

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Eleventh
Legislature***

OF THE

STATE OF MAINE

SECOND REGULAR SESSION

January 4, 1984 to April 25, 1984

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FOURTH CONFIRMATION SESSION

(FIRST CONFIRMATION SESSION – SECOND REGULAR SESSION)

May 31, 1984

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September 4, 1984 to September 11, 1984

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HOUSE

Thursday, March 8, 1984

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

Prayer by Reverend Stewart Rowley, First Congregational Church, United Church of Christ, Ellsworth.

The Journal of Tuesday, March 6, 1984, was read and approved.

Papers from the Senate

The following Communication:

March 5, 1984

The Honorable John L. Martin
Speaker of the House
111th Legislature
Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on State Government, the Governor's nomination of J. Gregory Freeman of Presque Isle for appointment to the Natural Resources Financial and Marketing Committee.

Mr. Freeman is replacing Seth Bradstreet.

Sincerely,

S/JOY J. O'BRIEN

Secretary of the Senate

Was read and ordered placed on file.

The following Joint Resolution: (S. P. 817)

**JOINT RESOLUTION IN HONOR OF
AMERICAN WOMEN**

WHEREAS, American women have historically contributed and continue to contribute to the growth and progress of this Nation in every facet of American life; and

WHEREAS, women have played a unique and indispensable role in American society, from the birth of this Nation on the eastern seaboard, to the most westward expansion and even to the far reaches of outerspace; and

WHEREAS, the influences and leadership of American women may be felt in virtually every economic, cultural and social sphere of this great Nation and are most evident in the fields of education, business, industry, jurisprudence, science, homemaking, medicine, religion, social and political reform; and

WHEREAS, the time has come to recognize and to celebrate the tremendous impact that contributions of American women have made in the development and continuance of our society; now, therefore, be it

RESOLVED: That We, the Members of the House of Representatives and the Senate of the 111th Legislature of the great and sovereign State of Maine, now assembled in Second Regular Session, pause to reflect on the overlooked, undervalued role of American women and pledge on the eve of "Womens' History Week," beginning March 4, 1984, to recognize and observe appropriate changes which will aid women to gain their rightful place in the great body of American history.

Came from the Senate, read and adopted.
Was read and adopted in concurrence.

RESOLVE, Authorizing the Exchange of Certain Public Reserved Lands (S. P. 810) (L. D. 2186)

Bill "An Act to Provide Set-back Requirements for Disposal by a Property Owner on His Property of Septage from His Residence" (S. P. 813) (L. D. 2169)

Came from the Senate, referred to the Committee on Energy and Natural Resources and Ordered Printed.

Were referred to the Committee on Energy and Natural Resources in concurrence.

Non-Concurrent Matter

House Legislative Sentiment relative to the Houlton High School Shiretowners, (HLS 924) which was passed in the House on March 5, 1984.

Came from the Senate Read and Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

**Non-Concurrent Matter
Later Today Assigned**

Bill "An Act to Create a State Funded Jobs Program" (Emergency) (H. P. 1631) (L. D. 2171) which was referred to the Committee on Appropriations and Financial Affairs in the House on March 2, 1984.

(The Committee on Reference of Bills had suggested reference to the Joint Select Committee on Job Training.)

Came from the Senate referred to the Committee on Taxation in non-concurrence.

On motion of Representative Diamond of Bangor, tabled pending further consideration and later today assigned.

Communications

The following Communication: (H. P. 1664)

UNIVERSITY OF MAINE AT ORONO

Bureau of Public Administration

162 College Avenue

Orono, Maine 04469

February 29, 1984

The Honorable John L. Martin

Speaker of the House of Representatives

of the State of Maine

State House Station 2

Augusta, Maine 04333

Dear Speaker Martin:

I am pleased to forward a copy of the Annual Report of the Bureau of Public Administration.

I would be happy to respond to any questions you might have about the Bureau's activities.

Sincerely,

S/KATHRYN H. GODWIN

Director

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

**Petitions, Bills and Resolves
Requiring Reference**

The following Bills were received and, upon recommendation of the Committee on Reference of Bills, were referred to the following Committees:

Agriculture

Bill "An Act Relating to the Quality of Milk" (H. P. 1654) (L. D. 2184) (Presented by Representative Michael of Auburn) (Cosponsors: Representatives Mahany of Easton, McCollister of Canton and Stover of West Bath) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Ordered Printed

Sent up for concurrence.

