

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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THIRD SPECIAL SESSION

September 4, 1984 to September 11, 1984

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HOUSE

Friday, March 16, 1984

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

Prayer by Reverend Donald Smith, Buxton Center Baptist Church.

The Journal of Thursday, March 15, 1984, was read and approved.

Papers from the Senate

The following Communication:

March 15, 1984

The Honorable John L. Martin
Speaker of the House
111th Legislature
State House
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 Health and Institutional Services, the Governor's nomination of Nancy A. Boothby of Brunswick for appointment as the Director of the Division of Community Services. Ms. Boothby is replacing Jadine O'Brien.

Sincerely,

S/JOY J. O'BRIEN

Secretary of the Senate

Was read and ordered placed on file.

Reports of Committees**Unanimous Leave to Withdraw**

Report of the Committee on Health and Institutional Services reporting "Leave to Withdraw" on Bill "An Act to Assure Active Treatment of Mentally Retarded People in Intermediate Care Facilities and Skilled Nursing Care Facilities" (Emergency) (S. P. 712) (L. D. 1958)

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act to Allow the Public Utilities Commission to Set Rates on the Basis of Interpretation of Federal Law" (S. P. 413) (L. D. 1260)

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act to Update the Master Correctional Services Plan" (S. P. 659) (L. D. 1849)

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act to Provide Equal Access to Justice" (S. P. 570) (L. D. 1646)

Report of the Committee on State Government reporting "Leave to Withdraw" on RESOLVE, Authorizing the Transfer of State Property in Little Squaw Township for Use as a Sanitary Facility for the Town of Greenville (S. P. 696) (L. D. 1928)

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act Relating to Sentencing and Prison Overcrowding" (S. P. 713) (L. D. 1959)

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

Ought to Pass as Amended

Report of the Committee on Taxation reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-316) on Bill "An Act to Provide a Sales Tax Exemption for Community Action Agencies" (S. P. 698) (L. D. 1938)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-316).

Report was read and accepted and the bill read once. Committee Amendment "A" was read by the Clerk and adopted and the Bill assigned for second reading later in today's session.

Divided Report**Later Today Assigned**

Eight Members of the Committee on Labor on Bill "An Act to Clarify the Negotiability of

Pay Rates Under the State Employees Labor Relations Act" (S. P. 170) (L. D. 525) report in Report "A" that the same "Ought to Pass" as amended by Committee Amendment "A" (S-312)

Signed:

Senators:

DUTREMBLE of York
HAYES of Penobscot

Representatives:

TUTTLE of Sanford
ROBINSON of Auburn
BEAULIEU of Portland
TAMMARO of Baileyville
GAUVREAU of Lewiston
ZIRNKILTON of Mount Desert

Four Members of the same Committee on the same Bill report in Report "B" that the same "Ought Not to Pass"

Signed:

Representatives:

WILLEY of Hampden
BONNEY of Falmouth
SWAZEY of Bucksport
NORTON of Biddeford

One Member of the same Committee on the same Bill reports in Report "C" that the same "Ought to Pass"

Signed:

Senator:

SEWALL of Lincoln

Came from the Senate with Report "A" "Ought to Pass" as amended read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-312)

Reports were read.

Representative Beaulieu of Portland moved that the "Ought to Pass" Report "A" be accepted in concurrence.

On motion of the same gentlewoman, tabled pending her motion to accept Report "A" in concurrence and later today assigned.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-317) on Bill "An Act to Increase the Dollar Limitation for Cases which may be Brought in Small Claims Court" (S. P. 741) (L. D. 2044)

Signed:

Senators:

TRAFTON of Androscoggin
VIOLETTE of Aroostook
COLLINS of Knox

Representatives:

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

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

Representatives:

REEVES of Newport
CARRIER of Westbrook

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-317)

Reports were read.

On motion of Representative Soule of Westbrook, the Majority "Ought to Pass" Report was Accepted in concurrence and the Bill read once. Committee Amendment "A" (S-317) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading later in today's session.

Non-Concurrent Matter**Later Today Assigned**

"An Act to Require All Drivers Under the Age

of 20 Years to Complete an Approved Defensive Driving Course" (H. P. 1582) (L. D. 2096) on which the Majority "Ought Not to Pass" Report of the Committee on Transportation was read and accepted in the House on March 13, 1984.

Came from the Senate with the Minority "Ought to Pass" Report of the Committee on Transportation read and accepted and the Bill Passed to be Engrossed as Amended by Senate Amendment "A" (S-315) in non-concurrence.

Representative Carroll of Limerick moved that the House adhere.

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

Non-Concurrent Matter

Bill "An Act to Protect Tenants from Lack of Heat" (H. P. 1683) (L. D. 2228) which was referred to the Committee on Judiciary in the House on March 13, 1984.

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

The House voted to recede and concur.

House Reports of Committees**Unanimous Leave to Withdraw**

Representative Joyce from the Committee on Judiciary on Bill "An Act to Amend the Law Concerning Arrest in Other Municipalities by Municipal Law Enforcement Officers" (H. P. 1401) (L. D. 1823) reporting "Leave to Withdraw"

Representative Foster from the Committee on Judiciary on Bill "An Act to Create a Board of Review of the Judiciary" (H. P. 1082) (L. D. 1428) reporting "Leave to Withdraw"

Representative Livesay from the Committee on Judiciary on Bill "An Act to Amend the Law Concerning Suspension of Drivers' Licenses on Administrative Determination of Blood-alcohol Content" (Emergency) (H. P. 1612) (L. D. 2134) reporting "Leave to Withdraw"

Representative Foster from the Committee on Judiciary on Bill "An Act Concerning Computer Access" (H. P. 1580) (L. D. 2091) reporting "Leave to Withdraw"

Representative Crouse from the Committee on Education on RESOLVE, Authorizing the Office of Legislative Assistants to Survey the Availability of Vocational Education Programs to Handicapped Students (Emergency) (H. P. 1528) (L. D. 2019) reporting "Leave to Withdraw"

Representative Murray from the Committee on Business Legislation on Bill "An Act to Prevent Deception in the Sale of Life Insurance" (H. P. 1616) (L. D. 2138) reporting "Leave to Withdraw"

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

Refer to the Committee on Appropriations and Financial Affairs Later Today Assigned

Representative Higgins from the Committee on Taxation on Bill "An Act to Create a State Funded Jobs Program" (Emergency) (H. P. 1631) (L. D. 2171) reporting that it be referred to the Committee on Appropriations and Financial Affairs.

Report was read.

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

Mr. CARTER: Mr. Speaker and Members of the House: I am a bit puzzled this morning. Originally this bill was referred to Appropriations and Financial Affairs. It went to the other body and there was a disagreement and it was referred to the Committee on Taxation. Finally we were all in agreement and it was referred to the Committee on Taxation. Here it is coming back and now it is being referred to Appropriations. I would like to have an explanation if I may.

The SPEAKER: The gentleman from Winslow, Mr. Carter, has posed a question through

the Chair to anyone who may care to answer. Whereupon, on motion of Representative Carter of Winslow, tabled pending reference and later today assigned.

Ought to Pass in New Draft

Representative Perkins from the Committee on Business Legislation on Bill "An Act to Require Mortgagees to Pay Interest on Escrow Accounts" (H. P. 1558) (L. D. 2060) reporting "Ought to Pass" in New Draft (H. P. 1711) (L. D. 2241)

Report was read and accepted, the New Draft given its first reading and assigned for second reading later in today's session.

Ought to Pass in New Draft

Representative Vose from the Committee on Public Utilities on Bill "An Act Creating the Wiscasset Water District" (H. P. 1328) (L. D. 1765) reporting "Ought to Pass" in New Draft (H. P. 1712) (L. D. 2242)

Report was read and accepted, the New Draft given its first reading and assigned for second reading later in today's session.

Ought to Pass in New Draft

Representative Theriault from the Joint Select Committee on Job Training on Bill "An Act to Update the Job Opportunities Act of 1981" (H. P. 1531) (L. D. 2015) reporting "Ought to Pass" in New Draft (H. P. 1713) (L. D. 2259)

Report was read and accepted, the New Draft given its first reading and assigned for second reading later in today's session.

