Mr. Soucy is replacing James Coyne.

Sincerely,

S/JOY J. O'BRIEN

Secretary of the Senate

Was read and ordered placed on file.

The following Communication:

State of Maine
Department of Audit
State House Station 66
Augusta, Maine 04333
Area Code 207
Tel. 289-2201

June 16, 1983

To Governor Joseph E. Brennan and Members of the One Hundred and Eleventh Legislature

In compliance with statutory requirements, I submit herewith the 63rd Annual Report of the State Auditor for the fiscal year ended June 30, 1982.

We have made extensive examination of major pertinent transactions. We do not make a detailed examination of all recorded transactions on the general books of the State for the year. We did, however, make a detailed examination of accounting records, procedures and internal controls, and verified financial transactions on a selective basis in our post audits of the activities of the various State Departments, Agencies, Boards, etc. during the year. The results of these audits, together with comments, observations and audit findings and recommendations are contained in our individual audit reports submitted to the respective State Departments, Agencies, Boards, etc.

Based on the scope of our examination, it is our opinion that, except for the exclusion of certain trust and operating fund transactions and balances recorded and controlled locally by State agencies and not reflected herein, the financial position and operating results of the various State Departments, Agencies, Boards, etc., of the State of Maine for the fiscal year ended June 30, 1982 has been fairly presented in conformity and with generally accepted accounting principles applied on a consistent basis.

Statements and schedules pertaining to the financial position of the various operating funds of the State of Maine at June 30, 1982 may be found in the Annual Report of the State Controller.

I would like to express my special appreciation to the staff of the Department of Audit for their continued loyalty and devotion to duty and to the State Officials for their cooperation with this department.

Respectfully submitted,
S/GEORGE J. RAINVILLE
State Auditor

Was read and with accompanying report ordered placed on file.

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

House at Ease

Called to order by the Speaker.

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

The following Joint Order: (S. P. 628)

Ordered, the House concurring, that the Joint Standing Committee on Judiciary report out a bill, to the Senate, entitled, "AN ACT to Make Further Corrections of Errors and Inconsistencies in the Laws of Maine."

Came from the Senate read and passed.

In the House, the Order was read and passed in concurrence.

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

Non-Concurrent Matter

An Act to Establish County Budget Committees (S. P. 592) (L. D. 1710) (H. "A" H-352 to H. "A" H-329; and H. "B" H-330) on which the Bill and Accompanying Papers were Indefinitely Postponed in the House on June 15, 1983.

Came from the Senate Passed to be Enacted in non-concurrence.

In the House: The House voted to adhere. (Later Reconsidered)

The following papers appearing on Supplement No. 5 were taken up out of order by unanimous consent:

**Passed to Be Enacted
Emergency Measures**

An Act to Deter Drinking and Driving by Teenagers (H. P. 1326) (L. D. 1761)

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. 105 voted in favor of same and 10 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**Finally Passed
Emergency Measure**

RESOLVE, to Establish a Maine Commission to Examine the Availability, Quality and Delivery of Services Provided to Children with Special Needs (H. P. 1251) (L. D. 1664) (C. "A" H-388)

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. 104 voted in favor of same and 9 against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act Relating to the Manner of Approval of Amendments to the Maine Indian Claims Settlement Act (S. P. 600) (L. D. 1755)

An Act Relating to Transportation Facilities (S. P. 621) (L. D. 1759)

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.

Orders of the Day

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

An Act to Provide Workers' Compensation Coverage to Emergency Medical Services' Persons (S. P. 563) (L. D. 1637) (H. "A" H-354; C. "A" S-160)

Tabled — June 15, 1983 (Till Later Today) by Representative Beaulieu of Portland.

Pending — Passage to be Enacted.

On motion of Mrs. Beaulieu 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 gentlewoman, under suspension of the rules, the House reconsidered its action whereby House Amendment "A" (H-354) was adopted, and on further motion of the same gentlewoman, the amendment was indefinitely postponed.

The SPEAKER: The Chair recognizes the same gentlewoman.

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: The action I have just taken on this bill is due primarily to a report from the Department of Insurance. I wish to read a portion of this into the record because it is a critical issue and then I will make comments.

"The purpose of this memo is to clarify the effects of this bill. The Insurance Bureau strongly supported this bill in the form voted on by the Labor Committee (as amended by S-160). The bill would close a possible loophole in the statute whereby insurance companies may have been able to design coverage to volunteer ambulance companies.

