

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

Friday, March 22, 1985

The House met according to adjournment and was called to order by the Speaker. Prayer by Reverend Wayne Sawyer, Thomaston Baptist Church. Quorum called; was held. The Journal of yesterday was read and approved.

Papers from the Senate

The following Communication:
The Senate of Maine
Augusta

March 21, 1985

Honorable Edwin H. Pert
Clerk of the House
112th Legislature
Augusta, Maine 04333
Dear Clerk Pert:

Please be advised that the Senate today voted to Adhere to its former action whereby it Failed to Enact 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. 643) (L.D. 897)

Sincerely,
S/ JOY J. O'BRIEN

Secretary of the Senate

Was read and ordered placed on file.

Bill "An Act to Extend the Fine Schedule and to Make Certain Other Charges for Overweight Violations" (S.P. 389) (L.D. 1089)

Came from the Senate, referred to the Committee on Transportation in concurrence.

Unanimous Ought Not To Pass

Report of the Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on Bill "An Act to Create a Capital Improvement Fund for the Maine Veterans' Memorial Cemetery" (S.P. 71) (L.D. 167)

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

Unanimous Leave to Withdraw

Report of the Committee on State Government reporting "Leave to Withdraw" on RESOLVE, Authorizing the Conveyance of a Certain Unused Building and Land Owned by the State to the Town of Wells. (S.P. 97) (L.D. 295)

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

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill "An Act to Establish a Commission to Study the Defense of Insanity and Treatment of Persons Adjudged Not Guilty by Reason of Insanity" (Emergency) (S.P. 130) (L.D. 370)

Signed:

Senators:

SEWALL of Lincoln
CHALMERS of Knox
CARPENTER of Aroostook

Representatives:

KANE of South Portland
COOPER of Windham
ALLEN of Washington
DRINKWATER of Belfast
PARADIS of Augusta
MacBRIDE of Presque Isle
STETSON of Damariscotta
LEBOWITZ of Bangor
PRIEST of Brunswick

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

Signed:

Representative: CARRIER of Westbrook
Came from the Senate with the Majority "Ought Not to Pass" Report read and accepted. Reports were read.

Whereupon, the Majority "Ought Not to Pass" Report was accepted in concurrence.

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:

Judiciary

Bill "An Act to Encourage Retraction of Defamatory Statements" (H.P. 782) (Presented by Representative PRIEST of Brunswick) (Cosponsors: Representative STETSON of Damariscotta, Senators MAYBURY of Penobscot and TRAFTON of Androscoggin) (Ordered Printed)
Sent up for concurrence.

Legal Affairs

Bill "An Act to Provide for the Sale of Low-alcohol-content Liquor in Liquor Stores" (H.P. 783) (Presented by Representative BOST of Orono) (Cosponsors: Representatives ROLDE of York, MICHAUD of Medway and Senator ANDREWS of Cumberland) (Ordered Printed)
Sent up for concurrence.

State Government

Bill "An Act to Provide for Legislative Oversight Prior to the Implementation of Departmental Rules" (H.P. 784) (Presented by Representative LEBOWITZ of Bangor) (Cosponsors: Representatives GWADOSKY of Fairfield, KIMBALL of Buxton and Senator BROWN of Washington)

Bill "An Act Providing for the 1985 Amendments to the Finance Authority of Maine Act" (H.P. 785) (Presented by Representative GWADOSKY of Fairfield) (Cosponsors: Senator CLARK of Cumberland, Representatives DILLENBACK of Cumberland and HAYDEN of Durham) (Submitted by the Finance Authority of Maine pursuant to Joint Rule 24) (Ordered Printed)
Sent up for concurrence.

Taxation

Bill "An Act to Exempt State Agencies from the State Gasoline Excise Tax" (H.P. 786) (Presented by Representative HIGGINS of Portland) (Cosponsors: Senators DANTON of York, TWITCHELL of Oxford and Representative THERIAULT of Fort Kent) (Submitted by the Department of Conservation pursuant to Joint Rule 24) (Ordered Printed)
Sent up for concurrence.

Reports of Committees**Unanimous Ought Not to Pass**

Representative BROWN from the Committee on Education on Bill "An Act to Prohibit School Administrative Units from Discriminating Against the Spouse of an Employee" (H.P. 160) (L.D. 194) 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 RICHARD from the Committee on Utilities on Bill "An Act Relating to the Authority of the General Counsel of the Maine Public Utilities Commission" (H.P. 127) (L.D. 152) reporting "Leave to Withdraw"

Representative COLES from the Committee on Marine Resources on Bill "An Act to Revise the Lobster Fund" (H.P. 48) (L.D. 54) reporting "Leave to Withdraw"

Were 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 Judiciary reporting "Ought Not to Pass" on Bill "An Act to Exempt Clergy from Jury Duty" (H.P. 360) (L.D. 480)

Signed:

Senators:

CARPENTER of Aroostook
CHALMERS of Knox
SEWALL of Lincoln

Representatives:

ALLEN of Washington
COOPER of Windham
PRIEST of Brunswick
LEBOWITZ of Bangor
MacBRIDE of Presque Isle

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-28) on same Bill.

Signed:

Representatives:

KANE of South Portland
CARRIER of Westbrook
PARADIS of Augusta
DRINKWATER of Belfast
STETSON of Damariscotta

Reports were read.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Paradis.

Representative PARADIS: Mr. Speaker, I move that the House accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Medway, Representative Michaud.

Representative MICHAUD: Mr. Speaker, Men and Women of the House: This bill, "An Act to Exempt Clergy from Jury Duty" is my bill. I talked to the two Chairmen of the Judiciary Committee and they want to take a look at all the exemptions under jury duty so I will go along with the "Ought Not to Pass" Report.