Ought to Pass in New Draft

Representative Higgins from the Committee on Taxation on RESOLVE, Reimbursing Certain Municipalities on Account of Taxes Lost Due to Lands being Classified under the Tree Growth Tax Law (Emergency) (H. P. 1512) (L. D. 1987) reporting "Ought to Pass" in New Draft (Emergency) (H. P. 1720) (L. D. 2260)

Report was read and accepted, the New Draft given its first reading and assigned for second reading later in today's session.

Consent Calendar First Day

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

(S. P. 747) (L. D. 2050) Bill "An Act to Provide for Equal Treatment of Special Fuel Used for Heating Purposes" Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-311)

On the request of Representative Higgins of Scarborough, was removed from the Consent Calendar.

Thereupon, the Report was accepted and the Bill read once. Committee Amendment "A" (S-311) was read by the Clerk and adopted in concurrence and the Bill assigned for second reading later in today's session.

Consent Calendar Second Day

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

(H. P. 1547) (L. D. 2037) Bill "An Act Relating to Penalties for Hunting without a License"

On the request of Representative McHenry of Madawaska, was removed from the Second Day Consent Calendar.

Thereupon, the Report was accepted, the Bill read once and assigned for second reading later in today's session.

Passed to Be Engrossed

Bill "An Act Concerning Terms of Office of Certain County Commissioners whose Districts are Affected by Reapportionment" (Emergency) (S. P. 831) (L. D. 2222)

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

Passed to be Engrossed in concurrence.

As Amended

Bill "An Act to Establish a Commercial Tag for Atlantic Salmon" (H. P. 1533) (L. D. 2016) (C. "A" H-521)

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

Representative Ainsworth of Yarmouth offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-524) was read by the Clerk and adopted.

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

Passed to Be Enacted Emergency Measure

An Act Authorizing York County to Spend Surplus Funds for an Addition to the York County Jail (H. P. 1639) (L. D. 2161) (H. "B" H-506)

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

Emergency Measure

An Act to Establish the Cost of 1984 Spruce Budworm Suppression Project (H. P. 1706) (L. D. 2233)

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. 114 voted in favor of the same and one 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 Identify Polychlorinated Biphenyls as Hazardous Waste (S. P. 684) (L. D. 1891) (C. "A" S-300)

An Act Concerning the Speed Limit for School Buses (S. P. 693) (L. D. 1925)

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

Enactor Later Today Assigned

An Act to Provide for Certain License Requirements for School Bus Drivers (S. P. 704) (L. D. 1951)

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

The SPEAKER: The Chair recognizes the gentleman from Corinth, Mr. Strout.

Mr. STROUT: Mr. Speaker, Ladies and Gentlemen of the House: As this bill is too too restrictive for my little districts up in the central area of the State of Maine and I feel it would create a hardship for the five districts that I represent, I ask for a roll call on enactment of this LD.

The SPEAKER: The Chair recognizes the gentleman from Monmouth, Mr. Davis.

Mr. DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question to the Chairman of the committee. Would this bill in fact prohibit a mechanic during the summer from taking a bus on the road for repair and testing without having a bus driver drive it? Is this so or is it not?

The SPEAKER: The gentleman from Monmouth, Mr. Davis, has posed a question through the Chair to the gentleman from Limerick, Mr. Carroll, who may answer if he so desires.

The Chair recognizes that gentleman.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: A mechanic can drive it as long as he is not hauling students. If he is hauling students or conveying scholars, then he should be a licensed school bus driver.

The SPEAKER: The Chair recognizes the gentleman from St. George, Mr. Scarpino.

Mr. SCARPINO: Mr. Speaker, Men and Women of the House: I, too, have to speak in opposition of this bill, basically for the same reasons that Representative Strout did.

Quite simply, when one looks at the coastal islands, and I probably have the most coastal islands in my district of anyone here, the restrictiveness of this piece of legislation makes it extremely difficult for those islands to maintain and keep their school buses operating. A perfect example is the island of North Haven that has one licensed school bus driver that lives on the entire island. If that individual is sick, if he takes a vacation, if for whatever reason he is off the island, they will not have anyone to drive their school bus, no one to fill in for a day or two while he is off. Now, you may say that you cannot see where that is a problem but if you live on an island where in effect you have very limited medical services, you have no dental services, you have no county or federal offices, just the normal kind of things that we accept for granted, that someone can take an hour off from work and run into the bank, or someone can take an hour off from work and run over to the doctor, or go to a federal or state office, if you happen to live on one of these islands, at best it is a one day affair and very often it is a two day affair just to take care of normal business.

The restrictiveness of this bill makes it extremely difficult for the islands to maintain operating school buses, and I would urge you to oppose this piece of legislation.

Whereupon, on motion of Mrs. Mitchell of Vassalboro, tabled pending passage to be enacted and later today assigned.

An Act to Define Primary Excess Insurer Pursuant to Self-insurance under the Maine Workers' Compensation Act (S. P. 740) (L. D. 2043)

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.

An Act to Authorize the Sale of Certain State-owned Land (S. P. 767) (L. D. 2080)

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

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

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: This is a unanimous committee report from the Committee on State Government; however, to clarify for the record and for the legislative intent, this bill will be part of a cooperative effort between the state and Casco Bank and Burnsie's Sandwich Shop to improve traffic flow along Higgins Street and into and out of Casco Bank parking lot, and also to enhance the approach to the Capitol along State Street.

There is a reversion clause in this bill and there also will be a reversion clause in the deed which will stipulate that should this land ever cease to be used as an entrance to the bank, that the fee title to the land would revert back to the state.

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

An Act to Change the Name of Coho Salmon to Pacific Salmon (H. P. 1484) (L. D. 1947) (H. "A" H-487 and H. "B" H-507 to C. "A" H-478)

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

An Act Relating to Conveyance of Rolled

Bales of Hay (H. P. 1556) (L. D. 2057) (C. "A" H-505)

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

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 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 Amending the Laws Relating to the Finance Authority of Maine Concerning Eligibility of Small Business for Financing (H. P. 1661) (L. D. 2194)

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

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be enacted and assigned for Monday, March 19.

Finally Passed

RESOLVE, to Name the Bridge in Hinckley for George Walter Hinckley (S. P. 691) (L. D. 1923)

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

Orders of the Day

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

Bill "An Act to Clarify the Licensing Authority of the Board of Registration in Medicine" (H. P. 1665) (L. D. 2197)

—In House, Passed to be Engrossed as Amended by House Amendment "A" (H-512) on March 12, 1984.

—In Senate, Passed to be Engrossed as Amended by House Amendment "A" (H-512) as Amended by Senate Amendment "A" (S-309) thereto in non-concurrence.

Tabled—March 15, 1984 by Representative Nelson of Portland.

Pending—Further Consideration.

On motion of Mr. Brodeur of Auburn, retabled pending further consideration and later today assigned.

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

HOUSE ORDER—Relative to Amending House Rule 57.

Tabled—March 15, 1984 by Speaker Martin of Eagle Lake. (Pursuant to House Rule 54)

Pending—Passage.

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

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

An Act Relating to Penobscot Nation Trust Land Designation (H. P. 1398) (L. D. 1821) (C. "A" H-498)

Tabled—March 15, 1984 by Representative Diamond of Bangor.

Pending—Passage to be Enacted.

On motion of Mr. Soule of Westport, 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 the Bill was passed to be engrossed.

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

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

House Amendment "A" (H-523) to Committee Amendment "A" (H-498) was read by the Clerk and adopted.

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

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

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

Bill "An Act to Amend the Liquor Laws to Permit the Sale of Beer and Wine at Outdoor Stadiums" (Emergency) (S. P. 752) (L. D. 2055)

—In House, Failed of Passage to be Enacted on March 5, 1984.

—In Senate, Bill and Accompanying Papers Recommended to the Committee on Legal Affairs in non-concurrence.

Tabled—March 15, 1984 by Representative Kelleher of Bangor.

Pending—Motion of same gentleman to Recede and Concur.

On motion of Mr. Kelleher of Bangor, retabled pending motion of the same gentleman that the House recede and concur and specially assigned for Monday, March 19, 1984.

