

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 26, 1985

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

Prayer by Reverend Christian Roy, Holy Family Catholic Church, Lewiston.

Pledge of Allegiance.

Quorum called; was held.

The Journal of Friday, March 22, 1985 was read and approved.

Papers from the Senate

Bill "An Act to Clarify the Laws Requiring Certification of Seed Potatoes" (S.P. 395) (L.D. 1105)

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

Was referred to the Committee on Agriculture in concurrence.

Bill "An Act Making Allocations Related to the Alcoholism Prevention, Education, Treatment and Research Fund for the Expenditures of State Government for the Fiscal Years Ending June 30, 1986, and June 30, 1987" (Emergency) (S.P. 391) (L.D. 1090)

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 Clarify the Law Regarding Peer Review Immunity Under the Maine Health Security Act" (S.P. 397) (L.D. 1107)

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

Was referred to the Committee on Human Resources in concurrence.

Bill "An Act Concerning Compelling Evidence in Criminal Proceedings" (S.P. 392) (L.D. 1091)

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

Was referred to the Committee on Judiciary in concurrence.

Bill "An Act to Repeal the Minimum Size for Scallops" (S.P. 393) (L.D. 1092)

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

Was referred to the Committee on Marine Resources in concurrence.

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for Staggered 4-year Terms for Senators (S.P. 394) (L.D. 1093)

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

Was referred to the Committee on State Government in concurrence.

Bill "An Act Relating to Initial Plates under the Motor Vehicle Law" (S.P. 396) (L.D. 1106)

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

Was referred to the Committee on Transportation in concurrence.

Unanimous Ought Not To Pass

Report of the Committee on Fisheries and Wildlife reporting "Ought Not to Pass" on Bill "An Act to Discourage Violation of Wildlife Laws" (S.P. 74) (L.D. 170)

Report of the Committee on Transportation reporting "Ought Not to Pass" on Bill "An Act to Reimburse Public Utilities for the Costs of Relocating Facilities as a Result of State Highway Construction" (S.P. 101) (L.D. 299)

Report of the Committee on Transportation reporting "Ought Not to Pass" on Bill "An Act to Require that Motor Vehicle Operators Turn

on Their Headlights During Inclement Weather" (S.P. 80) (L.D. 175)

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

Unanimous Leave to Withdraw

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act to Remove the Age Limitation for Apprenticeship Programs in the Maine Human Rights Act" (S.P. 53) (L.D. 72)

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

Ought to Pass as Amended

Report of the Committee on Agriculture reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-19) on Bill "An Act Relating to Agricultural Apprenticeship and Training" (S.P. 52) (L.D. 71)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-19) as amended by Senate Amendment "A" (S-24) thereto.

Report was read.

On motion of Representative Michael from Auburn, tabled pending acceptance of the "Ought to Pass" Report and tomorrow assigned.

Ought to Pass as Amended

Report of the Committee on State Government reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-21) on RESOLVE, Authorizing the Conveyance of a Certain Unused Building and Land Owned by the State to the Town of Wells (S.P. 175) (L.D. 467)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed.

Report was read and accepted and the Resolve read once. Committee Amendment "A" (S-21) was read by the Clerk and adopted. The Resolve was assigned for Second Reading tomorrow.

Messages and Documents

The following Communication:

STATE OF MAINE

DEPARTMENT OF LABOR

AUGUSTA, MAINE 04333

March 22, 1985

The Honorable John L. Martin

Speaker of the House

112th Legislature

Augusta, Maine 04333

Dear Speaker Martin:

The Bureau of Labor Standards of the Department of Labor is required to report annually to the Legislature on its experience under the Chemical Substance Identification Law, Title 26 MRSA, Chapter 22.

It is my pleasure to transmit to you and the Membership of the House the attached "Report on the Chemical Substance Identification Law" to the First Regular Session of the One Hundred and Twelfth Legislature which I am hereby submitting on behalf of the Director of the Bureau of Labor Standards pursuant to 26 MRSA, section 1726.

Sincerely yours,

S/ PATRICIA M. McDONOUGH
Commissioner

Was read and with accompanying report ordered placed on file.

Petitions, Bills and Resolves**Requiring Reference**

The following Bills were received and, upon the recommendation of the Committee on Reference of Bills, were referred to the following Committee, Ordered Printed, and sent up for concurrence.

Agriculture

Bill "An Act to Clarify the Discretionary

Authority of the Harness Racing Commission to License Pari-mutuel meets and Assign Racing Dates" (H.P. 790) (L.D. 1120) (Presented by Representative McCOLLISTER of Canton) (Cosponsors: Representatives DAGGETT of Manchester, TARDY of Palmyra, and PARENT of Benton) (Submitted by the Department of Agriculture, Food and Rural Resources pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

Later Today Assigned

An Act to Amend the Municipal General Assistance" (H.P. 791) (L.D. 1121) (Presented by Representative CONNOLLY of Portland)

(The Committee on Appropriations and Financial Affairs was suggested.)