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

Representative CARRIER: Mr. Speaker, Members of the House: I really don't understand how come that motion was made when the party is on the other side. The fact is, ladies and gentlemen, that this bill is a very simple bill and it is to exempt the clergy from doing jury duty. The fact is that apparently this bill that they want to put in to study the others that are exempt from it, such as dentists, lawyers, and many, many others — I just don't think that is the way to go. They had the opportunity to do something when this bill was in front of the committee. One thing you do have to consider is that it does have to go in front of the counsel if you present the bill but there is no guarantee that such a thing would be allowed to come before us.

I personally believe that the clergy should be exempt from jury duty because I truly believe that their role in life is not one that would put them in a position to give a fair verdict on cases that would come before them. I say that because I am very close to some clergy. I think that these people are dedicated and promote what they believe in and they put all their abilities in order to forgive rather than punish. But I think that punishment, in many cases such as some you read in the paper everyday, that punishment is the only right way to go at this particular time. There is a big demand for punishment today. It serves as a deterrent and is justified — if you don't think it is, ask the people that are hurt by some of the crimes that are being committed.

I think the clergy should be exempt because I think they could only sympathize with the people that do wrong. I think their position is right. I think that we all share to a point but I truly hope that you vote against the motion on "Ought Not to Pass" so we can go on and try to pass this bill even though the other body had voted against it. That does not mean they

are always right.

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

On motion of Representative Kane of South Portland, tabled pending the motion of the Representative from Augusta, Representative Paradis, that the House accept the Majority "Ought Not to Pass" Report and specially assigned for Tuesday, March 26, 1985.

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

Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of York County for the Year 1985 (H.P. 754) (L.D. 1060)

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. 132 voted in favor of the same and 2 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill "An Act to Redefine Deadly Force" (H.P. 172) (L.D. 206)

Signed:

Senators:

CARPENTER of Aroostook
CHALMERS of Knox
SEWALL of Lincoln

Representatives:

COOPER of Windham
PRIEST of Brunswick
MacBRIDE of Presque Isle
KANE of South Portland
PARADIS of Augusta
ALLEN of Washington

Minority Report of the same Committee reporting "Ought to Pass" in New Draft (H.P. 772) (L.D. 1074) on same Bill.

Signed:

Representatives:

DRINKWATER of Belfast
LEBOWITZ of Bangor
STETSON of Damariscotta
CARRIER of Westbrook

Reports were read.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Paradis.

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: I move that the House accept the Majority "Ought Not to Pass" Report.

It was the feeling of the majority of the Judiciary Committee that we ought not to make a change in the present statutes regarding the use of deadly force. This is a very sensitive area of law and it is a very sensitive area of person to person relations when you have somebody on your property that you do not know.

Presently, and I will do the best that I can to explain this to you, — if someone is in your house, the law and the courts support you using the maximum amount of force that you can use to protect yourself, your family, your belongings, there is a no problem there. If there is an intruder, stranger, anyone, that is in your house that you do not want to have there, you can use the force that you need to protect yourself. No one on the committee, Majority or Minority had any problem with that.

The bill presently before us this morning deals with what type of force that we can use outside of our house on our property. If someone is at the door knocking or someone is trying to open a window, if someone is in

your garage, someone is attempting to steal your coon cat, someone is attempting to steal your vehicle or livestock, this is where the gray area comes in — how much force can we use? The committee puts a great deal of emphasis on the preservation of human life. If it is 3:00 a.m. and someone is knocking on your door, it is dark, there are no lights, you do not know who it is, you ask a question and there is no answer, if you take a gun and shoot the person, not intending to kill the person, just wound the person, that is very subjective — you, shoot, kill the person, that is a serious, serious thing that has happened. No one debated that but yet a human life has been taken, it might be a person looking for assistance because his or her car has broken down or it may be 10 below zero, which is not uncommon two or three months of the year, and they are severely hurting or they might be completely confused, it might be a mental health patient who is lost, needing assistance — should we use that type of force and make it permissible

The SPEAKER: The Chair inquires why the Representative from Damariscotta raises a point of order?

Representative STETSON: Mr. Speaker, I believe the Representative from Augusta, is addressing the bill and not the new draft which is before the body.

The SPEAKER: The Chair would inform the Representative from Damariscotta, Representative Stetson, that the bill and the new draft contain the same title.

The Representative from Augusta may proceed.

Representative PARADIS: Mr. Speaker, if, in any way I erred, I apologize to the Representative from Damariscotta. I have the new draft, L.D. 1074, before me and am looking at it. The signers, and I fully intend to hear from them, have the word permanent bodily injury involved. They only intend to make permanent bodily injury, they don't intend to kill anybody, they don't intend to take a life, they intend to protect themselves and that is the whole issue before us. I do believe, in speaking in behalf of the majority signers of this report, it to be correct that we extend that type of definition when that type of action is not inside of our homes. The law supports an immediate danger to us but when it is something outside on our property, a foot away or a hundred yards away, we must use some discretion because we are talking about something very serious here.

I would urge you to vote for the Majority "Ought Not to Pass" report because of the seriousness of this bill. We have to put a very high degree of value on human life and I think this bill before us puts in question the type of value that we do put on life.

The SPEAKER: The Chair recognizes the Representative from Belfast, Representative Drinkwater.

Representative DRINKWATER: Mr. Speaker, Ladies and Gentlemen of the House: I think the first thing I would like to do today is give you a little history on these two pieces of legislation that we have before us, 206 and 1074.

There was a petitions developed that went throughout the state and when it was returned and all counted, it went something like 1050 people had signed the petition in favor of the original bill, which was 206. Also I believe that a lot of people on the Judiciary Committee received letters and a lot of you people received letters from individuals throughout the state asking for your support. I will stand corrected if I am wrong but the figures that I have before me now is the American Legion, the VFW, the State Grange and the State Farm Bureau who all support L.D. 206.