By unanimous consent, unless previous notice was given to the Clerk of the House by some member of his or her intention to move reconsideration, the Clerk was authorized today to send to the Senate, 30 minutes after the House recessed and also thirty minutes after the House adjourned for the day, all matters passed to be engrossed in concurrence and all matters that required Senate concurrence; and that after such matters had been so sent to the Senate by the Clerk, no motion to reconsider will be allowed.

On motion of Mr. Joyce of Portland, Recessed until twelve o'clock noon.

After Recess 12:00 noon

The House was called to order by Speaker.

The following papers were taken up out of order by unanimous consent:

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:

Appropriations and Financial Affairs

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$1,500,000 for the Design, Construction and Equipping of a Crime Lab and Morgue" (Emergency) (H. P. 1726) (Presented by Representative Kelleher of Bangor) (Cosponsors: Representatives Paradis of Augusta, Drinkwater of Belfast and Senator Danton of York)

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$1,500,000 for Restoration and Preservation of Historic Structures" (H. P. 1727) (Presented by Representative Rolde of York) (Cosponsors: Representatives Baker of Portland and Randall of East Machias)

Ordered Printed.

Sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Consent Calendar First Day

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

(S. P. 758) (L. D. 2067) Bill "An Act Requiring Insulation Contractors to Make Certain Disclosures when Installing Urea Formaldehyde Insulation" — Committee on Business Legislation reporting "Ought to Pass".

There being no objections, the above items

were ordered to appear on the Consent Calendar of Monday, March 19, 1984 under the listing of Second Day.

Passed to Be Engrossed

Bill "An Act to Require Mortgagees to Pay Interest on Escrow Accounts" (H. P. 1711) (L. D. 2241)

Bill "An Act Creating the Wiscasset Water District" (H. P. 1712) (L. D. 2242)

Bill "An Act to Update the Job Opportunities Act of 1981" (H. P. 1713) (L. D. 2259)

RESOLVE, Reimbursing Certain Municipalities on Account of Taxes Lost Due to Lands being Classified under the Tree Growth Tax Law" (Emergency) (H. P. 1720) (L. D. 2260)

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

Bill "An Act Relating to Penalties for Hunting without a License" (H. P. 1547) (L. D. 2037)

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

Representative McHenry of Madawaska offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-531) was read by the Clerk and adopted.

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

As Amended

Bill "An Act to Provide a Sales Tax Exemption for Community Action Agencies" (S. P. 698) (L. D. 1938) (C. "A" S-316)

Bill "An Act to Increase the Dollar Limitation for Cases which may be Brought in Small Claims Court" (S. P. 741) (L. D. 2044) (C. "A" S-317)

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

Bill "An Act to Provide for Equal Treatment of Special Fuel Used for Heating Purposes" (S. P. 747) (L. D. 2050) (C. "A" S-311)

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

On motion of Mrs. Ingraham of Houlton, the House reconsidered its action whereby Committee Amendment "A" (S-311) was adopted.

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

House Amendment "A" to Committee Amendment "A" (H-533) was read by the Clerk.

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

Mrs. INGRAHAM: Mr. Speaker, Ladies and Gentlemen of the House: I offer this amendment as a fairer approach to the tax exemption for special fuel used for heating purposes. Presently, if you buy home heating fuel and have it delivered to your home, you pay no tax, but if you choose to pick it up and deliver it to your home for the purpose of saving a delivery charge, you pay a 14 cent per gallon tax. The committee amendment gives the exemption but limits it to 110 gallons. I consider this cap to be discriminatory. I see no reason why if you have the capability of making your own delivery that you can't get as much as you need tax exempt, as you would if it were delivered paying the delivery charge, of course.

In my area, home heating oil was \$1.269 per gallon this winter. Believe me, that is a hardship for the people of northern Maine.

I might add that this winter in Houlton the temperature went down to 29 degrees below zero one weekend and 41 degrees below zero another weekend, not counting the chill factor. The cost of heating fuel is not a small consideration, and any way the people can save deserves your serious consideration. The saving is granted for some—why not all?

The SPEAKER: The Chair recognizes the gentleman from Harrison, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: What the Representative from Aroostook has said is correct, part of it, but there is another problem. We discussed this in the committee, putting the limitation on the amount of gallonage that would be exempt in any one purchase, and we decided at 110 gallons, that would be two 55-gallon drums.

The problem that I have with removing that limitation is that it may be all well and good in Aroostook County that there may be some families or some people in that area that might need the ceiling lifted from 110 gallons, but I have to look at the southern part or another part of it where there might be a substantial abuse to the ceiling being lifted off that limitation. And as I speak I look at some of our consumers who consume this oil that are in other businesses or in businesses which might benefit by having the ceiling lifted off. One that I can think of mainly would be truckers, I can look at loggers, look at many of these people.

I think it is important that we leave the 110 gallon limitation so that we don't open the door to fraud and abuse in this respect. Therefore, I would ask for a division, Mr. Speaker.

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

Mr. MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: My problem with this is strictly from a safety factor. Do we want uncontrolled hauling of hundreds of gallons of fuel on our highways? I don't think we do. I wish someone would address what the restrictions are presently for hauling bulk fuel on the highway.

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

Mr. SMITH: Mr. Speaker, Ladies and Gentlemen of the House: There are people in my area that go and fill a 275 gallon tank which they carry on the back of their pickup. It seems to me that it would be ridiculous for them to go and have this filled and say only 110 could be exempt. I think we should take the limitation off.

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

Mrs. INGRAHAM: Mr. Speaker, Ladies and Gentlemen of the House: I would like to respond to Mr. Jackson's comment about the potential for fraud. I really don't see why it isn't possible now to remove oil from other tanks and use them off highway or on highway in diesel. After all, the fuel doesn't care if it is delivered by an oil company or by you; it works the same either way.

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

Mr. HIGGINS: Mr. Speaker, Men and Women of the House: I would like to echo some of the concerns raised by the gentleman from Harrison, Mr. Jackson.

My concern is that we are opening this up to all special fuels which have multiple uses. The concern that I believe he was raising was, if we do not limit the quantity, the 110 gallons we have set as the combination of two 55-gallon barrels, we have set that with a very expressed purpose. Because you have multiple uses, what could be done here, a way of skirting the 14 cents per gallon fuel tax, they could use this fuel which I believe is Number 2 in place of diesel and what could happen is trucking companies or moving companies or whoever has large storage capacities could put this fuel in their fuel tanks and use it as a substitute and thereby skirt paying the 14 cents per gallon fuel tax. This is the reason why we have put a limitation on it and I hope you will support the gentleman from Harrison in indefinitely postponing this amendment.

The SPEAKER: The Chair will order a vote. The pending question is on the adoption of House Amendment "A" to Committee Amendment "A". All those in favor will vote yes; those

opposed will vote no.

A vote of the House was taken.

Whereupon, Representative Higgins of Portland requested a roll call vote.

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 Chair recognizes the gentleman from Kingfield, Mr. Dexter.

Mr. DEXTER: Mr. Speaker, Men and Women of the House: All I have heard here for the last year is fraud. Is this the mentality of this legislature, that everyone out here is going to defraud someone? I just don't understand it.

Just let me give you an example. I now have to pay the full tax on my diesel I use in the woods because of something we passed here because I might possibly put it into a truck on the road, so in the past I have never bothered to ask for a refund on my gas that I use when I am building a road off the highway, which I could do. So now it is going to cost the state because I am in the process of getting a refund of several hundred dollars which I have normally sawed myself, so I say let's support the gentleman from Houlton.

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

Mr. KANE: Mr. Speaker, Ladies and Gentlemen of the House: I made a mistake when I thought there was unanimity on this in the Committee on Taxation, that we had sort of struck an arrangement that was, as usual, some sort of medium ground, and I am as surprised as most other people on Taxation, I think, to see this being debated on the floor.

I don't really think that it is so much a question, as Mr. Dexter suggests, that everybody suggests fraud, but when you are dealing with taxes, you do have to have some sort of enforcement machinery in place.

As I read this amendment, all it does is remove the limitation. It doesn't change it to another limitation, it just strikes it. I think that the practical effect of this would be, it would make an absolute mockery out of any attempt to enforce these provisions of the law. I think this is a hastily prepared and ill-considered amendment, and I just hope that you people will take the lead of the, at one time, unanimous membership of the Committee on Taxation and kill this amendment.