"Amendment H-390," which was an amendment we were to have offered, "would establish a maximum premium of \$600 per vehicle in the statute. The current rate for ambulance companies is \$6 per \$100 of payroll, and for volunteer ambulance companies, the assumed payroll is \$10,000 per active vehicle (assumed payroll is used because there is no payroll to volunteers, but injured volunteers would be entitled to full medical benefits and indemnity benefits based on lost wages from other employment). Both the rate and the rating rule must be filed by an insurance company or rating bureau and approved by the Superintendent before any change could be made. Further, if he believes the current rule or rate is inequitable or produces an excessive premium, he can call a hearing and withdraw his approval of the rule or rate."

The Superintendent of Insurance is clearly aware of the problems experienced by these volunteer groups in dealing with the insurance companies and has stated repeatedly that current law is sufficient to allow him to deal effectively with the issue. He is clearly aware, or should be clearly aware, that the legislature intends for workers' comp coverage to be available at extremely reasonable cost to these groups.

Finally, this issue would not even be an issue if the insurance companies had not attempted to deny coverage and to jack up their premiums. It is only with the assistance of the superintendent and the Bureau of Insurance that the current law is adequate to fulfill the legislature's intent that I wish to withdraw House Amendment "A." I believe that our committee will make every single effort to monitor this issue very carefully, and if we find that the Insurance Bureau is not doing their job on behalf of these ambulance drivers, then we will be back here with a bill and we will set the rates by statute.

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

Mr. McHenry of Madawaska moved with the House reconsider its action of earlier in the day whereby the House voted to adhere to its action on An Act to Establish County Budget Committees (S. P. 592) (L. D. 1710).

On motion of the same gentleman, tabled pending his motion to reconsider and later today assigned.

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

(Off Record Remarks)

House at Ease

Called to order by the Speaker.

At this point, the rules were suspended for the purpose of allowing members to remove their jackets for the remainder of today's session.

The following paper appearing on Supplement No. 7 was taken up out of order by unanimous consent:

On motion of Representative Mitchell of Vassalboro, the following Joint Order: (H. P. 1330)

Ordered, the Senate concurring, that Bill, "AN ACT to Create the Finance Authority of Maine," S. P. 612, L. D. 1747, be recalled from the special appropriations table to the House.

The Order was read and passed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The following items appearing on Supplement No. 6 were taken up out of order by unanimous consent:

Constitutional Amendment Later Today Assigned

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide that the State may Enact Property Tax Exemptions Relating to Watercraft Not Subject to Fifty Percent Reimbursement (H. P. 1042) (L. D. 1349) (H. "A" H-241)

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

On motion of Mr. Higgins of Portland, tabled pending passage to be enacted and later today assigned.

Passed to Be Enacted Emergency Measure

An Act to Regulate Commercial Whitewater Rafting (S. P. 625) (L. D. 1763)

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. 113 voted in favor of same and 6 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act to Make Allocations from the Maine Coastal Protection Fund and Changing Certain Provisions of the Law necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1984, and June 30, 1985 (H. P. 514) (L. D. 639) (C. "A" H-387)

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. 115 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.

Emergency Measure

An Act to Create a Maine Commission on Excellence in Education (H. P. 1279) (L. D. 1696) (H. "B" H-391) and C. "A" H-375)

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

The SPEAKER: The chair recognizes the gentlewoman from Gorham, Ms. Brown.

Ms. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: Let's stop and think this one over before you push your green lights. Do we really need this? This may seem like a small amount of money to some of you but you put these studies all together and see what you come up with.

There are excellent programs being conducted in schools now. A national study has drawn the conclusion on education, the state study would only be redundant.

I urge you to vote against this and I would

request a roll call.

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

Mr. DAY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to back up the remarks of the lady from Gorham. As was stated here last week, I believe, we have plenty of information on what we have to do to help our schools out without having a commission and spending \$30,000.

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

Mr. CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: I think the study done in Washington by the National Committee on Excellence in Education found that there was a great need in this country to take a hard look at education during these changing times.

We have a budget of some \$350 million or more for education in this state and to take \$20,000 to protect the investment of \$350 million makes a lot of sense to me. If there is one thing that has made the United States superior over the years over other countries, it is education. New England is the most knowledge intensive area in the world because of its public and private universities and its public and private schools.

