

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Twelfth
Legislature***

OF THE

STATE OF MAINE

Volume I

FIRST REGULAR SESSION

December 5, 1984 - June 20, 1985

HOUSE

Tuesday, March 5, 1985

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

Prayer by Reverend David Glusker, Green Street United Methodist Church, Augusta.

Pledge of Allegiance.

Quorum called; was held.

The Journal of Friday, March 1, 1985 was read and approved.

Papers from the Senate

Bill "An Act Concerning the Unfunded Liability of the Maine State Retirement System" (S.P. 287) (L.D. 776)

RESOLVE, Authorizing the Department of Defense and Veterans' Services to Study Benefits Offered by the Maine National Guard as Compared with other States (S.P. 288) (L.D. 777)

Came from the Senate, referred to the Committee on Aging, Retirement and Veterans and Ordered Printed.

Were referred to the Committee on Aging, Retirement and Veterans in concurrence.

Bill "An Act to Make Allocations from the Alcoholism Prevention, Education, Treatment and Research Fund for the Fiscal Year Ending June 30, 1986, and June 30, 1987" (Emergency) (S.P. 289) (L.D. 778)

Came from the Senate referred to the Joint Select Committee on Alcoholism Services and Ordered Printed.

Was referred to the Joint Select Committee on Alcoholism Services in concurrence.

Bill "An Act to Appropriate Funds for the State Vietnam Veterans' Memorial" (S.P. 290) (L.D. 779)

Bill "An Act to Fund Children's Programs of the Maine Coalition for Family Crisis Services" (S.P. 291) (L.D. 780)

Came from the Senate, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Were referred to the Committee on Appropriations and Financial Affairs in concurrence.

Bill "An Act to Promote Free Enterprise in Real Estate Transactions" (S.P. 292) (L.D. 781)

Bill "An Act Concerning Licenses and Permits for Eating Establishments Engaged in the Business of Serving Seafoods" (S.P. 293) (L.D. 782)

Bill "An Act to Promote Free Enterprise in the Banking and Insurance Industries" (S.P. 294) (L.D. 783)

Bill "An Act Relating to the Assessment of Storage Fees by Motor Vehicle Service Stations" (S.P. 296) (L.D. 785)

Came from the Senate, referred to the Committee on Business and Commerce and Ordered Printed.

Were referred to the Committee on Business and Commerce in concurrence.

Bill "An Act to Make Supplemental Allocations to the Department of Inland Fisheries and Wildlife for the Fiscal Years Ending June 30, 1986, and June 30, 1987" (Emergency) (S.P. 335) (L.D. 898)

Came from the Senate, referred to the Committee on Fisheries and Wildlife and Ordered Printed.

Was referred to the Committee on Fisheries and Wildlife in concurrence.

Bill "An Act to Clarify the General Assistance Law" (S.P. 297) (L.D. 786)

Bill "An Act to Provide Assistance to Needy Families Facing Foreclosure" (S.P. 299) (L.D. 788)

Bill "An Act to Recognize Transportation as a Basic Necessity in the Department of Human Services" (S.P. 300) (L.D. 789)

Bill "An Act Making Mandatory Certain Discretionary Powers of the Commissioner of Corrections" (S.P. 301) (L.D. 790)

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

Were referred to the Committee on Human Resources in concurrence.

Bill "An Act Concerning Fraudulent Procurement of Fuel and Weatherization Assistance" (S.P. 302) (L.D. 791)

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

On motion of Representative Paradis of Augusta, tabled pending reference and tomorrow assigned.

Bill "An Act to Encourage Early Identification and Treatment of Impaired Physicians" (S.P. 295) (L.D. 784)

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

(The Committee on Reference of Bills had suggested reference to the Committee on Business and Commerce.)

Was referred to the Committee on Human Resources in concurrence.

Bill "An Act to Provide that an Unpermitted Leave from a Court Appearance shall be Classified as an Escape" (S.P. 303) (L.D. 792)

Bill "An Act Concerning the Classification of Crimes Committed with a Dangerous Weapon" (S.P. 304) (L.D. 793)

Bill "An Act to Require District Courts to Send Copies of all Orders and Judgments to the Parties of Record" (S.P. 323) (L.D. 812)

Bill "An Act Relating to Night Court Sessions for Small Claims Court" (S.P. 324) (L.D. 813)

Bill "An Act Relating to Prostitution" (S.P. 325) (L.D. 814)

Bill "An Act Relating to Theft Offenses" (S.P. 326) (L.D. 815)

Bill "An Act to Establish Pilot Indigency Screening Units for Court Appointed Counsel" (S.P. 336) (L.D. 899)

Came from the Senate, referred to the Committee on Judiciary and Ordered Printed.

Were referred to the Committee on Judiciary in concurrence.

Bill "An Act to Establish a State Uniform Law on Notarial Acts" (S.P. 333) (L.D. 821)

Came from the Senate, referred to the Committee on Judiciary and Ordered Printed.

(Committee on Reference of Bills had suggested reference to the Committee on Legal Affairs.)

Was referred to the Committee on Judiciary in concurrence.

Bill "An Act Relating to Service of Process by Sheriffs, Deputies and Constables" (S.P. 307) (L.D. 796)

Came from the Senate referred to the Committee on Judiciary and Ordered Printed.

(The Committee on Reference of Bills had suggested reference to the Committee on Legal Affairs.)

On motion of Representative McHenry of Madawaska, tabled pending reference and tomorrow assigned.

Bill "An Act Concerning Notification Under the Workers' Compensation Laws" (S.P. 328) (L.D. 817)

Came from the Senate, referred to the Committee on Labor and Ordered Printed.

Was referred to the Committee on Labor in concurrence.

Bill "An Act Concerning the Price which State Agency Retail Stores may charge for Liquor" (S.P. 305) (L.D. 794)

Bill "An Act to Establish an Increase in the

Allowable Profit Margin for State Agency Liquor Stores" (S.P. 306) (L.D. 795)

Bill "An Act to Clarify the Laws Relating to Landlords and Tenants" (S.P. 308) (L.D. 797)

Bill "An Act to Improve Remedies for Substandard Housing" (S.P. 309) (L.D. 798)

Bill "An Act Relating to Fireworks" (S.P. 330) (L.D. 818)

Bill "An Act to Amend the Concealed Weapons Law" (S.P. 331) (L.D. 819)

Bill "An Act to Establish Age 21 Years as the Legal Age to Purchase or Consume Alcoholic Beverages and to Deter Drinking and Driving by Minors" (Emergency) (S.P. 332) (L.D. 820)

Bill "An Act to Change the Date of the Primary Election" (S.P. 334) (L.D. 822)

Came from the Senate, referred to the Committee on Legal Affairs and Ordered Printed.