Having gotten the figures out of the way, I and some other members of the committee realized, as we got into the debate in committee, that support was going to be kind of weak for 206 so, therefore, another member of the committee, along with the legal help from the

committee attorney, put together 1074 which waters it down, putting it mildly, but in hopes of doing something for these several thousands of people that wanted something done. I went along with it in my position as being the original sponsor of 206.

Now what this does is change one word and only one word and that is, "death or serious bodily injury" was there and now it is "death or permanent bodily injury." The reason I went with this, I guess, was when we realized we were not going to get anywhere with the other one within the committee, I went with it because if there was some misunderstanding or something in your mind that said, I am not sure what serious bodily injury is — certainly everybody knows what permanent injury is. I think I would like to throw in a little example. If you are out in the country and you have somebody in your chicken coop and that somebody in the chicken coop is coming out and their hands are sticking out through and you hit them with a tennis racket or a baseball bat or whatever you happen to have on hand, it is a pretty good bet that they are going to have a sore hand and maybe some broken bones and he probably will be right with you when the officers arrive. If you were to take an axe when that hand came out and chopped the hand off, it is pretty easy to understand that that is permanent bodily injury.

I guess you would have to go along with those who worry about somebody getting shot, if you fired at a car, that could result in permanent bodily injury. I believe that is what they were trying to bring out on that.

There certainly are many kinds of examples one could give and I am not going into the insurance law because we have been over that before where you can do a lot of things in the arson law that you can't do in just stealing property.

Therefore, I hope that you people will be able to vote against the motion that is on the floor so that we can vote for the second report, which is 1074, and give these people a little something who want so badly to have some help.

I was talking to one legislator in this body and he said to me, "if the police officer was sitting in his car when we made the call, it would be two hours before he would arrive at your place and I think this is what a lot of people are feeling. I think they feel real strongly about it that it takes so long for an officer to get there sometimes and even if he was just around the corner, he might be late in getting there so, therefore, I know there are other people who would like to speak on this but I would like to urge you to vote against the present motion so you could go along with 1074.

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

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

If my understanding is correct, — say currently if I owned a boat on a mooring and I saw someone stealing my boat, I would not have the capability of taking appropriate physical action to prevent that, we are dealing with an area where we are not talking about property, it is a personal property but it is not on personal property — what is the current status and how would this particular bill, if passed, affect that status?

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

The Chair recognizes the Representative from Damariscotta, Representative Stetson.

Representative STETSON: Mr. Speaker, in answer to the Representative's question, under the new draft, you may not use a gun to protect your property, whether it be your boat, cow, your chicken or your cat, you may not use

a gun. You could use such force as would be necessary to protect your property but would not inflict permanent bodily injury. The difference between serious bodily injury and permanent bodily injury is, I believe, a very material difference in the law because under our present definition of serious bodily injury, it means the impairment of the use of any bodily member, your hand, your arm, your legs. Under the new draft, you might still use such force as might inflict impairment of the use of one's arm or leg or hand but not such as to inflict a permanent injury.

I hope that answers that question.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative MacBride.

Representative MacBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you will not support the new draft to this legislation. I feel more problems can be created by expanding the law for protecting one's property. I fear that people will feel they have the right to do what they wish. I am concerned about the mistakes that can be made if this law is expanded. In protecting your property, is it worth seriously injuring someone by making a mistake? Are you putting the value of your property above the value of life? I have had a burglary in my house so I know how it feels. Fortunately, I wasn't home but it made me think what I could have done if I had been at home. Supposing I had been at home — I am away a lot, I come and go a lot, my family often does not know when I am there — supposing I had come home and my son, son-in-law, or grandchild, when they grow up, had come in to stay all night and I didn't realize they were there, I was frightened and I picked up a baseball bat and did some very serious injury to my children or to a neighbor — I do not have to ask, would it be really worth it to do that to protect the property? I think we need to concentrate instead on preventive measures rather than expanding the law. We need more help with our substance abuse laws and programs which is the cause of many crimes. We need to concentrate on providing more jobs for our people so they will have a more rewarding way of life. We need more innovative programs of prevention.

There is a new program, it really is a pilot program just established in Bangor and it is called Neighborhood Watch and it has been going now for about three months. They have about 62 members. It is part of a national organization that is spreading rapidly. I talked to the leader and he told me that it really is people helping people, watching one another's homes and being effective in preventing burglaries wherever that organization exists. I asked the leader about using force. He said, "we do not take the law into our hands. When we see anything that is suspicious or unusual, we make calls to one another and we all make calls to the police, to the sheriffs or to any law enforcement organization." He said, we also have an organization sticker which we attach to our doors and in a good many areas where this program has been in existence longer, they have found that this is a warning to burglars and is a preventive measure so I think this is one direction which we could go.

I do hope, ladies and gentlemen, that you will not expand this law. There is no basis for it as yet. It will take some court cases to find out just how far it can go and I do feel that the homeowner has adequate protection now.

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

Representative KANE: Mr. Speaker, am I right in thinking that the only report before us now is the Majority Report, which is "Ought Not to Pass" on L.D. 206?

The SPEAKER: The Chair would advise the Representative from South Portland that I already have made that decision, that if the

Majority Report is accepted, the Minority Report is nowhere around, — the issue is deadly force and you may decide to discuss either side of the issue.