Mr. Speaker, I move the indefinite postponement of this amendment.

The SPEAKER: Representative Kane from South Portland moves that House Amendment "A" to Committee Amendment "A" be indefinitely postponed.

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

Mrs. INGRAHAM: Mr. Speaker, Ladies and Gentlemen of the House: If I may respond to Representative Kane's comment, this fact was well known in the Committee. I believe you weren't there when I told the entire committee that I intended to offer this amendment. It has been pending for two weeks or more.

Representative Brown of Livermore Falls requested a roll call vote.

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

Mr. HIGGINS: Mr. Speaker, Men and Women of the House: I was aware that the gentlewoman had intended to present this amendment.

There are a number of large fuel purchasers in the state that could potentially take advantage of this and this is where our concern comes from, because there is no limitation. It would open it up when trucking companies purchase thousands of gallons of this. They could thereby skirt the 14 cent per gallon gas tax.

I would have no problems with the limitation of 500 gallons or some limit, but when you are dealing with thousands and thousands of gallons, there is quite a temptation there, and for this reason I would support the gentleman

from South Portland, Mr. Kane's motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Princeton, Mr. Moholland.

Mr. MOHOLLAND: Mr. Speaker, Ladies and Gentlemen of the House: I would hope you wouldn't postpone this amendment because I buy thousands of gallons of fuel and I haul it up into the woods and I am paying for the tax.

We had a suppliers' law down in Transportation and we have to pay that tax the minute we get it out of a pump, and I don't think we should take the amendment off because there are a lot of people that haul 200 gallons up into the woods, they have tractors and skidders and they are still paying the suppliers' law. I don't think you should take this amendment off. If somebody can tell me different, I wish they would get up and do it.

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 Kane of South Portland that House Amendment "A" to Committee Amendment "A" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

Roll Call No. 380

YEA—Allen, Andrews, Baker, Bost, Bott, Brodeur, Carroll, D.P.; Chonko, Connolly, Cooper, Cote, Cox, Crouse, Day, Diamond, Dillenback, Hall, Handy, Hickey, Higgins, H.C.; Jackson, Joseph, Kane, Kelly, Kiesman, LaPlante, Lehoux, Locke, Manning, Masterman, Masterton, Matthews, Z.E.; McColister, McGowan, Michael, Mills, Murray, Nadeau, Nelson, Norton, Roderick, Rolde, Seavey, Soucy, Sproul, Stevens, Swazey, Walker.

NAY—Ainsworth, Anderson, Armstrong, Beaulieu, Bell, Bonney, Brannigan, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Carroll, G.A.; Carter, Clark, Conary, Crowley, Daggett, Dexter, Drinkwater, Erwin, Foster, Gauvreau, Greenlaw, Gwadosky, Higgins, L.M.; Holloway, Ingraham, Jacques, Joyce, Ketover, Kilcoyne, Lebowitz, Lisnik, MacBride, MacEachern, Mahany, Martin, A.C.; Martin, H.C.; Matthews, K.L.; Maybury, Mayo, McHenry, McPherson, McSweeney, Melendy, Michaud, Mitchell, E.H.; Michell, J.; Moholland, Murphy, E.M.; Murphy, T.W.; Paradis, E.J.; Paradis, P.E.; Parent, Paul, Perkins, Perry, Pines, Pouliot, Racine, Randall, Reeves, J.W.; Reeves P.; Ridley, Roberts, Robinson, Rotondi, Salisbury, Scarpino, Sherburne, Small, Smith, C.W.; Stevenson, Stover, Strout, Tammaro, Telow, Vose, Webster, Wentworth, Weymouth, Willey, Zirkilton.

ABSENT—Benoit, Carrier, Cashman, Connors, Curtis, Davis, Dudley, Hayden, Hobbins, Jalbert, Kelleher, Livesay, Macomber, Richard, Smith, C.B.; Soule, Theriault, Thompson, Tuttle, The Speaker.

48 having voted in the affirmative and 83 in the negative, with 20 being absent, the motion did not prevail.

The SPEAKER: The pending question is on the adoption of House Amendment "A" to Committee Amendment "A" (H-533). A roll call has been ordered. All those in favor will vote yes; those opposed will vote no.

Roll Call No. 381

YEA—Ainsworth, Allen, Anderson, Armstrong, Beaulieu, Bell, Bonney, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Carroll, G.A.; Carter, Chonko, Clark, Conary, Connors, Crowley, Daggett, Dexter, Drinkwater, Erwin, Foster, Gauvreau, Greenlaw, Gwadosky, Higgins, L.M.; Holloway, Ingraham, Jacques, Joyce, Kelly, Ketover, Kilcoyne, Lebowitz, Lisnik, MacBride, MacEachern, Mahany, Martin, A.C.; Martin, H.C.; Matthews, K.L.; Maybury, Mayo, McHenry, McPherson, McSweeney, Melendy, Michaud, Mitchell, E.H.; Moholland, Murphy, E.M.; Murphy, T.W.; Nelson, Paradis, E.J.; Paradis, P.E.; Parent, Paul, Perkins, Perry, Pines, Pouliot, Racine, Randall, Reeves, J.W.; Ridley,

Roberts, Robinson, Rotondi, Salisbury, Scarpino, Seavey, Sherburne, Small, Smith, C.B.; Smith, C.W.; Stevenson, Stover, Strout, Tammaro, Telow, Vose, Webster, Wentworth, Weymouth, Willey, Zirnkilton.

NAY—Andrews, Baker, Bost, Bott, Brannigan, Brodeur, Carroll, D.P.; Connolly, Cooper, Cote, Cox, Crouse, Day, Diamond, Dillenback, Hall, Handy, Hickey, Higgins, H.C.; Jackson, Joseph, Kane, Kiesman, LaPlante, Locke, Manning, Masterman, Masterton, Matthews, Z.E.; McCollister, McGowan, Michael, Mills, Mitchell, J.; Murray, Nadeau, Reeves, P.; Roderick, Rolde, Soucy, Sproul, Stevens, Swazey, Walker.

ABSENT—Benoit, Carrier, Cashman, Curtis, Davis, Dudley, Hayden, Hobbins, Jalbert, Kelleher, Livesay, Macomber, Norton, Richard, Soule, Theriault, Thompson, Tuttle, The Speaker.

87 having voted in the affirmative and 45 in the negative, with 19 being absent, the motion did prevail.

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

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

The Chair laid before the House the following matter:

SENATE DIVIDED REPORT: Report "A" (8) "Ought to Pass as amended by Committee Amendment "A" (S-312); Report "B" (4) "Ought Not to Pass"; Report "C" (1) "Ought to Pass" — Committee on Labor on Bill "An Act to Clarify the Negotiability of Pay Rates Under the State Employees Labor Relations Act" (S. P. 170) (L. D. 525) which was tabled and later today assigned pending the motion of Representative Beaulieu of Portland to accept Report "A" in concurrence.

On motion of Representative Beaulieu of Portland, retabled pending her motion to accept Report "A" in concurrence and specially assigned for Tuesday, March 20.

The Chair laid before the House the following matter:

Bill "An Act to Require All Drivers Under the Age of 20 Years to Complete an Approved Defensive Driving Course" (H. P. 1582) (L. D. 2096) which was tabled and later today assigned pending the motion of Representative Carroll of Limerick that the House adhere to its former action whereby it accepted the Majority "Ought Not to Pass" Report. (In Senate: Minority "Ought to Pass" Report accepted and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-315) in non-concurrence.)

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

Mr. BOST: Mr. Speaker, Men and Women of the House: I ask that we recede and concur and would speak to my motion.

The SPEAKER: The gentleman from Orono, Representative Bost, moves that the House recede and concur.

The gentleman may proceed.

Mr. BOST: Mr. Speaker, Men and Women of the House: I hope you will vote to recede and concur today.

Very briefly, the changes in the legislation as it comes amended from the other body addressed the central concerns of those that I spoke with both here and over there, and they are as follows:

First, rather than discriminate against the segment of new drivers under the age of 20, the language has been revised to include all new drivers. Out of 25,000 new drivers annually here in the state, roughly 5,000 are over the age of 20; thus, the emphasis will remain where I believe the statistics bear out the need but will not discriminate.