Were referred to the Committee on Legal Affairs in concurrence.

Bill "An Act Relating to Sentencing for Persons Convicted of Repeated Criminal Violations of Operation under the Influence of Intoxicating Liquor or Drugs or with an Excessive Blood-alcohol Level" (S.P. 327) (L.D. 816)

Came from the Senate, referred to the Committee on Legal Affairs and Ordered Printed.

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

Was referred to the Committee on Legal Affairs in concurrence.

RESOLVE, Authorizing and Directing the Maine State Housing Authority to Study and Report on Current Practices Relating to Enforcement of Safe and Habitable Conditions in Rental Housing (S.P. 313) (L.D. 802)

Came from the Senate, referred to the Committee on Legal Affairs and Ordered Printed.

(The Committee on Reference of Bills had suggested reference to the Committee on State Government.)

Was referred to the Committee on Legal Affairs in concurrence.

Bill "An Act to Establish an Arrostook County Budget Committee" (S.P. 310) (L.D. 799)

Bill "An Act Relating to Burial Preparations for Indigent Persons" (S.P. 311) (L.D. 800)

Bill "An Act to Amend the Law Relating to Deputy Sheriffs, Appointments and Removal" (S.P. 312) (L.D. 801)

Came from the Senate, referred to the Committee on Local and County Government and Ordered Printed.

Were referred to the Committee on Local and County Government in concurrence.

Bill "An Act to Raise the Amount over which Contractors must Seek Municipal Bonding" (S.P. 314) (L.D. 803)

Bill "An Act to Establish a Maine Commission for Men" (S.P. 315) (L.D. 804)

Bill "An Act Concerning Land Conveyed by the State to the Town of Bridgton" (S.P. 337) (L.D. 787)

Came from the Senate, referred to the Committee on State Government and Ordered Printed.

Were referred to the Committee on State Government in concurrence.

Bill "An Act Concerning the Administration of the Unorganized Territory Education and Services Fund" (S.P. 316) (L.D. 805)

Bill "An Act Concerning the Excise Tax on Malt Liquor Sold for Consumption on Board a Ship Headed for a Foreign Port" (S.P. 317) (L.D. 806)

Came from the Senate, referred to the Committee on Taxation and Ordered Printed.

Were referred to the Committee on Taxation in concurrence.

RESOLVE, Authorizing a Study Concerning the Feasibility of a Southern Maine Mass Tran-

sit System (S.P.318) (L.D. 807)

Bill "An Act to Make Additional Allocations from the Highway Fund for the Fiscal Year Ending June 30, 1985" (Emergency) (S.P. 319) (L.D. 808)

Bill "An Act Concerning Misuse of Dealer Plates and Clarification of Dealer Plate Provisions" (S.P. 320) (L.D. 809)

RESOLVE, to Establish a Commission to Prepare a Revision of the State's Motor Vehicle Laws (Emergency) (S.P. 321) (L.D. 810)

Bill "An Act Making Supplemental Allocations from the Highway Fund for the Fiscal Year Ending June 30, 1985" (Emergency) (S.P. 322) (L.D. 811)

Came from the Senate, referred to the Committee on Transportation and Ordered Printed.

Were referred to the Committee on Transportation in concurrence.

Non-Concurrent Matter

Joint Order relative to amending the Joint Rules by adding a new Joint Rule 13A (H.P. 306) which was read and passed in the House on February 6, 1985.

Came from the Senate read and passed as amended by Senate Amendment "A" (S-3) in non-concurrence.

The House voted to recede and concur.

Messages and Documents

The following Communication:

STATE OF MAINE

DEPARTMENT OF ENVIRONMENTAL PROTECTION

STATE HOUSE, STATION 17
AUGUSTA, MAINE 04333

March 1, 1985

Honorable John L. Martin

Speaker of the House
State House Station #2
Augusta, Maine 04333

Dear Speaker Martin:

Enclosed please find a copy of the Department's "Comprehensive Regulatory Plan for Underground Oil Storage." The Department prepared this in response to last year's legislation (P.L. 1983, c. 785). We would greatly appreciate your review and comments.

Our proposed program provides for permitting of new and replacement tanks, registration of existing tanks, siting standards, installation requirements, operational monitoring provisions, and abandonment standards. In addition, we have proposed specific mechanisms for enforcement and the evaluation of variance applications.

As a law maker, we would appreciate your consideration on a number of legislative items we feel are needed to address the problem of ground water contamination. First and foremost, we feel the problem cannot be addressed unless regulatory authority is extended to the same 23,000 tanks already in the ground. Second, since a considerable level of expertise is required for installing state-of-the-art underground storage facilities, a licensing program for tank installers is appropriate. Third, we feel that unless DEP enforcement staff can issue summons to District Court, the sheer numbers of cases to be handled would overload both the Attorney General's Office and the Superior Court system. Finally, our initial estimates reveal an additional \$221,000 would be needed for additional staff in order to begin effective administration of the proposed program to regulate underground oil storage.

Since 1979, the Department has responded to over 200 separate incidents regarding petroleum contamination of public and private water supplies. We fear many more instances of contamination have occurred but are yet undetected. Our best estimates indicated a population of 23,000 tanks in the state, many of which are over 20 years old, and dangerously close to leaking.

The Department hopes you will give this pro-

posed program your serious consideration and you support. Thank you very much.

Sincerely,

S/HENRY E. WARREN

Commissioner

Maine Department of

Environmental Protection

Was read and with accompanying report ordered placed on file.

Petitions, Bills and Resolves

Requiring Reference

The following Bills and Resolves were received and, upon the recommendation of the Committee on Reference of Bills, were referred to the following Committees, Ordered Printed and Sent up for Concurrence:

Education

RESOLVE, Creating a Special Commission to Study Teacher Training in the University of Maine (Emergency) (H.P. 644) (L.D. 914) (Presented by Representative BOST of Orono) (Cosponsors: Representative CROUSE of Caribou, MATTHEWS of Caribou, and Senator BROWN of Washington)

Bill "An Act Concerning Interest on Subsidies Provided to Medical and Veterinary Students" (H.P. 653) (L.D. 923) (Presented by Representative ROLDE of York) (Cosponsors: Senator HICHENS of York, Representatives CROWLEY of Stockton Springs, and JOSEPH of Waterville) (Ordered Printed)

Sent up for concurrence.

Fisheries and Wildlife

Bill "An Act Relating to the Season and Penalties under the Bucks Only Law" (H.P. 646) (L.D. 915) (Presented by Representative JACQUES of Waterville).