**Joint Select Committee on
Alcoholism Services**

Bill "An Act to Increase the Fee for the Alcohol Education Program Conducted by the Department of Human Services" (H. P. 1658) (L. D. 2188) (Presented by Representative Rolde of York) (Cosponsor: Senator Bustin of Kennebec) (Submitted by the Department of Human Services pursuant to Joint Rule 24)

Ordered Printed

Sent up for concurrence.

Education

Bill "An Act Relating to Local Voting on School Administrative District Budgets" (H. P. 1662) (L. D. 2195) (Presented by Representative Ridley of Shapleigh) (Cosponsors: Representatives Carroll of Limerick, Seavey of Kennebunkport and Senator Wood of York) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Ordered Printed.

Sent up for concurrence.

Health and Institutional Services

Bill "An Act to Require Prisoners on Work Release to Pay for the Cost of Their Board in a Correctional Facility" (H. P. 1657) (L. D. 2187) (Presented by Representative Smith of Island Falls) (Cosponsors: Representatives Rotondi

of Athens, Ainsworth of Yarmouth and Mills of Bethel) (Submitted by the Department of Corrections pursuant to Joint Rule 24)

Bill "An Act to Establish Farm Programs at Correctional Facilities" (H. P. 1656) (L. D. 2186) (Presented by Representative McHenry of Madawaska) (Cosponsors: Representative Mayo of Thomaston, Mahany of Easton and Benoit of South Portland) (Submitted by the Department of Corrections pursuant to Joint Rule 24)

Ordered Printed.

Sent up for concurrence.

Judiciary

Bill "An Act to Amend the Laws Regarding Bail" (H. P. 1655) (L. D. 2185) (Presented by Representative Brannigan of Portland) (Cosponsors: Representatives Benoit of South Portland, Livesay of Brunswick and Senator Brown of Washington) (Approved for introduction by the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Amend Provisions Relating to Violation of Probation or Parole" (H. P. 1659) (L. D. 2189) (Presented by Representative Joyce of Portland) (Cosponsors: Representatives Carroll of Gray and Drinkwater of Belfast) (Submitted by the Department of Corrections pursuant to Joint Rule 24)

Ordered Printed.

Sent up for concurrence.

Labor

Bill "An Act to Amend the Early Payment Provisions of the Workers' Compensation Act with Respect to Payments for Impairment and Medicals-only Claims" (Emergency) (H. P. 1660) (L. D. 2190) (Presented by Speaker Martin of Eagle Lake) (Cosponsors: Representatives Beaulieu of Portland, Joseph of Waterville and Senator Dubremble of York)

Bill "An Act Providing for a Maine Labor Relations Law" (H. P. 1663) (Presented by Representative Beaulieu of Portland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Ordered Printed.

Sent up for concurrence.

Reported Pursuant to the Statutes

Representative Hobbins for the Advisory Committee on Judicial Employees Collective Bargaining, pursuant to Public Law 1983, Chapter 412, Section 2 ask leave to submit its findings and to report that the accompanying Bill "An Act to Create the Judicial Employees Labor Relations Act" (Emergency) (H. P. 1649) (L. D. 2175) be referred to the Joint Standing Committee on Judiciary for public hearing and printed pursuant to Joint Rule 18.

Report was read and accepted.

On motion of Representative Beaulieu of Portland, the Bill was referred to the Committee on Labor, ordered printed and sent up for concurrence.

Study Report — Committee on Election Laws

Representative Handy from the Committee on Election Laws to which was referred by the Legislative Council the Study Relative to Recodification of the State Election Laws, Title 21, and Consideration of Needed Substantive Reforms have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Amend the Political Action Committee Registration and Reporting Law" (H. P. 1651) (L. D. 2176) be referred to this Committee for public hearing and printed pursuant to Joint Rule 19.

Report was read and accepted, and the bill referred to the Committee on Election Laws, ordered printed and sent up for concurrence.