On motion of Representative Nelson from Portland, tabled pending reference and later today assigned.

Business and Commerce

Bill "An Act to Establish a Competitive State Workers' Compensation Insurance Fund" (H.P. 792) (L.D. 1122) (Presented by Representative BRANNIGAN of Portland)

Bill "An Act to Require Full Disclosure by Financial Planners" (H.P. 793) (L.D. 1123) (Presented by Representative BRANNIGAN of Portland) (Cosponsors: Representatives MURRAY of Bangor, RYDELL of Brunswick, and STEVENS of Bangor)

Bill "An Act Concerning Business Brokers" (H.P. 794) (L.D. 1124) (Presented by Representative BRANNIGAN of Portland) (Cosponsor: Representative RIOUX of Biddeford)

Bill "An Act to Require Full Disclosure by Real Estate Brokers" (H.P. 795) (L.D. 1125) (Presented by Representative BRANNIGAN of Portland)

(Ordered Printed)

Sent up for concurrence.

Education

Bill "An Act to Amend the Education Laws" (H.P. 796) (L.D. 1126) (Presented by Speaker MARTIN of Eagle Lake)

Bill "An Act to Update and Improve the Education Laws of Maine" (H.P. 801) (Presented by Representative BOST of Orono) (Cosponsors: Senator GAUVREAU of Androscoggin, Representative ROBERTS of Farmington and MATTHEWS of Caribou) (Submitted by the Department of Educational and Cultural Services pursuant to Joint Rule 24)

(Ordered Printed)

Sent up for concurrence.

Legal Affairs

Bill "An Act Concerning Nomination Petitions for Independent Candidates" (H.P. 797) (L.D. 1127) (Presented by Representative SMITH of Island Falls) (Cosponsors: Representatives WENTWORTH of Wells and SALSBURY of Bar Harbor)

Bill "An Act Concerning the Purging of Voter Lists" (H.P. 798) (L.D. 1128) (Presented by Representative BONNEY of Falmouth) (Cosponsor: Senator DIAMOND of Cumberland)

(Ordered Printed)

Sent up for concurrence.

Later Today Assigned

Bill "An Act Relating to the Hancock County Trustees of Public Reservations" (Emergency) (H.P. 802) (Presented by Representative FOSTER of Ellsworth) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

(The Committee on Legal Affairs was suggested.)

On motion of Representative Reeves from Pittston, tabled pending reference and later today assigned.

State Government

RESOLVE, Authorizing the Exchange by the Department of Defense and Veterans' Services of a Certain Parcel of Land in Belfast Fronting on Congress Street and Being Part of the Belfast Armory Lot for Another Parcel of Land to the Rear of Land Adjacent to the Armory with the City of Belfast (Emergency) (H.P. 799) (L.D. 1129) (Presented by Representative DRINKWATER of Belfast) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

(Ordered Printed)

Sent up for concurrence.

Transportation

Bill "An Act to Permit Limited Operation of Woods Vehicles on State Highways" (H.P. 800) (L.D. 1130) (Presented by Representative CONNERS of Franklin)

(Ordered Printed)

Sent up for concurrence.

Orders

On motion of Representative MCSWEENEY of Old Orchard Beach, the following Order: ORDERED, that Representative Guy R. Nadeau of Saco be excused March 25 for the duration of his illness.

Was read and passed.

Reports of Committees

Unanimous Ought Not to Pass

Representative BRANNIGAN from the Committee on Business and Commerce on Bill "An Act to Amend the Severance Pay Law in Regard to Medical Insurance" (H.P. 327) (L.D. 443) reporting "Ought Not to Pass"

Representative RUHLIN from the Committee on Labor on Bill "An Act to Repeal the Non-negotiability of Educational Policies" (H.P. 596) (L.D. 866) reporting "Ought Not to Pass"

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

Unanimous Leave to Withdraw

Representative MACOMBER from the Committee on Transportation on Bill "An Act Relating to Issuance of License Plates under the Motor Vehicle Laws" (H.P. 401) (L.D. 550) reporting "Leave to Withdraw"

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

Refer to the Committee

on Local and County Government

Representative CAHILL from the Committee on Transportation on Bill "An Act to Control Motorcycle Noise" (H.P. 431) (L.D. 611) reporting that it be referred to the Committee on Local and County Government.

Report was read and accepted and the Bill referred to the Committee on Local and County Government and sent up for concurrence.