Bill "An Act to Regulate Fishing Derbies" (H.P. 646) (L.D. 916) (Presented by Representative PARADIS of Old Town) (Cosponsors: Representatives LAW of Dover-Foxcroft, RIDLEY of Shapleigh, and Senator PEARSON of Penobscot)

(Ordered Printed)

Sent up for concurrence.

Judiciary

Bill "An Act Relating to Protection from Abuse Law" (H.P. 647) (L.D. 917) (Presented by Representative RIDLEY of Shapleigh) (Cosponsors: Representatives CROWLEY of Stockton Springs, GWADOSKY of Fairfield, and WEYMOUTH of West Gardiner)

Bill "An Act to Amend the Law Relating to Spousal Elective Shares under the Probate Code" (H.P. 648) (L.D. 918) (Presented by Representative JACQUES of Waterville)

(Ordered Printed)

Sent up for concurrence.

Marine Resources

Bill "An Act to Clarify the Law Regarding the Taking of Soft-shell Clams" (H.P. 654) (L.D. 924) (Presented by Representative MANNING of Portland) (Cosponsors: Representatives RUHLIN of Brewer, CROWLEY of Stockton Springs, and VOSE of Eastport) (Submitted by the Department of Marine Resources pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

State Government

RESOLVE, Concerning State Government Reorganization (H.P. 649) (L.D. 919) (Presented by Representative JACKSON of Harrison) (Cosponsors: Representatives WEBSTER of Cape Elizabeth, MURPHY of Kennebunk, and Senator PERKINS of Hancock)

(Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act Pertaining to the Terms of Members of Transit District Boards" (H.P. 650) (L.D. 920) (Presented by Representative

MANNING of Portland)

(Ordered Printed)

Sent up for concurrence.

Utilities

Bill "An Act Concerning Payment of Trustees of the Kingfield Water District" (Emergency) (H.P. 651) (L.D. 921) (Presented by Representative DEXTER of Kingfield)

Bill "An Act to Amend the Charter of the Portland Water District" (H.P. 652) (L.D. 922) (Presented by Representative MANNING of Portland)

(Ordered Printed)

Sent up for concurrence.

Orders

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

ORDERED, that Representative Alexander Richard of Madison be excused March 7 and 8 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Charlene B. Rydell of Brunswick be excused March 7 and 8 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Jeffery Mills of Bethel be excused March 6, 7, and 8 for legislative business.

Was read and passed.

On motion of Representative GWADOSKY of Fairfield, the following Joint Order: (H.P. 655)

ORDERED, the Senate concurring, that Bill "AN ACT Pertaining to the Observance of Veterans Day," (H.P. 200) (L.D. 234), be recalled from the legislative files to the House.

The SPEAKER: Pursuant to the rules, this requires a two-thirds vote for passage of the Order. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

120 voted in the affirmative and none in the negative, the Order was passed and sent up for concurrence.

Reports Of Committees

Unanimous Ought Not to Pass

Representative NICHOLSON from the Committee on Utilities on Bill "An Act to Convert Customer Charges to Minimum Charges for Small Electric Companies" (H.P. 247) (L.D. 288) reporting "Ought Not to Pass"

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

Divided Report

Majority Report of the Committee on Legal Affairs on Bill "An Act to Deny Certain State Funds to Any Person Who Refuses to Register Under the United States Military Selective Services Act" (H.P. 37) (L.D. 39) reporting Ought to Pass" in New Draft (H.P. 643) (L.D. 897)

Signed:

Senator:

STOVER of Sagadahoc

Representatives:

PERRY of Mexico

RIoux of Biddeford

DILLENBACK of Cumberland

MURPHY of Berwick

MASTERMAN of Milo

NICKERSON of Turner

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

Signed:

Senators

TRAFTON Of Androscoggin

NAJARIAN of Cumberland

Representatives:

REEVES of Pittston
PAUL of Sanford
WARREN of Scarborough
BOTT of Orono

Reports were read.

The SPEAKER: The Chair recognizes the Representative from Pittston, Representative Reeves.

Representative REEVES: Mr. Speaker, I move acceptance of the "Ought Not to Pass" Report.

At the hearing, there was extremely lively debate on this bill. There was a wide diversity of opponents and proponents. Students and the President of the University of Maine Student Senate testified against the bill as did the Maine Civil Liberties Union. There were many veterans who spoke both for and against it, but in all the testimony on both sides of this issue one fact emerged clearly. Although the issue that this bill raises is very important and people feel very strongly about it, the problem that it purports to address, which is the problem of non-registration for Selective Service among students who apply for financial aid simply does not exist in the State of Maine. Over 99 percent of our young men are registered with the Selective Service. The percentage of registration is higher now than it was two years ago when this bill was previously introduced. In fact, we can be proud that the State of Maine had the second highest compliance rate in the nation. Furthermore, there is no evidence that this less than one percent even attends college or would apply for financial aid.

To satisfy myself on this point, yesterday I contacted the Department of Education. The official who is in charge of applications for state aid told me that he had received a report yesterday from two of our leading colleges saying that they had not a single enrolled student who was not registered under the Selective Service Act. This was Bowdoin College and the University of Maine at Orono. I think this is a further indication that the problem does not exist and therefore, out taxpayer dollars don't have to be spent to address it.

Now opposition to this bill, in no way, suggests approval or offers encouragement to anyone who fails or refuses to obey the strong federal law that requires them to register with Selective Service. Those who don't register can and will be prosecuted. Failure to register carries a criminal penalty of \$10,000 fine or five years in jail. But if this L.D. were to pass, it would amount to state enforcement of a federal law. It would be unnecessary legislation and I think it would set a bad precedent. The law is already being enforced by Selective Service and the courts. It doesn't need to be enforced by the colleges of the state. In fact, it is right now virtually impossible for any student to obtain Maine state educational assistance without complying with the Selective Service Act. There is already a federal law, the Solomon Amendment, which prohibits federal funds from going to those who have not registered for Selective Service and the federal aid application form called the FAF requires that the applicant verify that he is registered. This FAF is presently used by the State of Maine as the only form of application for all state assistance. There are two major forms of state assistance now, the Maine Student Incentive Scholarship and the Guaranteed Student Loan. Both of these require the FAF to apply.

Let me assure you that any student who believes that the defeat of this bill today will enable them to obtain state aid without registering is mistaken. It can't happen.

The sponsor of this bill, Representative Paradis, is a patriot. He has made great personal sacrifice for his country. I believe that we can assure him and the other sponsors of this bill that if the need for this legislation arises, the legislature will surely pass it, that the need is not present now and therefore I urge your support of the "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Paradis.