Study Report—Committee on Education

Representative Locke from the Committee on Education to which was referred by the Legislative Council the Study Relative to the Re-

port by NBHE: "Threat to Excellence" have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Establish Centers of Excellence in the University of Maine System" (H. P. 1652) (L. D. 2177) be referred to this Committee for public hearing and printed pursuant to Joint Rule 19.

Report was read and accepted, and the bill referred to the Committee on Education, ordered printed and sent up for concurrence.

Study Report—Committee on Education

Representative Locke from the Committee on Education to which was referred by the Legislative Council the Study Relative to the Report by NBHE: "Threat to Excellence" have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Provide a Corporate Tax Credit for Donations of Technological Equipment to Educational Institutions" (H. P. 1653) (L. D. 2178) be referred to this Committee for public hearing and printed pursuant to Joint Rule 19.

Report was read and accepted, and the bill referred to the Committee on Education, ordered printed and sent up for concurrence.

Orders

On motion of Representative McSweeney of Old Orchard Beach, the following Order:

ORDERED, that Representative Barry J. Hobbins of Saco be excused March 5th for the duration of his illness.

Was read and passed.

Special Sentiment Calendar

In accordance with House Rule 56 and Joint Rule 34, the following items:

Recognizing:

The Southern Aroostook Warriors, of Dyer Brook, under coach Jesse Bedwell, winners of the 1984 State Class D Boys' Basketball Championship; (HLS 942) by Representative Smith of Island Falls. (Cosponsors: Senators Carpenter of Aroostook, Pearson of Penobscot and Representative Smith of Mars Hill)

On the request of Representative Smith of Island Falls, the above item was removed from the Special Sentiment Calendar.

The SPEAKER: The Chair recognizes the gentleman from Island Falls, Mr. Smith.

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: Last Saturday, March 3, 1984, a little-known basketball team from the County, the Warriors of Southern Aroostook Community School, came down to the Augusta Civic Center to play a well-known Oak Grove-Coburn High School basketball team of Vassalboro, winners of the Western Class D Championship in 1983 and 1984.

This Oak Grove-Coburn team boasted players from as far away as New York and New Jersey. The little-known team, the Warriors of Southern Aroostook, had defeated a tough Jonesport-Beals team on February 25, 1984, for the Eastern Maine Class D Championship, 95 to 86, a total of 181 game points, the highest number of game points on record for tournament play.

Last Saturday the Warriors of Southern Aroostook again showed their calm determination with Jay Bedwell, John Prescott, Alan Anderson, Reggie Lawrence, Ryan Goodall, James Greaves, Mark Bushey, Brent Dubois, Jasson Tarr, Mark Douglas, coached by Jesse Bedwell and assisted by Tim Prescott, defeating the Oak Grove-Coburn Tigers 80 to 75 for the State of Maine Class D Championship.

The Southern Aroostook Community school is comprised of six towns—Smyrna Mills, Moro, Oakfield, Crystal, Dyer Brook and Island Falls. Total population is 3,091. It is the first Maine championship for this school of 200 students and the first state championship won by any eastern Maine team during this tournament season. The last state championship for the

area was won in 1969 by Island Falls High School.

Congratulations to the Warriors of Southern Aroostook Community School of Dyer Brook.

Thereupon, the Order received passage and was sent up for concurrence.

House Reports of Committees Unanimous Leave to Withdraw

Representative Ridley from the Committee on Public Utilities on Bill "An Act to Promote Competition in the Electric Power Industry" (H. P. 1505) (L. D. 1976) reporting "Leave to Withdraw"

Representative Matthews from the Committee on Education on Bill "An Act Concerning Military Recruitment in Public Schools" (H. P. 1463) (L. D. 1915) reporting "Leave to Withdraw"

Representative Lebowitz from the Committee on State Government on Bill "An Act to Establish a Maine Historic Register" (H. P. 1543) (L. D. 2029) 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 Cooper from the Committee on State Government on Bill "An Act Amending the Laws Relating to the Finance Authority of Maine Concerning Eligibility of Small Business for Financing" (H. P. 1496) (L. D. 1971) reporting "Ought to Pass" in New Draft (H. P. 1661) (L. D. 2194)

Report was read and accepted, the New Draft given its first reading and assigned for second reading Friday, March 9, 1984.