Ought to Pass in New Draft

Representative RYDELL from the Committee on Business and Commerce on Bill "An Act Relating to Loans and Investments by Financial Institutions" (H.P. 256) (L.D. 310) reporting "Ought to Pass" in New Draft (H.P. 787) (L.D. 1102)

Report was read and accepted. The New Draft was read once and assigned for Second Reading tomorrow.

Ought to Pass in New Draft

Representative RYDELL from the Committee on Business and Commerce on Bill "An Act to Conform Mortgage Lending Authority Among Financial Institutions" (H.P. 254) (L.D. 308) reporting "Ought to Pass" in New Draft (H.P. 788) (L.D. 1103)

Report was read and accepted. The New Draft was read once and assigned for Second Reading tomorrow.

Ought to Pass in New Draft/New Title

Representative PAUL from the Committee on Legal Affairs on Bill "An Act Concerning Certain Fines for Persons under the Age of 20 Years under the Liquor Laws" (H.P. 131) (L.D. 156) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Concerning Certain Fines for Persons Under the Legal Drinking Age Under the Liquor Laws" (H.P. 789) (L.D. 1104)

Report was read and accepted. The New Draft was read once and assigned for Second Reading tomorrow.

Divided Report

Majority Report of the Committee on Marine Resources reporting "Ought Not to Pass" on Bill "An Act to Regulate Harvesting Methods on Aquaculture Leases" (H.P. 385) (L.D. 529)

Signed:

Senators:

CHALMERS of Knox
SHUTE of Waldo
BROWN of Washington

Representatives:

CROWLEY of Stockton Springs
RUHLIN of Brewer
RICE of Stonington
COLES of Harpswell
VOSE of Eastport
SALSBURY of Bar Harbor
MITCHELL of Freeport
CONNERS of Franklin
MANNING of Portland

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

Signed:

Representative:

SCARPINO of St. George

Reports were read.

On motion of Representative Crowley of Stockton Springs, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

Divided Report

Majority Report of the Committee on Marine Resources reporting "Ought Not to Pass" on Bill "An Act to Require that All Aquaculture Seed Stock be Cultured Stock" (H.P. 490) (L.D. 693)

Signed:

Senators:

CHALMERS of Knox
SHUTE of Waldo
BROWN of Washington

Representatives:

CROWLEY of Stockton Springs
RUHLIN of Brewer
COLES of Harpswell
RICE of Stonington
SALSBURY of Bar Harbor
MITCHELL of Freeport
CONNERS of Franklin
MANNING of Portland
VOSE of Eastport

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

Signed:

Representative:

SCARPINO of St. George

Reports were read.

On motion of Representative Crowley of Stockton Springs, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

Divided Report

Majority Report of the Committee on Marine Resources reporting "Ought Not to Pass" on Bill "An Act to Regulate the Area of Aquaculture Leases" (H.P. 491) (L.D. 694)

Signed:

Senators:

CHALMERS of Knox
SHUTE of Waldo
BROWN of Washington

Representatives:

CROWLEY of Stockton Springs
RICE of Stonington
RUHLIN of Brewer
COLES of Harpswell
VOSE of Eastport
SALSBURY of Bar Harbor
MITCHELL of Freeport
CONNERS of Franklin
MANNING of Portland

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

Signed:

Representative:

SCARPINO of St. George

Reports were read.

On motion of Representative CROWLEY of Stockton Springs, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

Divided Report

Later Today Assigned

Majority Report of the Committee on Business and Commerce reporting "Ought Not to Pass" on Bill "An Act to Amend Certain Provisions of the Sunday Closing Law" (H.P. 328) (L.D. 444)

Signed:

Senator:

BUSTIN of Kennebec
DANTON of York
SEWALL of Lincoln

Representatives:

BAKER of Orrington
ALIBERTI of Lewiston
HILLOCK of Gorham
MARTIN of Van Buren
BRANNIGAN of Portland
RYDELL of Brunswick

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

Signed:

Representatives:

ARMSTRONG of Wilton
MURRAY of Bangor
TELOW of Lewiston
STEVENS of Bangor

Reports were read.

Representative Brannigan of Portland moved the acceptance of the Majority "Ought Not to Pass" Report.

On further motion of the same Representative, tabled pending his motion to accept the Majority "Ought Not to Pass" Report and later today assigned.