Representative PARADIS: Thank you Mr. Speaker. Members of the House: I oppose the motion before us and hope that you will also so that we can go on to accept the Majority Report, Committee Report "A." This bill reinforces the federal law as we have heard from the Committee Report just now calling for registration under the Selective Service Act. The bill states that those who meet this first responsibility, an obligation of citizenship, the State of Maine recognizes as being eligible for such state tuition assistance, grants and loans and scholarships as may be available from state funding levels. These programs are a privilege. They are not as some would lead us to think, rights of the individual. On the federal level, the Supreme Court found similar measures, the withholding of federal tuition assistance constitutional on the basis that the determination of priorities for the allocation of limited resources was justified. It was also justified motivation for the individual into compliance with this law to be constitutional.

I am confident that the bill we have before us this morning, which has now been renumbered L.D. 897, would meet any constitutional test of the courts if it was found necessary. To reward equally for non-compliance, as those who are in compliance with the law, substantially diminish the value of the national effort to produce manpower for the armed services in time of need. I believe that the 99 percent, which General Day's office says that our people are in compliance with the law at this time, is most assuredly a credit to our young people. But we have seen from past experience that this had not always been the situation. We have seldom had popular wars in this country and we have often been required to employ extraordinary measures to produce the manpower necessary to meet the national objectives. There are those who would advocate waiting until we have a problem before we do anything about it. But we all know that legislation in place has its value. Well, we will also find the contention that there is a too small a number to go after and that the expense is too high. But I say to you that General Day's office has over 700 unaccounted for cases currently in our population within the state. I, for one, am not interested in sharing our limited state resources with these people on the same equal basis as those who have met the test and the needs of citizenship. The added expense and trouble of administration, this law is really a non-issue. The applications for federal assistance contain an entry for this information. Screening for an affirmative answer determines qualification. And one entry on the application for assistance from state administered program is a small item of review.

I have no personal difficulty accepting the action of those with philosophical differences and choose to resist the will of the people and our government here in the state. But to those people I can only say that they do so at the risk of placing a cloud on their standing with the people of the state and with our state law. Also with the federal laws. They must expect to be called to an accounting for their actions. They cannot expect to share in the benefits or the surplus of the community until they have reestablished themselves.

This is a simple bill. There is nothing complex about it at all. It merely states that the citizen who is in compliance with registration under the selective service laws will be recognized for consideration of such reward and benefits as are available. Those evading the requirement will be denied these benefits until they have satisfied the state that they are square with the law and that their citizenship is in good standing.

I would again urge you to vote against the

pending motion so that we may accept the "Ought to Pass" Report, Committee Report A.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Bott.

Representative BOTT: Thank you Mr. Speaker. Men and Women of the House: It is very difficult to get up and oppose this legislation because I am in full agreement with the concept behind it. While I oppose this legislation, I also at the same time applaud the sponsor for his patriotism, his dedication of service to his country. However, I feel that this is an unnecessary bill. When I first saw it in committee, the first thing I wanted to do was support that bill until I applied two basic questions to the bill as I do with all other bills. Number 1: is it necessary? Number 2: will it have the desired effect? Now I don't believe it is necessary. The federal government is already in this area. That is traditionally their area of responsibility. In addition to there being a compliance rate of 99 percent, there is a federal penalty of up to \$10,000 or five years in prison, a penalty which I feel is adequate. Maine, right now, leads New England in terms of compliance. It is second or eighth in the nation, depending on whose figures that you use.

I would back up Representative Reeves point that the University of Maine at Orono is in 100 percent compliance. I spoke with Burt Batty, Financial Aid Director at the University of Maine at Orono this morning. I think that this legislation would be redundant. He likened it to the 55 mile an hour speed limit law which is on the books by the federal government. It would be like us passing a bill saying that everyone should comply with that law.

I also feel that this could have an added cost to educational institutions because they would all have to process the paperwork that is necessary in order to find out there is compliance. Now that would be simply a waste of time at an institution where there is already a 100 percent compliance rate.

On the second page of the bill, line number 3, it says, shall provide a copy of the letter of acknowledgement as proof that he has submitted to registration. Currently, the federal law says that there is a check off and if this person complies with the check off saying that he has registered under the federal law, that is where it ends. Like I say, we have a 100 percent compliance rate on some campuses. But under the provisions of this law, this would require an additional piece of paper from the selective services people before the application could be processed. Now just think of this potential situation. Supposing your son, being the patriotic and good American that he is, applies for his financial aid loan. He has already complied with the Selective Services Act willingly. Has told the federal government where he lives and what his current status is. Gets ready to process the application and somehow some bureaucrat somewhere loses his card. It is not inconceivable that this could take two or three months to locate. In the meantime, this student perhaps cannot go to school for a semester. Now I don't think that would be right. We are trying to go after one percent under the compliance. Suppose you wind up penalizing one individual. I say that that would be penalizing one individual too many. One patriotic individual. Now, the opponents of this bill, I don't think you will find a single person in here who is in favor of giving state benefits to people who fail to comply. I just simply feel that this is unnecessary and this is adding to the burden of financial institutions. Later on down the road you are going to be listening to a proposal from our higher educational institutions for additional funds to maintain academic standards. This is the type of thing that is going to add to the burden of higher education unnecessarily. You are going to nickle and dime the colleges to death. Look at what the issue is here. Don't be so tightly wrapped in the

American Flag that you can't ask the basic questions about whether this is necessary.

The SPEAKER: The Chair recognizes the Representative from Lisbon, Representative Jalbert.

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: Forty-two years ago tomorrow, I turned 18 years old. Within a few days, I reported to the Selective Service for registration. Within a week or two, I was told to report for the preliminary examination. In those days, if you reported to the Draft Board, you were well enough to report to the Army. Within three weeks, I was told to report for induction. I was still in high school. Through the intercession of the high school principal and the then Congresswoman, Margaret Chase Smith, I was able to get a deferment until I could graduate. On July 2nd, I was inducted; my father passed away in May; I was the oldest of six children at home, I was only 18; I didn't want to go any more than anyone else did — some of these people who tell you, they don't want to register for the draft because they feel they have some kind of commitment, they are no different than I was when I was 18, you just don't want to take the discipline of the Armed Forces. I didn't want to go but I went and my education was interrupted. I served my term in the Army, I came back and I wasn't even 21 when I was discharged, I didn't even have the right to vote for the President or to have a drink. My grateful nation said to me, we will give him education. I was very fortunate, I got five years under the GI Bill of Rights but Mr. Speaker, Ladies and Gentlemen of the House, I earned every minute of it. If any of these people feel they should not register for the draft and have the state come back and say, you deserve an education, I would love to have had them with me all of those 34 long months in the Army; I would loved to have had them with me Christmas Eve, 1944, in the Ardennes in France. If they want to come back, it is their privilege and I will respect them for it — any young man that says he does not want to bear arms, that it is against his wishes, I won't like it but I will respect him for it but I don't believe that he should come back and say, after he has given up his duty, that he should have the privilege of saying that, you now owe me an education.