Consent Calendar

First Day

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

(S. P. 681) (L. D. 1859) Bill "An Act to Amend the Charter of the Jackman Sewer District to Clarify the Limit on Indebtedness and to Clarify Certain Other Language in the Charter" (Emergency) Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (S-298)

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

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (S-298) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading tomorrow.

(H. P. 1556) (L. D. 2057) Bill "An Act Relating to Conveyance of Rolled Bales of Hay" — Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-505)

There being no objections, the above item was ordered to appear on the Consent Calendar of Friday, March 9, 1984 under the list of Second Day.

Consent Calendar

Second Day

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

(S. P. 687) (L. D. 1894) Bill "An Act Concerning Municipal Snowmobile Registration"

(H. P. 1550) (L. D. 2040) Bill "An Act to Clarify the Right of Municipalities to Establish a Probationary Period for Employees" (C. "A" H-500)

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was Passed to be Engrossed in concurrence and the House Paper was Passed to be Engrossed as Amended and sent up for concurrence.

Passed to be Engrossed

Bill "An Act to Correct Errors and Inconsistencies in the School Immunization Law and other Related Laws" (H. P. 1642) (L. D. 2172)

Bill "An Act to Provide for the Licensing of Commercial Scallop Fishing for Purposes of Improving Law Enforcement and to Protect Underwater Electric Cables not Shown on Nautical Charts" (H. P. 1643) (L. D. 2173)

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

Second Reader

Tabled and Assigned

Bill "An Act Concerning the Open Burning of Leaves and Brush" (H. P. 1625) (L. D. 2142)

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

Representative Dexter of Kingfield moved that the House reconsider its action whereby the Majority "Ought to Pass" Report was accepted.

The SPEAKER: The Chair recognizes the same gentleman.

Mr. DEXTER: Mr. Speaker, Men and Women of the House: I would hope that you would reconsider our action of Tuesday, because I am not sure that anyone understood what they were voting for, and should you reconsider, I would hope that some kind soul would table this for two legislative days because we have an amendment prepared.

Whereupon, on motion of Representative Ridley of Shapleigh, tabled pending the motion of Mr. Dexter of Kingfield to reconsider whereby the Majority "Ought to Pass" Report was accepted and specially assigned for Monday, March 12, 1984.

Passed to be Enacted Emergency Measure

An Act to Amend Certain Sections of the Law Related to the Department of Labor (S. P. 731) (L. D. 2017) (H. "A" H-489 and C. "A" S-292)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 125 voted in favor of the 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 Appropriate Funds for the Governor's Commission on the Status of Education in Maine (H. P. 1518) (L. D. 1999) (C. "A" H-484)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 111 voted in favor of the same and 10 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Tabled and Assigned

An Act to Amend the Charter of the Van Buren Light and Power District (H. P. 1562) (L. D. 2064)

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

On motion of Mr. Vose of Eastport, tabled pending passage to be enacted and tomorrow assigned.

Emergency Measure

An Act to Amend the Charter of the Van Buren Water District (H. P. 1563) (L. D. 2065)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 124 voted in favor of

the same and I against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure Later Today Assigned

An Act Authorizing York County to Spend Surplus Funds for an Addition to the York County Jail (H. P. 1639) (L. D. 2161)

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

On motion of Mrs. Wentworth of Wells, under suspension of the rules the House reconsidered its action whereby the Bill was passed to be engrossed.

The same gentlewoman offered House Amendment "A" (H-503) and moved its adoption.

House Amendment "A" (H-503) was read by the Clerk.

On motion of Mr. Paul of Sanford, tabled pending adoption of House Amendment "A" and later today assigned.

Passed to Be Enacted

An Act to Amend the Cessation of Employment Law" (H. P. 1450) (L. D. 1902) (S. "A" S-295 to C. "A" H-482)

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.

Enactor

Tabled and Assigned

An Act to Change the Name of Coho Salmon to Pacific Salmon (H. P. 1484) (L. D. 1947) (H. "A" H-487 to C. "A" H-478)

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

On motion of Mr. Crowley of Stockton Springs, tabled pending passage to be engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Fund Rape Crisis Centers (H. P. 1535) (L. D. 2020) (C. "A" H-485)

An Act to Amend the Statutes Relating to the Approval of Correspondence Schools and Trade and Technical Schools (H. P. 1564) (L. D. 2073)

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

Tabled and Assigned

RESOLVE, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory (H. P. 1442) (L. D. 1887) (C. "A" H-488)

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

On motion of Mrs. Mitchell of Vassalboro, tabled pending final passage and tomorrow assigned.

