

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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FIFTH CONFIRMATION SESSION

(SECOND CONFIRMATION SESSION – SECOND REGULAR SESSION)

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THIRD SPECIAL SESSION

September 4, 1984 to September 11, 1984

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HOUSE

Tuesday, March 27, 1984

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

Prayer by Father Frederick Carrigan of St. Matthews Roman Catholic Church, Hampden. The members stood for the Pledge of Allegiance.

The Journal of Thursday, March 22, 1984, was read and approved.

Papers from the Senate

The following Communication:
THE SENATE OF MAINE
Augusta

March 22, 1984

The Honorable John L. Martin
Speaker of the 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 Agriculture, the Governor's nomination of Charles E. Moreshead of Augusta for appointment to the Maine Harness Racing Commission.

Mr. Moreshead is replacing Edward Anderson.

Sincerely,

JOY J. O'BRIEN

Secretary of the Senate

Was read and ordered placed on file.

The following Communication:
THE SENATE OF MAINE
Augusta

March 22, 1984

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

The Senate today Voted to Insist and Join in a Committee of Conference on Bill, "An Act Concerning Menhaden Fishing in Casco Bay" (H. P. 928) (L. D. 1207)

Sincerely,

JOY J. O'BRIEN

Secretary of the Senate

Was read and ordered placed on file.

Bill "An Act to Clarify Certain Portions of the Reapportionment Laws" (S. P. 862) (L. D. 2342)

Came from the Senate under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed.

(The Committee on Reference of Bills had suggested reference to the Committee on Judiciary)

Under suspension of the rules and without reference to a Committee, the bill was read twice.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I would just pose a question to someone who is knowledgeable about this piece of legislation because it just appeared on our desks today, that they might inform the House before we engross this bill as to why we are changing the reapportionment law already, since it hasn't even been in effect for a year yet.

THE SPEAKER: The gentleman from Scarborough, Mr. Higgins, has posed a question through the Chair to anyone who may care to answer.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I don't have any belief that there is anything going on with this particular piece of legislation, but I still feel that it might be well for the House to table this for a day until people had a chance to look it over more thoroughly.

I know there are a couple of problems down my way with streets being left out. I still feel that members of the House ought to have an opportunity to look this over very carefully to make sure that they haven't made another error since the bill hasn't gone to any committee yet as far as I can see.

Whereupon, on motion of Representative Mitchell of Vassalboro, tabled pending passage to be engrossed in concurrence and later today assigned.

Unanimous Leave to Withdraw

Report of the Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on RESOLVE, to Fund a History of the Town of Weston (S. P. 782) (L. D. 2108)

Report of the Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on Bill "An Act to Appropriate Funds for Independent Living Services" (S. P. 850) (L. D. 2308)

Report of the Committee on Audit and Program Review reporting "Leave to Withdraw" on Bill "An Act to Strengthen the Audit and Program Review Processes" (S. P. 783) (L. D. 2109)

Report of the Committee on State Government reporting "Leave to Withdraw" on Bill "An Act to Remove the Bureau of Alcoholic Beverages from Under the Department of Finance and Administration." (S. P. 539) (L. D. 1574)

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

Ought to Pass in New Draft

Report of the Committee on Labor on Bill "An Act to Provide Repayment of Interest Charges Incurred on Federal Advances to the Unemployment Compensation Fund" (S. P. 742) (L. D. 2045) reporting "Ought to Pass" in New Draft (S. P. 861) (L. D. 2338)

Came from the Senate, with the report read and accepted and the New Draft passed to be engrossed.

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

Non-Concurrent Matter

Bill "An Act to License Occupational Therapists" (S. P. 837) (L. D. 2243) which was passed to be engrossed as amended by House Amendment "A" (H-549) in the House on March 20, 1984.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-331) in non-concurrence.

The House voted to recede and concur.

**Non-Concurrent Matter
Later Today Assigned**

Bill "An Act to Provide Limitations on Fishing by Weirs, Purse and Stop Seines and to Provide Notice for the Location of Weirs and their Maintenance" (Emergency) (H. P. 1516) (L. D. 1991) on which the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-527) Report of the Committee on Marine Resources was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-527) as amended by House Amendment "A" (H-542) thereto in the House on March 20, 1984.

Came from the Senate with the Majority "Ought Not to Pass" Report of the Committee on Marine Resources read and accepted in non-concurrence.

On motion of Representative Vose of Eastport, tabled pending further consideration and later today assigned.

Non-Concurrent Matter

Bill "An Act Establishing the Emergency Service Personnel Arbitration Act" (H. P. 1299) (L. D. 1724) on which the Majority "Ought Not to Pass" Report of the Committee on Labor was

read and accepted in the House on March 20, 1984.

Came from the Senate with the Minority "Ought to Pass" Report of the Committee on Labor read and accepted and the Bill passed to be engrossed in non-concurrence.

Representative Beaulieu of Portland moved that the House recede and concur and 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 gentlewoman from Auburn, Mrs. Robinson.

Mrs. ROBINSON: Mr. Speaker, Ladies and Gentlemen of the House: I don't think anybody needs a reminder that this is the bill that deals with binding arbitration. I think that we all feel pretty strongly that our taxes on the local level should be determined by our local elected officials, and for that reason I hope that you will vote against the pending motion.

THE SPEAKER: The pending question is on the motion of the gentlewoman from Portland, Representative Beaulieu, that the House recede and concur. All those in favor will vote yes; those opposed will vote no.

Roll Call No. 398

YEA—Ainsworth, Allen, Andrews, Baker, Beaulieu, Bost, Brannigan, Brodeur, Carrier, Carroll, D.P.; Carroll, G.A.; Cashman, Chonko, Clark, Cote, Crouse, Crowley, Diamond, Erwin, Gauvreau, Hall, Handy, Hickey, Hobbins, Jacques, Jalbert, Kelly, Ketover, Kilcoyne, LaPlante, Lisnik, Locke, Macomber, Martin, H.C.; McCollister, McHenry, Michaud, Mitchell, E.H.; Mitchell, J.; Murray, Nadeau, Paradis, P.E.; Reeves, P.; Rolde, Rotondi, Stevens, Theriault, Tuttle, Vose, The Speaker.

NAY—Anderson, Armstrong, Bell, Benoit, Bonney, Bott, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Carter, Conary, Conners, Cooper, Cote, Daggett, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Foster, Greenlaw, Gwadzky, Higgins, L.M.; Holloway, Ingraham, Jackson, Joseph, Joyce, Kelleher, Kiesman, Lebowitz, Lehoux, Livesay, MacBride, MacEachern, Martin, A.C.; Masterman, Masterton, Matthews, K.L.; Maybury, Mayo, McGowan, McPherson, McSweeney, Melendy, Mills, Moholland, Murphy, E.M.; Murphy, T.W.; Nelson, Paradis, E.J.; Parent, Perkins, Perry, Pines, Racine, Randall, Reeves, J.W.; Richard, Ridley, Roberts, Robinson, Roderick, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soucy, Sproul, Stevenson, Stover, Strout, Swazey, Tammaro, Telow, Thompson, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilton.

ABSENT—Connolly, Curtis, Hayden, Higgins, H.C.; Kane, Mahany, Manning, Matthews, Z.E.; Michael, Norton, Paul, Pouliot, Soule.

50 having voted in the affirmative and 88 in the negative, with 13 being absent, the motion did not prevail.

Thereupon, the House voted to adhere.

Communications

The following Communication:
To: The Honorable Members of the Senate
and the House of Representatives
of the 111th Legislature

I am returning without my signature or approval, H. P. 1355, L. D. 1791, "AN ACT to Revise the Markup Percentage for Maine Produced Products Under the Liquor Law."

This bill confers a special tax break on a single Maine liquor manufacturer—with no reciprocal advantage to the State.

It is expensive special treatment.

For it is estimated in the fiscal note that over the next three years this bill could cost the General Fund as much as \$350,000.

Those revenues are vital to funding basic public services our society values highly.

In return for this revenue loss we are promised nothing.

No claim is asserted that there will be any new economic development, nor of any new investment, nor of expended or upgraded employment, nor of offsetting tax revenue from a new source.

Nor can the supporters of this bill claim that without it this company will flee the State.

It has successfully done business here in the past. It will continue to enjoy substantial advantages over its competitors in the future.

In short, the costs of this bill are reasonably certain, but the benefits to the public are far from clear.

Establishing special tax breaks or privileges with no equivalent advantage to the State is simply bad business.

I, therefore, respectfully request that you sustain my veto of this measure.

Sincerely,
S/JOSEPH E. BRENNAN
Governor

The Communication was read and ordered placed on file.

The SPEAKER: The pending question is, shall Bill "An Act to Revise the Markup Percentage for Maine Produced Products Under the Liquor Law" (H. P. 1355) (L. D. 1791) (H. "A" H-455) become law notwithstanding the objections of the Governor?

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

Mr. HANDY: Mr. Speaker, Men and Women of the House: As you may recall, this bill, L. D. 1791, was passed by both branches of the legislature by overwhelming majorities.

The original bill restored the competitive position of Maine liquor manufacturers, principally White Rock Distilleries in Lewiston, also known as Lawrence and Company.

We reduced the markup percentage in the spirit of compromise from 75 percent to 69, reducing that by 4 percent over a three-year period.

This legislation is necessary with the enactment of legislation in the 110th Legislature to allow the warehousing of liquor in Maine by out-of-state competitors. This has resulted in out-of-state manufacturers charging a lower freight rate with the resulting sale of these products at a lower price. The effect of this legislation would benefit small business and would give a signal to Maine's business industry that this administration and this legislature are sensitive to the needs of small business in the State of Maine.

I would urge you today to vote to override the veto submitted by the Governor.

The SPEAKER: The Chair recognizes the gentleman from West Bath, Mr. Stover.

Mr. STOVER: Mr. Speaker, Ladies and Gentlemen of the House: This bill came before our committee last year. I was a minority on that committee to report it out "ought not to pass." I feel the Governor is right on target and I would urge you to support him on the veto of this particular piece of legislation.

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

Mr. NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: I find myself in a rather awkward and unusual position today encouraging my friends and colleagues to override my Governor, unusual to say the least. However, on this one I think we just simply respectfully disagree.

This is a small company, a family business in Lewiston, that is put in a position of competing with large out-of-state conglomerates because of the warehousing law passed a couple of years ago. I firmly believe that that was simply an oversight at the time.

I would encourage you to vote to override today so that we could give this small business that has consistently been hiring people in Lewiston, providing jobs, and could in the future have possibilities for growth and expansion should we give them the opportunity to compete effectively with these large out-of-state

conglomerates as a result of the warehousing law.

Ladies and gentlemen, at this stage of the game it is a small business that employs about 30 people, but given the opportunity that could grow to 50, 60 or 100 people. There is no specific evidence of that, indeed; however, you know what free market and competition can do, and with a little bit of assistance, I think they would have the opportunity to grow. So I hope you will join me in voting to override today.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I happen to be a cosponsor on this bill so I am not terribly upset by what the Governor has done, but I will say this—it is not unusual for us to grant discounts to people or to help people. We just passed the wine bill law that allows small wineries to get a break on the taxes. We are allowing people in the state who compete in manufacturing, we give them a 5 percent discount if they bid for state work. So I see nothing wrong in allowing us to help keep business in the State of Maine.

These people have a new plant in New Hampshire and we very well could lose the employees who are now working in this plant, and I would suggest that you override the veto.

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

Mr. JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I recall when this plant first opened and the man who owned it had no relatives whatsoever. But the two people that worked with him right along became the owners of the plant when he passed on, and they in turn, because the second man, Armand Bolduc, who owned it passed on and this fellow plunged his life savings, Ray Coulombe, to purchase this plant. He is a very mild-mannered man, he sells good products, none of which I consume. He is a good citizen, he is a good employer. I have talked to several of his people over the years and I just plain visit with him.

I might leave this thought with you that has not been brought up. Several states in the union actually have one day in which they just sell products that are manufactured in their states. Incidentally, this man has two particular brands of vodka and a screwdriver that is supposedly one of the best in the country. I think that besides that, this might cost us a little money now, it has been cut down drastically, but eventually it would make us some money. It would be a good thing for us.

I voted once to override this present Governor's veto, I don't like to do it to any governor, I don't think it is an insult to them, but, after all, he has a right to his opinion and consequently we have a right to ours. I truly and honestly feel, without any prejudice whatever, that I am right in my position on this thing here, with due deference to his excellency, and I really and truly think if you knew this man, you knew his operation, he has a federal man there at all times, he runs a good clean business, he is honest, he is a good citizen, good God-fearing man and I think we ought to give him a break.

The SPEAKER: The pending question is, shall this Bill become law notwithstanding the objections of the Governor? Pursuant to the Constitution, the vote will be taken by the yeas and nays. All those in favor of this bill becoming law will vote yes; those opposed will vote no.

Roll Call No. 399v

YEA—Armstrong, Beaulieu, Bonney, Bott, Brodeur, Callahan, Conary, Connors, Cote, Davis, Dexter, Dillenback, Dudley, Erwin, Foster, Gauvreau, Greenlaw, Handy, Higgins, H.C.; Higgins, L.M.; Ingraham, Jackson, Jacques, Jalbert, LaPlante, Lebowitz, MacBride, McSweeney, Murphy, E.M.; Murphy, T.W.; Nadeau, Perkins, Pines, Randall, Robinson, Roderick, Rotondi, Salisbury, Smith, C.W.; Telow, Weymouth, Zirkilton.

NAY—Ainsworth, Allen, Anderson, An-

draws, Baker, Bell, Benoit, Bost, Brannigan, Brown, A.K.; Brown, D.N.; Cahill, Carrier, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Clark, Cooper, Cox, Crouse, Crowley, Curtis, Daggett, Diamond, Drinkwater, Gwadnosky, Hall, Hickey, Hobbins, Holloway, Joseph, Joyce, Kelleher, Kelly, Ketover, Kiesman, Kilcoyne, Lehoux, Lisnik, Livesay, Locke, MacEachern, Macomber, Mahany, Manning, Martin, A.C.; Martin, H.C.; Masterman, Master-ton, Matthews, K.L.; Maybury, Mayo, McCollister, McGowan, McHenry, McPherson, Melendy, Michaud, Mills, Mitchell, E.H.; Mitchell, J.; Moholland, Murray, Norton, Paradis, E.J.; Paradis, P.E.; Parent, Perry, Racine, Reeves, J.W.; Reeves, P.; Richard, Ridley, Roberts, Rolde, Scarpino, Seavey, Sherburne, Small, Smith, C.B.; Soucy, Stevens, Stevenson, Stover, Strout, Swazey, Tammaro, Theriault, Thompson, Tuttle, Vose, Walker, Webster, Wentworth, Willey, The Speaker.

ABSENT—Connolly, Hayden, Kane, Matthews, Z.E.; Michael, Nelson, Paul, Pouliot.

44 voted in favor of same and 99 against, with 8 being absent, and accordingly the veto was sustained.

Sent to the Senate.

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 to Protect Agricultural Lands" (H. P. 1789) (Presented by Representative Michael of Auburn) (Cosponsors: Senator Wood of York and Representative Hall of Sangerville) Ordered Printed.

Sent up for concurrence.

Business Legislation

Bill "An Act to Provide a Transition Period for Certain Educational Equivalence Provisions in the Psychologists License Law" (H. P. 1786) (Presented by Representative Nelson of Portland) (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 Clarify the Licensure of Administrators of Medical Care Facilities Other than Hospitals" (Emergency) (H. P. 1790) (Presented by Representative Brodeur of Auburn) (Cosponsors: Senators Bustin of Kennebec and Gill of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Ordered Printed.

Sent up for concurrence.

Taxation

Bill "An Act to Replace the Franchise Tax on Financial Institutions" (Emergency) (H. P. 1787) (Presented by Representative Kane of South Portland) (Cosponsors: Representatives Cashman of Old Town, Rolde of York and Senator Clark of Cumberland) (Submitted by the Department of Finance and Administration pursuant to Joint Rule 24)

Ordered Printed.

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 Campaign Finance have had the same under consideration and ask leave to submit its findings and to report that the accompanying Bill "An Act to Place Limitations on the Contributions which Candidates may Receive from Political Action Committees" (H. P. 1785) (L. D. 2351) 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.

Orders

On motion of Representative Carter of Winslow, the following Joint Resolution: (H. P. 1791) (Cosponsors: Senator Conley of Cumberland and Speaker Martin of Eagle Lake)

JOINT RESOLUTION ON ECONOMIC DEVELOPMENT RESEARCH IN MAINE

WHEREAS, Maine has indigenous natural resources which, if properly managed and promoted, will increase economic development in Maine; and

WHEREAS, economic development research, finance and technical service by public agencies are fragmented among various State regional and local jurisdictions, as well as the University of Maine; and

WHEREAS, there is a need to develop a coordinated and long-term approach to making the most of the State's opportunities for economic development; now, therefore, be it

RESOLVED: That we, the Members of the 111th Legislature, now assembled in Second Regular Session, recommend and urge Governor Joseph E. Brennan to direct the appropriate executive officials to:

1. Review and summarize the state of research on economic development of the State's natural resources;
2. Examine the structure of public economic development research, finance and technical services in the State, its efficiency and effectiveness;
3. Identify ways to improve the delivery and coordination of such research, finance and technical services; and
4. Report their findings to the joint standing committee on the Legislature having jurisdiction over appropriations and financial affairs by January 1, 1985, together with appropriate recommendations for implementing needed changes in the structure and operation of State Government to this end.

Was read and adopted and sent up for concurrence.

House Reports of Committees Unanimous Ought Not to Pass

Representative Michaud from the Committee on Energy and Natural Resources on Bill "An Act to Repeal the Definition of Air Pollution" (H. P. 1672) (L. D. 2211) reporting "Ought Not to Pass"

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

Unanimous Leave to Withdraw

Representative Vose from the Committee on Public Utilities on Bill "An Act Relating to Itemized Telephone Bills" (H. P. 1674) (L. D. 2219) reporting "Leave to Withdraw"

Representative Murphy from the Committee on Education on Bill "An Act to Establish Boards of Overseers for the University of Maine" (H. P. 1566) (L. D. 2075) reporting "Leave to Withdraw"

Representative Bott from the Committee on Education on Bill "An Act to Establish Centers of Excellence in the University of Maine System" (H. P. 1652) (L. D. 2177) 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 Gauvreau from the Committee on Labor on Bill "An Act to Provide for Financial Solvency in the Unemployment Compensation Fund" (H. P. 1577) (L. D. 2087) reporting "Ought to Pass" in New Draft (H. P. 1773) (L. D. 2341)

Report was read and accepted, the New

Draft given its first reading and assigned for second reading later in today's session.