Consent Calendar

First Day

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

(H.P. 332) (L.D. 455) Bill "An Act to establish the Stanwood Wildlife Sanctuary in the City of Ellsworth" Committee on Fisheries and Wildlife reporting "Ought to Pass"

(H.P. 305) (L.D. 394) Bill "An Act to Amend the Law Regarding Parking Brake Requirements on Motorcycles and Motor Driven Cycles" Committee on Transportation reporting "Ought to Pass"

(H.P. 436) (L.D. 618) Bill "An Act to Assure Equitable Compliance with the Fair Credit Reporting Act" Committee on Business and Commerce reporting "Ought to Pass"

(S.P. 107) (L.D. 322) Bill "An Act to Change the Name of the University of Maine Blueberry Advisory Committee" Committee on Agriculture reporting "Ought to Pass"

(S.P. 125) (L.D. 365) Bill "An Act to Amend the Statute Providing for the Appointment of Clerks of Judicial Courts" Committee on Judiciary reporting "Ought to Pass"

(S.P. 138) (L.D. 377) Bill "An Act to Amend the Maine Administrative Procedure Act to Require the Designation of Federal and State Statutes and Regulations" Committee on State

Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-20) (H.P. 118) (L.D. 143) Bill "An Act to Clarify the Relationship between a Road Commissioner and the Municipal Officers" Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-30)

(H.P. 343) (L.D. 460) Bill "An Act to Facilitate the Settlement of Tort Claims of \$2,000 or less" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-31)

There being no objections, the above items were ordered to appear on the Consent Calendar of Wednesday, March 27, 1985 under the listing of Second Day.

Consent Calendar Second Day

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

(H.P. 593) (L.D. 863) Bill "An Act to Clarify the Status of Newspaper Carriers under the Unemployment Compensation Act"

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

Passed to Be Engrossed Later Today Assigned

Bill "An Act to Redefine Deadly Force" (H.P. 772) (L.D. 1074)

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

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

Passed to Be Enacted Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Waldo County for the Year 1985 (H.P. 781) (L.D. 1075)

Was reported by the Committee on Engrossed Bills and 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. 121 voted in favor of the same and 1 against and accordingly the Resolve was Finally Passed, signed by the Speaker and sent to the Senate.

An Act Concerning the Shellfishing Industry (H.P. 301) (L.D. 390)

An Act Making Appropriations to the State Planning Office to Conduct Inventories of Natural Areas Worthy of Preservation for the Fiscal Year Ending June 30, 1987 and to Authorize the State Planning Office to Charge for Publication (H.P. 739) (L.D. 997) (H. "A" H-27)

An Act to Restrict the Payment of Unemployed Compensation Benefits to Workers Who are on Strike (H.P. 751) (L.D. 1057)

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 Tabled and Assigned

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

Bill "An Act to Amend the Weir Licensing Law" (Emergency) (H.P. 677) (L.D. 939)

— In House, Passed to be Engrossed on March 12, 1985.

— In Senate, Passed to be Engrossed as Amended by Senate Amendment "A" (S-17) in non-concurrence.

TABLED—March 21, 1985 by Representative CROWLEY of Stockton Springs.

PENDING—Further Consideration.

On motion of Representative Vose of

Eastport, tabled pending further consideration and specially assigned for Thursday, March 28, 1985.

Later Today Assigned

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

HOUSE DIVIDED REPORT—Majority (8) "Ought Not to Pass" — Minority (5) "Ought to Pass" as amended by Committee Amendment "A" (H-28) on Bill "An Act to Exempt Clergy from Jury Duty" (H.P. 360) (L.D. 480)

TABLED—March 22, 1985, by Representative KANE of South Portland.

PENDING—Motion of Representative PARADIS of Augusta to Accept the Majority "Ought Not to Pass" Report.

On motion of Representative Stetson of Damariscotta, tabled pending the motion of the Representative from Augusta, Representative Paradis, that the House accept the Majority "Ought Not to Pass" Report and later today assigned.

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

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 (Emergency) (S.P. 386) (L.D. 1056)

TABLED—March 22, 1985 by Representative CARTER of Winslow.

PENDING—Passage to be Enacted.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Carter.

Representative CARTER: Mr. Speaker and Ladies and Gentlemen of the House: Last week, prior to enactment of this piece of legislation, a question was posed through the Chair relative to the legislative account on Page 7, Line 25 of L.D. 1056. I must apologize to the House, this was totally unexpected and I did not have the file with me. The file was downstairs in my office. I now have the copy of the breakdown of the legislative supplemental request. It is as follows: the All Other portion for the first item which totals \$200,000 contains \$1900 to purchase additional copies of volumes 4 and 5, MRSA, to meet statutory requirements that law libraries have copies available for purchase, \$1900. Then there is another item to cover a shortfall due to increased prices, postage \$15,000, printing \$89,400. The next item which rounds out the balance of the \$200,000 is to cover balance of expenditures of a joint select committee to investigate the Public Utilities as approved by the Legislative Council. The total is \$93,700. The next section is for capital improvements, \$175,000. First item under capital improvements is for the installation of new telephone system equipment and cabling only. This amounts to \$40,000. Next item is for renovations of Room 113, installation of small sound system and carpeting, \$6,800. The next item is the last one to round out the sum of \$175,000 and it is for \$89,400 to purchase a portion of the legislature computer system and bill drafting software as approved by Legislative Council.