Orders of the Day

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

An Act to Amend the Law Regarding Premium Discounts for Workers' Compensation Insurance of Small Businesses (H. P. 1519) (L. D. 2001)

Tabled—March 6, 1984 by Representative Brannigan of Portland.

Pending—Passage to be Enacted.

On motion of Mr. Brannigan of Portland, 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" (H-501) and moved its adoption.

House Amendment "A" 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.

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

Bill "An Act to Amend Certain Rules of the Emergency Medical Services" (S. P. 709) (L. D. 1955) (H. "A" S-290)

Tabled—March 6, 1984 by Representative Nelson of Portland.

Pending—Passage to be Engrossed.

On motion of Mr. Brodeur of Auburn, tabled pending passage to be engrossed and tomorrow assigned.

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

JOINT ORDER—Relative to Legislative Conduct (H. P. 1632) Read in House March 2, 1984.

Tabled—March 6, 1984 by Representative Diamond of Bangor.

Pending—Passage.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I apologize to the House but I inadvertently submitted the wrong draft of this particular Joint Order, so I would request permission from the House to withdraw my motion.

Thereupon, Representative Higgins was granted permission to withdraw his Joint Order (H. P. 1632).

The Chair laid before the House the following matter:

Bill "An Act to Create a State Funded Jobs Program" (Emergency) (H. P. 1631) (L. D. 2171) which was tabled earlier in the day and later today assigned pending further consideration.

In the House: Was referred to the Committee on Appropriations and Financial Affairs on March 2, 1984.

(The Committee on Reference of Bills had suggested reference to the Joint Select Committee on Job Training.)

Came from the Senate referred to the Committee on Taxation in non-concurrence.

On motion of Mr. Diamond of Bangor, the House voted to recede and concur.

The Chair laid before the House the following matter:

An Act Authorizing York County to Spend Surplus Funds for an Addition to the York County Jail (H. P. 1639) (L. D. 2161) which was tabled earlier in the day and later today assigned pending adoption of House Amendment "A" (H-503)

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

Mr. PAUL: Mr. Speaker, Members of the House: I move that this be tabled for one legislative day.

The SPEAKER: The Chair recognizes the gentleman from Wells, Mrs. Wentworth.

Mrs. WENTWORTH: Mr. Speaker, I request a roll call.

A roll call has been requested.

More than one fifth of the members present expressed a desire for a roll call, which was ordered.

The SPEAKER: The pending question is on the motion of Representative Paul of Sanford, that this be tabled pending the adoption of House Amendment "A" and tomorrow assigned.

ROLL CALL

YEA—Ainsworth, Allen, Baker, Beaulieu, Benoit, Brannigan, Brodeur, Carrier, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Diamond, Erwin, Gauvreau, Gwadosky, Hall, Handy, Hayden, Hickey, Higgins, H.C.; Jacques, Jalbert, Joseph, Joyce, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lisnik, Locke, MacEachern, Macomber, Mahany, Manning, Martin, H.C.; Mayo, McCollister, McGowan, McSweeney, Melendy, Mitchell, E.H.; Mitchell, J.; Murray, Nadeau, Norton, Paradis,

P.E.; Paul, Perry, Pouliot, Racine, Reeves, P.; Richard, Ridley, Roberts, Rolde, Rotondi, Smith, C.B.; Soucy, Soule, Stevens, Tamaro, Theriault, Thompson, Tuttle, Vose, Webster.

NAY—Anderson, Armstrong, Bell, Bonney, Bost, Bott, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Conary, Connors, Curtis, Daggett, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Jackson, Kiesman, Lebowitz, Livesay, MacBride, Martin, A.C.; Masterman, Masterton, Matthews, K.L.; Maybury, McHenry, McPherson, Mills, Moholland, Murphy, E.M.; Murphy, T.W.; Paradis, E.J.; Parent, Perkins, Pines, Randall, Reeves, J.W.; Robinson, Roderick, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C.W.; Sproul, Stevenson, Stover, Strout, Swazey, Telow, Walker, Wentworth, Weymouth, Willey, Zirkilton.