The federal, state and private studies show we appear to be losing ground in education and just throwing money at problems, as we so frequently do, like giving more to DEP or less to energy problems, is often a waste. Studying the problems or having a plan is the only way to go. We have educational problems. The SAT exams show that we are losing ground in math and science aptitudes. The reading achievement scores are going downhill. We have got to study these things to find out what is wrong.

The graduates from EMVTI that go into welding start work at the Bath Iron Works at \$21,000 a year. The boys and girls that graduate from Bowdoin, Bates, Colby and Maine and go into teaching start at \$11,500 — you say we don't have problems, we don't have things to look at? There are a lot of things.

I surely hope that we will go along with this study and take a hard look at education to find out why our teachers haven't studied math and science in college and all of these fundamental things that are wrong with education today in the State of Maine. We might find a lot of things that could be changed, we might be able to track some outstanding college people to get into teaching.

The SPEAKER: The Chair recognizes the gentleman from Old Orchard Beach, Mr. McSweeney.

Mr. MCSWEENEY: Mr. Speaker, Ladies and Gentlemen of the House: Anybody on the committee could answer these questions. We are going to have this committee and I would like to know actually what it is going to do — motivation of student, college board scores, social promotions, are we going to take a page from the Japanese? Are we going to — a family life, married or seniority for teachers? Mr. Crowley mentioned some of the things that might come up in this committee report. I realize that it is a very important report but maybe some of the people in here just don't understand what the report is going to do. Maybe they should explain it.

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

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

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

Mrs. LOCKE: Mr. Speaker, Ladies and Gentlemen of the House: The purpose of this com-

mittee is to look at how Maine fits in with the report and the study made by the National Commission on Excellence. It is going to look at education from all aspects. We have done a lot of studies, as people have said, and most of them have been done concerning the primary and secondary level. This commission is going to look at the overall situation in Maine from the primary public school level through the secondary, through the university system, look at what is going on in private schools and private colleges, just to take a good hard look at our whole system as a whole. I doubt very much whether or not people on the Commission will be zeroing in on family life or that sort of thing but just how we compare with the national reports.

The commission will be made up of 23 members, two of which we have in the committee; the cost will be \$20,000, none of which will be paid in per diem; in other words, the 23 members will be paid nothing except their expenses and some money will be used for a clerk and a staff member. The commission will report back to the Governor the beginning of the next legislative year and to the Committee on Education, which we also added in so that we can make a report to the legislature.

I think it is important that we have a high level commission, high level publicity-getting commission, and perhaps some of the studies that we have done in the past, that perhaps have gathered dust but were done with all good intentions, and as we know have not been implemented in many cases, will be able to be implemented after some publicity and people have some security that these sort of changes need to be made, because many of the changes require money and some of the changes do not but they require change in attitude, which sometimes harder to get than changes made with money.

Eleven members of the committee felt that this was an important commission and I hope that you will go along with us and vote "Ought to Pass."

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

Mr. CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: In addition to what Representative Locke said, in answer to Representative McSweeney's question, I can think of one specific thing. I know a couple of years ago, I took a look at what it takes to get a degree from the University of Maine system, a degree that will allow you to teach in our elementary schools, and I was startled to find out that a person could take one year of math, any kind of math, and one year of science, any kind of science, descriptive science, you name it, then I checked with Texas, this was about two years ago, to see what they did there, and they required ever so much, even in high school they were requiring four and six years of math and science, and then in the college, in order to be able to teach in an elementary school, you had to have background in math and science. This is one of the things they are going to find out when the study this, that our elementary teachers don't have to have these requirements and the background. It is no wonder our kids don't learn math and science — the teachers that are teaching it in many cases aren't even interested in it, so the kids naturally don't like it. I think these things and many others will come out of this study. I hope we go forward with it.

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

Mr. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: Mr. Crowley found out all of those things without having to spend a dime, I will bet. It seems as if the longer I stay here, the longer all of us stay here in Augusta from term to term, the more we learn. Maybe it is a result of all these studies that we pass each session that we are down here.

Two years ago I served on the Education Committee and at that time we passed, I guess, what was called the Blue Ribbon Commission on Education. It seemed to me that when that was passed, it was going to do all of the kinds of things that we are talking about that this special commission that we are about to create today is supposed to do.

I thought that Mr. McSweeney asked some very good questions and I am not sure that he got all of the answers to those questions and I have a couple of my own. One is, what is the status of that Blue Ribbon Commission that was supposed to give us all the answers to the questions that we sought then; secondly, is this Commission that we are about to place into being an expansion of that Blue Ribbon Commission or is that going off in another direction? Would somebody please respond to those two questions?