Additionally, the amended version extends the time allotted to take the course from one

year to two years, giving what I believe to be more than ample time to complete two four-hour segments of defensive driver training.

The benefits of this course are numerous, many of which I mentioned on Tuesday—an additional five points on one's license upon completion; the oftentimes reduced insurance rates as a result of the course; and, of course, the infinite bonuses of enabling a driver to be well versed in accident avoidance.

But perhaps the strongest argument favoring legislation of this nature is the fact that it provides a positive alternative to the continual strengthening of penalties for those who abuse their driving privilege.

We enforce a .02 blood-alcohol level law, instant license revoking, roadblocks, and quite possibly we will raise the drinking age, but are we addressing the problem? Are we equipping new drivers with the educational tool to avoid situations that these penalties have been designed for? That is the underlying reason that I support this bill so strongly.

Not so very long ago people throughout my area were stunned by a tragic accident that killed several teenagers. The scene involved all the typical components, a combination of alcohol and the unskilled driving at an excessive speed. The following day brought scores of young people to view the wreckage and prompted people throughout the area to seek some means to deal with the problem. I feel this bill is a sensible and responsible approach and I urge this House to support it today.

Mr. Speaker, I also ask for a roll call vote.

The SPEAKER: The Chair recognizes the gentleman from Eliot, Mr. McPherson.

Mr. McPHERSON: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to explain why I, and I feel some of the others on the Transportation Committee, voted against this bill. I think we all agree with the intent of trying to educate that younger driver against alcohol and drugs, but I know at home I keep hearing the same old story—you are going down there and mandate something more for us to do.

You have got to bear in mind that this young person out there is just learning to drive. I know in my community driver ed is not available, you have to take it through a private instructor which costs you in the neighborhood of \$125. On top of this you have got your first 4-year license which is \$20. Now you are going to add another \$15 to that. Plus, you people that live in the more rural parts of the state, where are you going to take that course? These are some of the problems that we on the Transportation Committee can see with this bill at this time.

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

Mr. HANDY: Mr. Speaker and Members of the House: This past legislative session and previous ones, we have made every effort that we possibly could to find what kind of penalties and fines we can impose upon people after the fact. I submit to you that this is a positive approach, something that we can put forth that will maybe prevent the carnage on our highways.

The Department of Public Safety is supporting this bill, the Secretary of State's Office, the Executive, the Student Council Association and a number of other people who have serious concerns, as we do, about OUI.

I sympathize with those arguments that Mr. McPherson has made but I think that this is an investment that we have to make and instead of trying to look for ways to get to someone after the fact, let's take this positive approach and ask these people to make that investment and learn how to deal with defensive driving and how to avoid the carnage on our roads. Again, I want to emphasize to you that this is a positive approach that we should be taking.

The SPEAKER: The Chair recognizes the gentleman from Mt. Desert, Mr. Zirnkilton.

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

The SPEAKER: The gentleman may pose his question.

Mr. ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask anyone who cares to answer: One, what is the average cost of this course; second, are there enough courses available throughout the state to handle the number of people that will be going through if we pass this bill? Third, is it, in fact, going to make it difficult or impossible for some people to obtain their licenses if they live so far away from an area where a course is offered, or they simply cannot afford to because they are working or they are in school or whatever else, they cannot afford to go and pay the money, and maybe it is just too far away for them to go. Are there enough courses available would be the question I would pose and if not, what do they propose to do to solve that problem?

What is the answer in response to the cost factors involved?

The SPEAKER: The gentleman from Mt. Desert, Mr. Zirnkilton, poses a series of questions through the Chair to anyone who may respond if they so desire.

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

Mr. BOST: Mr. Speaker, Men and Women of the House: All of these are very good questions. They were raised in committee and each and every one of them was answered, I thought explicitly, but I would be more than happy to answer them again.

One of the things seen as an inherent problem with this legislation is how it would affect the rural areas. We were assured by the Department of Public Safety and the Secretary of State's Office that being a statewide initiative rather than an optional program throughout the state, that this course would have a high availability throughout the urban and rural areas of the state.

If I can illustrate that point—currently in a small town there may be only one or two who opt to take a defensive driving course at this juncture. If this bill were to pass, any new driver in that town, and it is anyone's guess how many in that particular town that would mean, would have to take this course within that period of time. Therefore, availability would be enhanced across the state. Cost—there is a one time \$15.00 fee. This is in the statutes currently, this covers all the administration, the cost of materials, curriculum and paying the instructor a small, nominal fee for the course.

I believe that answers your questions.

The SPEAKER: The Chair recognizes the gentleman from Mt. Desert, Mr. Zirnkilton.

Mr. ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: I guess it doesn't really answer my question. I, myself, cannot go along with somebody saying that there are going to be enough courses available. I guess I would question if there is a fiscal note involved with this bill and if not, how are we guaranteed that these things are going to be available? Who is going to pay for the cost of putting these programs in an area where it is financially not feasible or profitable to put a program in that area? It is going to be done through private enterprise, who in their right minds is going to put a course in an area where there simply is not enough people to make it worth their while? It is going to be extremely difficult. Some people are going to have to travel long distances and it may be impossible for them to do it.

I think that while this bill is certainly well intentioned, it may result in making it extremely difficult, if not impossible, for some people to obtain their licenses at all.

I would say if you want to go through with this, you should take steps to make sure, not on someone's guarantee, but to make sure that in the bill it specifies exactly how these courses

are going to be made available.

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

Mr. DIAMOND: Mr. Speaker, Members of the House: I rise on this issue as a cosponsor of this legislation and urge your support for the motion by the gentleman from Orono, Mr. Bost.

In response to the questions by the gentleman from Mt. Desert, Mr. Zirnilton, this is a state operated program, operated by the Secretary of State's Office and the \$15.00 fee would go to them. They would administer it and, as a result of the offering of this program, they would receive alcohol grants and other support services to cover their costs.

According to Secretary of State Quinn, there will be no additional cost to the Department because of the support they will receive from outside.

If you look at what has been taking place on our highways, and I do not mean to dwell on the gory, but it is pretty clear that there is a tremendous problem with alcohol-related injury and death among younger people, especially new drivers. In my own community of Bangor, the day after Christmas there was a tragedy involving four high school students.

I think if we have the opportunity to enact legislation that discourages that type of activity from taking place on the highways, then I think we ought to do it. We have to remember that driving is not a right, operating a motor vehicle is not a right, it is a privilege and we enact many laws dealing with the privileges of operating a motor vehicle and I think this one certainly makes sense.

I ask that you support the motion of the gentleman from Orono and hope that we all recede and concur.

The SPEAKER: The Chair recognizes the gentleman from Princeton, Mr. Moholland.

Mr. MOHOLLAND: Mr. Speaker, Ladies and Gentlemen of the House: Being on the Transportation Committee, like Mr. McPherson said, we did a lot of work on this bill.

This bill is sort of like the motorcycle bill; if you are going to mandate to 20 years old, you might as well put an amendment on it so everybody who is trying to get a license for the first time will have them drive a year before they can have their driver's license.

I think this is a horrible bill and I would request a roll call.

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

Mr. KIESMAN: Mr. Speaker, I have two questions I would like to ask to anyone who may care to answer.

The SPEAKER: The gentleman may pose his questions.

Mr. KIESMAN: Mr. Speaker, Ladies and Gentlemen of the House: The first question is, do you have any firm statistical data that you can provide that indicates that the percentage of accidents by drivers with less than two years' experience is greater than those with more than that?

Secondly, I do not see any provision here for a person coming in from out of state who may have a current license in another state but may have driven for the last 25 years. Would they have to take this driver training?

The SPEAKER: The Chair recognizes the gentleman from Orono, Mr. Bott.

Mr. BOTT: Mr. Speaker, I would like to pose a question through the Chair, if I may.

Mr. SPEAKER: The gentleman may pose his question.

Mr. BOTT: Mr. Speaker, Members of the House: I am interested in knowing how many people that this bill would affect in any given year.