Now the items under the \$200,000 category of All Other, the majority of which is not really controllable because the mailings by the legislators is really a variable as many of the districts of the legislators vary in tremendous sizes. The other item which amounts to approximately half of that account, as I stated before, we have no control over because it was approved by the Legislative Council.

In the second portion of that capital improvement fund, which amounts to about \$175,000, again, we had little, if any, control over as it is part of the overall state plan to improve the services for the legislature.

Now I was not privy to all the debates as I

am not a member of the Legislative Council but this was a unanimous committee report and I took the liberty of getting an extra copy of the breakdown. If the Sergeant-at-Arms would come forward, I would be pleased to see that Representative Murphy, who is also a member of the Legislative Council, has a copy to update his files.

The SPEAKER: This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 122 voted in favor of the same and 2 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The Chair laid before the House the following matter: Bill "An Act to Amend General Assistance" (H.P. 791) (L.D. 1121) which was tabled earlier and later today assigned pending reference.

On motion of Representative Nelson of Portland, retabled pending reference and later today assigned.

The Chair laid before the House the following matter: Bill "An Act Relating to the Hancock County Trustees of Public Reservation" (Emergency) (H.P. 802) which was tabled earlier and later today assigned pending reference.

On motion of Representative Reeves of Pitts-ton, referred to the Committee on Legal Affairs, Ordered Printed and sent up for Concurrence.

Representative Drinkwater of Belfast moved that the House reconsider its action whereby RESOLVE, Authorizing the Exchange by the Department of Defense and Veterans' Services of a Certain Parcel of Land in Belfast Fronting on Congress Street and Being Part of the Belfast Armory Lot for Another Parcel of Land to the Rear of Land Adjacent to the Armory with the City of Belfast (Emergency) (H.P. 799) (L.D. 1129) was referred to the Committee on State Government.

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

Representative DRINKWATER: I hope that somebody would make a motion to table this for one day—we have a Constitutional problem with that that we need to work on today.

Representative Drinkwater of Belfast was granted Leave of House to withdraw his motion to reconsider.

The Chair laid before the House the following matter: Bill "An Act to Exempt Clergy from Jury Duty" (H.P. 360) (L.D. 480) which was tabled earlier and later today assigned pending the motion of Representative Paradis of Augusta to accept the Majority "Ought Not to Pass" Report.

Whereupon, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

(Off Record Remarks)

On motion of Representative Handy of Lewiston.

Recessed until five o'clock in the afternoon.

(After Recess)

The House was called to order by the Speaker.

The Chair laid before the House the following matter: Bill "An Act to Amend Municipal General Assistance" (H.P. 791) (L.D. 1121) which was tabled earlier and later today assigned pending reference.

Whereupon, was referred to the Committee on Appropriations and Financial Affairs, Ordered Printed, and sent up for concurrence.

The Chair laid before the House the following matter: Bill "An Act to Amend Certain Provisions of the Sunday Closing Law" (H.P. 328) (L.D. 444) which was tabled earlier and later today assigned pending the motion of the Representative from Portland, Representative Brannigan, that the House accept the Majority "Ought Not to Pass" Report.

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

Representative BRANNIGAN: Mr. Speaker. Men and Women of the House: L.D. 444 asks that we extend the blue laws of the State of Maine to include four days that occur every six or seven years. What it asks us to do, and the majority of our committee has requested you not do, is on those days when Memorial Day or the Fourth of July or Veterans Day or Christmas falls on a Sunday, we are being asked to rule that the large stores in our state, namely the anchor stores in the malls or the large downtown stores, those over 5,000 square feet, those that are now not allowed to be open on most Sundays of the year, that those stores will not be able to open on those Mondays after those four holidays, when every six or seven years that they fall on a Sunday. The majority of the Committee and I would ask you that, some of them are large shopping days, certainly after Christmas especially, it is a day when the majority of our constituents can, because they are not at work, go out and shop. They can celebrate their holiday on the day, on the Sunday and then go out and take advantage of being able to shop. The reason we were asked to pass this law, to extend the present closing law was to allow people who work in stores, once every seven years, to have a day when they would have two days in a row.