Representative Murray from the Committee on Business Legislation on Bill "An Act Amending the Charter of the Telephone Workers Credit Union of Maine" (H. P. 1603) (L. D. 2128) reporting "Ought to Pass" in New Draft (H. P. 1779) (L. D. 2344)

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

Representative Rolde from the Committee on Audit and Program Review on Bill "An Act to Provide Policy and Guidelines for Creation and Operation of Boards and Commissions" (H. P. 1476) (L. D. 1931) reporting "Ought to Pass" in New Draft (H. P. 1780) (L. D. 2345)

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

Representative Handy from the Committee on Election Laws on Bill "An Act to Allow State Party Committees to Establish the Time for Electing their Officers" (H. P. 1537) (L. D. 2022) reporting "Ought to Pass" in New Draft (H. P. 1784) (L. D. 2350)

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/New Title

Representative Carroll from the Committee on Health and Institutional Services on Bill "An Act to Provide for Licensure of Birthing Centers" (H. P. 1560) (L. D. 2062) reporting "Ought to Pass" in New Draft under New Title RESOLVE, Directing the Department of Human Services to Prepare Draft Regulations on the Licensing of Birthing Centers (Emergency) (H. P. 1788) (L. D. 2361)

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

Pursuant to Joint Order (H. P. 1572)

Representative McHenry from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Knox County for the Year 1984 (Emergency) (H. P. 1781) (L. D. 2346) reporting "Ought to Pass" — Pursuant to Joint Order (H. P. 1572)

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

Consent Calendar

First Day

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

(H. P. 1698) (L. D. 2252) Bill "An Act to Repeal a Statute which has been Declared Unconstitutional" Committee on Judiciary reporting "Ought to Pass"

(H. P. 1659) (L. D. 2189) Bill "An Act to Amend Provisions Relating to Violation of Probation or Parole" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-575)

(S. P. 759) (L. D. 2068) Bill "An Act Creating the Rangeley Water District" (Emergency) Committee on Public Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (S-327)

(S. P. 792) (L. D. 2117) Bill "An Act Making Additional Allocations for the Expenditures of State Government in Response to an Increase in the United States Department of Energy's Grant Award for the Program of Weatherization Assistance for Low-income Persons for Fiscal Year Ending June 30, 1984" (Emergency) Committee on Appropriations and Fi-

nancial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-328)

(S. P. 668) (L. D. 1837) Bill "An Act to Establish a Training Program to Improve Water Quality" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-329)

(S. P. 702) (L. D. 1940) Bill "An Act Relating to Counselor Positions in the Offices of the Bureau of Veterans' Services" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-330)

(S. P. 764) (L. D. 2072) Bill "An Act to Avoid Lapsing Certain State Appropriated Public Transportation Funds" (Emergency) Committee on Appropriations and Financial Affairs reporting "Ought to Pass"

(S. P. 729) (L. D. 2011) Bill "An Act to Increase the Enforcement and Educational Staff of the Maine Land Use Regulation Commission" (Emergency) Committee on Appropriations and Financial Affairs reporting "Ought to Pass"

There being no objections, the Senate Papers were passed to be engrossed or passed to be engrossed as amended in concurrence, and the House Papers were passed to be engrossed or passed to be engrossed as amended and sent up for concurrence.

(S. P. 828) (L. D. 2214) RESOLVE, Designating a Mountain in Andover North Surplus Township as Gradys Mountain Committee on Local and County Government reporting "Ought to Pass"

On motion of Representative McHenry of Madawaska, was removed from the First Day Consent Calendar.

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

(S. P. 819) (L. D. 2199) Bill "An Act to Require State Agencies Authorized to Expend Proceeds of Bonds Approved by the Electorate to Report the Status of the Bonds to the Legislature Prior to the Date of Deauthorization as Provided in the Constitution of Maine" Committee on State Government reporting "Ought to Pass"

On motion of Representative Gwadosky of Fairfield, was removed from the First Day Consent Calendar.

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

(H. P. 1693) (L. D. 2248) Bill "An Act Concerning Striped Bass" Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-579)

(H. P. 1657) (L. D. 2187) Bill "An Act to Require Prisoners on Work Release to Pay for the Cost of Their Board in a Correctional Facility" Committee on Health and Institutional Services reporting "Ought to Pass" as amended by Committee Amendment "A" (S-580)

(H. P. 1691) (L. D. 2246) Bill "An Act to Amend the Licensing of Dental Radiographers" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-583)

(H. P. 1622) (L. D. 2146) Bill "An Act to Amend the Criminal Extradition Act" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-584)

There being no objections, the above items were ordered to appear on the Consent Calendar of later in today's session under the listing of Second Day.

Consent Calendar Second Day

In accordance with House Rule 49, the fol-

lowing items appeared on the Consent Calendar for the Second Day:

(H. P. 1614) (L. D. 2136) Bill "An Act to Amend the Charter of the Passamaquoddy Water District" (Emergency) (C. "A" H-564)

(H. P. 1559) (L. D. 2061) Bill "An Act to Define Eligibility for School Purposes and to Determine Financial Responsibility for the Education of State Agency Clients" (Emergency) (C. "A" H-559)

Objections having been noted at the end of the Second Legislative Day, the House Papers were passed to be engrossed as amended and sent up for concurrence.

(H. P. 1589) (L. D. 2099) Bill "An Act to Amend the Statutes Relating to Handicapping Conditions Under the Human Services Law" (C. "A" H-565)

On motion of Representative Carter of Winslow, was removed from the Second Day Consent Calendar.

Report was read and accepted. Bill read once. Committee Amendment "A" (H-565) was read by the Clerk and adopted. Bill assigned for second reading later in today's session.

(H. P. 1656) (L. D. 2186) Bill "An Act to Establish Farm Programs at Correctional Facilities" (C. "A" H-566)

(H. P. 1588) (L. D. 2095) Bill "An Act to Provide Voter Information on Ballot Questions" (C. "A" H-568)

(H. P. 1651) (L. D. 2176) Bill "An Act to Amend the Political Action Committee Registration and Reporting Law" (C. "A" H-569)

(H. P. 1703) (L. D. 2256) RESOLUTION, Proposing an Amendment to the Constitution of Maine to Enable the Legislature to Establish the Extent of Insurance of Loans to Veterans

(H. P. 1675) (L. D. 2220) RESOLVE, Authorizing the Commissioner of Mental Health and Mental Retardation to Enter into Agreements to Supply Water to Neighbors of Pineland Center Whose Wells are Contaminated (Emergency)

No objections having been noted at the end of the Second Legislative Day, the House Papers were Passed to be Engrossed or Passed to be Engrossed as Amended and sent up for concurrence.

Passed to be Engrossed

Bill "An Act to Clarify the Laws Relating to Private Business, Trade and Technical Schools" (Emergency) (H. P. 1770) (L. D. 2337)

Bill "An Act Relating to the Definition of School Year for the Purpose of Defining School Eligibility" (S. P. 859) (L. D. 2332)

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

Finally Passed

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide that, Beginning with the Property Tax Year 1984, All Watercraft as Defined by the Legislature shall be Exempt from Taxation as Personal Property, Provided That Certain Watercraft as Defined by the Legislature shall be Subject to an Excise Tax to be Collected and Retained by the Municipalities (H. P. 1623) (L. D. 2147) (C. "A" H-534)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being a Constitutional Amendment and a two-thirds vote of the House being necessary, a total was taken. 122 voted in favor of same and 4 against, and accordingly the Resolution was finally passed, signed by the Speaker and sent to the Senate.

Passed to be Enacted Emergency Measure

An Act to Ensure Medical Coverage of Residents in Cost Reimbursement Boarding Homes

(S. P. 843) (L. D. 2266)

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. 118 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.

An Act Concerning Tax Exempt Status of Property owned by the Farmington Village Corporation (H. P. 1561) (L. D. 2063) (H. "A" H-514; H. "B" H-541)

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. 122 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 Provide More Venture Capital to Maine Business (H. P. 1608) (L. D. 2124) (C. "A" H-560)

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. 112 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 Amend the Provisions for Clam Regulation in the Unorganized Territories (H. P. 1604) (L. D. 2129) (H. "A" H-556)

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.

Emergency Measure

An Act Providing for Maintenance of Certain Roads in Baxter State Park (S. P. 805) (L. D. 2153) (S. "A" S-326)

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

Emergency Measure

An Act to Amend the Early Payment Provision of the Workers' Compensation Act with Respect to Payments for Impairment and Medicals-only Claims (H. P. 1660) (L. D. 2190) (C. "A" H-554)

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. 115 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.

Finally Passed

Emergency Measure

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

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. 117 voted in

favor of the same and one against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Emergency Measure Reconsidered

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Cumberland County for the Year 1984 (H. P. 1724) (L. D. 2270)

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

Ms. Brown of Gorham moved that the rules be suspended for the purpose of reconsideration.

Objection was noted.

Ms. Brown of Gorham requested a roll call vote on the motion to suspend the rules.

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 the gentlewoman, Ms. Brown, that the rules be suspended for the purpose of reconsideration. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 400

YEA—Ainsworth, Allen, Anderson, Armstrong, Beaulieu, Bell, Bonney, Bost, Bott, Brannigan, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Carrier, Carroll, D.P.; Carroll, G.A.; Cashman, Chonko, Clark, Conary, Conners, Cooper, Cote, Cox, Crouse, Crowley, Curtis, Daggett, Davis, Day, Dexter, Dillenback, Drinkwater, Dudley, Erwin, Foster, Gauvreau, Greenlaw, Gwadosky, Hall, Handy, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Holloway, Ingraham, Jackson, Joseph, Joyce, Kelleher, Kelly, Ketover, Kiesman, Kilcoyne, LaPlante, Lebowitz, Lehoux, Lisnik, Livesay, Locke, MacBride, MacEachern, Macomber, Mahany, Martin, A.C.; Martin, H.C.; Masterman, Masterton, Matthews, K.L.; Maybury, Mayo, McGowan, McHenry, McPherson, McSweeney, Melendy, Michaud, Mills, Mitchell, J.; Moholland, Murphy, E.M.; Murphy, T.W.; Murray, Nelson, Norton, Paradis, E.J.; Paradis, P.E.; Parent, Perkins, Perry, Pines, Racine, Randall, Reeves, J.W.; Richard, Ridley, Roberts, Robinson, Roderick, Rolde, Rotondi, Salsbury, Seavey, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soucy, Sproul, Stevens, Stevenson, Stover, Strout, Swazey, Tammara, Telow, Thompson, Tuttle, Vose, Walker, Webster, Wentworth, Weymouth, Willey, Zirnkilton.

NAY—Andrews, Baker, Benoit, Brodeur, Connolly, Diamond, Jalbert, Manning, McColister, Mitchell, E.H.; Nelson, Tuttle, Vose.

ABSENT—Carter, Hayden, Jacques, Kane, Matthews, Z.E.; Michael, Nadeau, Paul, Pouliot, Reeves, P.; Scarpino, Soule, Theriault, The Speaker.

124 having voted in the affirmative and 13 in the negative, with 14 being absent, the rules were suspended.

On motion of Representative Brown of Gorham, the House reconsidered its action whereby the Resolve was passed to be engrossed.

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

House Amendment "A" (H-550) was read by the Clerk.

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

Ms. BROWN: Mr. Speaker, Ladies and Gentlemen of the House: The reason for this amendment is to remove the appropriation which was allowed in for the Portland Public Library. We have an unfair situation in the Cumberland delegation with 12 members coming from Portland and only 8 more members needed to pass anything the Portland delegation wants from the entire county. Thus, the opportunity arises for Portland to pick the pockets of the county taxpayers for its own concerns.

In regard to the library, a \$25,000 appropriation to the Portland Public Library is an attempt to make the entire county of Cumberland

pay extra for something Portland gets the greatest benefit from. It is true that a number of people from outside Portland use the library but, remember, the library is a regional library which gets a funding of \$110,750 from the state. This is an increase of over \$68,000. A \$25,000 appropriation from the county would be making the taxpayers of the county and my district pay twice for the same privilege.

There are no other county budgets that pay a portion to a regional library; this is a first. The whole county should not be forced to bail Portland out of its problems all the time.

This will not end at \$25,000. The remark has been made that they will not be satisfied until it reaches \$100,000. It must stop now.

I urge you to support my amendment.

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

Mr. BAKER: Mr. Speaker, I would like to move the indefinite postponement of House Amendment "A".

The SPEAKER: The gentleman from Portland, Mr. Baker, moves that House Amendment "A" be indefinitely postponed.

The gentleman may proceed.

Mr. BAKER: Mr. Speaker and Members of the House: This morning what I would really like to talk about is not so much the merits of the funding of the library, what I would like to talk to you about is the process of how county budgets operate in this chamber.

To begin with, this year the county budget was put together by the Cumberland County Commissioners. Interestingly enough, the delegation did not make any changes in the budget. The commissioners held expensive hearings throughout the county, and it was the commissioners, by majority vote, that put the funding into the budget. There was an opportunity at the delegation meeting to amend the bill. We had two meetings. The first meeting went over the budget and the delegation questioned the commissioners and questioned them very hard on the funding of the library. They explained why they made the decision, and even the commissioner that voted against it eventually said, "I now go along with what has happened." So the commissioners of Cumberland County support this budget.

A week later the delegation met, we took a vote, there was a motion to remove the funding for the library. The motion failed 17 to 12.

Right now, the budget is supported by a majority of the Cumberland County delegation; 24 members of the delegation support it out of 38. That is a majority.

My question is simply this—at what point do we refuse to recognize that a majority has made a decision on a budget, majority of the commissioners, in fact the commissioners unanimously support the budget, a majority of the Cumberland County delegation. It is the Cumberland County budget. It has a majority. We have argued and debated this point within our delegation. Personally, I feel that is as far as it should go. I do not think it is right to drag the rest of you into a dispute that concerns Cumberland County.

I should also point out that there are a number of other items in the Cumberland County budget in which one could make a case that they should not be there because they have a source of mixed funding. There is \$5,500 for soil and water conservation; there is \$5,500 for the Saco River Corridor Commission; there is \$1,000 for promotion of Cumberland County; and there is \$1,000 given to the Maine Publicity Bureau. I could make an argument, perhaps, but I do not wish to make an argument against those particular proposals. That is the way the budget came about.

We have a majority vote and I would ask that the members of this House stand by the majority decision because I believe that is the right thing to do.

The SPEAKER: The Chair recognizes the gentleman from Windham, Mr. Cooper.

Mr. COOPER: Mr. Speaker, Ladies and Gentlemen of the House: Last year I was one of those that opposed the inclusion of the Portland Library in the Cumberland County budget, and my reason for doing so is because I felt the process as I viewed it had been violated. That was that the county commissioners that held public hearings decided to exclude the library and then without public hearings the delegation decided to stick it in. This year, however, the county commissioners included the library in their budget, met at six locations in the county, had it discussed at each of those locations and decided after hearing all the comments that it should stay in. I support that process as I think the rest of the delegation and hopefully this chamber will also. I also hope that next year the Portland delegation will support the same process and go along with the commissioners unless there is something grossly out of whack with the budget.

I am pleased, however, that the gentlelady from Gorham, Ms. Brown, has raised this, because when you run for county commissioner there aren't many issues and this can probably be the issue of the coming campaign for county commissioners. We have two seats up and Representative Brown's town is now in a new district and I am sure she will be raising that as an issue, making the candidates speak up and say whether they are for this being included in the budget or not, and then the voters can vote for or against the candidate based on that. I think that would be the best way to settle this problem. It is a sort of referendum.

I urge you all to support the motion for indefinite postponement.

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

Mr. JACKSON: Mr. Speaker and Members of the House: I rise to oppose the motion to indefinitely postpone the House Amendment presented by the gentlelady from Gorham, Ms. Brown.

I take exception to some of the remarks that Mr. Baker of Portland stated earlier about the process. One must realize that Cumberland County is unique. Unlike other counties in the state, we have municipalities in Cumberland County, or cities in Cumberland County, which have populations in excess of fifty to sixty thousand. You have communities and towns which have populations of less than 2,000 or 1,500, so our needs and likes are not similar, as some of the other counties might have with their communities.

I guess the first thing that concerns me is that we have a process here, a legislative process, we have the process that Mr. Baker indicated with the budgets. Well, if there is a problem, like many other bills, I think it should be settled on the floor of this body here or the floor of the other body. That is why we have the State Legislature and that is why they are involved in the county budget process.

One thing that I can't understand is that last year we as a state legislature, state government, provided \$68,000 for the funding of a regional library in Portland. This year, we increased that appropriation by approximately \$42,000, to \$110,000. Why if \$25,000 was needed, additional money for that library, that regional library in Portland, why wasn't that asked for in an additional appropriation or in the same appropriation measure that the \$42,000 was asked for? It seems to me that it is a small amount of money for a regional library.

I believe it was Ms. Brown who stated that there are no other counties which are involved in supporting a regional library and I believe she is correct.

That regional library in Portland also includes part of York County. Why isn't there an appropriation from the York County budget supporting that regional library? There is none in there. I guess it is probably easy to ask and I would probably get an answer very quickly from the York County delegation.

One thing that concerns me, and it is not the regional library per se or the funding of the regional library, I am concerned about the \$25,000 because we are all running around here this year talking about property tax relief, the overburdened property tax. Well, ladies and gentlemen, I think you all know how county government is funded, it is funded by the property tax. Twenty-five thousand dollars might not be much money but it might mean something to some of those small communities or even some of those taxpayers in the larger cities.

I guess probably my biggest concern is that we can allow five communities in Cumberland County, in the greater metropolitan area of Portland, to quote Ms. Brown, "to pick the pockets of the remaining taxpayers of the county to further their own futures or their own needs or own desires in that area." That is my biggest concern, that when you have in those five communities 20-plus votes out of 38, that concerns me, because it seems to me then anytime that Portland or that area there wants or desires a specific program or a specific use, they can go and tap the county, the taxpayers of the county, to fund that, and we don't have a heck of a lot that we can say about it.

I as a Representative represent five communities; whereas, as you heard, Portland has 12 representatives—excuse me, I apologize, 10.

That basically is my concern and I would hope that you people here this morning would follow the lead of Ms. Brown and accept that amendment to remove that and put Cumberland County on notice that we don't want to increase our burden on the property tax, number one; and number two, that that is a regional library and should be funded 100 percent by the State of Maine.

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

Mrs. MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: As much as I admire my chairman of the Cumberland County delegation, Mr. Baker, I have to vote against him this morning. I will go along with Representative Brown. She is right in her thinking. I am from a town that has to pay in and we get no benefit. Last year or two years ago when we were voting on this, there were zero in Brunswick that used this library and we still had to pay. This year they found some figures, I don't know where they got them, but they found figures to put in it that Brunswick had used it, and I would like to know where they found those figures.

I shall go along with Representative Brown.

The SPEAKER: The Chair recognizes the gentlewoman from Cape Elizabeth, Mrs. Masterton.

Mrs. MASTERTON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to apprise the gentlewoman from Brunswick that there are now 33 card holding members in Brunswick. I have a list here which I am not going to go through entirely, but I do want to point out that in my district, in Cape Elizabeth, we have 519 card carrying members of the Portland Public Library; we have 440 in Falmouth; 253 in Gorham; 627 in South Portland; 399 in Scarborough; 462 in Westbrook; 250 in Windham; and 474 in Yarmouth. That is just to give you some kind of an idea of the participation of the citizens of Cumberland County in the Portland Public Library.

Further, about a quarter of the people who visited the library last year are from towns other than the City of Portland. About a quarter of all the telephone reference questions that are answered by the Portland Public Library Reference Department come from people living outside of Portland. About a third of all the talking books that are loaned to the blind and handicapped were requested by people who lived outside of the City of Portland. About a quarter of the children that attend the Children's Room at the library came from outside of the City of Portland. So you see that the library is extensively used by those liv-

ing outside of the City of Portland.

As far as the county tax is concerned, about half of that \$25,000 will be paid for by the City of Portland because of their population.

I just wanted to give you some idea of the justification of the majority of the delegation's point of view, and I hope that you will go along with us this morning and vote for the indefinite postponement of this amendment.

I do regret having to stand up here in opposition to my good friend who suffered through the Cumberland County Charter Commission with me a couple of years ago hoping to reform this very county government that we are discussing today, the system and the mechanics of this budget process. I hate to do that but this is an honest disagreement.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: First, I would like to commend Ms. Brown for taking the stand that she has taken. I think it is a very brave stand to take and I think it is a position that we should support.