ABSENT—Andrews, Hobbins, Kane, Lehoux, Matthews, Z.E.; Michael, Michaud, Nelson, The Speaker.

76 having voted in the affirmative and 66 in the negative, with 9 being absent, the motion did prevail.

Matter Pending Ruling

Bill "An Act to Increase the Minimum Wage" (H. P. 1618)

Tabled—February 28, 1984 by Speaker Martin of Eagle Lake.

Pending—Ruling of the Chair.

The SPEAKER: The Chair would rule that the matter before us, H. P. 1618, is not properly before this body being in violation of Joint Rule 29 and Joint Rule 37.

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

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

The SPEAKER: The gentleman may pose his question.

Mr. CONNOLLY: Mr. Speaker, if a bill were to be introduced that had the identical title that was presented to the Legislative Council back in the Fall when the bill was approved, An Act to Increase the Minimum Wage to \$4.00, and nothing else were changed, would the matter then be properly before this body?

The SPEAKER: The Chair would advise the gentleman that the Chair is not in a position to rule on that matter since it is not before the body and it is in violation of the Chair to make that decision at this time.

Mr. CONNOLLY: Mr. Speaker, as I understand your ruling, the reason that you ruled that the issue was not properly before us is solely because the title is not exactly identical to the title that was presented to the Legislative Council in November and there is no other question—is that correct?

The SPEAKER: The Chair would answer in the negative.

Mr. CONNOLLY: Mr. Speaker, I don't understand then—what is the other issue that is involved?

The SPEAKER: The Chair would advise the members of this body and the gentleman from Portland, Mr. Connolly, that Joint Rule 29 deals with drafting. The bill that came to this body was different than what was submitted to the Legislative Council for consideration. Joint Rule 37 deals with the fact that when the bill came to this body it had an identical title as what was rejected by this legislature last year.

Mr. CONNOLLY: Mr. Speaker, if I understand what you just said, you said that the title is different and that the bill is different.

The SPEAKER: The Chair would answer in the negative.

Mr. CONNOLLY: I am sorry, Mr. Speaker, I don't understand.

The SPEAKER: If the gentleman would like, he may discuss the matter in my office after the session.

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

Mr. JALBERT: Mr. Speaker, I don't know as I

am going to get the same request of being invited to your office but what I don't understand, Mr. Speaker, is that I put in a bill last year and the bill concerned itself with a bond issue — 1800 — and there were matters that did not correlate to one another and that bond issue was defeated. Now the bill is apparently coming back piecemeal through the Executive Branch. How could a bill like that be entertained like we are talking about now when it was presented at the last session, debated, a hearing was held and it was defeated — how does the Council account for having okayed the bill to be entered at 90 cents anyway?

The SPEAKER: The Chair would advise the gentleman that the only thing that the Legislative Council does is to determine whether or not the matter will be introduced during this session. It does not make the decision as to questions of germaneness. That matter is a matter that the presiding officer, by rule, as determined by this legislature, must establish, and that process is different than the process to which the gentleman is referring to. If the question of germaneness is never raised, then obviously the body has accepted the germaneness matter before us at this time or any other time.

Mr. JALBERT: Mr. Speaker, with a little levity, I wish I could really understand your telling me that that is the only thing the Council does.

The SPEAKER: The Chair would advise the gentleman that from time to time it varies.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I don't wish to prolong the issue here but I do want to make sure that the remarks of the gentleman from Portland and Lewiston were on the record.

The SPEAKER: The Chair would advise the gentleman in the affirmative.

Mr. HIGGINS: Mr. Speaker, when you made the ruling, you said "off the record" when you explained your remarks and I think it is important for the record that we understand the ruling relative to the fact that the bill — as far as Joint Rule 37 goes, as I understand it, you are ruling that it is not properly before the body because the title is identical to the bill that was killed the last time?

The SPEAKER: The Chair would advise the gentleman in the affirmative and the Chair did not go to the contents of that legislation since he didn't have to. If the matter had not been resolved by the title, the Chair would have had to go into the legislation itself.

(Off Record Remarks)

On motion of Representative Murphy of Kennebec,

Adjourned until eight-thirty tomorrow morning in memory of former Representative Clarence Crosby of Kennebunk Beach.