Representative KANE: Okay, fine. Mr. Speaker, Members of the House: If we are going to discuss either one, then I think the only thing to focus on is in the Minority Report because the Majority Report is so obviously clear, we are just trying to kill the whole bill and in the Minority Report, which is supported by Representative Drinkwater, among others, I don't know whether it would allow a person to have his hand cut off for stealing a chicken but it might, but the only change it takes out is serious bodily injury and it puts in permanent bodily injury. I think the main point to be made about this is that were we to buy this argument, it is a complete abdication of our legislative responsibility to define what goes into the law. This change to bodily injury in this report is not accompanied by definition of permanent bodily injury. The statute does have a definition of serious bodily injury so what we are doing is, in effect, saying 900 people from Waldo County signed letters, they are concerned about this, so we are going to show them our concern by changing one word to another word, not providing any definition and leaving it up to those people who happen to sit on the court over the next few years to decide what we meant when we really don't know ourselves. It is an unconscionable abdication of our responsibility and I urge you to support the Majority Report and kill the whole bill.

The SPEAKER: I would like to pose a question through the Chair to the Representative from Presque Isle, Representative MacBride.

Does the Representative from Presque Isle understand that she could still use the baseball bat or the gun in protection of her home? The case she kept referring to was her own situation. A burglar in her home. She kept referring to burglars. This bill in new draft does not affect that. Does she understand that this does not affect that right to use deadly force within the home?

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative MacBride.

Representative MacBRIDE: Yes I do. I understand that you can use a baseball bat anywhere under the new draft. Is that correct?

The SPEAKER: The Chair recognizes the Representative from Damariscotta, Representative Stetson.

Representative STETSON: Thank goodness it is correct.

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, obviously, 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 pending question before the House is the motion of the Representative from Augusta, Representative Paradis, that the House accept the Majority "Ought Not to Pass" Report.

Those in favor will vote yes; those opposed will vote no.

ROLL CALL No. 12

YEAS:—Aliberti, Allen, Baker, H.R.; Begley, Bott, Boutillier, Brannigan, Brodeur, Carroll, Cashman, Chonko, Coles, Connolly, Cooper, Cote, Crouse, Daggett, Descoteaux, Diamond, Foster, Gwadosky, Hale, Handy, Hayden, Hickey, Gholund, Holloway, Jacques, Joseph, Kane, Lacroix, Lawrence, Lisnik, MacBride, Manning, Mayo, McGowan, Melendy, Michael, Michaud, Mills, Mitchell, Moholland, Murray, Nadeau, G.G.; Nadeau, G.R.; Nelson, O'Gara, Paradis, P.E.; Paul, Pouliot, Priest, Reeves, Richard, Ridley, Rioux, Rolde, Rydell, Simpson,

Stevens, P.; Tardy, Taylor, Vose, Warren, Webster, Willey

NAYS:—Armstrong, Baker, A.L.; Bell, Bonney, Bragg, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Carrier, Carter, Clark, Conners, Crowley, Davis, Dellert, Dexter, Dillenback, Drinkwater, Duffy, Erwin, Farnum, Foss, Greenlaw, Harper, Hepburn, Hichborn, Higgins, L.M.; Hillock, Ingraham, Jackson, Jalbert, Lander, Law, Lebowitz, Lord, Macomber, Masterman, Matthews, McCollister, McHenry, McPherson, McSweeney, Murphy, E.M.; Murphy, T.W.; Nickerson, Paradis, E.J.; Parent, Perry, Pines, Racine, Randall, Rice, Roberts, Rotondi, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soucy, Sproul, Stetson, Stevens, A.G.; Stevenson, Strout, Swazey, Tammara, Telow, Theriault, Walker, Wentworth, Weymouth, Whitcomb, Zirnklilton

ABSENT:—Beaulieu, Bost, Higgins, H.C.; Kimball, Martin, H.C.; Nicholson, Ruhlin, The Speaker

66 voted in favor and 77 against with 8 being absent, the motion did not prevail.

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

Representative CARRIER: I move the acceptance of the "Ought to Pass" Report.

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

Representative KANE: I would like to address a question through the Chair to either Representative Stetson or Representative Carrier. I would like either one of those gentlemen to explain to the body what this Amendment does.

The SPEAKER: The Representative from South Portland, Representative Kane has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Damariscotta, Representative Stetson.

Representative STETSON: Mr. Speaker, Ladies and Gentlemen of the House: I am glad that the Representative from South Portland asked that question because it illustrates that the majority of the committee just didn't understand what this does.

What this bill does is simply send a message to all of the people in the State of Maine that we hear them. We hear them telling us that the scales are loaded against the private citizen and in favor of the criminal. We hear them telling us we need protection. This simply says that in protecting your property and it may be a thief running out the back door or even out the front door with the family jewels, if you catch him going out there, you can slow him down. That is what this bill permits. It does not permit you to use a gun, it does not permit you to use such force as to even suggest killing of the culprit, but only to slow him down.

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

Representative KANE: I would like to address a question through the Chair to Representative Stetson from Damariscotta.

My question is this and it is really very much the same it was before, what is the difference in the law? What would be the difference in the law, as the law stands now and as the law would stand, were this to pass? In what specific instance would the people about whom you are so concerned be able to do something different? When would they be able to use deadly force where they are not allowed to use it now? What degree of force would they be able to use in specific situations which they can't use now were this to pass?

The SPEAKER: The Representative from South Portland, Representative Kane, has posed additional series of questions to the Representative from Damariscotta, Representative Stetson who may respond if he so desires.

The Chair recognizes that Representative.