I don't know how many people you have heard from. I represent people who both go out and shop and work in stores. I haven't heard from any people who work in stores about this bill. This bill, I believe, would affect only eight days between now and the turn of the century. I believe that we should not extend our blue laws any further. This is a situation that has been with us since Sunday closing law was consolidated in 1963. It has worked fine since then, I think it should continue to work as it is, so I urge you to join me in voting "Ought Not to Pass."

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

Representative MURRAY: Mr. Speaker. Men and Women of the House: I would urge you this afternoon to oppose the pending motion so that we may consider this bill. I think it is worth our consideration and support. The bill, as the Representative from Portland said, only affects the holidays of Christmas, Fourth of July, and Veterans Day. It only affects those holidays when those particular holidays fall on a Sunday. In actuality, this bill only affects a few days in the next several years. The first holiday it would affect would be in 1988, as a matter of fact, on the Fourth of July.

What the bill does, is to assure that the retail workers can count on the same number of holidays each year rather than being penalized in those years when the holiday happens to fall on a Sunday.

In considering the Bill, I think it is important to consider why the blue laws were established, why we set the holidays aside as something special and something to be recognized because that in essence, is what we have done. We have said that Christmas Day, Veterans Day, the Fourth of July are days that are worth recognizing in a special way and that special way has translated into a day off for those people involved in the retail trade. I think that tradition is worth preserving and those people who are affected most closely by it are those retail workers. They are affected most closely in a negative way when those holidays

happen to fall on a Sunday.

I think it is also especially pertinent to consider this legislation this year. After passing the amendments to the blue laws two years ago, we said that it would be all right for stores to be open the four Sundays between Thanksgiving and Christmas. That provided a situation now that there are a number of stores open for perhaps 30-35 days in a row without an opportunity for the workers to, although they may not have worked that many days in a row, as you know Christmas especially is a very hectic time of year where the retailers want their best people there as much as possible. What we are saying now is, on those years, when Christmas falls on a Sunday, we are going to say to those retail workers, if this bill is passed, that you deserve an opportunity to enjoy that holiday in a special way as you do most other years. You are going to be given the same number of days off that you can count on the other six years when the holiday doesn't happen to fall on a Sunday.

I think it is a good simple philosophy. As the other Representative said, it only deals with a few days in the next several years, but it is a concept that is worth supporting and I hope you would vote against the pending motion. I would ask for a division.

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

Representative RACINE: Mr. Speaker. Ladies and Gentlemen of the House: I have a couple of questions concerning this bill and I don't know who might be able to answer it. But if I remember correctly, when we passed the Sunday sale bill, didn't we make that that employees could not be forced to work on Sundays? I remember that we debated that and I thought that we made it optional and also I would like to know if this applies to all of the stores or only those that have 5,000 square feet or more and how many employees that this might effect?

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

The Chair recognizes the Representative from Portland, Representative Brannigan.

Representative BRANNIGAN: Mr. Speaker. Men and Women of the House: To answer the Representative's question, we did debate the issue of compulsory work before. We did not pass any bill that would deal with compulsory work. It was not an issue in the end. Dealing with the issue of mandatory work on those Sundays and on other days, the testimony we got was, that the regular workers get another day off or they get compensated for those days. As I said before, the stores that will be affected are those over 5,000 square feet. The large stores are the ones being affected by this bill and I do not have an exact number or any number on how many are affected. It is the same number that are affected the other 48 Sundays of the year.

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

Representative HIGGINS: Mr. Speaker and Ladies and Gentlemen of the House: I hope that you were listening very carefully to the Representative from Bangor earlier when he laid out for you his reasons for supporting this piece of legislation. As some of you may know, I am the sponsor along with the Representative from Portland, Representative Beaulieu, with this piece of legislation. I think the Representative from Bangor did a very good job of explaining where we are coming from. I have to confess that it certainly isn't one of the most burning issues facing the State, but we seem to be dealing with those types of bills in the last few days. But it was brought to my attention by several employees of different chain stores, basically in the Portland area, over the

last couple of years. I think that it is a matter of public policy that we ought to be addressing this particular issue at this time and that is, if a holiday does fall on a Sunday, such as Christmas, hadn't we ought to be directing public policy to say that those stores ought to be closed on Monday and that those employees should in fact be able to observe the holiday with their family like the rest of us?

One of the proponents that came to speak for the bill said, and I thought it made a lot of sense, because someone asked the question, don't the rest of the people out there who aren't working, don't they want the stores open on Monday so they can, in fact, go and shop? And the answer is, yes, they surely would, but what society wants also is the stores to be open 24 hours a day, 365 days a year, free beer and no taxes. We can't make that happen here at the state level. We have to address those sorts of questions and this is one that addresses that sort of a public policy. I maintain that we ought to be saying to people who work in retailing that Sunday is a holiday, is supposedly the Lord's Day, according to the way the present legislation is drafted and that if a holiday falls on the Lord's Day, that those people ought to, as we state employees do, have the following Monday off, the next day off. I think, as far as I am concerned anyway, it is a policy statement by this body that there are some things more important than the almighty dollar, and that those people ought to be able to have time to enjoy Christmas, or what ever day it happens to be, with their family. We are not talking about Patriots Day or we are not talking about if you want to call it a minor holiday, we are talking about major holidays here that I think most of us enjoy spending with our families.