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

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

Mr. BOST: Mr. Speaker, Men and Women of the House: This would affect approximately 25,000 drivers per year, roughly 5,000 drivers over the age of 20; 20,000 drivers under the age of 20.

The SPEAKER: The Chair recognizes the gentleman from Washington, Mrs. Allen.

Mrs. ALLEN: Mr. Speaker, Men and Women of the House: I rise this morning as a person who was originally opposed to the legislation presented by Representative Bost. I rise in support today because I would like to draw a parallel for this legislature.

Last year, we imposed a first time hunters mandatory hunter safety. I would suggest that fewer people are injured or killed hunting, there are fewer hunting accidents than there are driving. The same physical problems we had to overcome in mandating hunter safety as to location—those of us in rural areas, where would we take it and how much would it cost? We were able to overcome all of those problems last year in passing that legislation and it would make sense that this type of legislation imposed on first-time drivers would also make sense.

The SPEAKER: The Chair recognizes the gentleman from Harrison, Mr. Jackson.

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: In reference to what the good lady just stated, I think there is something different there. It used to be that prior to getting a hunting license there was no test, there was no education whatsoever, anybody could go buy a hunting license, but nobody can buy a driver's license without taking a test in the state, not to my knowledge, I am not aware of that.

I would just like to address this. I am a little concerned and the Representative from Fryeburg asked a question that I do not believe was answered and it concerned non-residents or out of state people who do move to Maine—what provisions are there for these people? Are they grandfathered? Are they required to have a provisional license in this state or what? We have several people who come to this state every year, many of them are retirees who select Maine to retire in or spend the remainder of their lives, we have several people who are coming to Maine now because of the enhancements, they like the area here, they like the opportunities that are coming about and I am just a little concerned that there is nothing in the bill that I see here and I guess that is what we are addressing right now, the bill alone. I see that there is an amendment which is here but I do not think that can be debated now.

I would like to have the question answered concerning the non-residents.

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

Mrs. CAHILL: Mr. Speaker, Ladies and Gentlemen of the House: I think that if this legislature feels that it is necessary to implace a defensive driving course on all the people of the State of Maine that we already have the vehicle within our current driver education classes. If they aren't teaching defensive driving, then they should be.

The SPEAKER: The Chair recognizes the gentleman from Gray, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: In response to the Representative from Fryeburg and the Representative from Harrison, out of state drivers will be exempted, that is the explanation that we received from the Secretary of State's Office.

Further, in support of this bill and being a graduate of the defensive driving course some seven years after I received my initial license, I found the program to be very beneficial to myself and I think it would be most beneficial to youngsters and oldsters alike who take the program.

It is easy to learn defensive driving in a driver education program but it is hard to make that practical application of driver education be-

cause you do not have that experience. Given one year or just prior to years' experience behind the wheel, you have experienced some of those problems that you will run into and that you need to have a defensive driving program for.

I remember quite distinctly the defensive driving program that I had and put into practice a lot of those skills I learned from that course back in 1978. I would urge your support for this measure.

The SPEAKER: The Chair recognizes the gentleman from St. George, Mr. Scarpino.

Mr. SCARPINO: Mr. Speaker, I request permission to address a question through the Chair.

The SPEAKER: The gentleman may pose his question.

Mr. SCARPINO: Mr. Speaker, Ladies and Gentlemen of the House: To whomever can answer it, I have four concerns with this bill and those concerns are North Haven, Vinalhaven, Matinicus and Monhegan.

It was said that it would cost \$15.00 for the fee, I was just curious—these people on these islands all have vehicles and they all have to have licenses to operate—people on those islands either have to come in by ferry and spend a night in order to attend a four hour course so they have to charter an aircraft for a round trip flight. Are there any facilities within this bill to reimburse these individuals who it may cost upwards of \$100 in excess of the \$15 to attend these courses?

The SPEAKER: The gentleman from St. George, Mr. Scarpino, has posed a question through the Chair to anyone who may respond of they so desire.

The Chair recognizes the gentleman from Gray, Mr. Carroll.

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: In answer to the gentleman's question, I would make that analogous to getting training of any sort out in the islands including that of first-aid or anything else. There are a number of instructors who teach the defensive driving course that I am sure would be happy to spend an evening or two or three out on those islands.

The SPEAKER: The Chair recognizes the gentleman from St. George, Mr. Scarpino.

Mr. SCARPINO: Mr. Speaker, I would like to pose another question through the Chair.

I would like to know if anyone here has ever been on those islands and how one spends a night on an island when there is no place to spend a night on the island, where there are no lodgings available, there are no restaurants available and where there is no way off?

The SPEAKER: The Chair recognizes the gentleman from Eliot, Mr. McPherson.

Mr. MCPHERSON: Mr. Speaker, Ladies and Gentlemen of the House: Evidently in committee I missed a couple of points. I was wondering on the gentleman from Bangor's comment, he mentioned the Secretary of State was going to collect the funds and administer them and if this is true, and this was not brought out in committee, isn't a fiscal note required on this bill?

The SPEAKER: The Chair would advise the gentleman from Eliot, Mr. McPherson, that no fiscal note is required.

The Chair recognizes the gentleman from Newport, Mr. Reeves.

Mr. REEVES: Mr. Speaker, Ladies and Gentlemen of the House: I had not intended to address this matter this morning, the hour is getting late and the day is getting late, but I do feel that I should tell you some of my concerns about this piece of legislation.

I am very familiar with driver education in the high schools and I am very familiar with the defensive driving course. I have taught many, many of them myself.

I have learned some things here today or else I don't understand some changes that may or may not have been made in the last 10 years. I

didn't realize until today that the fee for taking this defensive driving course had soared to \$15. The last I knew, this defensive driving course was \$5. And I can tell you from experience, ladies and gentlemen, that many of the people who apply to take this defensive driving course do it for one reason—they have accumulated a traffic record and they are trying to get some points removed from that traffic record by just attending this course.

Someone stated a few minutes ago that they understood that the Secretary of State's Office has said that out of staters coming into Maine would be excluded. I see nothing in writing that would exclude these people. The way I read it, any new applicant would be required to take this course. To me, that includes nonresidents moving into Maine. As the gentleman from Fryeburg stated, they may have been driving for 20 or 25 years or more, but it would be a new license in this state. I don't think that these people should be required by this type of legislation to take this particular course.

Another thing that has caught my attention here today is that they say the Secretary of State will administer this, collect the fees, etc. Maybe something else has changed since I retired, but this was handled under the Department of Public Safety, the Bureau of Safety comes under that.

These fees are collected by the instructor and sent to the Bureau of Safety. I don't know the tie up between this and the Secretary of State at this time.

I hope that you will vote as you did the other day. I think this is a bad bill and we should not be mandating increases on people who have a driver's license. It was increased awhile ago from \$2.50 a year to \$4 a year, and I think it is an additional penalty. I hope you will vote against the motion.

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

Mr. MATTHEWS: Mr. Speaker and Members of the House: I won't be long here this afternoon. I would just like to go on record in support of this legislation and maybe bring up one point which I don't think has been mentioned here today.

I think we have got an opportunity today to put together an educational program to deal before the fact not after the accident, not after the teenager has gone out and killed himself or his girl friend or someone else in his car. We have got a chance today to put together a program for the state to really put itself on record as saying it supports defensive driving.

As the husband of a wife who teaches drug abuse and alcohol prevention in high schools and junior high schools in this state, I can tell you, as I am sure all of you know, it is a serious, serious problem. Believe me, there are a lot of other things that we have dealt with in the House that when you compare fall quite short, I think, in importance.

I just want to urge the members of this House to take a real strong stand today. We have supported many pieces of legislation in the first session that I have been here which have dealt with constitutional problems. Our Governor set up roadblocks, we've allowed the Secretary of State to suspend licenses, we've done some serious things in this House; today you have got a chance to support an educational program to deal before the accident and before that young member of this state takes his life.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I have just a very few words. No matter how much you give driver's ed to any boy or girl, or any grownup as far as that goes, if they are on drugs or if they are on liquor, education will not do them one darn bit of good.

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 Bost of Orono that the House recede and concur. All those in favor will vote yes; those opposed will vote no.

The Chair recognizes the gentlewoman from Auburn, Mrs. Robinson.