Representative STETSON: Mr. Speaker, I am afraid we are going to be here until late in the afternoon but I will attempt to explain it. This would permit the infliction of bodily injury, which under our present law, would be called deadly force if it resulted in a broken arm or a broken ankle. This would permit you to use that amount of force even though the amount of force might be calculated to result in that kind of injury, namely, the impairment of the use if a member of the body, namely, the arm or the hand or the foot or the knee, whatever, so long as you don't use that kind of force which would inflict a permanent injury such as maiming, such as dismemberment, such as any kind of force that would be designed to permanently impair that person's ability to function. Now this bill does not allow you to use a gun. It does not allow you to use a gun. I submit that this piece of paper that was distributed by somebody, probably from the majority, but simply is of no value in determining this issue. Now I suggest that the issue is clear cut. It simply says you may use a little more force than the present definition but you may not use the force that would be contemplated to kill the culprit.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair to anybody that can answer. Do the police officers of the state presently have the same powers that this particular amendment would have?

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

The Chair recognizes the Representative from South Portland, Representative Kane.

Representative KANE: Mr. Speaker. With regard to the question of the Representative from Portland, Mr. Manning, this bill won't change, as far as I can tell, the powers of the policemen in the State of Maine at all.

And my question to Representative Stetson is, how does it change the powers of the average citizen? I probably should ask for special permission because this is the third time I am asking the same question. I can't seem to get an answer. What practical effect in a given hypothetical situation will this bill have were it to pass? I personally think we have a rather serious responsibility not to just throw around words and criminal statutes because we want to send a message, so called, to people out there who are concerned. Granted, people may be concerned about this and we can respond to their concern. But I think this is an incredibly tawdry and not well thought out response to people who do have a genuine concern. No one in this body can go with a straight face to these people, whether they are in Waldo County or in Cumberland County, and say to them this is what we have done to you with this bill. Because nobody can stand up here and say what this bill does. I think it is incredible that anybody can even take this thing off the committee in this sort of form. But I think that it is even more incredible that anybody that can recommend to his colleagues in here that we should vote for this and enact this into law without more understanding of what we are doing. The proponents don't know what it does.

The SPEAKER: The Chair recognizes the Representative from Washington, Representative Allen.

Representative ALLEN: Mr. Speaker, Men and Women of the House: I am one member of the Majority Report that knew what they were doing when they signed this bill. I am also a member of the Majority Report who had a really difficult time deciding which report I was going to go with.

The original bill as proposed by Representative Drinkwater actually made a substantive change in the law. The amended version that you have before you simply changes one word. Serious to permanent. Who can define permanent? And while you are defining permanent, can you tell me how hard I should swing my baseball bat? Where should I stop? Between the time I am actually breaking an arm and paralyzing that arm? Can anyone tell me that? Or if you can't tell me that, what kind of permanent injury would I inflict if I hit you across the head? Am I strong enough to cause a permanent injury to your head or am I not? The question that Representative Kane asked repeatedly and the one that can't be answered is, this Bill in practical effect does nothing except perhaps cause some more litigation to go through the courts because other than that it does nothing.

Now I empathize and I sympathize and I care about those people who feel frustrated. But they don't feel frustrated with the deadly work force as it is, because the deadly force law as it is works. What they feel frustrated with is rural law enforcement. I know that because I come from a town with less than 1000 people. We are 25 miles from the nearest law enforcement and they don't like to come out to town because there is some kind of blackout in the radio. So believe me, I feel isolated and I feel unprotected at times. But the way to cure those frustrations is not to pass this ill conceived bill that in practical effect does nothing except give the law court something more to decide later on and take that responsibility out of our hands. I think if we are going to make a substantive change, that we ought to do it. But if we are just passing this piece of legislation as some kind of message to people that we care, well there are those of us on the Majority Report that want to send that same message. We care too.

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

Representative CARRIER: Mr. Speaker and Members of the House: I wish to try to explain to you what this law is. I don't agree with the people that say we don't know what was presented to us. If you are not familiar with the law, that is your trouble. I know what the present law says and I also know what the amendment does to that particular law. Let me explain to you that, under the present law, deadly force, you can get away with it. You can kill somebody and you can get away with it. Because as the beautiful paper that was distributed to us, which was no great works from anyone but it says in there and it is true, that you can, if you come upon my property, and for some reason or other I happen to kill you, I have to be the nice guy and ask you to leave please. I am not that type of fellow. So the thing is, that if it happens that you do kill somebody, that they die say from injuries, then you are liable for what? Are you liable for killing somebody? Hey, you can go to court and say, I never had the intent to kill anybody. So actually, as much as this amendment weakens the present law that we have, and it does weaken it, because it says to make it a permanent injury. If you don't know the difference between a serious and a permanent injury, there are a lot of permanent injuries that are not serious. The fact is, let's not buy time by arguing about this bill. With this bill, you either believe people have the right to protect their property, — it would be by error for somebody to want to permanently injure somebody. What they want is, they want their property. They want persons off their grounds and they want the protection of the law. This is what 1074 does. Actually it weakens the present law that we have on the books. But it weakens it in such a way that it is correct. Now if it is so hard for some people to understand what the difference is on this and to say that the amend-

ment does nothing, that is truly incorrect. As it is, people say deadly force works. Did we ever use deadly force? Do you actually want to go home and find somebody stealing tires off your car and you can't do nothing but be frustrated and probably swear to yourself and cry if you want to. You want to be able to do something. Now we are talking about, let's say, personal property. What if somebody came in your house, you go in there and you see your family being threatened by some of these people, what are you supposed to do? Ask the guy to leave? He isn't going to be able to leave if he comes down to my house, I'll tell you. And that's the feeling ladies and gentlemen of the people of this state who want protection. They are not killers. They value life just as much as any of us. But they surely want to be protected. If it isn't so, we wouldn't have all these laws to ask for injunctions and to ask for all kinds of things from the judiciary.