I am not against giving any money to the library in the City of Portland, but I do think it is a state function to support that library.

Last year we were told that the \$20,000 that was given to the library was a one-time deal, they only needed it once. Then this year it arrives and it is \$25,000. Now, \$25,000 isn't a great deal of money and the library does good things, but we have in the town of Harpswell, which I represent, just a summer library. It seems to me that it is only fair that if you are going to give money to the City of Portland, we should give money to each one of the towns that has a library. I would just as soon expand the budget for that purpose. Let's be fair, let's give to all and not just to the City of Portland.

The SPEAKER: The Chair recognizes the gentleman from Brunswick, Mr. Livesay.

Mr. LIVESAY: Mr. Speaker and Members of the House: Representative Harlan Baker asked a question of the House, why should we abandon the principle of majority rule when it comes to the adoption of county budgets. I guess I would ask a question to the House myself, and that is, how long will we be forced to tolerate the arrogance of the greater Portland delegation?

Representative Masterton indicated that the town of Brunswick had 33 card holders in the Portland library. I guess my response to that is—whoopee!

Last year when this item was a part of the Cumberland County budget, the town of Brunswick didn't have a single card holder, and the reason for that was quite simple, Brunswick wasn't even part of the district that this library was serving. Only after the fact, after this had been shoved down the throats of the citizens of Brunswick did I receive a letter from an official at the Portland library indicating that maybe it was appropriate now to extend library privileges to the citizens of Brunswick.

I guess I would suggest that the time has come for us to stand up and say to the greater Portland delegation—deal honestly and fairly with those far-flung communities in Cumberland County and let's not pick their pockets, as a number of former speakers have said.

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

Mrs. NELSON: Mr. Speaker, Men and Women of the House: I just wanted to remind the people here of a few facts. First of all, the \$25,000 that is in the budget, the total budget for Cumberland County is \$5.9 million, and we are talking about \$25,000. Nowhere in the Record was it ever recorded that anyone said if we put it in last year we would never ask for it again. There seems to be a misunderstanding about that.

We are talking about a relatively small amount of money compared to the total Cumberland County budget.

Portland pays \$1.3 million toward the \$1.32 million budget of that library, so Portland does pay more than its share. We are talking about 4,508 who live outside of Portland that use that facility, at least have a card to use that facility, and we are talking about \$25,000.

The county commissioners went to every single community with their budget. Three times questions were asked about the Portland library; all three times those questions were answered and in every single community, no one had balked at the extra \$25,000 for the Portland Public Library.

I don't feel that just because I come from Portland I have to make any excuses for being there or the services that that city offers everyone in the state, including those members of Cumberland County.

I hope you will support the motion to defeat this amendment.

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

Ms. BROWN: Mr. Speaker, I would ask for 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 Baker of Portland that House Amendment "A" (H-550) be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 401

YEA—Ainsworth, Allen, Andrews, Armstrong, Baker, Beaulieu, Benoit, Bost, Brannigan, Brodeur, Cashman, Chonko, Clark, Connors, Connolly, Cooper, Crouse, Day, Diamond, Drinkwater, Gauvreau, Gwadosky, Hall, Hickey, Higgins, H.C.; Hobbins, Jalbert, Joseph, Joyce, Kelleher, Kelly, Ketover, Kilcoyne, LaPlante, Lisnik, Locke, MacEachern, Mahany, Manning, Masterton, Mayo, McCollister, McGowan, McHenry, McSweeney, Melendy, Michaud, Mills, Moholland, Murphy, T.W.; Murray, Nadeau, Nelson, Norton, Paradis, P.E.; Pines, Pouliot, Racine, Reeves, P.; Richard, Roberts, Rolde, Rondini, Seavey, Smith, C.B.; Soule, Stevens, Swazey, Telow, Theriault, Thompson, Tuttle, Vose, The Speaker.

NAY—Anderson, Bell, Bonney, Bott, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Carrier, Carroll, D.P.; Carroll, G.A.; Conary, Cote, Cox, Crowley, Curtis, Daggett, Davis, Dillenback, Dudley, Erwin, Foster, Greenlaw, Higgins, L.M.; Holloway, Ingraham, Jackson, Jacques, Kiesman, Lebowitz, Lehoux, Livesay, MacBride, Macomber, Martin, A.C.; Martin, H.C.; Masterman, Matthews, K.L.; Maybury, McPherson, Mitchell, J.; Murphy, E.M.; Paradis, E.J.; Parent, Perkins, Perry, Randall, Reeves, J.W.; Ridley, Robinson, Roderick, Salisbury, Scarpino, Sherburne, Small, Smith, C.W.; Soucy, Sproul, Stevenson, Stover, Strout, Tammaro, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilton.

ABSENT—Carter, Dexter, Handy, Hayden, Kane, Matthews, Z.E.; Michael, Mitchell, E.H.; Paul.

74 having voted in the affirmative and 68 in the negative, with 9 being absent, the motion did prevail.

Thereupon, the Resolve was passed to be engrossed and sent up for concurrence.

The SPEAKER: The pending question now is on final passage. This being an emergency measure, it requires a two-thirds vote of all the members elected to the House. All those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

106 voted in favor of same and 23 against, and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Finally Passed Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing of Waldo County for the Year

1984. (H. P. 1722) (L. D. 2268)

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. 119 voted in favor of the same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Emergency Measure Tabled and Assigned

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Hancock County for the Year 1984. (H. P. 1723) (L. D. 2269)

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

On motion of Representative Foster of Ellsworth, tabled pending final passage and assigned for Thursday, March 29.

Finally Passed Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Lincoln County for the Year 1984. (H. P. 1749) (L. D. 2305)

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. 112 voted in favor of the same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1984. (H. P. 1730) (L. D. 2283)

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 none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Aroostook County for the Year 1984. (H. P. 1731) (L. D. 2284)

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. 106 voted in favor of the same and 11 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Emergency Measure Tabled and Assigned

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Washington County for the Year 1984. (H. P. 1732) (L. D. 2285)

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

On motion of Representative Higgins of Scarborough, tabled pending final passage and assigned for Thursday, March 29.

Emergency Measure Tabled and Assigned

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Sagadahoc County for the Year 1984. (H. P. 1733) (L. D. 2286)

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

On motion of Ms. Small of Bath, tabled pending final passage and assigned for Thursday, March 29.

Finally Passed Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Somerset County for the Year 1984. (H. P. 1734) (L. D. 2287)

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

Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1984. (H. P. 1757) (L. D. 2322)

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. 104 voted in favor of the same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Franklin County for the Year 1984. (H. P. 1766) (L. D. 2328)

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. 117 voted in favor of the same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Passed to Be Enacted

An Act to Clarify the Eligibility Provisions for Accident and Sickness or Health Insurance Program for State Employees. (S. P. 846) (L. D. 2292)

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 Later Today Assigned

An Act Relating to Changes in the Composition and Functioning of the Harness Racing Commission. (S. P. 801) (L. D. 2149) (S. "A" S-323; C. "A" S-318)

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

On motion of Representative Kelleher of Bangor, tabled pending passage to be enacted and later today assigned.

An Act to Clarify the Congregate Housing Program for Maine's Elderly. (S. P. 816) (L. D. 2193) (C. "A" S-321)

An Act to Amend Certain Definitions in the Maine Emergency Medical Services Treatment Act of 1982. (S. P. 845) (L. D. 2293)

An Act Concerning Application of Fuel Tax Laws. (H. P. 1440) (L. D. 1885) (C. "A" H-536)

An Act Relating to Scallop Fishing. (H. P. 1510) (L. D. 1985) (C. "A" H-526)

An Act Concerning Desecration and Vandalism of Religious and other Institutions. (H. P. 1579) (L. D. 2090) (C. "A" H-532)

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 Reconsidered

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

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

On motion of Representative Gwadosky of

Fairfield, under suspension of the rules the House reconsidered its action whereby the Bill was passed to be engrossed.

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

House Amendment "A" (H-551) was read by the Clerk.

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

Mr. GWADOSKY: Mr. Speaker, Ladies and Gentleman of the House: One portion of this bill dealt with applicants under the Finance Authority of Maine to the Small Business Loan Program and the Veterans Loan Program stipulated that applicants would have to submit an AFDC plan to the authority.

There was a stipulation in the original bill which excluded businesses of five or less. The purpose of this amendment is to exclude businesses of 10 or less. It is an amendment which has been discussed with the NFIB, the sponsors and has the agreement of the Job Training Committee. We think it is fair and will be a little bit less burdensome to some of our smaller businesses.

Thereupon, House Amendment "A" was adopted.

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

An Act Concerning Registration Certificates for Long-term Trailers and Semitrailers. (H. P. 1725) (L. D. 2271)

An Act Establishing Penalties for Violations of the Disconnection and Deposit Regulations of the Public Utilities Commission. (H. P. 1735) (L. D. 2288)

An Act Relating to the Issuance of Bonds by Sanitary Districts. (H. P. 1738) (L. D. 2290)

An Act Concerning the Disclosure of Licensing Records Regarding Adult and Child Care Programs. (H. P. 1740) (L. D. 2294)

An Act to Repeal the Law Requiring Adult Children to Care for Parents According to Ability. (H. P. 1752) (L. D. 2314)

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

An Act to Clarify the Negotiability of Pay Rates Under the State Employees Labor Relations Act. (S. P. 170) (L. D. 525) (C. "A" S-312)

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

Representative Kelleher of Bangor 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 pending question is on passage to be enacted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 402

YEA—Ainsworth, Allen, Andrews, Armstrong, Baker, Beaulieu, Bell, Benoit, Bost, Bott, Branigan, Brodeur, Cahill, Callahan, Carroll, D.P.; Chonko, Clark, Conary, Connors, Connolly, Cooper, Cote, Cox, Crouse, Daggett, Davis, Dexter, Diamond, Erwin, Foster, Gauvreau, Greenlaw, Gwadosky, Handy, Hickey, Higgins, H.C.; Hobbins, Ingraham, Jackson, Jalbert, Ketover, Kilcoyne, LaPlante, Lisnik, Locke, MacBride, Macomber, Mahany, Maybury, Mayo, McHenry, Melendy, Michaud, Mills, Mitchell, E.H.; Mitchell, J.; Murphy, E.M.; Murphy, T.W.; Murray, Paradis, E.J.; Paradis, P.E.; Perry, Randall, Reeves, P.; Robinson, Roderick, Rolde, Rotondi, Scarpino, Seavey, Smith, C.B.; Sproul, Stevens, Strout, Tammaro, Theriault, Thompson, Tuttle, Webster, Wentworth, Weymouth, Zirnkilton.

NAY—Anderson, Bonney, Brown, A.K.; Brown, D.N.; Carrier, Carroll, G.A.; Cashman, Crowley, Day, Dillenback, Drinkwater, Dudley, Hall, Higgins, L.M.; Holloway, Jacques, Joseph, Joyce,

Kelleher, Kelly, Kiesman, Lebowitz, Lehoux, Livesay, MacEachern, Manning, Martin, A.C.; Martin, H.C.; Masterman, Masterton, Matthews, K.L.; McGowan, McPherson, McSweeney, Moholland, Nadeau, Nelson, Norton, Parent, Paul, Perkins, Pines, Pouliot, Racine, Reeves, J.W.; Richard, Ridley, Roberts, Salsbury, Sherburne, Small, Smith, C.W.; Soucy, Soule, Stevenson, Stover, Swazey, Telow, Vose, Walker, Willey, The Speaker.

ABSENT—Carter, Curtis, Hayden, Kane, Matthews, Z.E.; McCollister, Michael.

82 having voted in the affirmative and 62 in the negative, with 7 being absent, the motion did prevail.

Signed by the Speaker and sent to the Senate.

An Act to Clarify Certain Provisions in the Recodification of the General Assistance Law. (S. P. 717) (L. D. 1963) (C. "A" S-324)

An Act to Provide for Filling Vacancies in the Office of Presidential Electors Nominated by Petition. (S. P. 785) (L. D. 2111)

An Act Concerning Maine Farm Wineries. (S. P. 787) (L. D. 2113) (H. "A" H-547; C. "A" S-319)

An Act to Replace References to Regional Presiding Justice with Chief Justice of the Superior Court. (S. P. 812) (L. D. 2162) (H. "A" H-540; S. "A" S-307)

An Act to Provide for Tuberculin Testing of Cattle to Insure Out-of-State Markets for Maine. (S. P. 854) (L. D. 2313)

An Act Requiring Nonowner Spouses to Record Claims to Marital Property under Divorce Laws, and Clarifying the Need for the Nonowner Spouse to Sign Conveyances in General. (S. P. 855) (L. D. 2313)

An Act to Amend the Highway Transportation Reform Act. (H. P. 1456) (L. D. 1908) (C. "A" H-538)

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

An Act to Permit Possession of Soft-shell Clam Stocks 2 Inches or Greater in the Largest Diameter. (H. P. 1501) (L. D. 1975) (H. "E" H-537)

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

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

Mrs. ALLEN: Mr. Speaker, I would like to pose a question through the Chair to any member of the Committee. My question is in reference to House Amendment "E." In the original legislation, the municipal clam ordinances were required to set aside at least 10 percent of the licenses issued in that municipality for nonresidents of that municipality; in House Amendment "E" that provision has been excluded. Is it the intention of the committee to exclude nonresidents, although they be Maine residents, nonresident clam diggers from local ordinances?

The SPEAKER: The gentlewoman from Washington, Mrs. Allen, has posed a question through the Chair to any member of the committee who may care to respond.

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

Mr. CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: The clam ordinances that the towns have had for many years, there are 42 towns that have these ordinances, have always in the past worked these ordinances out with the Department of Marine Resources in exactly the way the bill is now written.

There was a question on the constitutionality of the nonresident licenses within the towns, and the day before yesterday I went to the Attorney General's Office and asked them if this rule here that I am going to read applied to making this a positive way of going, and I will read this from the Supreme Court decision in the case of State vs. Norton. This is pertaining

to Maine shellfish conservation ordinances.

"We are satisfied the state has a compelling governmental interest in the conservation of its clams. We cannot say that it is an attempt to achieve this purpose. By in part authorizing municipalities to apply the resident-nonresident standard in proper circumstances as a device to limit digging is not substantiated to this proper public purpose. The defendants have failed to overcome the presumption of constitutionality of this statute."

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

Mrs. ALLEN: 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 passage to be enacted. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 403

YEA—Ainsworth, Anderson, Andrews, Armstrong, Baker, Beaulieu, Bell, Benoit, Bonney, Bost, Bott, Brannigan, Brodeur, Brown, D.N.; Cahill, Callahan, Carroll, D.P.; Carroll, G.A.; Cashman, Chonko, Clark, Conners, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Daggett, Davis, Day, Dexter, Diamond, Dillenback, Drinkwater, Erwin, Foster, Gauvreau, Gwadosky, Hall, Handy, Hickey, Higgins, H.C.; Higgins, L.M.; Hobbins, Holloway, Ingraham, Jackson, Jalbert, Joseph, Joyce, Kelly, Ketover, Kiesman, Kilcoyne, LaPlante, Lebowitz, Lehoux, Lisnik, Livesay, Locke, MacBride, MacEachern, Macomber, Mahany, Manning, Martin, A.C.; Martin, H.C.; Masterman, Masterton, Matthews, K.L.; Matthews, Z.E.; Maybury, Mayo, McGowan, McHenry, McPherson, McSweeney, Melendy, Michaud, Mills, Mitchell, E.H.; Mitchell, J.; Moholland, Murphy, T.W.; Murray, Nadeau, Nelson, Paradis, E.J.; Paradis, P.E.; Parent, Perkins, Perry, Pines, Pouliot, Racine, Randall, Reeves, J.W.; Reeves, P.; Richard, Ridley, Roberts, Robinson, Roderick, Rolde, Rotondi, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soucy, Soule, Sproul, Stevens, Stevenson, Stover, Strout, Swazey, Tammara, Telow, Theriault, Thompson, Vose, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilton.

NAY—Allen, Brown, A.K.; Carrier, Canary, Curtis, Dudley, Greenlaw, Jacques, Murphy, E.M.; Norton, Paul, Tuttle.

ABSENT—Carter, Hayden, Kane, Kelleher, McCollister, Michael, The Speaker.

132 having voted in the affirmative and 12 in the negative, with 7 being absent, the motion did prevail.

Signed by the Speaker and sent to the Senate.

An Act to Amend the Waiting Period Between Recording Intentions of Marriage and Receipt of a Marriage License. (H. P. 1602) (L. D. 2127) (C. "A" H-553)

An Act to Create the Judicial Employees Labor Relations Act. (H. P. 1649) (L. D. 2175) (H. "A" H-545)

An Act to Increase the Potato Tax. (H. P. 1645) (L. D. 2179) (C. "A" H-561)

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) (H. "A" H-546)

An Act Authorizing an Adoption Assistance Compact and Procedures for Interstate Services Payments. (H. P. 1673) (L. D. 2218)

An Act to Give the Department of Marine Resources the Authority to Charge Fees for Lobster Traps Tags. (H. P. 1709) (L. D. 2237) (H. "A" H-557)

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.

Finally Passed

RESOLVE, to Provide for a Commemorative Bicentennial Motor Vehicle License Plate to Celebrate the Bicentennial of the Town of Shapleigh. (H. P. 1736) (L. D. 2289)

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

By unanimous consent, all previous Resolves regarding county budgets which were finally passed were ordered sent forthwith to the Senate.

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 State concurrence; and that after such matters had been so sent to the Senate by the Clerk, no motion to reconsider would be allowed.

On motion of Representative Brown of Gorham,

Recessed until four o'clock in the afternoon.

After Recess 4:00 p.m.

The House was called to order by the Speaker.

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

The following Joint Resolution: (S. P. 868)

JOINT RESOLUTION COMMEMORATING THE 25th ANNIVERSARY OF THE ENTHRONEMENT OF THE ARCHBISHOP IAKOVOS

WHEREAS, April 1, 1984, marks the 25th anniversary of the enthronement of His Eminence Archbishop Iakovos as the Greek Orthodox Primate and Exarch of the Western Hemisphere, and November 25, 1984, marks 50 years from his ordination to the Holy Diaconate; and

WHEREAS, in his ministry, he has been an admirable role model for American Greek Orthodox Christians and has inspired many throughout the width and breadth of the Americas to strive for the attainment of social justice, racial equality and human rights for all people; and

WHEREAS, Archbishop Iakovos was the recipient of the Presidential Medal of Freedom bestowed by President Jimmy Carter; and

WHEREAS, Americans of Hellenic heritage and religious and civic leaders throughout our continent, including more than 550 parishes of the Greek Orthodox Church in the Americas, will participate in a year-long celebration of the achievements of Greek Orthodoxy in the Western Hemisphere; now, therefore, be it

RESOLVED: That We, the Members of the 111th Legislature in Second Regular Session assembled, commemorate the 25th anniversary of the enthronement of His Eminence Archbishop Iakovos and recognize the accomplishments of the Greek Orthodox Church in the Americas as a vital and integral member of the religious community of the United States; and be it further

RESOLVED: That a suitable copy of this resolution be prepared and transmitted forthwith to Prokopios Nikas, Pastor of the Holy Trinity Greek Orthodox Church in Portland, Maine.

Came from the Senate, read and adopted.

Was read and adopted in concurrence.