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

Mr. ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I had not planned to get into this but the gentleman's question has brought me to my feet. I don't know where he was on the Education Committee, on which I also served, but that Blue Ribbon Commission was actually never established.

We did have a committee of the Education Committee which did form a questionnaire and we went out to try and find out what people's attitudes were towards education and that is still an ongoing process. But I think what we are talking about here is something entirely different, and I wanted to say that I am the Representative of this body on the New England Board of Higher Education and recently we had our annual meeting in Boston. Our main speaker was a man from the Department of Education representing the Reagan administration. He spoke to us about this new Commission on Excellence, this report that has come out on the national level about education of which there has been a great deal of attention. To me, those who served four years on the Education Commission, this report is one of the first breaths of fresh air of what we should do about our education system in this country.

What we are talking about today is not another study commission. We are basically talking about an implementation in this state of the recommendations of that national commission. I don't often praise the Reagan administration but I do think that this report is very valuable and has some very valuable and interesting ideas. I think it is very important that we have a group within the state that will work to see how we can implement those ideas within the state.

I urge you very much to go for this Commission.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: My tenure in this body is seven years now and when I first came here I served for four years on the Education Committee. Let me tell you, at that point in time there was a lot of studying being done by the Education Committee with permission from this body. Many of the changes in special education laws, teacher certification laws, curriculum, financing issues, came about because of those studies. When I first came here, we hardly had anything known as special education laws and that is not to say that what we did seven years ago was perfect but at least we got things on the books because we took the time to take a look.

I also represent this body on the Commission on Education at NCSL, I just went to a conference not too long ago, and we were made aware of the reports that was coming out nationally. Some of the things in that report are vitally important. We should be looking and probably adopting some of the

proposals that are being made.

There are also some very negative things in that report, and it might give us a chance to look at what is negative and count our blessings that we have many more positives. I think the citizenry in this state deserves to know that that report that came out of Washington is not the end—all and the be—all, but at least it serves as a basis for us to begin to look to see what we do have and I have got a feeling that we are going to be able to say that we have a very good educational system in our state and at the same time make some appropriate changes to make it better.

I urge that we go ahead and adopt this bill.

The SPEAKER: A roll call has been ordered. The pending question is on passage to be enacted. This being an emergency measure, a two-thirds vote of all the members elected to the House is necessary. All those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Ainsworth, Allen, Andrews, Armstrong, Baker, Beaulieu, Benoit, Bost, Bott, Brannigan, Brodeur, Callahan, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Conary, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Daggett, Davis, Diamond, Dillenback, Drinkwater, Erwin, Foster, Gauvreau, Gwadnosky, Hall, Handy, Hayden, Higgins, H.C.; Higgins, L.M.; Holloway, Ingraham, Jacques, Jalbert, Joseph, Joyce, Kane, Kelly, Ketover, Kilcoyne, LaPlante, Lehoux, Lisnik, Livesay, Locke, MacBride, MacEachern, Macomber, Manning, Martin, A.C.; Martin, H.C.; Masterton, Matthews, K.L.; Matthews, Z.E.; Maybury, Mayo, McColister, McGowan, McHenry, McSweeney, Melendy, Michael, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, E.M.; Murray, Nadeau, Nelson, Norton, Paradis, E.J.; Paradis, P.E.; Perry, Pouliot, Randall, Reeves, P.; Richard, Roberts, Rolde, Rotondi, Seavey, Sherburne, Smith, C.B.; Soucy, Soule, Stevens, Swazey, Tammaro, Telow, Theriault, Thompson, Tuttle, Vose, Walker, Webster, Weymouth, Zirkilton. The Speaker.

NAY—Anderson Bell, Bonney, Brown, A.K.; Brown, D.N.; Brown, K.L.; Cahill, Carrier, Connors, Curtis, Day, Dexter, Greenlaw, Jackson, Kelleher, Kiesman, Lebowitz, Lewis, Masterman, McPherson, Michaud, Murphy, T.W.; Parent, Paul, Perkins, Reeves, J.W.; Ridley, Roderick, Salsbury, Scarpino, Smith, C.W.; Sproul, Stevenson, Stover, Strout, Wentworth, Willey.

ABSENT—Dudley, Hickey, Hobbins, Mahany, Pines, Racine, Small.

Yes, 107; No, 37; Absent, 7.