I have no trouble with this bill. I understand it. I think others understand it too. I don't want to put anybody in a category that they don't understand. But if they don't understand, before they get up here and argue about the bill, let them study the bill and let them understand what the bill tries to do and compare and if you don't agree with us, that's okay too. I am telling you that I think this is better than the bill we have on the books now. It is all a matter of approach. How are you going to use what kind of force in order to protect your property. Most of us have worked so hard and so long and value whatever we have that we want to give it the best try to protect it. I submit to you that this is a good bill and I hope you vote ought to pass.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Brodeur.

Representative BRODEUR: Mr. Speaker. I request a division and would like to pose a question through the Chair.

Does any member of this body know of any way a person can injure another person with a guarantee that there will not be permanent bodily injury?

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

The Chair recognizes the Representative from Westbrook, Representative Carrier.

Representative CARRIER: Mr. Speaker and Members of the House: It is a question that can't be answered. Where are we going to guarantee? Guarantees do not apply to this type of a law. Guarantees are like warranties. You don't warrant somebody's life, you don't warrant anything else and you don't guarantee anything. So the answer might be properly asked but it doesn't apply to this type of situation.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Warren.

Representative WARREN: Mr. Speaker. This is a lawyer's bill. I am pleased to say that before this body today. In answer to the question from the Representative of Auburn, Representative Brodeur, there is no way in my experience of practicing law that any lay person or even an M.D. can predict with any certainty whether the result of a physical action will result in merely a serious injury or perhaps a permanent injury. I have had occasion in personal injury cases and also criminal defense cases of trying to answer this question. In those occasions, I have asked both people who are active in the karate field, the martial arts and also in the M.D. field to ask them as to whether they can ever predict with any certainty whether an action will result in a serious or perhaps a permanent injury. It just can't be done. I submit to this House that if an M.D. or a karate expert or if a police officer can't predict what their actions will result in, how

can a member of this legislature pass a law creating a situation in which a lay person will be called upon to predict that same question? With this in mind, I would urge the House to accept Representative Paradis' motion and to accept the committee's "Ought Not to Pass" Report.

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

Representative SCARPINO: Mr. Speaker. Men and Women of the House. I really wasn't going to speak on this bill, but I have been listening to people ask a question all the way through this and that is, how do we know that the responsible citizen isn't going to hurt the lawbreaker? To me, that is not the intent of this law. The intent of this law is to make the person who knowingly and willfully and intentionally attempts by breaking the law to deprive another person of his property. To make that person say, is it worth it to me to risk injury to get that illegal financial gain? This is what the question is. Any piece of legislation that we pass that is going to make the criminal stop and think and say, is it worth it to me, there is a price, I think is worthy of support.

I personally hope you would support the Minority Report on this, pass it through so we can get on with the process.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative McHenry.

Representative McHENRY: Mr. Speaker. Ladies and Gentlemen of the House. I too believe something should be done. By passing this I believe that what we are doing, we are putting ourselves up for suit. And how does an old person protect his or her property? Can you imagine an old person 80 years old going out with a bat against a young hoodlum? I think you would have to pass legislation to permit these people to have shotguns loaded with salt maybe. But I have a hard time voting for this to pass the way it is unless somebody corrects the bill by amending in second reader, I won't be able to support it, which I would love to support.

I would request a roll call.

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, obviously, more than one-fifth of the members present and voting have expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Murray.

Representative MURRAY: Mr. Speaker. I would just like to read briefly the definition that is in the present law. The definition reads: "a bodily injury which creates a substantial risk of death or which causes serious permanent disfigurement, a loss or substantial impairment of the function of any bodily member or organ or extended convalescence necessary for recovery of physical health." That is the definition of serious bodily injury which is in the law right now. I don't understand what the difference of changing that would be. The definition is clear that what they are talking about is something serious that may include permanent disfigurement. The present law covers it and I see no need to change that present law with the new draft.

The SPEAKER: The pending question before the House is the motion of the Representative from Westbrook, Representative Carrier, that the House accept the "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL No.13

YEAS:—Armstrong, Baker, A.L.; Bell, Bon-

ney, Bragg, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Carrier, Carter, Clark, Connors, Crowley, Davis, Dellert, Dexter, Dillenback, Drinkwater, Erwin, Farnum, Foss, Greenlaw, Hepburn, Hichborn, Higgins, L.M.; Hillock, Ingraham, Jackson, Jalbert, Lander, Law, Lebowitz, Lord, Macomber, Masterman, Matthews, McCollister, McHenry, McPherson, McSweeney, Moholland, Murphy, E.M.; Murphy, T.W.; Nickerson Paradis, E.J.; Parent, Perry, Pines, Racine, Randall, Rice, Ridley, Rioux, Roberts, Rotondi, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soucy, Sproul, Stetson, Stevens, A.G.; Stevenson, Strout, Swazey, Tammaro, Theriault, Wentworth, Weymouth, Whitcomb, Zirkilton

NAYS:—Aliberti, Allen, Baker, H.R.; Begley, Bott, Boutilier, Brannigan, Brodeur, Carroll, Cashman, Daggett, Chonko, Coles, Connolly, Cooper, Cote, Crouse, Daggett, Descoteaux, Diamond, Duffy, Foster, Gwadodsky, Hale, Handy, Harper, Hayden, Hickey, Hoglund, Holloway, Jacques, Joseph, Kane, Lacroix, Lawrence, Lisnik, MacBride, Manning, Mayo, McGowan, Melendy, Michael, Michaud, Mills, Mitchell, Murray, Nadeau, G.G.; Nadeau, G.R.; Nelson, O'Gara, Paradis, P.E.; Paul, Pouliot, Priest, Reeves, Richard, Rolde, Rydell, Simpson, Stevens, P.; Tardy, Taylor, Telow, Vose, Walker, Warren, Webster, Willey, The Speaker

ABSENT:—Beaulieu, Bost, Higgins, H.C.; Kimball, Martin, H.C.; Nicholson, Ruhlin,

76 voted in favor and 68 against with 7 being absent, the motion to accept the Minority "Ought to Pass" Report did prevail. The New Draft was read once and assigned for Second Reading Tuesday, March 26, 1985.