Unanimous Leave to Withdraw

Report of the Committee on State Government reporting "Leave to Withdraw" on Bill "An Act Authorizing the Public Advocate to Intervene in Health Insurance Proceedings before

the Superintendent of Insurance and in the Proceedings of the Health Care Finance Commission" (S. P. 822) (L. D. 2202)

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

Ought to Pass in New Draft

Report of the Committee on Election Laws on Bill "An Act to Allow Municipalities to Use Outgoing Voter Check Lists" (S. P. 650) (L. D. 1840) reporting "Ought to Pass" in New Draft (Emergency) (S. P. 867) (L. D. 2358)

Came from the Senate, with the report read and accepted and the New Draft passed to be engrossed.

Report was read and accepted, the New Draft given its first reading and assigned for its second reading later in the day.

Ought to Pass in New Draft

Report of the Committee on Appropriations and Financial Affairs on RESOLVE, Providing Funding for Transitional Residential Programs for Adolescent Girls at Risk (Emergency) (S. P. 710) (L. D. 1956) reporting "Ought to Pass" in New Draft (Emergency) (S. P. 866) (L. D. 2357)

Came from the Senate, with the report read and accepted and the New Draft passed to be engrossed.

Report was read and accepted, the New Draft given its first reading and assigned for its second reading later in the day.

Ought to Pass in New Draft/New Title

Report of the Committee on Appropriations and Financial Affairs on Bill "An Act Making Appropriations and Allocations for the Expenditures of State Government for the Fiscal Year ending June 30, 1984" (Emergency) (S. P. 795) (L. D. 2131) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Making Appropriations and Allocations for the Expenditures of State Government for the Fiscal Years Ending June 30, 1984 and 1985" (Emergency) (S. P. 864) (L. D. 2343)

Came from the Senate, with the report read and accepted and the New Draft passed to be engrossed.

Report was read and accepted, the New Draft given its first reading and assigned for its second reading later in the day.

Ought to Pass in New Draft/New Title

Report of the Committee on State Government on Bill "An Act Pertaining to the Disposition of Surplus Real Estate" (S. P. 789) (L. D. 2115) reporting "Ought to Pass" in New Draft under New Title RESOLVE, to Inventory all State Real Property and to Create a Commission to Develop a Policy for the Disposition of State Surplus Real Property" (S. P. 865) (L. D. 2349)

Came from the Senate, with the report read and accepted and the New Draft passed to be engrossed.

Report was read and accepted, the New Draft given its first reading and assigned for its second reading later in the day.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-334) on Bill "An Act Providing for Change of Venue in Criminal Cases" (S. P. 658) (L. D. 1848)

Signed:

Senators:

TRAFTON of Androscoggin
COLLINS of Knox
VIOLETTE of Aroostook

Representatives:

HOBBINS of Saco
LIVESAY of Brunswick
SOULE of Westport
JOYCE of Portland
HAYDEN of Durham
BENOIT of South Portland

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

Representatives:
DRINKWATER of Belfast
REVES of Newport
CARRIER of Westbrook
FOSTER of Ellsworth

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-334).

Reports were read.

The Majority "Ought to Pass" Report was accepted in concurrence and the Bill read once. Committee Amendment "A" (S-334) was read by the Clerk and adopted and the Bill assigned for second reading later in the day.

Non-Concurrent Matter

Bill "An Act to Amend the Maine Lemon Law to Include Vehicles Such as Tractor Trailers" (H. P. 1490) (L. D. 1965) on which the Minority "Ought to Pass" Report of the Committee on Business Legislation was read and accepted and the Bill passed to be engrossed as amended by House Amendment "A" (H-558) in the House on March 22, 1984.

Came from the Senate with the Majority "Ought Not to Pass" Report of the Committee on Business Legislation read and accepted in non-concurrence.

On motion of Representative McHenry of Madawaska, the House voted to Insist.

Non-Concurrent Matter

Bill "An Act to Require that Meetings of Governing Bodies of Nonprofit Hospitals be Open to the Public" (H. P. 1682) (L. D. 2227) which was referred to the Committee on Health and Institutional Services in the House on March 13, 1984.

Came from the Senate with the Bill being ruled not properly before that Body pursuant to Joint Rule 37 in non-concurrence.

The SPEAKER: The other body having ruled that the matter is not properly before this body, the Chair will not rule on the matter and therefore it is not before the Legislature.

Non-concurrent Matter

Bill "An Act to Establish Age 21 as the Legal Age to Purchase or Consume Alcoholic Beverages and to Deter Drinking and Driving by Minors" (H. P. 1768) (L. D. 2334) which was referred to the Committee on Legal Affairs in the House on March 22, 1984.

Came from the Senate indefinitely postponed in non-concurrence.

The House voted to recede and concur.

Communications

The following Communication: (S. P. 872)
111th MAINE LEGISLATURE

March 27, 1984

The Honorable Carroll E. Minkowsky
The Honorable Nathaniel J. Crowley, Jr.
Chairpersons, Committee on Marine Resources
State House
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Donald Wotton of Boothbay, Peter Innis of Kennebunk and Louis J. Zglobicki, O.D., of Falmouth for appointment to the Marine Resources Advisory Council.

Pursuant to Title 12 M.R.S.A. Section 6024, these nominations will require review by the Joint Standing Committee on Marine Resources and confirmation by the Senate.

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

Came from the Senate, read and referred to the Committee on Marine Resources.

Was read and referred to the Committee on Marine Resources in concurrence.

The following Communication: (S. P. 871)

STATE OF MAINE

DEPARTMENT OF HUMAN SERVICES

March 21, 1984

The Honorable Gerard P. Conley

President of the Senate

Maine State Senate

State House

Augusta, ME 04333

Dear Mr. Conley:

Enclosed please find an Interim Report to the Governor and the Legislature as mandated by M.R.S.A. 22, subsection 7106 (2) (f), for 6 months of 1983. This is the first year this report has been compiled from data acquired from the state data information system rather than from sending law students out to manually collect data from court dockets. Under this system, the Uniform Traffic Ticket used throughout Maine has been amended to include all Operating Under the Influence, Habitual Offender, and Operating After Suspension required by subsection 7106 (2) (f). This data is compiled and stored in the Division of Motor Vehicle computers and was retrieved by the Department of Human Services for purposes of this report.

This interim report covers the period from January 1, 1983—June 30, 1983, because many arrests which occurred in 1983 will not be adjudicated until March or April, 1984. As of February 1, 1984, the OUI data for the last six months of 1983 were only 70% complete. We felt it was better to prepare a 6-month report based on 95% of the 6 months of data rather than a 12-month report that was based on only 70% of 1983 data. By June 1, 1984, however, more than 95% of OUI data for 1983 will have been entered into the DMV computers, and we will compile and write the full year's OUI report without a statistically significant portion of the year's data being missing.

We are pleased by the trends this report documents in virtually every indicator for which data has been gathered.

Sincerely,
S/ MICHAEL R. PETIT
Commissioner

Came from the Senate read and with accompanying papers ordered placed on file.

Was read and with accompanying papers ordered placed on file in concurrence.

Petitions, Bills and Resolves Requiring Reference

Bill "An Act to Amend the Judicial Commitment Statute" (Emergency) (H. P. 1800) (Presented by Representative Murray of Bangor) (Cosponsors: Representatives Nelson of Portland, Carroll of Gray and Diamond of Bangor) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Committee on Health and Institutional Services was suggested.

The Bill was indefinitely postponed and sent up for concurrence.

Bill "An Act to Establish Age 21 as the Legal Age to Purchase or Consume Alcoholic Beverages and to Deter Drinking and Driving by Minors" (H. P. 1801) (Presented by Representative Joyce of Portland) (Cosponsors: Representative Crowley of Stockton Springs and Senator Hichens of York)

Committee on Legal Affairs was suggested.

The Bill was indefinitely postponed and sent up for concurrence.

Bill "An Act to Replace the Franchise Tax on Financial Institutions" (Emergency) (H. P. 1802) (Presented by Representative Kane of South Portland) (Cosponsors: Representative Cashman of Old Town, Rolde of York and Senator Clark of Cumberland)

Committee on Taxation was suggested.
The Bill was indefinitely postponed and sent up for concurrence.

House Reports of Committees Ought to Pass in New Draft

Representative Jacques from the Committee on Energy and Natural Resources on Bill "An Act to Clarify the Timber-Harvesting Provisions of the Allagash Wilderness Waterway Statutes" (H. P. 1576) (L. D. 2086) reporting "Ought to Pass" in New Draft (H. P. 1793) (L. D. 2368)

Report was read and accepted, the New Draft given its first reading and assigned for second reading later in the day.

Ought to Pass in New Draft

Representative Clark from the Committee on Audit and Program Review on Bill "An Act to Create the Maine Uniform Accounting and Auditing Practices Act for Community Agencies" (H. P. 1471) (L. D. 1929) reporting "Ought to Pass" in New Draft (H. P. 1798) (L. D. 2375)

Report was read and accepted, the New Draft given its first reading and assigned for second reading later in the day.

Ought to Pass in New Draft/New Title

Representative Small from the Committee on Education on Bill "An Act to Provide an Educational Clearinghouse on the Causes and Consequences of Nuclear War" (H. P. 1647) (L. D. 2181) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Provide an Educational Clearinghouse for Information on Nuclear Usage" (H. P. 1792) (L. D. 2366).

Report was read and accepted, the New Draft given its first reading and assigned for second reading later in the day.

Ought to Pass in New Draft/New Title

Representative Mitchell from the Committee on Energy and Natural Resources on Bill "An Act to Prohibit the State from Charging Fees to the General Public for Access to Public Lands" (H. P. 992) (L. D. 1302) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Require the Bureau of Public Lands to Report Annually to the Legislature on the Existence of Barriers to and Fees for Public Access to Public Reserved Lands" (H. P. 1794) (L. D. 2369)

Report was read and accepted, the New Draft given its first reading and assigned for second reading later in the day.

Ought to Pass

Pursuant to Joint Order (H. P. 1572)

Representative Brown from the Committee on Local and County Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1984 (Emergency) (H. P. 1797) (L. D. 2372) reporting "Ought to Pass"—Pursuant to Joint Order (H. P. 1572)

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

Divided Report

Later Today Assigned

Majority Report of the Committee on Taxation on Bill "An Act to Amend the Forest Fire Control Laws and Change the Method of Funding Forest Fire Control Services" (Emergency) (H. P. 1581) (L. D. 2093) reporting "Ought to Pass" in New Draft (H. P. 1782) (L. D. 2347)

Signed:

Senators:

WOOD of York
TWITCHELL of Oxford
TEAGUE of Somerset

Representatives:

CASHMAN of Old Town
DAY of Westbrook
INGRAHAM of Houlton

JACKSON of Harrison
MASTERMAN of Milo

Minority Report of the same Committee reporting "Ought to Pass" in New Draft under New Title Bill "An Act Amending the Forest Fire Control Laws and Change the Method of Funding Forest Fire Control Services" (H. P. 1783) (L. D. 2348) on same Bill.

Signed:

Representatives:

ANDREWS of Portland
HIGGINS of Portland
KANE of South Portland
KILCOYNE of Gardiner
MCCOLLISTER of Canton

Reports were read.

On motion of Representative McGowan, tabled pending acceptance of either report and later today assigned.

Divided Report

Eight Members of the Committee on State Government on Bill "An Act to Allow the State, Counties and Municipalities to Buy Employee Deferred Compensation Plans from Financial Institutions" (H. P. 1412) (L. D. 1834) report in Report "A" that the same "Ought to Pass" in New Draft under New Title Bill "An Act to Create Enabling Legislation for Payroll Deductions for Individual Retirement Accounts and Simplified Employee Pension Plans, to make Necessary Technical changes in the Provisions of Current Deferred Compensation Statutes, and to Authorize Counties, Municipalities and other Political Subdivisions to Purchase Deferred Compensation Instruments from Financial Institutions, Insurance Companies and Investment Firms" (H. P. 1795) (L. D. 2370)

Signed:

Representatives:

LEBOWITZ of Bangor
COOPER of Windham
GWADOSKY of Fairfield
DILLENBACK of Cumberland
KETOVER of Portland
SALSBURY of Bar Harbor
HOLLOWAY of Edgecomb
LaPLANTE of Sabattus

Four Members of the same Committee on same Bill report in Report "B" that the same "Ought to Pass" in New Draft under New Title Bill "An Act to Create Enabling Legislation for Payroll Deductions for Individual Retirement Accounts and Simplified Employee Pension Plans and to Make Necessary Technical Changes in the Provisions of Current Deferred Compensation Statutes" (H. P. 1796) (L. D. 2371)

Signed:

Senators:

VIOLETTE of Aroostook
BALDACCI of Penobscot

Representatives:

SPROUL of Augusta
PARADIS of Augusta

One Member of the same Committee on same Bill reports in Report "C" that the same "Ought Not to Pass".

Signed:

Senator:

HICHENS of York

Reports were read.

On motion of Representative Gwadosky of Fairfield, the "Ought to Pass" Report "A" was accepted, the New Draft read once and assigned for second reading later in the day.

Consent Calendar

First Day

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

(S. P. 813) (L. D. 2169) Bill "An Act to Provide Set-back Requirements for Disposal by a Property Owner on His Property of Septage from His Residence" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A"

(S-335).

(S. P. 829) (L. D. 2215) Bill "An Act Authorizing the Maine Turnpike Authority to Permit the Erection of Kiosks at Rest Areas on the Maine Turnpike" Committee on Transportation reporting "Ought to Pass".

(S. P. 834) (L. D. 2235) Bill "An Act to Provide Immunity to Persons and Institutions who Act as Depositories for Wills" Committee on Judiciary reporting "Ought to Pass".

(S. P. 820) (L. D. 2200) Bill "An Act to Amend the Certified Seed Potato Law" Committee on Agriculture reporting "Ought to Pass".

There being no objections, the above items were ordered to appear on the Consent Calendar of Wednesday, March 28, 1984 under the listing of Second Day.

Consent Calendar

Second Day

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

(H. P. 1698) (L. D. 2252) Bill "An Act to Repeal a Statute which has been Declared Unconstitutional"

(H. P. 1659) (L. D. 2189) Bill "An Act to Amend Provisions Relating to Violation of Probation or Parole" (C. "A" H-575).

(S. P. 759) (L. D. 2068) Bill "An Act Creating the Rangeley Water District" (Emergency) (C. "A" S-327).

(S. P. 792) (L. D. 2117) Bill "An Act Making Additional Allocations for the Expenditures of State Government in Response to an increase in the United States Department of Energy's Grant Award for the Program of Weatherization Assistance for Low-income Persons for Fiscal Year Ending June 30, 1984" (Emergency) (C. "A" S-328).

(S. P. 668) (L. D. 1837) Bill "An Act to Establish a Training Program to Improve Water Quality" (C. "A" S-329).

(S. P. 702) (L. D. 1940) Bill "An Act Relating to Counselor Positions in the Offices of the Bureau of Veterans' Services" (C. "A" S-330).

(S. P. 764) (L. D. 2072) Bill "An Act to Avoid Lapsing Certain State Appropriated Public Transportation Funds" (Emergency).

(S. P. 729) (L. D. 2011) Bill "An Act to Increase the Enforcement and Educational Staff of the Maine Land Use Regulation Commission" (Emergency).

(H. P. 1693) (L. D. 2248) Bill "An Act Concerning Striped Bass" (C. "A" H-579).

(H. P. 1657) (L. D. 2187) Bill "An Act to Require Prisoners on Work Release to Pay for the Cost of Their Board in a Correctional Facility" (C. "A" H-580).

(H. P. 1691) (L. D. 2246) Bill "An Act to Amend the Licensing of Dental Radiographers" (C. "A" H-583).

(H. P. 1622) (L. D. 2146) Bill "An Act to Amend the Criminal Extradition Act" (C. "A" H-584).

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

Passed to Be Engrossed

Bill "An Act to Provide for Repayment of Interest Charges Incurred on Federal Advances to the Unemployment Compensation Fund" (S. P. 861) (L. D. 2338)

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

Representative Beaulieu of Portland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-590) 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.

Bill "An Act to Provide for Financial Solvency in the Unemployment Compensation Fund" (H. P. 1773) (L. D. 2341)

Bill "An Act Amending the Charter of the Telephone Workers Credit Union of Maine" (H. P. 1779) (L. D. 2344)

Bill "An Act to Provide Policy and Guidelines for Creation and Operation of Boards and Commissions" (H. P. 1780) (L. D. 2345)

Bill "An Act to Allow State Party Committees to Establish the Time for Electing their Officers" (H. P. 1784) (L. D. 2350)

RESOLVE, Directing the Department of Human Services to Prepare Draft Regulations on the Licensing of Birthing Centers. (Emergency) (H. P. 1788) (L. D. 2361)

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

Later Today Assigned

RESOLVE, Designating a Mountain in Andover North Surplus Township as Grady's Mountain" (S. P. 828) (L. D. 2214)

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

On motion of Representative McHenry of Madawaska, tabled pending passage to be engrossed and later today assigned.

Bill "An Act to Require State Agencies Authorized to Expend Proceeds of Bonds Approved by the Electorate to Report the Status of the Bonds to the Legislature Prior to the Date of Deauthorization as Provided in the Constitution of Maine" (S. P. 819) (L. D. 2199)

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

Representative Gwadosky of Fairfield offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-588) was read by the Clerk.

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

Mr. GWADOSKY: Mr. Speaker and Members of the House: This is just a technical amendment that the Attorney General thought was necessary to add to this bill and that is why I put it in.

Thereupon, House Amendment "A" was 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 Amend the Statutes Relating to Handicapping Conditions Under the Human Services Law" (H. P. 1589) (L. D. 2099) (C. "A" H-565)

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

Representative Carter of Winslow offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-576) 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.

Consent Calendar

First Day

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

(H. P. 1653) (L. D. 2178) Bill "An Act to Provide a Corporate Tax Credit for Donations of Technological Equipment to Educational Institutions" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-592).

(H. P. 1658) (L. D. 2188) Bill "An Act to Increase the Fee for the Alcohol Education Program Conducted by the Department of Human

Services" Joint Select Committee on Alcoholism Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-593).

(H. P. 1668) (L. D. 2208) Bill "An Act Making Allocations Related to the Alcoholism Prevention, Education, Treatment and Research Fund for the Expenditures of State Government for the Fiscal Year Ending June 30, 1985" (Emergency) Joint Select Committee on Alcoholism Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-594).

(H. P. 1667) (L. D. 2207) Bill "An Act to Provide Medicaid Reimbursement for Substance Abuse Services" Joint Select Committee on Alcoholism Services reporting "Ought to Pass" as amended by Committee Amendment "A" (H-595).

There being no objections, the above items were ordered to appear on the Consent Calendar later in the day under the listing of Second Day.

Orders of the Day

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

House Divided Report—Majority (9) "Ought Not to Pass"—Minority (2) "Ought to Pass"—Committee on Judiciary on RESOLVE, to Reimburse David James McDaniel for Damages Suffered as a Result of Wrongful Imprisonment. (H. P. 761) (L. D. 992)

Tabled—March 22, 1984 by Representative Hobbins of Saco.

Pending—Acceptance of Either Report.

On motion of Mr. Diamond of Bangor, retabled pending acceptance of either Report and later today assigned.

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

Bill "An Act Concerning Benefits Under the Unemployment Compensation Act" (H. P. 1755) (L. D. 2315)

Tabled—March 22, 1984 by Representative Beaulieu of Portland.

Pending—Passage to be Engrossed.

Thereupon, the Bill was passed to be engrossed and sent up for concurrence.

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

An Act Concerning Hazardous Materials Control. (H. P. 1666) (L. D. 2198) (H. "A" H-515)

Tabled—March 22, 1984 by Representative Diamond of Bangor.