The SPEAKER: One hundred and seven having voted in the affirmative and thirty-seven in the negative, with seven being absent, the Bill is passed to be enacted.

Signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Making Authorizations and Allocations Relating to Federal Block Grants for the Expenditures of State Government for the Fiscal Years Ending June 30, 1983, June 30, 1984, and June 30, 1985 (H. P. 1329) (L. D. 1767)

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. 124 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 Relating to Training Penobscot Law Enforcement Officers (S. P. 81) (L. D. 192) (S. "A" S-211 to S. "A" S-186)

An Act Relating to the Period of License Suspension for Drivers Convicted or Adjudicated of Operating Under the Influence (S. P. 618) (L. D. 1753)

An Act to Change the Treatment of Certain Sales under the Sales Tax Law (S. P. 627) (L. D. 1766)

An Act to Amend the Habitual Offender Law (H. P. 956) (L. D. 1237) (S. "A" S-209)

An Act to Provide for Swifter Disposition of Drunk Driving Cases (H. P. 1319) (L. D. 1749) (H. "A" H-393; H. "C" H-396)

An Act to Clarify the Rate Filing Procedures and Standards for Workers' Compensation Insurance (H. P. 1325) (L. D. 1758)

An Act to Establish the Maine Environmental Protection Fund (H. P. 1327) (L. D. 1762)

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 papers appearing on Supplement No. 8 were taken up out of order by unanimous consent:

Ought to Pass in New Draft

Report of the Committee on Taxation on Bill "An Act to Delay the Effective Date of the Property Tax Exemption for Naturally Occurring Metallic Minerals" (Emergency) (S. P. 312) (L. D. 926) reporting "Ought to Pass" in New Draft (Emergency) (S. P. 629) (L. D. 1769)

Came from the Senate with the Report read and accepted and the New Draft Passed to be Engrossed.

In the House, the Report was read and accepted in concurrence and the New Draft read once. Under suspension of the rules, the New Draft was given its Second Reading and passed to be engrossed in concurrence.

Bill "An Act to Conform the Meaning of Approved Training in the Employment Security Law to Federal Definitions" (Emergency) (H. P. 1331) (Presented by Representative Beaulieu of Portland) (Cosponsor: Representative Lewis of Auburn) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Committee on Labor was suggested.

Under suspension of the rules, the Bill was read twice, passed to be engrossed without reference to any committee and sent up for concurrence.

The Chair laid before the House the following matter:

Resolution, Proposing an Amendment to the Constitution of Maine to Provide that the State may Enact Property Tax Exemptions Relating to Watercraft Not Subject to Fifty Percent Reimbursement. (H. P. 1042) (L. D. 1349) (H. "A" H-241) which was tabled and later today assigned pending passage to be enacted.

This being a Constitutional Amendment Resolution and a two-thirds vote of all the members present being necessary, a total was taken. 107 voted in favor of same and 6 against, and accordingly the Resolution was finally passed, signed by the Speaker and sent to the Senate.

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

An Act to License Home Health Care Services (S. P. 527) (L. D. 1550) (S. "A" S-202 and C. "A" S-180)

Tabled — June 15, 1983 (Till Later Today) by Representative Diamond of Bangor.

Pending — Passage to be Enacted.

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

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

House Amendment "A" (H-403) was read by the Clerk.

Mr. DIAMOND: Mr. Speaker, Members of the House: this amendment is presented to a bill that I am a cosponsor of, along with the gentleman from South Portland, Mrs. Gill, from the

other body. There was a problem in the bill as it is now written that would pose a serious conflict to the Administrative Procedures Act and the rules that are provided for in that.

Because of the concern of the Department of Human Services over this section of the bill, it was agreed that we would remove this section and allow the department to present language next session that would deal with the area we are trying to address, so I hope you will go along with the adoption of this amendment.

Thereupon, House Amendment "A" was adopted.

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

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

The following paper appearing on Supplement No. 10 was taken up out of order by unanimous consent:

Bill "An Act to Provide Additional Resources to the General Fund for the Fiscal Year Ending June 30, 1983" (Emergency) (H. P. 1332) (L. D. 1770) (Presented by Representative Carter of Winslow) (Cosponsor: Senator Najarian of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Committee on Appropriations and Financial Affairs was suggested.