Divided Report

Majority Report of the Committee on State Government reporting "Ought Not to Pass" on Bill "An Act Designating the Maine Coon Cat as the State Cat" (H.P. 199) (L.D. 233)

Signed:

Senators:

KANY of Kennebec

ANDREWS of Cumberland

Representatives:

LACROIX of Oakland

HICHBORN of LaGrange

COTE of Auburn

NADEAU of Saco

WENTWORTH of Wells

SPROUL of Augusta

GWADOSKY of Fairfield

BOUTILIER of Lewiston

DILLENBACK of Cumberland

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

Signed:

Senator:

HICHENS of York

Representative:

DESCOTEUX of Biddeford

Reports were read.

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Gwadodsky.

Representative GWADOSKY: Mr. Speaker. I move that the House accept the Majority "Ought Not to Pass" Report.

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

Representative RACINE: Mr. Speaker. Ladies and Gentlemen of the House: I rise to speak against the pending motion because I feel we should officially recognize the Maine Coon Cat as our state cat. The legislature established a precedent when it adopted official state symbols as early as 1885 when the white pine cone and tassel became the state flower. Over the preceding years, there were other things adopted such as the Chickadee, the state fish, the white pine, tourmaline and also the honey bee was chosen as the state insect over the monarch butterfly and also the moose became our state animal. To the best of my knowledge,

none of the adopted state symbols are exclusively identified or associated with this state. As an example, the white pine tree is the official state tree of Maine, Idaho and Michigan. Our state insect the honeybee is also Wisconsin's, South Dakota, Nebraska, North Carolina and New Jersey's insect. Our state bird, the chickadee, is also Massachusetts' state bird.

It appears that official state symbols are adopted primarily on the political aspect rather than its uniqueness, origination or association with any state. This cat has been known as the Maine Coon since it first appeared in the 1800's. You certainly can't deny that it is associated with this state. It is the only domestic animal that I know of that is identified with a specific state. It has been part of our Maine heritage close to two hundred years and it is about time we give official recognition to an animal that should have been recognized a long time ago. If Massachusetts can adopt the Boston Terrier as its state dog, we certainly should honor the Maine Coon in a similar manner. The people in this state are generally supportive in this measure. In a public opinion poll conducted by Channel 6, WCSH, TV, on February 18, out of 472 calls that were made, an overwhelming 79% approved recognizing the Maine Coon as the state cat. I believe that this is a good indication that the public wants this legislation. I would urge you to vote against the pending motion.

I request a division.

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Gwadodsky.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I just had a feeling that this bill was going to come up on a Friday afternoon.

This is a bill, which I think I can say by no stretch of the imagination, we spend a great deal of time on. We did have a public hearing on this bill as we do every bill that comes before our committee and it was a public hearing that was well attended particularly by members of the media and I think that I speak for the majority of those people who voted against this bill in committee when I say, that if the Maine Legislature really has a burning desire to adopt a state cat, that the Coon cat is as good as any. I think our objections stem from the observation of our committee that we have a backlog of legislation we are dealing with now, substantive legislation, and we are under some time constraints to complete that, we are no different than any other committee, everybody is busy and if there is a trend in the future, it is going to be toward more complex and more legislation with greater scope and I guess we question whether or not we want to be dealing with this type of legislation on a regular basis.

It is a fun bill and I am the first to admit that we need a lighter moment down here on occasion but I think the majority members of the committee who voted against the bill really think we are setting a precedent here today by selecting a domestic household animal to be a state animal. I think it is a precedent that is going to lead to a greater proliferation of pet bills and I think that is an inappropriate use of our time.

The SPEAKER: The Chair recognizes the Representative from Kingfield, Representative Dexter.

Representative DEXTER: Mr. Speaker, Men and Women of the House: It seems just a few short days ago a bill went through this House about a fossil that was a 100 million years old without a single bit of debate and, all of a sudden, here we have an animal, native to the State of Maine, and we don't have time to debate it. It says here, the temperament of the coon cat is usually shy, quiet and intelligent — of course, that leaves most of us out in this body, I guess.

The SPEAKER: The Chair recognizes the Representative from Augusta, Representative Sproul.

Representative SPROUL: Mr. Speaker, Men and Women of the House: I wasn't planning to speak on this issue but the Representative from Kingfield raised a valid point, one which went before the same committee. I submit to the good gentlemen from Kingfield that there are certain differences. First of all, the state fossil certainly is native to Maine. It is the ancestor of our state tree and it was discovered by a University of Maine biologist. It is found in the Baxter State Park area. That had some strong reasons as to why we felt it should pass.

This, if you read the information that they have delivered, this really — I suppose now it is a native, it has been more than three generations, but originally this cat had its origins, not in Maine, but in Asia, and that was another reason we decided not to do it.

A final reason we did it was because that a cat is an animal. We already have a state animal and I concur with the gentlemen from Fairfield that to pass this is going to bring, I am afraid, an avalanche of similar bills before us.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Higgins.