Mrs. ROBINSON: Mr. Speaker, I wish to pair my vote with the gentleman from Monmouth, Mr. Davis. If Mr. Davis were present and voting, he would be voting yes, and I would be voting no.

Roll Call No. 382

YEA—Ainsworth, Allen, Andrews, Baker, Bost, Brodeur, Carroll, D.P.; Connolly, Cooper, Cox, Crouse, Crowley, Daggett, Diamond, Gauvreau, Handy, Hickey, Kane, Kelly, Ketover, Kilcoyne, LaPlante, Lisnik, Matthews, Z.E.; Mayo, Melendy, Michael, Mills, Mitchell, E.H.; Mitchell, J.; Murray, Nadeau, Nelson, Reeves, P.; Richard, Rolde, Seavey, Stevens.

NAY—Anderson, Armstrong, Bell, Bonney, Bott, Brannigan, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Carroll, G.A.; Carter, Chonko, Clark, Conary, Connors, Cote, Day, Dexter, Dillenback, Drinkwater, Erwin, Foster, Greenlaw, Gwadosky, Hall, Higgins, H.C.; Higgins, L.M.; Holloway, Ingraham, Jackson, Jacques, Joseph, Joyce, Kiesman, Lebowitz, Lehoux, Locke, MacBride, MacEachern, Mahany, Martin, A.C.; Martin, H.C.; Masterman, Masterton, Matthews, K.L.; Maybury, McCollister, McGowan, McHenry, McPherson, McSweeney, Michaud, Moholland, Murphy, E.M.; Murphy, T.W.; Norton, Paradis, E.J.; Paradis, P.E.; Parent, Paul, Perkins, Perry, Pines, Pouliot, Racine, Randall, Reeves, J.W.; Ridley, Roberts, Roderick, Rottendi, Salsbury, Scarpino, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soucy, Sproul, Stevenson, Stover, Strout, Swazey, Tammaro, Telow, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilton.

ABSENT—Beaulieu, Benoit, Carrier, Cashman, Curtis, Dudley, Hayden, Hobbins, Jalbert, Kelleher, Livesay, Macomber, Manning, Soule, Theriault, Thompson, Tuttle, Vose, The Speaker.

PAIRED—Davis-Robinson.

38 having voted in the affirmative and 92 in the negative, with 19 being absent and 2 paired, the motion did not prevail.

Thereupon, on motion of Representative Carroll of Limerick, the House voted to adhere.

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 and later today assigned pending acceptance of the Committee Report.

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

Mr. HIGGINS: Mr. Speaker, Men and Women of the House: The reason the Taxation Committee has referred this bill to the Appropriations and Financial Affairs Committee is because Mr. Connolly, the prime sponsor of the bill, has assured us that the provision in this bill calling for a corporate income tax increase will be deleted through an amendment in the bill.

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

The Chair laid before the House the following matter:

Bill "An Act to Clarify the Licensing Authority of the Board of Registration in Medicine" (H. P. 1665) (L. D. 2197) which was tabled and later today assigned pending further consideration. (In House, passed to be engrossed as amended by House Amendment "A" (H-512) (In Senate, passed to be engrossed as amended by House Amendment "A" H-512 as amended by Senate Amendment "A" S-309 thereto)

On motion of Representative Nelson of Port-

land, the House voted to recede.

Senate Amendment "A" to House Amendment "A" (S-309) was read by the Clerk and adopted.

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

Representative Nelson of Portland offered House Amendment "B" and moved its adoption.

House Amendment "B" (H-535) was read by the Clerk and adopted.

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

The Chair laid before the House the following matter:

HOUSE ORDER—relative to Amending House Rule 57—which was tabled and later today assigned pending passage.

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

Mr. DIAMOND: Mr. Speaker, I move that this Order be indefinitely postponed and wish to speak to my motion.

The SPEAKER: The gentleman from Bangor, Mr. Diamond, moves that this House Order be indefinitely postponed.

The gentleman may proceed.

Mr. DIAMOND: Mr. Speaker and Members of the House: The proposed order which appeared on our calendar a couple of days ago is proposed by the gentleman from Scarborough, Mr. Higgins. What it proposes to do is to establish a mechanism for this particular body to investigate the alleged impropriety or improper conduct of any member of this body. While I don't question the sincerity of the gentleman's action in dealing with his concerns in the need for such a proposal, I have a philosophical difference with him as to the need for this and I also have some problems with the actual language that he spells out in this.

To refresh your memory, it is a proposed rule change that would add House Rule 57 that reads: When any member is accused of disorderly behavior, the House may, by majority vote, establish an investigating committee to inquire into that accusation. The investigating committee shall consist of seven members and it outlines how those members are to be selected, by the Speaker and by the Minority Floor Leader.

It says: "The Committee shall make an investigation, hold public hearing and make recommendations to the House, and the member accused shall be given notice of the allegations and an opportunity to be heard and the right to testify on his own behalf to cross-examine witnesses" and so forth. Then it concludes by saying, "The Committee may recommend no action, censure, reprimand, probation or expulsion and shall make its recommendation within 10 days of the hearing." Then it concludes by saying, "The House may, with the concurring of two-thirds vote, take any disciplinary action it deems appropriate against the member for disorderly behavior."

It sounds all well and good, but if you look at the language, there are a lot of ambiguities in there. It is too vague and it's something that I believe we should not adopt.

There is no definition of who can make accusations and what it means to be accused of anything. For example, any constituent could accuse us of any impropriety, whether it be a speeding violation or what have you, and we would be justified under this proposed rule change to investigate that matter if the legislature so desires by a majority vote.

It talks about disorderly behavior, but there is no definition of what disorderly behavior is. There should be a set of standards, if this is to be implemented, outlining ahead of time what such behavior would be found disorderly and objectionable, and it is basically up to the

accuser to determine what is and what is not disorderly behavior.

Secondly, the powers that are given to the Speaker and the Minority Floor Leader leave out the concern or do not address the concern that possibly one or both of those members of this body could be accused of disorderly behavior. There is no provision to establish a committee without them, should they be accused, and obviously there should be some contingency plan in case that does occur.

The language itself also, in the final paragraph, and I wish you had it before you and you would see for yourself, it says, "The committee may recommend no action, censure, reprimand, probation or expulsion." The way it is written, it implies that this committee is powerless to do nothing but investigate the matter and to deal with the accusations.

I think it is very poorly worded. I realize the gentleman did not draft this himself, that it had the support of members of our House legal counsel and I don't fault him for proposing it, but I do think that the measure before us is improperly drafted and deserves to be disposed of.

One final concern. As a member of the majority party, I feel that this could, indeed, give too much power to any party that has two-thirds support. In the last paragraph it states that the concurrence of two thirds of the membership of this body would give this body the power to censure, reprimand, put on probation or expel a member of this body. Well, you can imagine, if you were a member of the minority party, the potential for abuse there. I am not accusing anybody in this body of knowingly wanting to do this, but the power would certainly be in the rules.

Again, in light of that fact and in light of the other ambiguities contained within this proposed rules change, I think it is something that we should dispose of quickly. So I ask for your support for the motion to indefinitely postpone and, Mr. Speaker, I ask for the yeas and nays.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I guess, the point that the gentleman from Bangor made relative to abuse of power by a two-thirds majority in this body is one that if anybody ought to be concerned about it, it ought to be I. Being very close to having that two-thirds majority here, I guess I am as sensitive to that situation as anyone in the State of Maine, but I do not happen to share his belief that members of this body are going to arbitrarily abuse power, whether it be in the sense of just simple censure or all the way to expulsion.

I would like to try to explain to you from where I am coming regarding this Order. Many of you saw a proposal that was on your desks in the Calendar a week or more ago and that was something that was drafted for me over a year ago now. I presented it to the Speaker and talked about it briefly and he suggested that I speak with his staff, which I did do, and the Order you have in front of you now is the result of investigations and some work that was done by Mr. Hull in his office.