In World War II, anyone that refused to serve, did not come back and get the benefits for the GI Bill of Rights and neither should anybody doing it now.

Representative Masterman of Milo requested a roll call.

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

Representative SCARPINO: Mr. Speaker, Members of the House: I speak in support of Representative Paradis's bill and of his motion.

I speak perhaps for a little different reason than most every one else that has spoken to this point. As one who was extremely active and involved in the anti-war movement in the 60's and was involved in draft counseling and who was a supporter of the volunteer service — at that point we found, and I personally found, that there was basically two types of people who didn't register for the Selective Service — we had those people who were criminally negligent, who merely refused to register because they didn't want to meet their responsibility to the government and we had another group of people, that for moral and ethical reasons, were opposed to the Selective Services, were opposed to the draft, and basically, were opposed to armed conflict. One of the things that we used to tell our people in counseling was that if you are taking a moral or ethical stand, if you don't have a basis to make a statement, your stand is wasted, it is not there. What we used to do to counsel people was, yes, register for Selective Service and then inform Selective Service that for ethical

or moral reasons, you refuse to comply with the law from that point forward because you were ethically and morally opposed to war, you were opposed to killing, or you were opposed to a system of government that mandated service.

This bill would do nothing more than provide that base for the moral position be taken. If you feel strongly enough about something to say, I am willing to give up \$2500 a year, that is how important this is to me, I am willing to take 8 years to go through a 4 year course, I am willing to go through severe personal hardship in order to get my education, based upon my moral and ethical opposition to the Selective Service, more power to you. I agree with you. I oppose Selective Service right now but the simple fact is, without the law, without the basis to make the ethical stance, without the basis to say, this is important to me, that I am willing to give up a college education or I am willing to go through severe hardship — we will never change it. Everybody will be viewed as someone who is criminally evading and we all know, both the opponents and the proponents of this bill, that that is not true. In all likelihood, the majority of people that are not registering are those that are morally or ethically opposed to the system, not those that are criminally evading. Without the basis to set forth that objection, the objection is lost. These people are, for ethical reasons, who are opposing it, are law abiding, legal, people. They are not people who are trying to subvert the government, they are people, through normal processes, attempting to change the system. Those that fight on that basis will welcome the fact that they have to register because if they have to register, if the facility is there, there is their statement. Without it, the opponents, the people that oppose, the people who say that these are a bunch of bums, these people who are trying to avoid serving their country blankly without paying any attention, and those people who try to negate the ethical arguments, cannot do it if that individual registers. I have complied with the law; now I refuse. It is that simple. If that individual writes a letter to the Selective Service and says, here, my name is Guy Scarpino, I was born in October of 1942, I am going to the University of Maine and I think that your registration system is unethical; therefore, I refuse to register and I am perfectly willing to accept the financial loss of those loans, then that person has a stance and then his ethical position has a strong, firm basis and there is a good chance to change the system.

As it sits now, it is no different than making up your mind which side of the street you want to walk. One person can say, I am going to walk down the right side of the street and somebody else says, I am going to walk down the left side of the street. If you are attempting to change something, if you are attempting to point out the fact that there is an inequity in the system, that kind of method will not accomplish anything.

From my position, which is much different than Representative Paradis' position, and the reasons are much different, I would urge your support of this legislation to provide the mechanism for those people who are concerned about Selective Service to have the grounds to fight it and to change it.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative PAUL.

Representative PAUL: Mr. Speaker, Ladies and Gentlemen of the House: I firmly believe that L.D. 39 is a bill that clearly discriminates and is unfair to certain minorities. It is targeted particularly to a certain section of the population.

As I stated in committee, I would be in favor of legislation that would require everyone to register for the draft but this bill does not do that.

I am a veteran of World War II and Korea. I served my country for six years in those two conflicts. I spent many months in the South Pacific and was off the coast of Japan when the two A bombs were dropped. I sympathize with those who feel that an obligation to our country is owed by those who are becoming of age.

This bill is a dual system of enforcement. It hits the poor and limits access to education. It is state enforcement of a federal law, which sets a bad precedent. The law should be enforced by Selective Service in the courts and not by the State of Maine or the colleges of this state.

Let's really ask ourselves, is this a really fair bill?

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Brannigan.

Representative BRANNIGAN: Mr. Speaker, I would like to pose a question through the Chair. First of all, can someone fail to register without serious penalty? I believe that has been mentioned but should be reiterated if it is true and there is penalty.

Secondly, is it true that a person "has" to register or "may" not express their conscientious objector status, whether it is religious, moral or whatever — I would like clarification on this issue, please.

The SPEAKER: The Representative from Portland, Representative Brannigan, has posed two questions through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Auburn Representative Brodeur.

Representative BRODEUR: Mr. Speaker, Members of the House: Yes, someone can register without being penalized if the federal government refuses to prosecute them.

Under the present law, there isn't provision for stating whether one is a conscientious objector or not; one just had to register and is put in a pool so there is no provision at this time to register as a conscientious objector at the present time.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Brannigan.

Representative BRANNIGAN: Mr. Speaker, Members of the House: I do believe that the federal government may impose severe penalties if they choose to prosecute and has the right to and may. I would oppose this bill on the grounds that the few people who are conscientious objectors, and I am a Navy veteran in the Korean War Conflict, I am also a veteran of many other conflicts being on the campus, you may take that any way you wish, of a university during the Vietnam Conflict and I truly believe that this country has been well served that have dissented and for many of those, they pay high penalty and this flawed law, which will not allow them to register in a way in which they can express themselves, they are facing tremendous penalties on the federal level. The federal level has presented us with what I believe is a flawed registration law. I don't think that we should make it any more difficult to those people here in our state, and therefore, I would encourage you to support the pending motion to kill this bill and let this be dealt with at the federal level and, hopefully, on the federal level moves would be made to make it fairer to those who prick our conscience and keep us well aware of all sides of an issue.

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Erwin.

Representative ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: As a veteran of the United States Navy during the Korean War, I am proud to be accounted among the patriotic Americans such as Representative Paradis. I urge you vote against the motion before you and support the Majority "Ought to Pass" re-

port.

The SPEAKER: The Chair recognizes the Representative from Milo, Representative Masterman.

Representative MASTERMAN: Mr. Speaker, Men and Women of the House: I don't feel that Representative Brannigan's second question was answered properly. The question he asked was about the conscientious objector and there seems to be some confusion here as there was at the hearing. Half of the people there talked about the draft — we are talking about a different issue altogether, we are talking about registering in order to put together a roster so, if God forbid, something does happen, that we have that roster in place so we can call the people up for draft.