Under suspension of the rules, the Bill was read twice, passed to be engrossed without reference to any committee and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the following matter:

An Act to Establish County Budget Committees (S. P. 592) (L. D. 1710) (H. "A" H-352 to H. "A" H-329; H. "B" H-330) which was tabled and later today assigned pending the motion of Mr. McHenry of Madawaska to reconsider whereby the House voted to adhere. (In House, Bill and accompanying papers indefinitely postponed — In Senate, Passed to be enacted in non-concurrence)

Mr. Ridley of Shapleigh 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 Madawaska, Mr. McHenry.

Mr. McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I do hope that you vote to reconsider our action whereby we adhered, because if we do not the bill is going to be dead. I want to give the good lady from South Portland, Ms. Benoit, an opportunity to present an amendment. It is in the process of being printed, I believe, and that is the reason I tabled this until later and it is still not ready, so I hope that we do vote for reconsideration and give her the opportunity to present her amendment.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of the gentleman from Madawaska, Mr. McHenry, that the House reconsider its action whereby it voted to adhere. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Allen, Anderson, Armstrong, Bell, Benoit, Bonney, Bost, Bott, Brown, A.K.; Brown, D.N.; Cahill, Clark, Conary, Conners, Cooper,

Cox, Crouse, Crowley, Curtis, Daggett, Davis, Day, Diamond, Dillenback, Drinkwater, Foster, Greenlaw, Gwadosky, Handy, Higgins, L.M.; Holloway, Ingraham, Jackson, Jacques, Kane, Kelly, Kiesman, LaPlante, Lebowitz, Livesay, Locke, MacEachern, Macomber, Martin, A.C.; Masterton, Matthews, K.L.; Matthews, Z.E.; Maybury, McHenry, Melendy, Michaud, Mitchell, E.H.; Murphy, E.M.; Murphy, T.W.; Murray, Nelson, Paradis, E.J.; Parent, Randall, Reeves, P.; Richard, Roderick, Rotondi, Salisbury, Scarpino, Small, Smith, C.B.; Soucy, Sproul, Stevens, Stevenson, Stover, Swazey, Thompson, Vose, Walker, Webster, Wentworth, Willey, Zirkilton.

NAY—Ainsworth, Andrews, Baker, Beaulieu, Brannigan, Brodeur, Brown, K.L.; Callahan, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Connolly, Cote, Dexter, Dudley, Erwin, Gauvreau, Hall, Hayden, Higgins, H.C.; Jalbert, Joseph, Joyce, Kelleher, Ketover, Kilcoyne, Lehoux, Lewis, Lisnik, MacBride, Manning, Martin, H.C.; Masterman, Mayo, McCollister, McGowan, McPherson, McSweeney, Michael, Mitchell, J.; Moholland, Nadeau, Norton, Paradis, P.E.; Paul, Perkins, Perry, Pouliot, Reeves, J.W.; Ridley, Roberts, Rolde, Seavey, Sherburne, Smith, C.W.; Soule, Strout, Tammaro, Telow, Theriault, Tuttle, Weymouth, The Speaker.

ABSENT—Carrier, Hickey, Hobbins, Mahany, Pouliot, Racine.

Yes, 80; No, 65; Absent, 6.

The SPEAKER: Eighty having voted in the affirmative and sixty-five in the negative, with six being absent, the motion does prevail.

The pending question now is on the motion to adhere.

The Chair recognizes the gentleman from Orono, Mr. Bost.

Mr. BOST: Mr. Speaker, I move that we recede.

On further motion of the same gentleman, tabled pending his motion to recede and later today assigned.

Mr. Murphy of Kennebunk moved that the House reconsider its action of earlier in the day whereby An Act to Provide for Swifter Disposition of Drunk Driving Cases (H. P. 1319) (L. D. 1749) (H. "A" H-393; H. "C" H-396) was passed to be enacted.

Mr. Davis of Monmouth 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 before the House is on the motion of the gentleman from Kennebunk, Mr. Murphy, that the House reconsider its action whereby L. D. 1749 was passed to be enacted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL

YEA—Allen, Anderson, Andrews, Baker, Beaulieu, Benoit, Bost, Bott, Brodeur, Brown, D.N.; Carroll, D.P.; Cashman, Chonko, Choper, Cote, Crouse, Diamond, Dillenback, Erwin, Gauvreau, Gwadosky, Handy, Hickey, Jacques, Joseph, Kane, Kelly, Lewis, Lisnik, Locke, MacEachern, Martin, A.C.; Masterton, Matthews, Z.E.; Maybury, Mayo, McGowan, McHenry, Michaud, Mitchell, E.H.; Mitchell, J.; Murphy, E.M.; Murphy, T.W.; Murray, Nadeau, Paradis, P.E.; Pouliot, Reeves, J.W.; Reeves, P.; Richard, Rolde, Rotondi, Salisbury, Seavey, Soucy, Sproul, Theriault, Tuttle, Vose, Wentworth.