I hope that you would vote against the pending motion today so that we might be able to accept the Minority Report.

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

Representative BEAULIEU: Mr. Speaker and Ladies and Gentlemen of the House: I certainly did cosponsor this bill. I feel it is vitally important that we take a look at the issue and consider what is involved here. I support the Sunday opening law, I was a proponent of it but I never dreamed that the employees would be made to forfeit a holiday that would be as important to them as it is to me, like Christmas. I never thought that employers wouldn't try to find a way to schedule people, especially those who have families, to allow them to at least have that particular day off and to be able to be treated like every other citizen in our state who believes in holidays at least as important as Christmas, the Fourth of July. Maybe Representative Brannigan has not heard an outcry on this issue. I know that I am a shopping center person and a lot of employees have talked to me about it. I really think that during the entire debate over the Sunday opening laws is that we did not mention that this might happen. We were too busy debating issues like paying time and a half for working on that particular Sunday. This is one perspective that none of us gave any thought to. It is not a burning issue and you may vote it down and go with the majority of the committee, but it will simply be coming right back. We opted to put the bill in this time for consideration. I think it should be taken care of because this issue is not going to go away. Now that we have made it a public issue, I can assure you that when the next set of holidays come around, maybe you will get a lot of phone calls from an awful lot of employees who find themselves very disenfranchised. I think we have an opportunity here to take the corrective measure. It is not going to hurt anybody.

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

Representative ALIBERTI: Mr. Speaker. Ladies and Gentlemen of the House: I feel part of those people out there that were responsible for creating this special interest group, by allowing them to form these very special types of retail stores and also to enjoy the additional revenues they brought in through the tax area, the employment of additional people in our area. I may not be concerned about this law and could have just sat down and let the world pass me by but because in the area we do enjoy this type of enterprise. Also, my constituents have asked me to allow them to stay open on this particular day and they gave some very revealing figures as to the potential loss of revenue that may occur in this area and very revealing figures as to the potential loss of revenue that may occur in this area and other areas, especially along the borders of our neighboring state.

You talk about enjoying the holiday? I think there are compensatory values that you ought to consider too. There are many people out there that would not mind working that day and gaining the double pay in addition to the additional holiday that is promised by many of these stores. I, too, believe in observing time home with the family. In weighing all this, I ask you to support the Majority Report of our committee.

The SPEAKER: The Chair recognizes the Representative from Wilton, Representative Armstrong.

Representative ARMSTRONG: Mr. Speaker, I ask for a division.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the Representative from Portland, Representative Brannigan, 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.

94 having voted in the affirmative and 19 in the negative, the motion did prevail. Sent up for concurrence.

The Chair laid before the House the following matter: Bill "An Act to Redefine Deadly Force" (H.P. 772) (L.D. 1074) which was tabled earlier and later today assigned pending passage to be engrossed.

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

Representative KANE: Mr. Speaker, I move that we indefinitely postpone this bill and all of its accompanying papers.

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

Representative DRINKWATER: Mr. Speaker and Members of the House. I rise to ask for 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 having expressed a desire for a roll call, a roll call was ordered.

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

Representative KANE: Mr. Speaker. Ladies and Gentlemen. I will try to be very brief. We debated this bill rather fully the other day. I just wanted to repeat one remark made by the Representative from Presque Isle, Representative MacBride, when she said that the thing that concerned her most about this bill was that we would be sending a false message to the people of the State of Maine. As I said the other day, if this bill does anything at all, its proponents cannot tell us what it does do. Its

proponents cannot give us a specific example, a hypothetical situation, in which this bill is going to make a difference in what a person can do to protect his property that he cannot do now. I am really very concerned that there may be people out there, your constituents and mine, who may find themselves in a great deal of very serious trouble because they followed what they thought was a message which we sent them and we did not.

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

Representative STETSON: Mr. Speaker. Again, I would like to put this bill in perspective. This bill addresses only one question, that is the defense to prosecution for crime. This bill addresses that question in a sense that if I defend my property against the wrongful act of another, I could be accused and prosecuted for criminal action if I use such force that might impair the other person's physical ability in any degree, such as his ability to escape, his ability to use force against me through his fists, and what we are talking about is permitting a person to use such force as to temporarily disable your opponent, the guy who is trying to escape with your property, to use such force as is necessary to do that without being subjected to criminal prosecution. This bill does not relieve you of civil liability. It does relieve you of criminal prosecution in a sense that it provides a defense in such cases.