Pending—Passage to be Enacted.

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

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

House Amendment "B" (H-578) was read by the Clerk and adopted.

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

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

Bill "An Act to Permit Public Service in Lieu of Fines for Indigent Offenders Under the Drunk Driving Law" (H. P. 1427) (L. D. 1872)

Tabled—March 22, 1984 by Representative Gauvreau of Lewiston.

Pending—Motion of Representative Melendy of Rockland to Reconsider whereby Bill and accompanying papers were indefinitely postponed.

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

Mr. GAUVREAU: Mr. Speaker, I now move that this matter be tabled for one legislative day.

Subsequently, Mr. Gauvreau of Lewiston re-

quested permission to withdraw his motion to table, which was granted.

The SPEAKER: The gentleman may proceed.

Mr. GAUVREAU: Mr. Speaker, Ladies and Gentlemen of the House: Over the past few days, I have spoken to several members regarding their concerns on this particular piece of legislation and I am grateful to the gentledady from Rockland, Representative Melendy, for asking the House to reconsider its action.

It strikes me that most of the concerns with this bill expressed to me were that the bill was fairly lenient. The impression was that by allowing motorists who have been convicted of operating under the influence to work off their sentences by means of public service work in lieu of paying fines was somehow a more lenient approach and it might, in fact, encourage more motorists to operate under the influence. This was not the intent of the bill and this is not my understanding of how it would work.

If the bill were to become law, the courts would routinely impose up to 50 hours of public service work to those motorists who had been adjudicated who had committed the civil offense of operating under the influence and would impose upwards to 75 hours for those motorists who had been convicted of the criminal offense of operating under the influence. Public service hours would be determined by the amount of fines, minimum mandatory fines, in each case. In the civil offense it would be \$250 or 50 hours and in the case of criminal OUI, the minimum mandatory fine was \$350, which work out to around 70 hours in public service work if one went at a base rate of \$5 per hour for public service work.

I would point out again that requiring motorists or commit the offenders in public service work might well be a deterrent for many people for whom a fine would not be a substantial deterrent and the prospect of working off their sentences by means of public service work would, in fact, be a real deterrent.

I would also point out again that we are only dealing with public service work in lieu of payment of fines. As regards mandatory imprisonment, and there is a mandatory minimum of two day jail sentence for all motorists convicted of the criminal offense of operating under the influence, that would still have to be served and this bill would in no way change that practice. So all we are talking about is dealing with public service work in lieu of fines; incarceration, certain jail time would remain.

Another concern which was expressed to me was that, there were questions about the liability which employers would have if they were to use the offenders for public service work.

We already have in place many public service work programs under our Criminal Code, Title 17-A, that statute specifically allows for public service work and, in fact, many offenders are routinely ordered to perform public service work if the court, in its discretion, determines that public service work is more appropriate than another means of penalty or sentence.

Many employers already have insurance for people who work for them under the public service work program. The concerns were expressed during the debate last time—what about those employers who do not have insurance? The answer is simply that for those employers, they, of course, do not take part now in public service work programs and they obviously will not take part if this bill were to become law. So we would be using the same pool of employers who already have security insurance and already have taken care of the problem of the risk. I believe that that does answer the major objections which I have heard regarding the bill.

Again, when I had first introduced the bill this session, I had originally intended for the bill only to deal with indigent offenders, in other words, people who were poor and couldn't afford to pay their fines, but the Judiciary Committee amended the bill so that now

a court has discretion to order public service work for anyone regardless of their financial station in life.

I would again point out that the committee voted "ought to pass" 11 to 2, so there was a substantial support for the bill in committee. For these reasons, I would urge the House today to support Representative Melendy's motion that we reconsider our action whereby this Bill was indefinitely postponed.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker, Men and Women of the House: This bill, in its original form, was put into the legislature because there was a question as to the interpretation of the present statute allowing for a judge, in the case of an indigent person, allowing for some type of service work, public service work, in lieu of a fine.

Presently, many of the judges in our state have, because of the interpretation of the Criminal Code, allowed individuals who were found indigent under our present statute to work off their fine through public service work.

The reason the bill was originally put in was to clarify and get legislative determination that this is consistent, that the OUI statute, which is in Title 29, that the actions of the judges using the Criminal Code, which is Title 17-A, were consistent with Title 29. As you know, the Judiciary Committee did something else and that is to give to the discretion of the court in all cases to order public service work.

A person who makes \$50,000 a year or \$60,000 a year, if that person has a drinking problem or is convicted of the first, second, third, fourth or fifth OUI offense, a \$1,000 fine or a \$500 fine or a \$250 fine doesn't really mean much to that person at all, but if the judge in that particular case would order that individual to serve in some type of public service, because that person is above everyone else, if that person was allowed to serve, if the court said, well, I think it is good for you to work at a drug and alcohol rehab center, possibly work doing some custodial work, to me that would open up the eyes of that person no matter what that person's social norm is, no matter what that person makes. To me, that is more of a punishment than having some person who happens to have financial resources pay a \$300, \$400 or \$500 fine. I think it is very reasonable that the court be allowed, based upon the circumstances and facts of that case, to decide, if the facts are there, to sentence that person to some public service.

I, as a lawyer, had a particular case, instead of sending someone to jail involving a criminal offense with some type of narcotics, we had the person serve 50 hours of time working in a drug and alcohol rehab center. Well, that 50 hours of time in that particular case opened up that person's eyes a little bit to what he was doing and the circumstances surrounding his particular case. We haven't had any problems with that individual in the court system.

So, it is easy to argue to throw the key away and make that person pay that \$350 fine, but I can tell you from practical experience, first of all, the court is doing it now in certain circumstances because that is how they interpret it, and secondly, in some situations that public service is more punishment and will be more rehabilitative than having a person pay \$5 or \$10 a week to pay off the fine. In the case of a wealthy person, taking that person who makes \$50,000 or \$60,000 a year and putting that person to some menial skill for a public service, to me will open up that person's eyes and will help the situation.

I don't think this is an unreasonable bill. I don't think it is a bill that we are being soft on crime; frankly, it probably would be harder on crime by passing this bill.

I hope that you will vote for reconsideration.

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

Mr. CARRIER: Mr. Speaker, Ladies and Gen-

tllemen of the House: The bill was a bad bill a few days ago and it still is. It does very little, if anything at all. The main thing about the bill and we agreed with this is the liability that is involved by the employer or whoever they do the work for. Now, if these people do municipal work and they do get hurt, they know all the tricks about how to get hurt and to collect forever and ever, up to the point where they can even get on worker's compensation and collect again forever and ever.

Because of the liability involved in the bill, who is going to hire who? Would you hire some of these people? Let's say you hire them to do some work around your house, maybe paint the house and they fall down, you will have to pay forever and ever. It would make you a party probably to the municipality. There is no way that they can get out of the liability whoever hires them.

There was a suggestion that the judge would make these individuals do some work. Well, that is not so, that is not what the bill says. The bill says that the judge can and he may do so. The judges, in their wisdom, are doing very well and the present laws are covering most of the things that this bill would do or would add onto it. I feel very sure that we can do without this bill and that we don't have to get all types of people to go out and hire them and the municipality be liable for big suits and also for workmen's compensation for years at a time. I think these people, if they have the money to buy booze, they should have money to pay their fines. It is up to them to go out and earn their own money.

Last week we killed this bill by a good margin and I hope that you consider it. This is a serious bill and under the present Criminal Code, 17-A, the judge can do this so we don't need this legislation.

I hope you move against reconsideration and vote no.

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

Mr. REEVES: Mr. Speaker, Ladies and Gentlemen of the House: I will again try to be brief. I am opposed to this bill for most of the same reasons that my friend from Westbrook has expressed.

As the bill came to us in committee, it addressed the indigent person and I had some feeling at that time but then it was watered down so, or I refer to it in that manner, that it even covered millionaires. It doesn't make any difference how much money you have or what your income is, under the new version the judge can give this public work service to anyone.

I am concerned about the same thing and I will try not to be repetitious. This was mentioned in committee and I have mentioned it to several of you since, that if they cannot afford to pay the fine, how can they afford to buy the booze? It might be a good idea to go a little further and say, if they can't pay the fine, why not have them sell the car? Use the money from the sale of the vehicle to pay the fine and possibly any attorney fees for the appointed attorney that he can't afford.

It is amusing to me that of late everybody seems to be talking about and we are reading about Maine's tough drunk driving laws. Well, ladies and gentlemen of the House, this is really toughening it up. If this isn't watering down more and more and more, I don't know what is and I urge you to vote against the pending motion to reconsider.

The SPEAKER: The Chair recognizes the gentleman from Thomaston, Mr. Mayo.

Mr. MAYO: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief, I will make three very brief points. Number one, this bill came from committee with an 11 to 2 "ought to pass" report. Point two, public service work is presently being done by criminals. Where are the suits that everybody is talking about? All these suits but I haven't heard any of them

brought forward? The third point I would like to make is that this bill is not an attempt to be lenient on anyone.

This bill simply provides an additional means or an additional tool that the court can use to provide punishment, not to be lenient on anybody but to provide additional punishment, and I suggest that who best to go out and do public service work than a millionaire? He wouldn't care about a fine, he could pay that with no problem at all. That is the person I would like to see out there that would really have to pay for his fine by doing some work in the community and recognizing what he has done wrong and paying his debt to society in that manner.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of the gentleman from Rockland, Mrs. Melendy, that the House reconsider its action whereby the bill was indefinite postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

46 having voted in the affirmative and 44 in the negative, the motion did prevail.

The SPEAKER: The pending question before the House now is indefinitely postponement.

Mr. Dillenback of Cumberland requested a roll call.

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 South Portland, Ms. Benoit.

Ms. BENOIT: Mr. Speaker, Men and Women of the House: I will be very brief but it was a close vote and I would just like to remind you that I think that Representative Gauvreau has responded to the question of liability, I think that has been answered.

In response to Representative Reeves, I do not think that this is a question of whether someone can afford to pay the fine or can't afford to pay the fine. I remember when Judge Benoit appeared before the Judiciary Committee—he is no relation of mine, I might add—I was really impressed with some of the examples he gave of what I consider creative sentencing. For instance, the person who had been found guilty of littering around the lake, he ordered this man to make some sort of houses for birds or other kinds of animals. He gave some other examples of very creative kind of sentencing. It is easy to pay a fine, that is simple for most people. This is a different way of having people contribute to the community and to pay for the crime that they have committed.

I also don't know what good it would do to make someone sell a car to pay a fine. That person may need that car to get to work and if the person can't get to work, the person doesn't have an income. If the person has a family, it goes on and on and on. I don't see that that solves any problem.

I think this is a new, creative way to approach this kind of an offense and I hope you will not vote to indefinitely postpone this bill.

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

Mrs. BEAULIEU: Mr. Speaker Ladies and Gentlemen of the House: I am voting to kill this bill which may look a little unusual for me to do something like that.

I believe in what the gentleman from Lewiston is trying to do but I also remember that this year Judge Clifford appeared before my committee and asked for a bill that would have exempted all convicted of a crime and sentenced to community service from Workers' Comp and other liability plans. That liability issue is a very real one and I feel that if we allow this to go on, I remember distinctly the judge saying that they are very hesitant to assign anybody particularly to a municipal activity, and that is why they wanted this bill. I suspect that if this passes today, they will be back asking for that same exemption next year. I would prefer that we look at that whole issue a little bit more

closely, so I am supporting the indefinite postponement.

The SPEAKER: The Chair recognizes the gentleman from Yarmouth, Mr. Ainsworth.

Mr. AINSWORTH: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will not postpone this bill. I want to agree with my friends on the left; I am sorry I have to disagree with my seatmate on the right. I think if it can just clear the floor today, I would like to see an amendment put on this thing. I don't like the idea of the \$5.00, I want to see them work for the minimum wage so we can get a little more mileage out of these people. I think this is wonderful. So be it for the millionaires at \$3.35 an hour.

The SPEAKER: The Chair recognizes the gentleman from Belfast, Mr. Drinkwater.

Mr. DRINKWATER: Mr. Speaker, Ladies and Gentlemen of the House: I rise briefly to state my position on this. My whole interest is to get drunk drivers off the road and I felt that it was a real good idea when they came up and changed that—when I talk about them, I am talking about the committee—the way the legislation reads so regardless of how much money you have, you are going to be out there or the judge can sentence you out there right along side the other ones doing public service work.

I have some communities that don't have any insurance or carry insurance, so I am told, for this thing, but I understand there are a lot of other communities that do and I think it is an excellent thing. You do this to your kids, you do something to kind of shame them into doing things sometimes and I think somebody with a pocket full of money who goes down to court and pays the fine, that is all there is going to be to it. But if they have to go out there and do work like the rest of them do, I think they are going to think twice before they get a tankful and drive home.

The SPEAKER: The Chair recognizes the gentleman from Unity, Mr. Stevenson.

Mr. STEVENSON: Mr. Speaker, Ladies and Gentlemen of the House: I am going to vote for indefinite postponement of this bill, I have two reasons. We have a work program for welfare in our town. A year or so ago, we had a fellow who came and wanted some help and we helped him. Then we asked him to help us. We sent him out to cut bushes. He was supposed to have been there around eight o'clock in the morning; at ten-thirty, supposedly, he had a heart attack, called the ambulance. You know who paid for the ambulance? They took him to the emergency ward in the hospital; you know who was billed for the emergency ward?

I am as interested in getting drunks off the road as anyone but I am not interested in doing it this way.

If these people are assigned to municipal work, who supervises them? I am the one who is being punished in my town. I am the one that has to find something for them. I am the one that has to supervise them. I am the one who has to report to the judge. Right now in our town we have a young fellow, it is a college town, he is from Maryland, he has been sentenced by the judge in Maryland to do community work. He has been to me and we don't have anything, so this is pending until summer when I can put him out to sweep the sidewalks, and still I am the one that is being penalized to take care of this young fellow who got into trouble. I am against this bill.

The SPEAKER: The Chair recognizes the gentleman from Enfield, Mr. Dudley.

Mr. DUDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I want to tell you loud and clear that I am opposed to this bill. I think it gets us into an awfully lot of trouble. I haven't been an administrator in a town for a long time but I had some experience in this area also.

This type of fellow that is being caught drunken driving is not generally a good worker. His muscles are generally kind of weak and he

is mentally kind of weak. I am talking in general terms, I don't mean the whole of them. What happens is that we are going to have an awfully lot of claims for Workers' Comp that is going to cost the community a lot more than bothering with them.

If you are really serious and want to get them off the road, the only way that I know to do it is to take the vehicle or impound the vehicle until such time as they pay their fine. Give them back the vehicle when they pay the fine because if they have a vehicle to drive, and they most all do have, if they want it back they will pay the fine. If you don't, in two or three weeks they will be driving again and for sure we will pay double with Workers' Comp.

What I am trying to tell you is that these are not people who are used to a pick and shovel, they don't know how to use an axe to cut bushes, perhaps they have been running a typewriter or doing no job at all, just hanging around the corner drinking, and these type of people are very susceptible to lame backs or they hurt their back and the doctor can't seem to find just what joint it is but it aches and you have to pay them Workers' Comp anyway so long as they can complain, so these towns will end up paying an awfully lot of money.

I hope in your good judgment that you will do away with this bill now and quick.

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

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

Due to the amount of money that will be lost through the loss of fines, should there be a fiscal note on this bill?

The SPEAKER: The Chair would advise the gentleman from South Portland, Mr. Macomber, that this body, last year, killed the Joint Rule change for impact on the judicial system and therefore a fiscal note is not required.

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

Mr. GAUVREAU: Mr. Speaker, Members of the House: I beg your indulgence in prolonging an already long debate and I am not certain that I am going to change anyone's mind on this issue but I do feel compelled at least to straighten out one point.

I also sit on the Committee on Labor, as you know, and I heard the bill that Representative Beaulieu referred to. The bill which we had before us in the Labor Committee earlier in the session would have had the effect of expanding the pool of eligible employers because it would have made it easier to streamline or reduce benefits to injured workers. That does not affect the existing pool of employers who already have their required insurance to take on public service workers. I think that is really a smoke screen and to the argument that we would have a deluge of new workers' compensation claims, frankly, that is absurd. We haven't had that deluge under the present practice, under the Criminal Code, for public service work, we are not going to have that deluge now.

One final point if members are concerned about the fiscal impact on the judiciary, I think it would be a very sad day, indeed, a very sad day, when this Legislature decides that it is more important to gather fees from drunk drivers to support the state treasury rather than to get those drunk drivers off the road.

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

Mrs. BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: This arrogant legislator from Portland did understand the bill that was brought before the Labor Committee. I feel convinced that their aim was to exempt all of these people from any protection in case they got hurt. I successfully led the committee into granting the bill a "leave to withdraw" and I still think this whole issue needs to be looked at more carefully. I haven't changed my mind and I am still voting to indefinitely postpone the

bill.

The SPEAKER: The Chair recognizes the gentleman from Saco, Mr. Hobbins.

Mr. HOBBS: Mr. Speaker, Men and Women of the House: Just briefly, all this bill does is it allows the judge to have the discretion to take that person who makes \$75,000 or \$100,000 a year, who has disregarded the respect of the law in OUI cases, and allow the court the opportunity to treat that person the same as they do the fellow who is down and out and who gets fined \$350 and who ends up paying \$5 a week or the ones who gets thrown in jail for violating a court order to pay a fine. I don't see anything wrong in treating someone who is some executive or some big lawyer or some big doctor who makes a lot of money, maybe who is arrogant about the law, and let the judge give him equal justice once or her equal justice once. That is all the bill does. It allows the court the opportunity to sentence someone like that to public service. I don't see anything wrong with having that banker or someone sweep the streets or do something he might think is demeaning and doesn't wear a suit anymore. I don't see anything wrong with that and that is all the bill does.

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

Mr. DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to take any time but I am tired of hearing about the wealthy fellow doing work out in the streets. If you play golf with the judges every Friday afternoon and you happen to be a neighbor, you are in the same country club, you are not going to be out doing any work. I see most of the judges on the golf course Friday afternoon.

The SPEAKER: The Chair recognizes the gentleman from Lincoln, Mr. MacEachern.

Mr. MAC EACHERN: Mr. Speaker, Ladies and Gentlemen of the House: I think there is only one way that I could support this bill. I think what we should do is amend it and if we want to treat everybody according to their ability to pay, fine everybody one month's pay.

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

Mr. CARRIER: Mr. Speaker, Members of the House: I only wish to make a few points here. By listening to the others and trying to digest if they had any good points, probably I missed them, but I haven't learned anything in the last ten minutes that I didn't know.

First, consider how many of you would hire these people if the judge said they had to go out and work? Think about that for a minute and see how many of you would have a good heart that would want them around your house. If they have that vice of drinking, they have other vices too, so you had better be very, very careful.

Some of you people mentioned \$50,000, \$60,000 a year, that is all right, it is really a hypothetical situation because there are very few people in this House and many other places that don't make that kind of money and if they do, you want to consider especially the young people who have said this, including myself—if I get caught for OUI, do I really want the judge to give me a sentence to go out and do public work at a public disgrace to myself, maybe I deserve it, but to my family, my kids, my friends and to all those who know me? We all make mistakes. It can happen to me as well as to you. Do you really want to bring that kind of disgrace on your family? I don't think you want that, I really don't.

These are things I think you have to consider. You can try to do things logically but being practical works better than the academic solution of these problems. I think you had better think about yourself, you community, your friends and the workmen's comp that you might have to pay, and liability. No one gave a solution to the liability situation.