The concern that I had initially was that a couple of years ago it was brought to my attention that nowhere either in the Constitution, in the statutes or House Rules is there a method for removal or just simple censure for any member for whatever cause. Now, I am not introducing this in an attempt to embarrass anybody in this House now or previously or in the future, but I think the concern that many people in the public have is that there is no method set out anywhere so that if someone in this body is accused of doing something, that the House can take some action as a result of that. We do not have a provision to recall any member of this body for whatever reason that the public may deem necessary, and the only

Constitutional method is expulsion by two-thirds vote, that is the only choice that this body has. I think that that is a rather drastic choice.

To the charges that it is drafted vaguely, I will admit that that is perhaps true, but it is done so for that reason, that to try to outline what is disorderly behavior is rather difficult to do in simple language but I think most of us here would have a decision in their own mind what that might be and would have the opportunity to vote on that if they felt that was a necessary item.

Maine law does not identify disorderly behavior. It is in the Constitution, however, or disorderly behavior, does make mention of that, no definition, but it does make mention of that. Now the federal government does have some case law on what disorderly behavior means and basically it is some sort of misconduct by a legislator during their term of office that threatens the honor or brings shame or disrepute on the legislature or disrupts the legislative function. That is a paraphrase but basically that is what it boils down to.

I just feel that it is important for this body to at least have in its rules a method of keeping us above reproach and that we should be able to say to people, as they do in Washington, they have committees and all that sort of thing to investigate people if—we have all seen that through the Watergate years and through ABSCAM and all those sort of things—a method currently available to deal with it. The timing of this now is simply because there isn't anything in front of us, there isn't anyone accused of doing anything and it is much easier, in my mind, to address the issue now than it is should something like that happen, and we should be ready for it rather than react to it.

I think we have set up investigatory committees to look into the behavior of Central Maine Power, perhaps we ought to have some method of looking into whatever activities other members of this body might have in a real serious situation, not being done in a frivolous way, I have no intention of it being used that way and I am sure that no member of this body would. It is a very, very serious charge but I feel that it is necessary to address it.

The only issue that I see that the gentleman raised which does need to be addressed is the fact that should the Speaker or I or whoever comes after us be involved in it, yes, there should be some way of other people appointing the members to serve on that committee.

The operative word in the whole Order is "may"—this body "may" set up an investigatory committee; it does not say it "shall"—that is the intent, that is the way it should be but I do believe the process should be there. If the gentleman from Bangor's motion does not prevail, I would offer an amendment on Monday to eliminate the concern he has along with the drafting problem that he seems to believe exists in the last paragraph. I don't happen to see it that way but I am sure that it could be eliminated with your indulgence.

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

Mr. DIAMOND: Mr. Speaker, Members of House: In response to the good gentleman from Scarborough, Mr. Higgins, I want to make it clear that I am not denying or arguing that there may not be a need for such a provision in our House Rules. The Constitution, in Article IV, Section IV, clearly gives us that power by stating "each House may determine the rules of its proceedings, punish its members for disorderly behavior and, with the concurrence of two-thirds, expel a member but not a second time for the same cause." We have the power to expel a member from this House and we have the power to establish procedures to follow in case we decide to take such action or at least to consider such action, but the proposal before us is not worded in a way that complements that and that is my major concern.

We never knowingly pass a law that is so ambiguous that it could cause all kinds of complications and problems; we certainly have done so in the past, we certainly will do so in the future, but it is never our intent to do so. But with this provision that is being proposed today, we are opening the door to all kinds of accusations and we are leaving the door open in such a way that we may not be able to deal with them as rationally as we would like.

Again, there is no definition of the accuser or the accused. Who is responsible for making that accusation? Is it a grand jury indictment, is it a constituent, an irate constituent who is upset about the way we handle their calls or lack of handling those calls? It is so open-ended it is ridiculous, no definition of disorderly behavior.

And again, if you expect members of this body or citizens of the state to follow any law or procedures, you have got to outline those ahead of time so they know when they are violating the law or when they aren't violating the law. And unless we are able to define that and establish some sets of standards, then we again are opening that door to all kinds of problems.

I agree that this would need substantial revision. I just think that we might as well abandon this right now and start from square one rather than hang around and deal with this. I believe this is the fourth attempt to establish such a provision, and I think we ought to go back to the drawing board.

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: Our two illustrious members of leadership have presented two sides of this argument, but I would like to give you my side.

They have failed to address what I consider to be the most serious problem here. I do not want to be put in the position of judging any of you. I do not have anything to do with any of you, except for myself, if I voted for myself, getting elected to come down here, and I certainly do not want to be in a position of making a decision as to whether you should stay or not.

I can guarantee you one thing, if you do something wrong, the people back home that sent you here will take care of you. Number two, if you have done something that is really wrong, we have a very capable, as Representative McGowan and I found out the other day, Attorney General's Office with very dedicated attorneys general that are ready and willing to take the case.

I do not want to be put in this position, that is why I am voting against this order, because I think that should be up to the same people that sent you here. The ones that gave you the power will very quickly take it away if you abuse it. If you don't think that is the case, just see what happens when November comes around.

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

Mr. MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I believe we should cross the bridge once we get to it, and if it isn't broken, let's not fix it.

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

Mr. JOYCE: Mr. Speaker, Ladies and Gentlemen of the House: I have just very few words to say on this Order. This Order has been bouncing around for a few days and it has been labeled out in the hallways as "The Stool Pigeon Order." Well, be that as it may, my good friend from Scarborough, Mr. Higgins, he is hunting for disorderly conduct. That used to cover a multitude of sins, but when we rewrote the criminal code we didn't need that word anymore.

This Order does not meet the face to face test. I read this Order over, I read it several times, and I was stunned by its vagueness. But I tried to narrow it down and see just what they

are trying to outlaw or say that we cannot do, and I have concluded that the things that they are complaining about are the things that most of this body have already given up for Lent.

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 Diamond of Bangor that House Order relative to Amending House Rule 56 be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

Roll Call No. 383

YEA—Ainsworth, Allen, Andrews, Baker, Bell, Bonney, Bost, Brannigan, Brodeur, Brown, A.K.; Cahill, Carroll, D.P.; Carroll, G.A.; Carter, Clark, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Diamond, Dillenback, Drinkwater, Erwin, Foster, Gauvreau, Gwadosky, Hall, Handy, Hickey, Higgins, H.C.; Jackson, Jacques, Joseph, Joyce, Kane, Kelly, Ketover, Kiesman, Kilcoyne, LaPlante, Lehoux, Lisnik, Locke, MacEachern, Mahany, Manning, Martin, A.C.; Martin, H.C.; Matthews, K.L.; Matthews, Z.E.; Mayo, McGowan, McHenry, McSweeney, Melendy, Michaud, Mills, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, T.W.; Murray, Nadeau, Nelson, Norton, Paradis, P.E.; Parent, Paul, Perry, Racine, Reeves, P.; Ridley, Roberts, Robinson, Roderick, Rolde, Rotondi, Seavey, Smith, C.B.; Soucy, Stevens, Stover, Strout, Swazey, Tammaro, Vose, Webster.

NAY—Anderson, Armstrong, Bott, Brown, D.N.; Callahan, Conary, Conners, Day, Dexter, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Lebowitz, MacBride, Masterman, Masterton, Maybury, McCollister, McPherson, Murphy, E.M.; Paradis, E.J.; Perkins, Pines, Randall, Reeves, J.W.; Salsbury, Scarpino, Sherburne, Small, Smith, C.W.; Sproul, Stevenson, Telow, Walker, Wentworth, Weymouth, Zirnklinton.

ABSENT—Beaulieu, Benoit, Carrier, Cashman, Chonko, Curtis, Daggett, Davis, Dudley, Hayden, Hobbins, Jalbert, Kelleher, Livesay, Macomber, Michael, Pouliot, Richard, Soule, Theriault, Thompson, Tuttle, Willey.

89 having voted in the affirmative and 38 in the negative, with 24 being absent, the motion did prevail.

(Off Record Remarks)

The Chair laid before the House the following matter:

An Act to Provide for Certain License Requirements for School Bus Drivers (S. P. 704) (L. D. 1951) which was tabled and later today assigned pending passage to be enacted (roll call requested)

On motion of Representative Richard of Madison, retabled pending passage to be enacted and assigned for Monday, March 19.

On motion of Representative Brown of Gorham,

Adjourned until Monday, March 19, 1984, at nine o'clock in the morning.