Representative HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: At the risk of prolonging the debate any longer, I do feel that it is important to respond to some extent to the gentlemen from Fairfield, Mr. Gwadosky's comments a few moments ago. We are all aware that there certainly are heavier items on our mind than this perhaps and whether or not we have a proliferation of other bills of a similar nature is presumptuous at best at this point in time. Some of the other bills that we have dealt with this year, the state fossil, which was mentioned earlier, we created a seamen's memorial day and several years ago, you might all remember the extremely heavy debate over whether or not there ought to be a Chester Greenwood Day in the town of Farmington. All of those are similar in nature, I might suggest, to this particular item but I don't think they are below us, I don't think if you look at the scheme of things in peoples minds — I was up to Shaw's parking lot the other night on my way home and I was walking through the parking lot and looking at bumper stickers on cars and a lot of us seem to think that you walk through the parking lots out here, you would see Mitchell, Cohen or Reagan or Mondale or whatever the case might be, that is our particular thing, but if you walk through general downtown Scarborough, Portland, or Augusta, at Shaw's parking lot, you will see "I love my dog" or "I love my cat" or something like that — people care about their family and they care about their pets. While this may seem a bit trivial in nature, I think that you will find that the bulk of the people out there do take pride in state things and I think you can certainly say that the Maine Coon Cat is something that does belong apparently to the State of Maine. So despite all the arguments you might here in the lopsided committee report, I really hope that you vote no on the pending motion and give this bill a chance to live and, hopefully it will have more than one life today.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the Representative from Fairfield, Representative Gwadosky, that the House accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Murphy.

Representative MURPHY: Mr. Speaker, under provisions of Joint Rule 10, I ask permission of the House to be excused.

The SPEAKER: The Chair is aware of the fact and the Chair will grant the request of the Representative from Kennebunk, Representative Murphy, to be excused from voting

because of a potential conflict of interest.

The SPEAKER: The pending motion before the House is the motion of the Representative from Fairfield, Representative Gwadosky, that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

57 having voted in the affirmative and 71 in the negative, the motion did not prevail.

Thereupon, the Minority "Ought to Pass" Report was accepted, the Bill read once.

Under suspension of the rules, the Bill was read a second time, passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Consent Calendar

First Day

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

(H.P. 593) (L.D. 863) Bill "An Act to Clarify the Status of Newspapers Carriers under the Unemployment Compensation Act" Committee on Labor reporting "Ought to Pass" (Representative Beaulieu — of the House — abstaining)

There being no objections, the above item was ordered to appear on the Consent Calendar of Tuesday, March 26, 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. 132) (L.D. 157) Bill "An Act to Amend the Town Manager Plan Under the Municipal Law"

(H.P. 315) (L.D. 404) Bill "An Act to Require Legislative Confirmation of the Commissioners and the Director of the Maine State Lottery" (C. "A" H-29)

(H.P. 296) (L.D. 385) Bill "An Act to Permit the Department of Corrections to Accept Certain Categories of United States Prisoners"

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.

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

Passed to Be Enacted

Emergency Measure

An Act Making Appropriations from the General Fund and Changing Certain Provisions of the Law Necessary for the Proper Operation of State Government for the Fiscal Years Ending June 30, 1985, and June 30, 1986 (S.P. 386) (L.D. 1056)

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

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Murphy.

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

On this legislative document, 1056, Page 7, Line 27, could the members of this House be given a breakdown of that appropriation?

On motion of Representative Carter of Winslow, tabled pending passage to be enacted and specially assigned for Tuesday, March 26, 1985.

Emergency Measure

An Act to Establish the Cost of the 1985 Spruce Budworm Suppression Project and to Provide Operating Funds for the Spruce Budworm Management Program (H.P. 348) (L.D. 469) (S. "A" S-18 to C. "A" H-18)

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 none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

An Act Relating to Legislative Plate Assignment Under the Motor Vehicle Laws (H.P. 740) (L.D. 998)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 111 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Cumberland County for the Year 1985 (H.P. 753) (L.D. 1059)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all was taken. 114 voted in favor of the same and 7 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

An Act to Allow the Department of Corrections to Release Certain Information Pertaining to its Inmates which is a Matter of Public Record (H.P. 35) (L.D. 37) (C. "A" H-23)

An Act to Extend the Shoreland Zone in some Municipalities (H.P. 165) (L.D. 199) (C. "A" H-25)

An Act to Clarify Accidental Death Benefits Payable to Spouses and Children of Members (H.P. 230) (L.D. 271) (C. "A" H-21)

An Act to Assess the Impact of Agricultural Chemicals and Practices on Ground Water (H.P. 294) (L.D. 383) (C. "A" H-24)

An Act to Clarify Restoration to Service Provisions for Recipients of Disability Allowances and Recipients of Retirement Allowances (H.P. 325) (L.D. 442) (C. "A" H-22)

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

Orders of the Day

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

Bill "An Act to Establish a Maine Rivers Grants Program" (Emergency) (H.P. 100) (L.D. 125) (C. "A" H-12) (H. "A" H-26)

TABLED—March 20, 1985 by Representative DEXTER of Kingfield.

PENDING—Passage to be Engrossed.

On motion of Representative Michaud of Medway, retabled pending passage to be engrossed and specially assigned for Wednesday, March 27, 1985.

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

An Act Relating to Retirement Benefits of Superior Court Employees" (H.P. 81) (L.D. 101)

TABLED—March 21, 1985 by Representative McCOLLISTER of Canton.

PENDING—Passage to be Engrossed.

On motion of Representative Hickey of Augusta, retabled pending passage to be engrossed and specially assigned for Wednesday, March 27, 1985.

Bill Recalled from Legislative Files

(Pursuant to Joint Order House Paper 770)

Bill "An Act Establishing Educational Scholarships for Children of Firefighters and Police Officers who Die in the Performance of Their Duty" (H.P. 478) (L.D. 681)

On motion of Representative Diamond of Bangor, referred to the Committee on Education, Ordered Printed, and sent up for concurrence.

(Off Record Remarks)

On motion of Representative Swazey of Bucksport.

Adjourned until Tuesday, March 26, 1985 at nine o'clock in the morning.