I think many of you here in this House know Danny Lambert very well and Danny appeared and he told us of two different people that he was familiar with who had registered but then when it came time for the draft, because of their religious beliefs, they would not carry arms but one of them, a medic, and I don't remember how far it was that this medic dragged Mr. Lambert after he was badly wounded but here was a man, who, because of his beliefs, would not carry arms but he was ready and he was willing to serve.

He told of another one, a chaplain, who also would not carry arms but he has registered and he supported his government by serving as a chaplain without carrying arms.

I hope that when the vote is taken that these things will be considered and not be confused between registration and draft.

The SPEAKER: The Chair recognizes the Representative from Mexico, Representative Perry.

Representative PERRY: Mr. Speaker, Ladies and Gentlemen of the House: There are two or three issues that have been brought up in relation to this bill. First of all, the cost relationship to the universities is unknown. We had no testimony from any universities.

Second, the information, whether or not these people are registered or not, all it takes is a phone call because the information is easily obtainable from the National Guard Office here in Augusta. Ladies and Gentlemen, that one percent or one and a half percent may not seem much but it represents between 700 and 800 people in the state.

Another thing, we are not concerned with the federal law, we are only concerned with what applies in the State of Maine.

I would urge you to vote no on this pending motion.

The SPEAKER: The Chair recognizes the Representative from York, Representative Rolde.

Representative ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I think the Representative from Sanford, Mr. Paul, answered my question but I would like to pose that question for clarity to either Representative Paradis or anybody else who might be able to answer.

My question is simply this — if a student from a wealthy family fails to register for the draft and is at the university, how will this bill treat that person?

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

The Chair recognizes the gentlemen from Old Town, Representative Paradis.

Representative PARADIS: Mr. Speaker Ladies and Gentlemen of the House: The Bill does not address that individual; only at the time that the individual makes application for state assistance under the provision of the educational grants for higher education does that individual come under scrutiny of this bill.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call it must have the expressed desire of more than

one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

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

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Handy.

Representative HANDY: Mr. Speaker, Members of the House: Last year I served on the Legal Affairs Committee and we had a similar bill before us and this bill has changed to some degree so I would like to pose two questions.

First, to the good Representative from Old Town, I would like to know what due process takes place that is guaranteed under our Constitution that all of us seek to protect.

Secondly, to the Chair of the Legal Affairs Committee, why is this bill just limited to educational benefits? Why are just students singled out and not all citizens who fail to register for the Selective Service?

The SPEAKER: The Representative from Lewiston, Representative Handy, has posed questions to the Representative from Old Town, Representative Paradis, who may respond if he so desires.

The Representative signifies in the negative.

The Representative from Lewiston has posed a question to the Representative from Pittston, Representative Reeves, who may respond if he she so desires.

The Chair recognizes that Representative.

Representative REEVES: The original bill talked about an unspecified number of state benefits and an amendment was proposed in committee which limited it to state educational benefits.

The SPEAKER: The Chair recognizes the Representative from Cumberland, Representative Dillenback.

Representative DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I hate to drag this on but there have been a few statements made today so that I just can't sit here anymore. We all stood up this morning and pledged allegiance to the American flag and I am not ashamed to be wrapped in the American flag as somebody stated earlier. I have a commitment and that commitment started way back when I was in grammar school when they taught us a poem: "In Flanders Field, the poppies grow between the crosses, row on row." Forty years ago, when I stood on Iwo Jima after the battle, and many of you don't know what Iwo Jima is, because you weren't there, you should have been there, because when you stood between those crosses, over 7,000 soldiers lying there in Flanders Field, I made a commitment to those men and that commitment was to be a good American, to be a good citizen and to do what my country demanded. Over 20,000 men were maimed and wounded and taken out to the hospital ships — now we owe something to those people and if we are going to be citizens of this country, we should do our duty and the duty is just to let them know you are an American.

This amendment that is here is your Governor's Amendment — this amendment was offered by the Governor, it supersedes what was there before, it is a simple thing — to be an American, you have to let people know you will sign up in case you are needed. So my commitment is a little different than the others here and, I will say again, I am not ashamed to be wrapped in the American flag.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative Bott.

Representative BOTT: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, so as not to prolong this already lengthy debate, I believe that we should all be wrapped in the

American flag. I just believe that we shouldn't be wrapped in it so tightly that we can't see a good bill from a bad bill, a bill that is necessary from unnecessary. I believe that it is unnecessary. I believe that the federal penalties are already there, I think that this could just add additional costs to an educational system that already is facing a shortage of funds in rising costs. It could also penalize patriotic young Americans who willfully comply with this. You can't tell me that it is going to cost something to the university if it already has a 100 percent compliance rate to process this paper work. You can't say that it isn't possible because of some bureaucratic foul up to send a very good patriotic, upstanding, young American, who loves his country, to have him sit at home because his education loan didn't come through.

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

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I, too, served in World War II and the Korean Conflict. I think the right to speak out has been preserved by those who did serve. Is it too much to ask those that haven't served to at least register? I would hope that you would vote against the motion before us.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Carrier.

Representative CARRIER: Mr. Speaker, Members of the House: To many of us, this is an extremely important bill. Whether you serve in the service or not, I suggest to you that one of the best things that you could do would be to have served. You would have learned personal discipline, you would have learned that we live in a society which has rules to go by and if we don't want to live by certain rules of society, we don't belong in this country. Like many others, without conceit, I say that I have been in different countries exposed to some of the ways that they live, the conditions that they live under, and many of you probably have been through much harder times than many of us. I donated a few years at the time I was called and that was the time of hostilities. There is a difference today about if you register for the draft — there is no draft anyway, but if you just register and do your duty as a good citizen, you at least don't have to worry three months from now of being shot but even if you did, it would be for the most notable purpose and that is fighting for your country.

Some people who were from Westbrook and who were very close to me are buried in the cemetery. They served proudly.

Many things have been said here today — this is really a hard issue for many of us and for the parents and relatives of those who have been in the service, — there is nothing wrong with the service. It is very hard for people to leave civilian life. I think that the obligation is good for you in your personal life at that time and also for the future.

I do not agree that the people have a right to be conscientious objectors. If they want to be, let them go to another country, we don't need them here. We have the right to speak. Is it a necessity to be here today discussing this bill? Or that we come here, day after day, for 20 minutes or a half hour? Is that a necessity? Let's talk about necessity. It is a necessity to have control of this country and to be able to protect our citizens, the citizens that are right here, the old, the young, the veterans and all the other — the women that stood by the men when they went into the service and kept the home fires burning — the Gold Star mothers — let's get right down to the heart of this thing. I suggest to you that there is no discrimination in having people register for the draft. If this is what you call discrimination — is it discrimination to help the elderly, the mentally retarded or the poor against the ones who pay

the taxes? Is it discrimination or is that just a word that everybody hides behind? I don't believe that there is such a word as discrimination but my vocabulary is limited.