We don't need this bill. We have good protection right now under the rules that we have.

Like others, I appeal to your good judgment and I hope that you vote to indefinitely postpone this bill.

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

Mr. KANE: Mr. Speaker, Ladies and Gentlemen of the House: I think since I am close enough to my friend from Lincoln, Mr. MacEachern, I could hear what he said after his microphone went off, he wanted to fine everyone one month's pay and dedicate it to the Fish and Game.

The SPEAKER: The pending question before the House is the motion of the gentleman from Westbrook, Mr. Carrier, that this Bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 404

YEA—Anderson, Armstrong, Beaulieu, Bell, Bonney, Bost, Brown, A.K.; Brown, D.N.; Callahan, Carrier, Carter, Clark, Connors, Cote, Daggett, Davis, Day, Dexter, Dillenback, Dudley, Erwin, Greenlaw, Higgins, L.M.; Ingraham, Jackson, Jacques, Kelleher, Ketover, Kilcoyne, Lebowitz, Lehoux, Lisnik, MacBride, MacEachern, Macomber, Martin, H.C.; Masterman, Matthews, K.L.; Maybury, McPherson, McSweeney, Michaud, Moholland, Murphy, T.W.; Norton, Paradis, E.J.; Parent, Perkins, Perry, Pines, Randall, Reeves, J.W.; Ridley, Roberts, Robinson, Roderick, Rotondi, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soucy, Sproul, Stevens, Stevenson, Stover, Strout, Tammara, Theriault, Tuttle, Walker, Webster, Wentworth, Weymouth, Willey.

NAY—Ainsworth, Allen, Andrews, Baker, Benoit, Bott, Brannigan, Brodeur, Cahill, Carroll, D.P.; Carroll, G.A.; Cashman, Chonko, Conary, Connolly, Cooper, Cox, Crouse, Crowley, Diamond, Drinkwater, Foster, Gauvreau, Gwadosky, Handy, Hayden, Hickey, Higgins, H.C.; Hobbins, Holloway, Joseph, Joyce, Kane, Kelly, Kiesman, LaPlante, Livesay, Locke, Mahany, Manning, Masterton, Matthews, Z.E.; Mayo, McCollister, McGowan, McHenry, Melendy, Mills, Mitchell, E.H.; Mitchell, J.; Murray, Nadeau, Nelson, Paradis, P.E.; Paul, Pouliot, Racine, Richard, Rolde, Soule, Telow, Vose, Zirkilton.

ABSENT—Curtis, Hall, Jalbert, Martin, A.C.; Michael, Murphy, E.M.; Reeves, Swazey, Thompson, The Speaker.

78 having voted in the affirmative and 63 in the negative, with 10 being absent, the motion did prevail.

Sent up for concurrence.

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

Bill "An Act to Revise the School Finance Act" (H. P. 1765) (L. D. 2327)

Tabled—March 22, 1984 by Representative Locke of Sebec.

Pending—Passage to be Engrossed.

Mrs. Locke of Sebec offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-586) was read by the Clerk and adopted.

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

Mr. MURPHY: Mr. Speaker, Men and Women of the House: Out there in the local school units, yours and mine, there is a cost-sharing agreement between the state and the locals which is operating under the School Finance Act of 1978. That 1978 School Finance Act was a tremendous improvement over what went before but it had built within it certain defects that over the years have caused a burden upon all of our units.

We had a carry-over bill, L. D. 1688, which now appears in new draft, L. D. 2327, which corrects those inequities and also will establish very clearly a very positive relationship between the state and the locals. What we are hoping with this bill is to move this through the Legislature to have your support of this ap-

proach in terms of a new finance act and to be able to carry this bill over as part of the June Special Session for education.

It is important I think, and the members of the committee were unanimous in their thoughts, that any new proposals that come before this Legislature in that special session, a rewriting of the 1978 School Finance Act is extremely important, because we are not talking about new money going out to the units, we are talking about old money that should have been going to those units since 1978.

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

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

Bill "An Act Concerning the Funding of the Department of Inland Fisheries and Wildlife" (Emergency) (H. P. 1769) (L. D. 2336)

Tabled—March 22, 1984 by Representative Higgins of Scarborough.

Pending—Passage to be Engrossed.

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

House Amendment "E" (H-577) was read by the Clerk.

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

Mr. HIGGINS: Mr. Speaker, Men and Women of the House: Clearly, I am not on the Inland Fisheries and Game Committee, I am a city boy and I don't know too much about wildlife, fishing, hunting and so forth, but the reason that I propose this amendment is to delete the section providing for an advisory referendum to dedicate six tenths of one percent for the sales and use tax to be collected by the state to the Inland Fisheries and Wildlife.

I did not want to get involved with this particular legislation and despite the good intentions of the committee, the Committee on Taxation got together and discussed this portion of the bill. It is, part P of the L. D. in front of you and we are unanimously opposed to this legislation, this section; therefore, we are proposing the amendment to take it out.

What we have before us in Section P is a substantial tax change in nature. What we are proposing in this bill, and this portion of the bill has yet to be heard in a public hearing, we are setting a tax policy without public input, we are setting a tax policy by amendment here and we are setting a tax policy by referendum.

It would be my contention that if we let this happen here today, we would probably have a dozen proposals before us to send out to referendum dedicating different portions of the sales tax, the gas tax and some other tax for some special interest.

I understand that there are a couple of amendments coming as well to deal with advisory referendums, either advisory, binding or whatever, for either the gas tax or the sales tax. I am not sure what the significance of Section P is at this time since it is an advisory referendum. What does it mean? Could't we establish the same thing through a market survey? I question if it was made binding whether it would be a violation of the Constitution in delegating our power to tax.

I hope you will support this amendment which will take Section P out of this bill.

The SPEAKER: The Chair recognizes the gentleman from Lincoln, Mr. MacEachern.

Mr. MacEachern: Mr. Speaker, Ladies and Gentlemen of the House: This section of this bill is part of the package we put together to hopefully take care of some of the problems of the department. We realize that it didn't have a public hearing and we just felt that we had to get something together and get it out to circumvent the public hearing. I think there is a lot of sentiment out there in the hinterlands for some General Fund money to be injected into the department's budget. This is one way that we felt that it could be without too much upset

for the rest of the state budget.

I just hope that you will go along with my motion to indefinitely postpone this amendment.

The SPEAKER: The Chair recognizes the gentleman from Old Town, Mr. Cashman.

Mr. CASHMAN: Mr. Speaker, Ladies and Gentlemen of the House: The only point on which I would disagree with my committee chairman is that I find it hard to believe that somebody from Portland doesn't know anything about wildlife.

All of that aside, I think I can sympathize with the gentleman from Lincoln, that they have offered this as an alternative to take care of the funding problems in the Fisheries and Wildlife and I think everybody in the House is painfully aware of those problems.

I would agree, however, with Representative Higgins that this should probably inspire a flood of requests from the Taxation Committee to dedicate portions of the sales tax, we have received them in the past. We had a bill before us last session to dedicate a portion of the sales tax revenue for property tax relief. I would submit to the House that as worthy as the request of the Fisheries and Wildlife may be, they are no more worthy than the request for property tax relief or many of the other requests that we receive to dedicate a portion of that revenue. The point is, that if we granted all of the dedication requests for the sales tax revenue that comes to us, there would be nothing left for the General Fund.

If there is support out there in the hinterlands, as Representative MacEachern points out, for General Fund revenue to assist in the financing of Fisheries and Wildlife, then that should be addressed by the Appropriations Committee, as they are presently doing. I don't think that it makes good tax policy for us to dedicate a portion of revenue that comes into this state through the sales tax. That is a philosophy that has been opposed by Taxation Committee in the past and I think rightfully so.

On top of all of that, as Representative Higgins points out, we are doing this without a public hearing and without any consideration by the people on Taxation. I just think it is all bad policy and I hope that you will support the motion to remove this section of the bill.

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

Mr. DAY: Mr. Speaker, Ladies and Gentlemen of the House: Briefly, I support the comments of Mr. Higgins and Mr. Cashman of the Taxation Committee.

Mr. Smith of Island Falls requested a roll call.

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

Mr. KANE: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief on this, it is getting very late, but my understanding is that the impetus for this clause being included in the bill in the beginning is that Fish and Game is a very important industry and that is really the reason why we ought to decide to send it out without a hearing and have people vote on it and that is the reason why they ought to have X-percentage of the sales tax. I think it would be the worst possible precedent. The forest industry is awfully important to Maine, the tourism industry is important, the fishing industry and I think each one of us is just going to be covered with people from our districts suggesting that we do the same thing for whatever particular industry happens to be important. I can't imagine a worst precedent for a tax policy and I urge you to support the gentleman from Portland, Mr. Higgins.

The SPEAKER: The Chair recognizes the gentleman from Lincoln, Mr. MacEachern.

Mr. MacEachern: Mr. Speaker, Ladies and Gentlemen of the House: I don't know as I made myself clear when I—I intended to make a motion to indefinitely postpone the amendment, I don't think I did when I said it but I would like to make that motion now.

I have to agree with the gentleman from Port-

land, Mr. Kane, that this industry probably generates close to \$200 million a year into the income of the State of Maine and out of that \$200 million, I am sure there is quite a slopover that goes right into the sales tax. This is one reason that the committee is in favor of some of that sales tax money coming back into the department in a time when they need money.

I hope you will go along with the indefinite postponement so we can get this bill on its way.

Mr. Murphy of Kennebunk moved the indefinite postponement of House Amendment "E".

The SPEAKER: The gentleman from Kennebunk, Mr. Murphy, moves the indefinite postponement of House Amendment "E".

Mr. Higgins of Scarborough requested a roll call.

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

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

Mrs. INGRAHAM: Mr. Speaker, is there a fiscal note on this?

The SPEAKER: The Chair would advise the gentlewoman that if the amendment is adopted, a fiscal note would not be required for the cost of the referendum. Is that what the gentlewoman is referring to?

The question here is on the referendum, as the Chair understands it. There is no fiscal note in reference to the bill but we haven't gotten to that point at this time. The committee may want to start to be concerned, however.

The pending question is on the motion of the gentleman from Kennebunk, Mr. Murphy, that House Amendment "E" be indefinitely postpone. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 405

YEA—Allen, Anderson, Bonney, Bott, Brown, D.N.; Clark, Conary, Connors, Day, Dexter, Dillenback, Dudley, Erwin, Greenlaw, Hickey, Higgins, L.M.; Jacques, Joseph, MacBride, MacEachern, Mahany, Masterton, Matthews, Z.E.; Maybury, McGowan, McHenry, McPherson, Moholland, Murphy, E.M.; Murphy, T.W.; Paradis, E.J.; Parent, Paul, Pines, Randall, Reeves, J.W.; Richard, Ridley, Roderick, Rolde, Rotondi, Salsbury, Scarpino, Sprout, Tammaro, Vose, Walker, Webster, Weymouth, Willey, Zirkilton.

NAY—Ainsworth, Andrews, Armstrong, Baker, Beaulieu, Bell, Benoit, Bost, Brannigan, Brodeur, Brown, A.K.; Cahill, Callahan, Carroll, D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Daggett, Diamond, Drinkwater, Foster, Gauvreau, Gwadodsky, Handy, Hayden, Higgins, H.C.; Hobbins, Holloway, Ingraham, Jackson, Jalburt, Joyce, Kane, Kelleher, Kelly, Ketover, Kiesman, Kilcoyne, LaPlante, Lebowitz, Lehoux, Lisnik, Livesay, Locke, Macomber, Manning, Martin, H.C.; Masterman, Matthews, K.L.; Mayo, McCollister, McSweeney, Melendy, Michael, Michaud, Mills, Mitchell, E.H.; Mitchell, J.; Murray, Nadeau, Nelson, Paradis, P.E.; Perkins, Perry, Pouliot, Racine, Roberts, Robinson, Seavey, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soucy, Soule, Stevens, Stevenson, Stover, Strout, Telow, Theriault, Tuttle, Wentworth, The Speaker.

ABSENT—Carrier, Curtis, Davis, Hall, Martin, A.C.; Norton, Reeves, P.; Swazey, Thompson.

51 having voted in the affirmative and 91 in the negative, with 9 being absent, the motion did not prevail.

A roll call has been requested on the adoption of House Amendment "E".

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

The SPEAKER: The pending question is the adoption of House Amendment "E." Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 406

YEA—Ainsworth, Andrews, Armstrong, Baker, Beaulieu, Bell, Benoit, Bost, Brannigan, Brodeur, Brown, A.K.; Cahill, Callahan, Carroll,

D.P.; Carroll, G.A.; Carter, Cashman, Chonko, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Daggett, Day, Diamond, Drinkwater, Foster, Gauvreau, Gwadnosky, Handy, Hayden, Higgins, H.C.; Hobbins, Ingraham, Jackson, Jalbert, Joseph, Joyce, Kane, Kelleher, Kelly, Ketover, Kiesman, Kilcoyne, LaPlante, Lehoux, Lisnik, Livesay, Locke, Macomber, Manning, Martin, H.C.; Masterman, Matthews, K.L.; Mayo, McCollier, McGowan, McPherson, McSweeney, Melendy, Michael, Michaud, Mills, Mitchell, E.H.; Mitchell, J.; Murray, Nadeau, Nelson, Paradis, P.E.; Perkins, Perry, Pouliot, Racine, Reeves, J.W.; Richard, Roberts, Robinson, Rolde, Seavey, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soucy, Soule, Stevens, Stevenson, Stover, Strout, Telow, Theriault, Wentworth, The Speaker.

NAY—Allen, Anderson, Bonney, Bott, Brown, D.N.; Clark, Conary, Connors, Dexter, Dillenback, Dudley, Erwin, Greenlaw, Hickey, Higgins, L.M.; Holloway, Jacques, Lebowitz, MacBride, MacEachern, Mahany, Masterton, Matthews, Z.E.; Maybury, McHenry, Moholland, Murphy, E.M.; Murphy, T.W.; Paradis, E.J.; Parent, Paul, Pines, Randall, Roderick, Rotondi, Salsbury, Scarpino, Sproul, Tammaro, Tuttle, Vose, Walker, Webster, Weymouth, Willey, Zirnkilton. ABSENT—Carrier, Curtis, Davis, Hall, Martin, A.C.; Norton, Reeves, P.; Ridley, Swazey, Thompson.

95 having voted in the affirmative and 46 in the negative, with 10 being absent, the motion did prevail.

Mr. Higgins of Scarborough offered House Amendment "F" and moved its adoption.

House Amendment "F" (H-581) was read by the Clerk.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: House Amendment "F" which I am offering takes the place of both House Amendment "A" and House Amendment "C"; they have been combined into one amendment.

Briefly, what the amendment does, and it is with the concurrence of the members of the committee that I am doing this, when I read over the bill itself, it became apparent to me that there was not sufficient language in there dealing with line item budgeting. The language that is in this amendment dealing with line item budgeting is the same language that is in the bill that was vetoed by the Governor and which now rests on the table here in the House. So this amendment deals with that and it also clears up a section in the bill that was inadvertently left out by the committee dealing with the seven regional offices in Gray, Augusta, Greenville, Strong, Machias, Enfield and Ashland and a research office in Bangor, so it makes it clear what the legislative intent was in this matter and I would hope that you would support this amendment.

The SPEAKER: The Chair recognizes the gentleman from Lincoln, Mr. MacEachern.

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you will go along with the gentleman from Scarborough and go along with his motion, it does clean up the bill. We had a couple of discrepancies in it and this takes care of that.

Thereupon, House Amendment "F" was adopted.

Representative Roderick of Oxford offered House Amendment "G" and moved its adoption.

House Amendment "G" (H-582) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Oxford, Mr. Roderick.

Mr. RODERICK: Mr. Speaker and Members of the House: All this does is take one quarter of one percent of the gas tax revenues that are used by all-terrain vehicles, that are not used on the highways, and put that in the Fish and Wildlife general operation costs.

The SPEAKER: The Chair recognizes the gen-

tleman from Limerick, Mr. Carroll.

Mr. CARROLL: Mr. Speaker and Members of the House: It appears that somebody had a dream. I remember a man, he said he had a dream—well, they're dreaming too. When they cut that department the way we cut the Department of Transportation, I will sit down and cut bait with them. We had 3,700 employees and we have now got 2,200. They have got around 140 or 150 and they laid off five. If they want to cut bait, I will cut bait with them, not now.

I move that this be indefinitely postponed and I ask for 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 Chair recognizes the gentleman from Lincoln, Mr. MacEachern.

Mr. MacEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: This has been a real trying session for our committees. That is probably the understatement of the session. We were charged with trying to straighten out the financial affairs of the Fisheries and Wildlife Department. We have support from all the sportsmen in the state. I have been told by people from all over the state that if it is necessary to put forth a fee increase, I will pay \$10 a year more for my license if I have to, but I want that coupled with some general fund money.

If we are going to systematically rip everything out of this bill that even mentions the general fund or the sales tax or gas tax or anything else, we are not going to have much support for any increase for the department, and I can guarantee you that within three months after this session ends, we are not going to have half the game wardens with the department that we have now. If you don't believe me, you just vote against all of our proposals.

I am getting a little upset at this picking away at everything that we have tried to do. We are trying to do something constructive that we feel has a great bearing on the future of the State of Maine, particularly the Fisheries and Wildlife Department. In doing that, it has a great effect on the economy of the State of Maine, and if you don't believe that, you just vote against everything that we have got. We are even going to lose support among our staunch supporters if we don't pass something besides a fee increase. I can guarantee you that right now.

I just hope that you won't go along with indefinitely postponing this and go along and pass something here that will be productive as well as feasible.

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

Mr. MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: I rise in favor of the motion to indefinitely postpone this bill and I will tell you very briefly why.

The last session we worked very hard. Many of us voted against our will but we felt it was necessary to increase the gas tax by 5 cents. I think at the time it was emphasized and we went back home and we told our people, the gas tax is being raised by 5 cents because of the roads, the bridges and the block grant program. I don't intend to go home and tell my people that I have taken some of that 5 cents to finance the Fisheries and Wildlife Department.

All afternoon in our Transportation Committee today we discussed the possibility of raising the block grant program. I think if we are questioning what is the priority here, I think the block grant program and property tax relief supercedes this motion.

I hope you will vote to indefinitely postpone.

The SPEAKER: The Chair recognizes the gentleman from Auburn, Mrs. Robinson.

Mrs. ROBINSON: Mr. Speaker, I would like to pose a question through the Chair. Hasn't a precedent for this already been set inasmuch as snowmobiles get a certain amount of money

set aside out of the gas tax for their use?

The SPEAKER: The gentleman from Auburn, Mrs. Robinson, has posed a question through the Chair to anyone who may care to answer.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: At twenty minutes past six on the 27th of March, this House is being asked to deal with a tax question through an amendment. Shouldn't the people of this state have an opportunity to have a public hearing when you are dealing with tax questions? Has this House lost its mind offering it here at this time of night? Isn't there any common sense in regards to what fair play is all about when we are here doing the public's business?

We are dealing with tax measures here tonight without even a public hearing. I don't believe this House has gone completely insane to support this amendment.

I agree with the gentleman from South Portland that it should be indefinitely postponed—post haste.

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

Mr. MURPHY: Mr. Speaker, Men and Women of the House: Again, I hate to disagree with the gentleman from Bangor, but a great deal of common sense has been expended in the last few weeks in an attempt to put together a reasonable package which is before us in this particular bill and with these particular amendments. I would urge the members of this House, in the interest of fair play and in the interest of our responsibility to all the citizens of this state, that we act in a responsible manner and that we put forth that complete package.