NAY—Ainsworth, Armstrong, Bell, Bonney, Brannigan, Brown, A.K.; Brown, K.L.; Cahill, Callahan, Carroll, G.A.; Carter, Clark, Conary, Conners, Cox, Crowley, Daggett, Davis, Day, Dexter, Drinkwater, Foster, Greenlaw, Hall, Hayden, Higgins, H.C.; Higgins, L.M.; Ingraham, Jackson, Joyce, Ketover, Kiesman, Kilcoyne,

LaPlante, Lebowitz, Lehoux, Livesay, MacBride, Macomber, Manning, Martin, H.C.; Masterman, Matthews, K.L.; McCollister, McPherson, McSweeney, Melendy, Moholland, Nelson, Norton, Paradis, E.J.; Parent, Paul, Perkins, Perry, Randall, Ridley, Roberts, Roderick, Scarpino, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soule, Stevens, Stevenson, Stover, Strout, Swazey, Tamaro, Telow, Thompson, Walker, Webster, Weymouth, Willey, Zirnkilton, The Speaker.

ABSENT—Carrier, Connolly, Curtis, Dudley, Hobbins, Holloway, Jalbert, Kelleher, Mahany, Michael, Pines, Racine.

Yes, 60; No, 79; Absent, 12.

The SPEAKER: Sixty having voted in the affirmative and seventy-nine in the negative, with twelve being absent, the motion does not prevail.

By unanimous consent, ordered sent forthwith to the Senate.

The following papers appearing on Supplement No. 9 were taken up out of order by unanimous consent:

An Act to Establish the Medical Radiation Health and Safety Act (H. P. 904) (L. D. 1183) (S. "A" S-207) to C. "A" H-389)

An Act to Establish and Amend the Air Emission and Open-burning Standards (H. P. 1259) (L. D. 1680) (S. "A" S-196 to C. "A" H-340)

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.

By unanimous consent, ordered sent forthwith to the Senate.

The following paper appearing on Supplement No. 12 was taken up out of order by unanimous consent:

Bill Recalled from the Special Appropriations Table

(Pursuant to Joint Order — House Paper 1330)

An Act to Create the Finance Authority of Maine (S. P. 612) (L. D. 1747) (S. "A" S-200) — In House, Passed to be Enacted in the House on June 15, 1983.

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

The pending question is on passage to be enacted. Pursuant to Article V, Part I, Section 8 of the Maine Constitution, a two-thirds vote of the members present and voting being necessary, a total was taken. 109 voted in favor of same and 38 against, and accordingly, the Bill is passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

The Chair laid before the House the following matter:

Bill "An Act to Delay the Effective Day of the Property Tax Exemption for Naturally Occurring Metallic Minerals" (Emergency) (S. P. 312) (L. D. 926) in New Draft (S. P. 629) (L. D. 1769) which was tabled and later today assigned pending passage to be engrossed.

Mr. Higgins of Portland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-406) was read by the Clerk and adopted.

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

By unanimous consent, ordered sent forthwith to the Senate.

Reference was made to (H. P. 1267) (L. D. 1678) Bill "An Act to Encourage Prompt Resolution of Public Employee Labor Disputes" (H. "A" H-333)

In reference to the action of the House on Wednesday, June 8, 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 Diamond of Bangor
Representative Kelleher of Bangor
Representative Sproul of Augusta

The following paper appearing on Supplement No. 11 was taken up out of order by unanimous consent:

Bill "An Act to Assure Consideration of On-site Impacts of Major Developments under the Site Location Law" (Emergency) (S. P. 630)

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

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

The following paper appearing on Supplement No. 13 was taken up out of order by unanimous consent:

**Passed to Be Enacted
Emergency Measure**

An Act to Provide Additional Resources to the General Fund for the Fiscal Year Ending June 30, 1983 (H. P. 1332) (L. D. 1770)

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. 106 voted in favor of same and 9 against, and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

On motion of Mr. Macomber of South Portland,

Adjourned until nine o'clock tomorrow morning.