I suggest to you that the education of people—if it depended upon a person getting a loan from the University of Maine or elsewhere, that is their problem. I paid for my education my own way, without any money, but working, working. I paid for my own education and, today, the result is more than I could have ever wished as far as education is concerned, a good education, and one I appreciate a lot because I paid for it myself.

It was mentioned here about the Maine Civil Liberty, the great people from that outfit, they are on a dying list just like Pine Tree Legal is, they promote things even if they are morally wrong. With this particular outfit, if you didn't want to sign up for the draft, go see them and they will guide you on how to get out of the draft. I think that everybody has an obligation in this country to fight for their country and when I say fight, I don't mean at this particular time, but it does mean to contribute to, to make it a good place to live in and to contribute to morally, financially and otherwise to make this a safe place for the children, elderly and others of this country.

I suggest to you that you vote against the motion of the "Ought Not to Pass" Report.

This is a very important bill to many people. It has touched the lives of many people and will do so in the future and I just say to you that I feel very strongly that, if those who are of age do not want to register, they have had 18 years of free living, here, let them go somewhere else and compare what kind of life others have and they will find out that they will be glad to come back here, maybe not glad to go into the service, but I still suggest that this is the best discipline that anybody could get. I hope that you will vote against the pending motion.

The SPEAKER: The Chair recognizes the Representative from Madison, Representative Richard.

Representative RICHARD: Mr. Speaker, Ladies and Gentlemen of the House: For those of you who aren't aware of it, we presently do not have a draft in the United States. We have been talking this pretty consistently this morning. We are merely talking about people fulfilling their responsibility and registering. If they do this registering, they will be entitled to some financial assistance.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Racine.

Representative RACINE: Mr. Speaker, Ladies and Gentlemen of the House: There is one point that I would like to address that seems to be causing some confusion about children of wealthy parents or people that come from a poor family. I believe now that an individual that goes to college and applies for student aid that the salary of the parent is in the vicinity of \$40,000 to \$45,000 so the people that we are talking about being discriminated against are not that poor. As a matter of fact, I know a lot of families that their income is much lower than that and their children have registered for the draft.

To answer the other question that was brought up on the conscientious objector portion of this bill, as Representative Richard from Madison said, that this is only to register. If there is a draft some day, which I hope we will never have to go through that, the individual may designate that he is a conscientious objector and serve in some alternative service. All this is to register for the draft and it does not discriminate as it has been alleged against the poor.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Aliberti.

Representative ALIBERTI: Mr. Speaker, and

Ladies and Gentlemen of the House: I am not going to speak as a veteran but as an educator. I am going to support this bill but I am also taking the point of dedication to those that oppose the bill and educate them to the proper routes that they may take so that this bill could work for them also.

The SPEAKER: The Chair recognizes the Representatives from Gorham, Representative Hillock.

Representative HILLOCK: Mr. Speaker, Fellow Legislators of the House: We have heard stories from I guess about every angle on this issue and we don't have to look far to left or right to see those who sacrificed for what we believe in in this country. I think we have to look back at the basic question of responsibility and our rights and privileges. There are many here who have sacrificed for us to have what we have today, for us to sit in the seats we have here today, our country was founded on this premise, and that we should look at this in that we are not at war now and, hopefully, we never will be and we only have to talk to those who have been out of this country, who have been in harms way for all of us here and ask them what it was like to witness the sacrifice that has been made for us to be here today.

To the issue that was made by the Representative from Orono about those too tightly wrapped in the American flag to make a logical decision—I took great exception to that, for the only men that I have seen too tightly wrapped to make decisions were the boys I flew home that now cannot give an opinion on what we have here today.

History has taught us one thing, that in order to maintain peace, the country must be willing and able to rise to the occasion to defend that peace. This is only in support of the mechanism that will be place in case we need it. This issue, I hope, will not tear us apart, for there are patriots on both sides of the issue. The idea of additional costs to education does not hold water on this issue. A phone call, from the National Guard, the Selective Service can remedy this. Having gone through college in the 60's and been under financial aid, there are many other obstacles that take much more time and money.

Let's figure what this represents—we are presently riding a tide of patriotism in this country; let's not divide ourselves but to maintain this patriotism in hopes that we can have one generation that will benefit from peace in this country.

I urge you to reject this "Ought Not to Pass" report and support the bill.

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

Representative SCARPINO: Mr. Speaker, Men and Women of the House: Just a very short thing—I have heard people speaking of their military service and their pride and the necessity of defending the country, and I understand all that. I have served in two formal conflicts, I am a disabled veteran, I am a member of a military force other than that in this country, I haven't avoided conflict for I thought it was justified but I was also involved in a third conflict, a conflict that I was shot at in, CS gased in, which for those of you who don't know, is against the Geneva Convention, pepper gased, tear gased, beaten, jailed a number of times, and that conflict didn't take place in Vietnam, it didn't take place in Israel, it didn't take place in Africa, it took place in the streets of the United States. It took place in New York, Chicago, Ohio, in California, in places all over this country. Why did it take place? Because we had a system that didn't provide a sufficient avenue for ethical opposition, for moral opposition, and didn't provide the chance to change the system before the conflict arose. We are in a position, right now, people have been talking about draft and we

all know that the only reason this Selective Service system is still there is in case we have to institute the draft. I am not going to argue that point, I am not going to argue the viability of the draft, but I am saying, however, is if we provide the mechanisms for those people who are opposed to the draft, to those people who are opposed to conflict, to enable them to honestly, legally, and acceptably register their protest through non-violent civil disobedience and through personal sacrifice, that we will be enabling the possibility of two things—one, and most important, that the conflicts of Americans against Americans, will not occur again and two, it will enable those people who are opposed to the system to form a platform to attempt to change it. On that basis, I would request your support of the Majority "Ought to Pass" on this issue.

Representative Bott of Orono was granted permission to speak a third time.

Representative BOTT: Mr. Speaker, Men and Women of the House: Very briefly, I didn't mean to speak three times on this issue, I wanted to address the point made by the good Representative from Gorham that an added burden to colleges, because of this, just simply does not hold water. I tend to disagree with him. We have 100 percent compliance there and out of the amount of students that go there, the office has got to provide staff and hosts of paper work to try to see if 6,000 to 7,000 people have complied so certainly you cannot tell me that that doesn't cost something especially when they are going to have to comply to two sets of laws should this pass.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Cooper.