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

Mr. JALBERT: Mr. Speaker, under our rules would this amendment be germane?

The SPEAKER: The Chair would rule that House Amendment "G" is germane.

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

Mr. CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I would have to be awful cold hearted to stand up here today and criticize other people because I know what members of that committee have been going through. But I ask you all to remember what went on in the Department of Transportation. I ask you all to remember how much effort and work has gone into trying to have a budget that has some funding behind it. We are just getting into a position where we can start to address some of the problems. We have more problems every day showing up in the Department of Transportation. We have the railroad, abandoned bridges. We have legislation that will be coming before you that is going to take \$250,000.

We have the communities out there complaining about the block grant funding and we certainly have to look at that and try to address it.

We also have a maintenance fund that was cut \$3.5 million to pay interest on bond issues because provisions had not been made to pay that and it was taken out of our highway fund, out of our maintenance fund.

We also have a case where the Department of Environmental Protection is breaching down our necks in regard to our salt and sand sheds and we have to do something about that.

We have problems with Route 1. It was closed off for three days, no truck heavier than 3,000 pounds could go over it to go into Washington County. We need to spend some money up there.

We have many, many areas of this state that need this money and need it bad, and I think, with all due respect to the Fisheries and Wildlife Committee and their problems, you are not going to rob Peter to pay Paul here because we have some real serious problems, and I urge

you all to vote for indefinite postponement of this amendment. I feel this amendment is here at the wrong time and I have great difficulty not to become emotional when I see that we are just beginning to get a little fund in the Department of Transportation.

We used to have a \$12 million emergency fund and we don't even have a million dollars in it. If we lost a bridge tomorrow, we wouldn't have the money to build it. We don't have an emergency fund. We spent about two and a half or three hours this afternoon working on the highway budget. You have people out there who come in everyday telling us that they have problems in their district, in their area, their roads are breaking up, their bridges are dangerous, so please don't rob the highway fund. Show me that you have compassion for the workingman who has to travel to work.

Cars cost eight and ten thousand dollars each. You go over those roads and you will ruin an automobile in no time. We have got to have some good roads, got to be able to market our produce, people have got to be able to get back and forth to work, and I ask you once again to vote for indefinite postponement of this amendment.

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

Mr. JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: It is with great trepidation that I rise to speak in favor of this amendment after the previous speaker, but I don't think there is anyone in this state that travels any worse highways than I travel to get to Augusta, particularly 117, but I am going to address myself to this amendment "G."

The gentlelady from Auburn asked a question earlier in the debate, asked if there was a precedent set already, and I believe the answer is yes. This is just an extension of that. I note on the fiscal note that it calls for \$50,000 loss of revenue to the Department of Transportation fund in 1983 and 1984 and \$183,000 in 1984 and 1985.

I only think it is fair that we are asking the Department of Fisheries and Wildlife to police these three-wheel vehicles, off-road vehicles out there in the lands of the state and not reimbursing them for that, it sort of goes against my grain. I was in favor of adopting the amendment previously that did away with the dedication of a certain percentage of the sales tax, which is unlike this bill here. I just feel that it is proper to fund long term a department which operates on dedicated revenues with some source which is representative of something that they do, and this certainly is, this amendment certainly is, because they are instructed with the enforcement of off-road vehicles, or three-wheel vehicles, so to speak, so that is justified, I believe.

I also believe, as I indicated a little earlier, that long-term funding, we can't continually, today, with the changes that are being made and the changes that are taking place in this state, continue to ask the sportsmen through a fee increase, without some help from the general fund, without some help from the transportation fund, to help support that department.

I can see us now, if we enact a fee bill which calls for \$2 and a dollar next year and a dollar thereafter, we aren't fulfilling our commitment, we aren't fulfilling the need of that department, because I understand that this committee, in their deliberations, have come up with this money here so when we don't allow them to have this money, the sales tax money, for example, which was about \$1.7 million and \$50,000 this biennium for this bill, we have got to go back to the drawing board and adequately provide funds for that department so that they can continue to operate at the strength that we would like to have them operate at. So what are we going to ask for? Another dollar increase, make it a \$3 increase this year and the next year \$2 and \$2 the year after? It is

going to be awhile, ladies and gentlemen, not too long before people just aren't going to be able to afford to participate in sportsmen-like activities such as fishing and hunting, those things, and it sort of concerns me a little bit. This is something that has been a tradition and it has been a tradition for those people who want to take active part in it and there is going to be a time come when they just aren't going to be able to afford to do it. So what do we do then? We are going to aid and abet people breaking the law?

I just get a little bit upset about this and I hope that the people here this afternoon will vote against a proposal that has been made to indefinitely postpone this amendment. I think it makes sense, I think it is good business and I just think on the whole that it is important and needed.

The SPEAKER: A roll call has been ordered. The pending question is on the motion of Representative Carroll of Limerick that House Amendment "G" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 407

YEA—Ainsworth, Andrews, Benoit, Bonney, Brodeur, Brown, A.K.; Cahill, Carroll, G.A.; Carter, Cashman, Chonko, Connolly, Cooper, Cote, Cox, Crouse, Crowley, Day, Diamond, Foster, Gauvreau, Gwadosky, Handy, Hickey, Higgins, H.C.; Hobbins, Ingraham, Jalbert, Joyce, Kane, Kelleher, Kelly, Ketover, Kiesman, Kilcoyne, LaPlante, Lehoux, Lisnik, Livesay, Locke, MacBride, Macomber, Mahany, Manning, Martin, H.C.; Masterton, Matthews, K.L.; Maybury, Mayo, McCollister, McPherson, Melendy, Michael, Mitchell, E.H.; Mitchell, J.; Moholland, Murray, Nadeau, Nelson, Paradis, E.J.; Paradis, P.E.; Perkins, Perry, Pines, Pouliot, Racine, Reeves, J.W.; Ridley, Roberts, Seavey, Small, Soucy, Soule, Stevens, Stover, Strout, Tamaro, Telow, Theriault, Willey.

NAY—Allen, Anderson, Armstrong, Beaulieu, Bell, Bost, Bott, Brannigan, Brown, D.N.; Callahan, Carroll, D.P.; Clark, Conary, Connors, Davis, Dexter, Dillenback, Drinkwater, Dudley, Erwin, Greenlaw, Hayden, Higgins, L.M.; Holloway, Jackson, Jacques, Joseph, Lebowitz, MacEachern, Masterman, Matthews, Z.E.; McGowan, McHenry, Michaud, Mills, Murphy, E.M.; Murphy, T.W.; Parent, Paul, Randall, Richard, Robinson, Roderick, Rolde, Rotondi, Salsbury, Scarpino, Sherburne, Smith, C.B.; Smith, C.W.; Sproul, Stevenson, Tuttle, Vose, Walker, Webster, Wentworth, Weymouth, Zirkilton.

ABSENT—Baker, Carrier, Curtis, Daggett, Hall, Martin, A.C.; McSweeney, Norton, Reeves, P.; Swazey, Thompson, The Speaker.

80 having voted in the affirmative and 59 in the negative, with 12 being absent, the motion did prevail.

Representative Crowley of Stockton Springs offered House Amendment "H" and moved its adoption.

House Amendment "H" (H-599) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Lincoln, Mr. MacEachern.

Mr. MACEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will go along with this amendment. In our bill, we had a section in there to provide for Atlantic salmon stamps and it has already been taken care of elsewhere in the statutes.

Thereupon, House Amendment "H" was adopted.

Representative MacEachern of Lincoln offered House Amendment "J" and moved its adoption.

House Amendment "J" (H-602) was read by the Clerk.

The SPEAKER: The Chair recognizes the gentleman from Lincoln, Mr. MacEachern.

Mr. MACEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: This amendment provides that the wardens in the department must work 25 years and age 55, which is consistent

with the bill that I understand is coming out of another committee for other law enforcement agencies. I think the day has come for this piece of legislation.

The 20 year retirement was instituted years ago when a game warden was receiving \$40 a week and working some 80 or 90 hours a week. The days of this are gone, they are on a more scheduled work week. I don't believe that 25 years is too long for them to work. I think the trend for this type of legislation is appearing all over the country both nationally and statewide, particularly in local government. I feel that this is the time to do this. We are in a crunch and this will save the department several thousand dollars this year and that figure will escalate each year that it is in effect until eventually it will be an enormous figure of savings.

I hope you will go along with this amendment.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Hickey.

Mr. HICKEY: Mr. Speaker and Members of the House: I would like to ask that this be tabled for two legislative days. Presently in the Retirement Committee we are dealing with the Governor's bill which refers to the retirement of Fisheries and Wildlife people.

It has been our concern, and I think a concern expressed by the legislative committee on fish and game and wildlife, that the cost of the special retirement position has been exorbitant and they hope in some way to correct it. We are presently dealing with it in our committee and we should have a decision within two days, and I would like to ask that this be tabled for two legislative days.

The SPEAKER: The Chair recognizes the gentleman from Thomaston, Mr. Mayo.

Mr. MAYO: Mr. Speaker and Members of the House: I have spent a lot of time in my committee recently discussion this very issue. I don't think that this issue belongs at this point—it belongs down in the Aging, Retirement and Veterans Committee to be discussed, and I would therefore move indefinite postponement of this amendment.

The SPEAKER: The gentleman from Thomaston, Mr. Mayo, moves the indefinite postponement of House Amendment "J."

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

Mr. JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I think there has been a little confusion here. This topic was discussed in our committee on at least three different occasions, and three times the chairman asked, has anybody in this committee have an objection to 25 and 55, and nobody objected at that time.

Today, I was told that the game wardens would not be addressed in the bill that Aging, Retirement and Veterans has, and if we wanted that addressed, we would have to do so by amendment on the floor of this House today. If that is wrong, then we were given wrong information.

Our committee was given the job of finding both a long-term and short-term solution to the Fisheries and Wildlife Department. Little did we know that we would be offending Appropriations, Taxation, Aging, Retirement and Veterans, and probably any other committee along the way. We did not try to do that, but one of the long-term solutions to the funding problem is that this 20 year retirement that the game wardens now enjoy will, in the next 10 years, cost us, the Fisheries and Wildlife Department, between ten and twelve million dollars. That was brought to our attention in the overall negotiations that we went through, and this is why the committee wanted to address that issue.

One of the members of the other body who serves on our committee is also the chairman for Aging, Retirement and Veterans, and he gave us a status report on what the situation

was. It was at that time we decided that that is probably the best place for it to be. We agreed to that and that is where we ended it. It was not until today when we were told that this issue would not be in the bill, that we had better come out with an amendment, we did, Mr. MacEachern did. That is for that part of it.

I happen to support this whole idea and I will tell you why. The game wardens in the State of Maine probably have got the best job in state government today. We have some good ones, we have some fair ones and we have some very poor ones. We buy game wardens everything that they need in their job except for their underwear, and pretty soon maybe the union will negotiate so we will have to buy that too.

The base pay for a game warden now, I believe, is about \$17,800. The majority of our game wardens make over \$25,000 a year. They have a vehicle and they used to use that vehicle for many many different uses, and last session we saw fit to take that away from them and I don't know how much good it did. Anyway, a game warden's job is a pretty good job.

You can be a game warden at 21 years of age. What you have is a game warden that can retire at 41 years of age and he is drawing out of that system from that time until the day he dies.

This system was put into effect when game wardens were on call, they spent 80, 90, 100 hours a week—Representative Kelly can tell you about those days—on snowshoes when they were out in the woods looking for night hunters. If you did your job, 20 years of that was awful hard on a man, but that is not the case any longer. The game wardens have a standard work week, they have compensatory time, and whenever you see one of them doing something he shouldn't be doing, you ask him and he will tell you that he's taking the day off on vacation or something else, sickleave.

This House has killed a couple of proposals here, and I heard good arguments about it. We are fast approaching the point where people who pay for hunting and fishing licenses are not going to be able to continue to pay the bills and still provide all the services that you and I and the nature walkers and the bird watchers all want.

I am going to vote for this amendment and I am not doing so because I want to step on Aging and Retirement's toes or anything else, I just want to make sure it is there. Then if they come out with something different and we can rehash this thing and we have to change a little bit, I am not against that. But I will tell you, we have spent a lot of time here and it seems to me we have really been spitting in the wind, and I know one thing, when you spit in the wind you get most of it back in your face. When we get done here, what the committee was supposed to be doing isn't really going to amount to a heck of a lot. What you are going to be left with is a fee increase bill, plain and simple, that is it, all done, a fee increase, and the one the committee recommended, I can assure you, if we pass it just the way it is, we are going to be back here next year the same way we are now because that piece of garbage that we passed last year didn't give them anywhere near the money they needed because it was a so-called compromise bill. Well, this isn't even close to a compromise bill.

The Governor told us three times when we went down there, I don't want you guys to keep coming back with a fee increase every two years. Come out with some long-term solutions. We did that to the best of our ability. I hope you don't hold it against us, we did the best we could.

The SPEAKER: The Chair recognizes the gentleman from Brooksville, Mr. Perkins.

Mr. PERKINS: Mr. Speaker and Members of the House: I hope you gentlemen recognize how much money you are talking about here, because the difference between what the Aging

and Retirement Committee is doing and what this bill is doing is at least 25 percent of the total, and that is a lot of money.

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

Mr. HIGGINS: Mr. Speaker, I would like to pose a question through the Chair. There has been a lot of talk here about a report that is coming out of the Aging, Retirement and Veterans Committee, and I can understand their concern with us dealing with an amendment that is involved with the bill that they have in their committee, but I wonder if they could tell us whether or not they have reached a consensus on what their recommendation is going to be relative to those positions and is it different than this? If it is, I think we ought to know about it at least before we vote on this amendment today.

The SPEAKER: The Chair recognizes the gentleman from Augusta, Mr. Hickey.

Mr. HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to briefly say that the bill we are working on presently, everybody within the system at this time is grandfathered in. The bill that we are dealing with is 25 and 60. If a person wants to retire at 55, he can take a 2 percent reduction, reduced annuity to do it. Presently, the bill that we have before us is 30 and 25 and the committee should vote on it tomorrow or the next day. We have been hammering it out for two days now, and I hope we do have a decision tomorrow or the next day.

The SPEAKER: The Chair recognizes the gentleman from Madison, Mr. Richard.

Mr. RICHARD: Mr. Speaker, a point of clarification. You were asked the question, if a person were to retire before age 55 and have 25 years, if he would have to wait until age 55 in order to receive it. According to the way this is worded, he may start receiving it at age 50 at a reduced rate.

The SPEAKER: The Chair recognizes the gentleman from Unity, Mr. Stevenson.

Mr. STEVENSON: Mr. Speaker and Members of the House: As an outspoken member of the Aging, Retirement and Veterans Committee, I would like to correct our chairman in that we have had four work sessions on this bill instead of two. I can't for the life of me guess where the information came from that this isn't going to be addressed in our committee. We are still working on it.

We are in a dilemma as to whether or not to support this amendment or to wait for our action in the Aging, Retirement and Veterans. I think that I will vote for this amendment that we have now to support Fisheries and Wildlife and take my chances of doing the same thing down in Aging, Retirement and Veterans.

I did want to get in this plug—as far as we have some game wardens, some poor game wardens and so fourth, the game wardens in our area are excellent.

The SPEAKER: The Chair recognizes the gentleman from Skowhegan, Mr. Walker.

Mr. WALKER: Mr. Speaker, Ladies and Gentlemen of the House: It seems to be that this amendment before us very closely parallels an amendment offered in our committee by one of our chairmen this afternoon that we had under discussion when it got to four o'clock. It doesn't appear to me to be anymore liberal from the standpoint the game wardens than the amendment that is going to come out. The only thing that could come out is "ought not to pass" that would keep their pensions up there. I don't see the harm in putting this on the table. The only thing that I don't believe we could do is indefinitely postpone because that would forestall us from ever coming up with this particular amendment, as I understand the rules of the House, if we indefinitely postpone this.

I don't see the problem in at least putting this on the table at this point in time because we certainly need to take some steps.

The SPEAKER: The Chair recognizes the gen-

tleman from Lincoln, Mr. MacEachern.

Mr. MACEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: It is my understanding that the game plan at this point is that this whole bill will be held until the next session, which is Thursday. We wanted to run these amendments and either up them or down them today and hold the bill until Thursday when, hopefully, we will have a report from the Appropriations Committee so that we can run their bill and then ours, and then the other Fish and Game legislation that we have ready, and hopefully let this House of Cards stand until Thursday when we can act on everything at one time. I don't see any reason in the world why we can't today adopt this amendment "J" and get it on the bill, because if Veterans and Retirement comes with something before that time that solves the problem, we can always peel this off the bill. I would like to see a vote on this thing today.

The SPEAKER: The Chair recognizes the gentleman from Thomaston, Mr. Mayo.

Mr. MAYO: Mr. Speaker, Ladies and Gentlemen of the House: I realize the hour is late. We have a lot of problems with our retirement system. Let's not address them piecemeal; let's address them in a calm manner. In our committee we are dealing with this issue. I can guarantee you that the days of the 20 year retirement, retirement at 40 years of age, are over. Let's kill this amendment off and deal with it where it properly belongs, in the Aging, Retirement and Veterans Committee.

The SPEAKER: The Chair recognizes the gentleman from Lincoln, Mr. MacEachern.

Mr. MACEACHERN: Mr. Speaker, Ladies and Gentlemen of the House: You may have problems in the Aging, Retirement and Veterans Committee, but you don't know what problems are until you have worked on this committee for a couple of sessions. We are trying to put our act together and deal with them all at once. Maybe you are trying to do the same thing too, but let's help each other.

Speaker Martin 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 pending question is on the motion of the gentleman from Thomaston, Mr. Mayo, that House Amendment "J" be indefinitely postponed. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 408

YEA—Ainsworth, Allen, Bell, Benoit, Bonney, Brown, A.K.; Carter, Cashman, Connors, Cox, Crowley, Gauvreau, Greenlaw, Handy, Hickey, Jackson, Joyce, Kane, Lehoux, Livesay, Manning, Martin, H.C.; Mayo, McCollister, McPherson, Michaud, Mills, Mitchell, J.; Murphy, E.M.; Murphy, T.W.; Murray, Nadeau, Paradis, E.J.; Paradis, P.E.; Perkins, Pouliot, Racine, Roberts, Rotondi, Scarpino, Smith, C.B.; Smith, C.W.; Soucy, Stevens, Strout, Theriault, Tuttle, Wentworth.

NAY—Anderson, Armstrong, Beaulieu, Beaulieu, Bost, Bott, Brannigan, Brodeur, Brown, D.N.; Cahill, Callahan, Carroll, D.P.; Carroll, G.A.; Chonko, Clark, Conary, Cooper, Crouse, Davis, Day, Dexter, Diamond, Dillenback, Drinkwater, Dudley, Erwin, Foster, Gwadosky, Hayden, Higgins, H.C.; Higgins, L.M.; Hobbins, Holloway, Ingraham, Jacques, Jalbert, Kelly, Kiesman, Kilcoyne, LaPlante, Lebowitz, Lisnik, Locke, MacBride, MacEachern, Macomber, Mahany, Masterman, Masterton, Matthews, K.L.; Matthews, Z.E.; Maybury, McGowan, McHenry, McSweeney, Melendy, Mitchell, E.H.; Moholland, Nelson, Parent, Paul, Perry, Pines, Racine, Randall, Reeves, J.W.; Richard, Ridley, Robinson, Roderick, Rolde, Salsbury, Scarpino, Seavey, Sherburne, Small, Sproul, Stevenson, Stover, Tammara, Telow, Vose, Walker, Webster, Weymouth, Willey, Zirkilton.

ABSENT—Andrews, Baker, Carrier, Connolly, Cote, Curtis, Daggett, Hall, Joseph, Kelle-

her, Ketover, Martin, A.C.; Michael, Norton, Reeves, P.; Soule, Swazey, Thompson, The Speaker.

48 having voted in the affirmative and 84 in the negative, with 19 being absent, the motion did not prevail.

Thereupon, House Amendment "J" was adopted.

On motion of Representative Mitchell of Vassalboro, tabled pending passage to be engrossed as amended and by unanimous consent made a special order of the day assigned for Thursday, March 29, at 10 o'clock in the morning.

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

An Act to Increase Legislative Oversight of the Fiscal Affairs of the Department of Inland Fisheries and Wildlife (Emergency) (H. P. 1628) (L. D. 2143) (S. "A" S-296; S. "B" S-297).

Tabled—March 22, 1984 (under suspension of the rules) by Representative Diamond of Bangor.

Pending—Reconsideration. (Returned by the Governor without his Approval.)

On motion of Representative Diamond of Bangor, under suspension of the rules retabled pending reconsideration and assigned for Thursday, March 29.

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

HOUSE DIVIDED REPORT—Majority (9) "Ought to Pass" as amended by Committee Amendment "A" (H-548)—Minority (4) "Ought Not to Pass"—Committee on Education on Bill "An Act to Recognize National Women's History Week" (H. P. 1597) (L. D. 2119)

Tabled—March 22, 1984 by Representative Diamond of Bangor.

Pending—Acceptance of either report.

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

Mrs. LOCKE: Mr. Speaker, I move acceptance of the Majority "Ought to Pass" Report and would speak to my motion.

The SPEAKER: The gentlewoman from Sebec, Mrs. Locke, moves that the Majority "Ought to Pass" Report be accepted.

The gentlewoman may proceed.

Mrs. LOCKE: Mr. Speaker, Men and Women of the House: This bill would authorize the Governor of this State to annually proclaim the week containing March 8, which is International Women's Day, as National Women's History Week.

For the past four years, Congress has proclaimed this week as such, although I am sure that many people, including myself, are not aware that this week has been so proclaimed.

This past March 8, a group of 8th Grade students from the Carl B. Lord School in Vassalboro who, by the way, asked their State Representative, Representative Mitchell, to introduce this bill. They came to the Legislature and presented it to the Education Committee. They drafted the Statement of Fact, which is on the back of the bill, and I am going to read it to you.

"We, the 8-1 division of the 8th Grade of Carl B. Lord School in Vassalboro, feel a Women's History Week is necessary for the following reasons. First, to acknowledge that women did have a part in our history. Women were important in the everyday lives of their families and contributed to history long before the suffrage movement of the 20's.

"The ratio of famous men to famous women is imbalanced partially due to the restraints placed on women in education. A Women's History Week will help to motivate women and girls to become involved in what they feel is important, not sit back and let somebody else do it.

"Women are becoming more and more important in world events and there should be a time set aside to cover history from a different

perspective.

"Finally, women have always been present in history, but little recognition has been paid to their accomplishments."

The majority of the Education Committee felt that this week should be proclaimed by the Governor, but also felt that because the statutes contain many proclamations, some of which are forgotten and are collecting dust, so to speak, that a sunset should be added. The law would be repealed 91 days after the first regular session of the 115th Legislature unless legislation is passed to continue it.

We who signed the majority report feel that this is a good bill and ask for your support.

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

Mr. MURPHY: Mr. Speaker, Men and Women of the House: It is with a great deal of hesitation that I rise this evening. As you can tell, it is a divided report, 9 to 4. Those members of the minority on this bill have been referred to this week as the gang of four. We have been told during a hearing, because we raised questions as to the emergency nature of this bill whether it was properly before us, we were told that we were part of a malaise that exists in the world of prejudice, and I think as we debate this bill we should make it very clear that I and the other members of that report are very much committed to equal rights for all Maine people and we are committed also to a balanced approach in a classroom to teaching the accomplishments and contributions of all citizens.

What came out of that hearing, and it was a very positive hearing, was that most of our textbooks are printed in either Texas or Louisiana, and in many cases those textbooks are not balanced in terms of the accomplishments of all citizens of this country. I think we even said at the hearing that possibly the South indirectly may have won the war in terms of southern attitudes.

The proposal was made, or the idea was suggested, that if this bill could be turned into a bill of substance, of real meaning, then it would probably have the unanimous support of the members of the Education Committee.

Two proposals were tossed out, one that this bill have an amendment attached to it that would provide for grants for the research, the writing and the publication of booklets or pamphlets that would focus on the everyday lives of Maine women and the lives and accomplishments of the very famous Maine women. That proposal wasn't acted upon. If it had been, it would have given this bill some substance and would have counteracted the textbooks which are coming out of Texas which are not very accurate in their presentation of accomplishments.

The second thing would have been is if there is a problem in terms of Maine teachers not presenting a balanced approach, then there should be some changes or some teeth added to the supervision laws.

So very reluctantly, as a member of that committee, I had to vote "ought not to pass."

That same week there was an article in the newspaper about the problem that the Congress is having, that they have reached the point where they have so many proclamations that certain days now have seven or eight proclamations set aside and they have a special officer who makes sure that when one proclamation is proclaimed, that it is not in conflict with a proclamation that has an opposite effect for that particular week.

There are many important issues that our committee has to deal with. This bill could be made into a very important bill. If the sponsor of the bill would be willing to table it and attach such an amendment in terms of the grants, I would be more than happy to vote for its passage at that point.

The SPEAKER: The Chair will order a vote. The pending question is on the motion of Representative Locke of Sebec that the Majority

"Ought to Pass" Report be accepted. All those in favor will vote yes; those opposed will vote no. A vote of the House was taken.

67 having voted in the affirmative and 31 having voted in the negative, the motion did prevail.

Thereupon, the Bill was read once. Committee Amendment "A" (H-548) was read by the Clerk and adopted and the Bill assigned for second reading the next legislative day.

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

Bill "An Act to Appropriate Funds for Payment of Attorneys' Fees Awarded Against the State" (H. P. 1762) (L. D. 2329)

—In House, referred to the Committee on Appropriations and Financial Affairs on March 20, 1984.

—In Senate, under suspension of the rules and without reference to a Committee, the Bill was read twice and passed to be engrossed in non-concurrence.

Tabled—March 22, 1984 by Representative Higgins of Scarborough.

Pending—Further consideration.

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

Mr. HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: The reason I set this aside last Thursday was simply because we were proceeding along rather speedily at the time and I am a little reluctant to give first and second reading on a bill the same day that the other body does, which is what happened last Thursday, unless I happen to know what the bill is. At that point, it appeared that no one knew exactly what this bill did or does, and if someone can tell us why we need to enact this without a public hearing and give it first and second reading the same day as the other body, I probably would go along with it, but it just hit me as being new material to me and I felt the House ought to have at least a minor explanation of what was happening.

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

Mr. SOULE: Mr. Speaker, Ladies and Gentlemen of the House: This bill involves two matters in which attorneys' fees were awarded against the state, one of them being the prison case. These are matters in which the court has found against the state in the matter of attorneys' fees. They are judgments that the state has to pay and this is just an appropriation for the purpose.

Thereupon, the House voted to recede and concur.

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

Consent Calendar

Second Day

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

(S. P. 820) (L. D. 2200) Bill "An Act to Amend the Certified Seed Potato Law"

(S. P. 834) (L. D. 2235) Bill "An Act to Provide Immunity to Persons and Institutions who Act as Depositories for Wills"

(S. P. 829) (L. D. 2215) Bill "An Act Authorizing the Maine Turnpike Authority to Permit the Erection of Kiosks at Rest Areas on the Maine Turnpike"

(S. P. 813) (L. D. 2169) Bill "An Act to Provide Set-back Requirements for Disposal by a Property Owner on His Property of Septage from His Residence" (C. "A" S-335)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were Passed to be Engrossed or Passed to be Engrossed as Amended in concurrence.

Passed to Be Engrossed

Bill "An Act to Allow Municipalities to Use Outgoing Voter Check Lists" (Emergency) (S. P. 867) (L. D. 2358)

Bill "An Act Making Appropriations and Al-

locations for the Expenditures of State Government for the Fiscal Years Ending June 30, 1984 and 1985" (Emergency) (S. P. 864) (L. D. 2343)

RESOLVE, to Inventory all State Real Property and to Create a Commission to Develop a Policy for the Disposition of State Surplus Real Property" (S. P. 865) (L. D. 2349)

RESOLVE, Providing Funding for Transitional Residential Programs for Adolescent Girls at Risk" (Emergency) (S. P. 866) (L. D. 2357)

Bill "An Act to Provide an Educational Clearinghouse for Information on Nuclear Usage" (H. P. 1792) (L. D. 2366)

Bill "An Act to Create the Maine Uniform Accounting and Auditing Practices Act for Community Agencies" (H. P. 1798) (L. D. 2375)

Bill "An Act to Clarify the Timber-Harvesting Provisions of the Allagash Wilderness Waterway Statutes" (H. P. 1793) (L. D. 2368)

Bill "An Act to Require the Bureau of Public Lands to Report Annually to the Legislature on the Existence of Barriers to and Fees for Public Access to Public Reserved Lands" (H. P. 1794) (L. D. 2369)

Bill "An Act to Create Enabling Legislation for Payroll Deductions for Individual Retirement Accounts and Simplified Employee Pension Plans, to make Necessary Technical changes in the Provisions of Current Deferred Compensation Statutes, and to Authorize Counties, Municipalities and other Political Subdivisions to Purchase Deferred Compensation Instruments from Financial Institutions, Insurance Companies and Investment Firms" (H. P. 1795) (L. D. 2370)

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

Failed of Engrossment

Bill "An Act Providing for Change of Venue in Criminal Cases" (S. P. 658) (L. D. 1848) (C. "A" S-334)

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

The SPEAKER: The Chair recognizes the gentleman from Ellsworth, Mrs. Foster.

Mrs. FOSTER: Mr. Speaker, Men and Women of the House: This bill, "An Act Providing for Change of Venue in Criminal Cases, it is customary in Maine to try defendants in the county where the crime is alleged to have occurred. This bill would permit the Supreme Judicial Court to promulgate a rule permitting transfers of certain criminal cases to other courts; in other words, to another county.

The reason for the change, the court could say that they had a judge sitting in another county that was not busy and they could hear the case.

My concern with this rule change is that it could place a financial burden on local governments, for they will have to pay the cost of transporting prisoners to another county. It could tie up an automobile, it could tie up a deputy. The district attorney certainly would have to go to the other county and the county seat may be many miles away. I guess I can envision a trial in my city being moved to Washington County because the judge in Machias was not busy. About the time someone wanted to know where the sheriff was, the automobile, the DA, and the bills for this trip had to be paid, I envision that I might have to do some fast talking.

I also wondered what the people in Washington County would think when they were to get a bill for the court officer and perhaps the bailiff that would have to be in the Washington County courthouse for a trial that they might think should be held in Hancock County. For these reasons, I voted this "ought not to pass" and I wanted you to know why.

The SPEAKER: The Chair recognizes the gentleman from Belfast, Mr. Drinkwater.

Mr. DRINKWATER: Mr. Speaker, Ladies and Gentlemen of the House: I agree with Representative Foster and her presentation. I did not hear at anytime during the hearing any guarantee that Waldo County or Kennebec County or any other county might not have cases tried in Aroostook, or Aroostook might have to go to Washington County. They might come to Belfast or here in Kennebec.

There are other things that bothered me too. The witnesses, it is very hard today, if you have ever been a police officer, to get anybody to admit that they are a witness. If they are going to have to get up in the morning and strike out for these places, they are just not going to see anything and it is going to be very costly.

The present law reads, I believe, something like—this terminology may be wrong but I think I will get the point across—the present law says that the trial and change of venue should be in the near vicinity and I believe somebody defined that as saying the next county. There is nothing on this one here that says the next county. I have been a little scared of it, scared of the cost of it, what it would cost the municipalities and what it would cost the counties.

Representative Armstrong of Wilton 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 pending question is on passage to be engrossed as amended. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 409

YEA—Benoit, Brannigan, Brodeur, Carroll, D.P.; Carter, Cashman, Connolly, Cooper, Cox, Crouse, Diamond, Dillenback, Handy, Higgins, H.C.; Hobbins, Joyce, Kane, Kelleher, Kelly, Livesay, Manning, Masterton, McColister, Michael, Mitchell, E.H.; Nelson, Pouliot, Rolde, Soule.

NAY—Ainsworth, Allen, Anderson, Armstrong, Beaulieu, Bell, Bonney, Bost, Bott, Brown, D.N.; Cahill, Callahan, Carroll, G.A.; Clark, Conary, Connors, Crowley, Davis, Day, Dexter, Drinkwater, Erwin, Foster, Gauvreau, Greenlaw, Gwadosky, Hickey, Higgins, L.M.; Holloway, Ingraham, Jackson, Jacques, Jalbert, Joseph, Ketover, Kiesman, Kilcoyne, LaPlante, Lebowitz, Lehoux, Lisnik, Locke, MacBride, MacEachern, Macomber, Mahany, Martin, H.C.; Masterman, Matthews, K.L.; Matthews, Z.E.; Maybury, Mayo, McGowan, McHenry, McPherson, McSweeney, Melendy, Michaud, Mills, Mitchell, J.; Moholland, Murphy, E.M.; Murphy, T.W.; Murray, Nadeau, Paradis, E.J.; Paradis, P.E.; Parent, Paul, Perkins, Perry, Pines, Racine, Randall, Reeves, J.W.; Richard, Ridley, Roberts, Robinson, Roderick, Rotondi, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soucy, Sproul, Stevens, Stevenson, Stover, Strout, Tammaro, Telow, Theriault, Tuttle, Vose, Walker, Webster, Wentworth, Weymouth, Willey, Zirkilton, The Speaker.

ABSENT—Andrews, Baker, Brown, A.K.; Carrier, Chonko, Cote, Curtis, Daggett, Dudley, Hall, Hayden, Martin, A.C.; Norton, Reeves, P.; Swazey, Thompson.

29 having voted in the affirmative and 106 in the negative, with 16 being absent, the motion did not prevail.

Sent to the Senate.

Divided Report

Majority Report of the Committee on Agriculture reporting "Ought Not to Pass" on Bill "An Act Relating to the Labeling of Milk Containers" (H. P. 1687) (L. D. 2245)

Signed:

Senators:

ERWIN of Oxford

WOOD of York

Representatives:

LOCKE of Sebec

CROUSE of Washburn

ANDERSON of Stockholm

SMITH of Island Falls

STOVER of West Bath

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

Signed:

Senator:

HICHENS of York

Representatives:

MICHAEL of Auburn

MAHANY of Easton

PARENT of Benton

SHERBURNE of Dexter

McCOLLISTER of Canton

Reports were read.

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

Mr. SMITH: Mr. Speaker, a point of inquiry. I have before me L. D. 1498 which was introduced in the first session, and today we have 2245. Under Joint Rule 37, is this bill properly before us?

The SPEAKER: The Chair would advise the gentleman from Island Falls, Mr. Smith, that in fact L. D. 2245 and L. D. 1400 are identical. Since L. D. 2245 is not a Governor's Bill, it is in violation of Joint Rule 37 and the matter is no longer before the body.

Consent Calendar

Second Day

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

(H. P. 1653) (L. D. 2178) Bill "An Act to Provide a Corporate Tax Credit for Donations of Technological Equipment to Educational Institutions" (C. "A" H-592)

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

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

Mr. HIGGINS: Mr. Speaker, having considered L. D. 1275 during the last session, I would ask if this is in violation of Joint Rule 37.

The SPEAKER: The Chair would advise members of the House, pursuant to the request of the gentleman from Portland, Mr. Higgins, that during the regular session this body disposed of L. D. 1275. This particular bill was introduced to the Legislative Council pursuant to a study, which was not the result of a study authorized by the Legislature; the two bills are the same. The Chair therefore would rule that this bill is in violation of Joint Rule 37 and the matter is no longer before the body.

(H. P. 1658) (L. D. 2188) Bill "An Act to Increase the Fee for the Alcohol Education Program Conducted by the Department of Human Services" (C. "A" H-593)

(H. P. 1668) (L. D. 2208) Bill "An Act Making Allocations Related to the Alcoholism Prevention, Education, Treatment and Research Fund for the Expenditures of State Government for the Fiscal Year Ending June 30, 1985" (Emergency) (C. "A" H-594)

(H. P. 1667) (L. D. 2207) Bill "An Act to Provide Medicaid Reimbursement for Substance Abuse Services" (C. "A" H-595)

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

The Chair laid before the House the following matter:

Bill "An Act to Clarify Certain Portions of the Reapportionment Laws" (S. P. 862) (L. D. 2342) which was tabled and later today assigned pending passage to be engrossed in concurrence.

On motion of Representative Mitchell of Vassalboro, tabled pending passage to be en-

grossed in concurrence and assigned for Thursday, March 29.

The Chair laid before the House the following matter:

Bill "An Act to Provide Limitations on Fishing by Weirs, Purse and Stop Seines and to Provide Notice for the Location of Weirs and their Maintenance" (Emergency) (H. P. 1516) (L. D. 1991) which was tabled and later today assigned pending further consideration.

In House, passed to be engrossed as amended by Committee Amendment "A" (H-527) as amended by House Amendment "A" (H-542) thereto.

In Senate, Minority "Ought Not to Pass" Report accepted.

On motion of Representative Crowley of Stockton Springs, the House voted to recede.

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

House Amendment "B" to Committee Amendment "A" (H-585) was read by the Clerk and adopted.

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

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

The Chair laid before the House the following matter:

An Act Relating to Changes in the Composition and Functioning of the Harness Racing Commission (S. P. 801) (L. D. 2149) (S. "A" S-323; C. "A" S-318) which was tabled and later today assigned pending passage to be enacted.

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

On further motion of the same gentleman, under suspension of the rules the House reconsidered its action whereby Committee Amendment "A" (S-318) 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-600) was read by the Clerk.

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

Mr. KELLEHER: Mr. Speaker, Ladies and Gentlemen of the House: When this bill comes up for enactment, I have no intentions of voting one way or another because I think I have a conflict of interest. But there is a section of this bill that I think should be amended out and I will tell you why.

I act as a presiding judge at harness tracks here in the State of Maine. I and the other two men who work with me, or women that work with me, occasionally suspend or fine people for infractions of the racing rules. When we do that, the people that we suspend have a right to appeal the decision of the judges. Their appeal is to go before the Racing Commission to argue their case. I or any other judge has to go down to defend that case.

I believe in the appeals process and I believe that everyone's right should be protected at all times, and I think that we would be setting a precedent here of allowing appeals to be denied even though some people might feel they are frivolous, and I don't want to do that. I think if any judge or judges make a decision in regards to a violation of the rules, that the people they make the decision on ought to have an opportunity to appeal it.

I would ask this House to support this amendment and amend that section out of the bill.

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

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

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

The Chair laid before the House the following matter:

RESOLVE, Designating a Mountain in Andover North Surplus Township as Gradys Mountain (S. P. 828) (L. D. 2214) which was tabled and later today assigned pending passage to be engrossed in concurrence.

Mrs. Ketover of Portland offered House Amendment "A" and moved its adoption.

House Amendment "A" (H-496) 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.

(Off Record Remarks)

On motion of Representative Holloway of Edgecomb,

Adjourned until Thursday, March 29, at nine o'clock in the morning.