Representative COOPER: Mr. Speaker, Ladies and Gentlemen of the House: The bill that we are discussing seems to deal with one percent of the college population. There is a 99% compliance rate and that means that the vast number, almost all of the people there are not complying with the selective service law, are not going to be affected by this bill. It just seems to me that if the purpose of this bill is to encourage people to register for the draft, this is not going to accomplish it. Perhaps the sponsor of the bill would be much better off requiring people to show proof of registration before they get their drivers license; that way we would get everybody, not just a few people.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of the Representative from Pittston, Representative Reeves, that the House accept the Minority "Ought Not to Pass" Report. All those in favor will vote yes; those opposed will vote no.

ROLL CALL No. 5

YEAS:—Allen, Baker, H.R.; Beaulieu, Bell, Bost, Bott, Boutillier, Brannigan, Brodeur, Brown, A.K.; Carroll, Cashman, Coles, Connolly, Cooper, Crouse, Diamond, Duffy, Hale, Handy, Hayden, Higgins, H.C.; Hoglund, Joseph, Kane, Kimball, Lacroix, Lisnik, Manning, Mayo, McHenry, Melendy, Michael, Michaud, Mills, Mitchell, Murray, Nadeau, G.G., Nadeau, G.R.; Nelson, Paul, Priest, Reeves, Rolde, Rydell, Small, Stevens, P.; Theriault, Warren

NAYS:—Aliberti, Armstrong, Baker, A.L.; Begley, Bonney, Bragg, Brown, D.N.; Cahill, Callahan, Carrier, Carter, Chonko, Clark, Conners, Cote, Crowley, Davis, Dellert, Descoteaux, Dexter, Dillenback, Drinkwater, Erwin, Farnum, Foss, Foster, Greenlaw, Gwadosky, Harper, Hepburn, Hichborn, Hickey, Higgins, L.M.; Hillock, Holloway, Ingraham, Jackson, Jacques, Jalbert, Lander, Law, Lawrence, Lebowitz, Lord, MacBride, Macomber, Martin, H.C.; Masterman, Matthews, McCollister, McGowan, McPherson, McSweeney, Moholland Murphy, E.M.; Murphy, T.W.; Nicholson, Nickerson, O'Gara, Paradis, E.J.; Paradis, P.E.; Parent, Perry, Pines, Pouliot, Racine, Randall, Rice, Richard, Ridley, Rioux, Roberts, Roton-

di, Salsbury, Scarpino, Seavey, Sherburne, Simpson, Smith, C.B.; Smith, C.W.; Soucy, Sproul, Stetson, Stevens A.G.; Stevenson, Swazey, Tammaro, Tardy, Taylor, Telow, Vose, Walker, Webster, Wentworth, Weymouth, Whitcomb, Willey.

ABSENT:—Daggett, Ruhlin, Strout, Zirkilton, The Speaker

49 having voted in the affirmative and 97 in the negative with 5 being absent, the motion did not prevail.

Whereupon, the Majority "Ought to Pass" Report was accepted, the Bill read once and assigned for Second Reading tomorrow.

Divided Report

Majority Report of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act to Restrict the Payment of Unemployment Compensation Benefits to Workers Who are on Strike" (H.P. 175) (L.D. 209)

Signed:

Senators:

DUTREMBLE of York
TUTTLE of York

Representatives:

RUHLUN of Brewer
BEAULIEU of Portland
HALE of Sanford
JOSEPH of Waterville
TAMMARO of Baileyville

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

Signed:

Senator:

BLACK of Cumberland

Representatives:

LANDER of Greenville
BEGLEY of Waldoboro
BONNEY of Falmouth
HEPBURN of Skowhegan
WILLEY of Hampden

Reports were read.

On motion of Representative Beaulieu of Portland, recommitted to the Joint Standing Committee on Labor.

Consent Calendar

First Day

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

(H.P. 201) (L.D. 235) Bill "An Act to Designate the 3rd Week in October as Maine Business Women's Week" Committee on State Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-10)

(H.P. 8) (L.D. 6) Bill "An Act to Allow Municipal officers to Appoint Deputy Treasurers and Deputy Tax Collectors" Committee on Local and County Government reporting "Ought to Pass"

(H.P. 64) (L.D. 82) Bill "An Act to Clarify the Procedure for Preparing Ballots for Municipal Elections" Committee on Local and County Government reporting "Ought to Pass"

(H.P. 91) (L.D. 111) Bill "An Act to Establish a Uniform Fee for Whitewater Guides Licenses" (Emergency) Committee on Fisheries and Wildlife reporting "Ought to Pass"

(H.P. 248) (L.D. 302) Bill "An Act for the Repeal of Obsolete Provisions Providing Accidental Death Benefits" Committee on Aging, Retirement and Veterans reporting "Ought to Pass"

There being no objections, the above items were ordered to appear on the Consent Calendar of Wednesday, March 6, 1985 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. 149) (L.D. 183) Bill "An Act to Amend the Law Concerning Pension Benefits for Dependents of Sheriffs" (C. "A" H-9)

(H.P. 169) (L.D. 203) Bill "An Act to Allow Transmittal of Certificates of Illegitimate Births to Other Municipalities"

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 Concerning Expiration of Motor Vehicle Drivers' Licenses for Persons 65 Years of Age and Older" (H.P. 209) (L.D. 243)

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

As Amended

Bill "An Act to Permit Beano on Sundays After Noon" (S.P. 259) (L.D. 699) (S. "A" S-6)

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

On motion of Representative Reeves of Pittston, the House reconsidered its action whereby Senate Amendment "A" was adopted.

The same Representative offered House Amendment "A" (H-11) to Senate Amendment "A" and moved its adoption.

House Amendment "A" (H-11) to Senate Amendment "A" was read by the Clerk and adopted.

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

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

Bill "An Act to Increase the Fees of Bail Commissioners" (H.P. 9) (L.D. 7) (C. "A" H-8)

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

On motion of Representative Connolly of Portland, tabled pending passage to be engrossed and tomorrow assigned.

Passed to Be Enacted

An Act to Authorize an Additional Brigadier General Position in the Maine Army National Guard (H.P. 120) (L.D. 145)

An Act to Clarify the Term "Authorized Person" Under the Law Relating to Deaths and Burials (S.P. 258) (L.D. 651)

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.

RESOLVE, Authorizing the Director of Parks and Recreation to Convey by Deed the Interest of the State of Maine in Certain Parcels of Real Property (S.P. 37) (L.D. 45) (C. "A" S-4)

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

(Off Record Remarks)

On motion of Representative Nelson of Portland.

Adjourned until ten o'clock tomorrow morning.