I submit that the motion to indefinitely postpone should be defeated and defeated by more than the vote that we used the other day.

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

Representative DIAMOND: Mr. Speaker. Men and Women of the House: Every proposal that comes before this body has some merit to it. At least to one member of this body or it wouldn't be introduced. We may disagree and reject some of the legislation that comes before us because it seems it goes too far or maybe it doesn't go far enough but to each and every one of us we can pretty much find some justification for any one of the 2000 bills we take up every year. This particular legislation deals with the concern of many of us in here, many people in the public. That is the right to protect our property from vandalism, from theft, and I think the sponsors of this are very well intentioned in their efforts to do something about it, but unfortunately, I believe that this particular bill does not deal with the situation as it should. It is so open ended that it could lead to some very serious abuses of the legislative intent behind it.

Representative Stetson expressed concern that the people of this state should be able to protect their property and that they should be, not immuned, but at least protected from prosecution if they decide to protect the property as they should rightly do. If you look at the existing law, you will find that the law as it is written accomplished that. It protects the individual who has been trying to protect from theft or vandalism his property.

I have contacted through our office, five of the eight prosecutorial districts in this state to find out whether or not the existing law has led to the prosecution of any victim of a crime who has tried to protect their property. In York County for example, in six years, the District Attorney there says there has been one case where they have prosecuted a person. That person used a firearm in the protection of their property which, of course, is not covered by this particular piece of legislation. In District Two, in four years, there have been no cases whatsoever of a person who has used force to protect their property, no instance of that person being prosecuted for doing so. Two cases in District Three, which is Androscoggin, Franklin and Oxford County area, both cases again, involved firearms, again not included

here. None in District Four. In District Five, there was a person who was prosecuted, it was later dropped, again the person used a firearm. The point I am trying to make is, the existing law protects very adequately, the rights of the people in this state to protect themselves from vandalism and theft, to protect their property since that is the nature of this discussion.

If we want to send a message to the people of the state, it is not that we are going to pass meaningless legislation that does nothing but encourage additional and unnecessary violence, but that we reinforce our belief in the fact that the law now on the books, does, indeed, protect the people of Maine and that they have the right to protect their property under the existing law. The basis of this is simply the facts as I just presented. There have been no instances where a person who has tried to protect their property has been denied the legal ability to do so. Nobody has been prosecuted, except in those instances where a firearm has been used. For that reason, I ask that you support the motion to indefinitely postpone.

Again, while I support the intent of those who promote this particular piece of legislation, in reality, all it does is encourage additional use of violence, more so than is necessary and it can only lead to further problems.

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

Representative SCARPINO: Mr. Speaker. Members of the House: In reference to the previous testimony of the Representative from Bangor, it raises a question in my mind that he didn't answer. And the question is quite simply whether there were no prosecutions due to the fact that the current law is sufficient or whether there are no prosecutions because the current law makes the private citizen so vulnerable to prosecution that there have been very few attempts to protect their property due to the problems that exist with prosecution under the current law. My feeling is that if we looked into it, we would see that both factors are involved here. That one, there has been no prosecutions and that two, there have been a number of citizens who haven't taken any action to protect their property because they were afraid of prosecution based on the wording in the existing law which says serious bodily harm rather than permanent damages as in the proposed bill. Based on that, my personal feeling still is that we ought to pass this bill out as rapidly as possible and give the responsible law abiding citizens of the State of Maine the capability to protect their private property but not give them so much capability as would allow permanent damage to any individual.

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

Representative DIAMOND: Mr. Speaker, Men and Women of the House: In response to the Representative from St. George's question, the proof that this law is adequate is the fact that on many, many, many occasions people in the state have resorted to some use of force to protect their property. The law, as it is written, is designed to allow them to do so within reason. The fact that the prosecutors of this state have failed except in a very small number of cases, which involved firearms, the fact that they have refused to prosecute those people shows that they believe the people have been within their rights and within the law in using the type of force they have taken advantage of in order to protect their property. So in response to his question, I don't think it is a case of people being afraid to use force or afraid to protect their property but a case where the prosecutors recognize what the law is now and that it is, indeed, sufficient to protect their rights. There is an example that has

been cited off the floor of the House dealing with an incident in Bangor involving somebody who was shot as they came into a person's house and I hope that, in no way, clouds anybody's ability to deal with this issue because that would not be dealt with in any way under the provision before us. Our's deals with non-deadly force and a change there. That again was an act that involved a firearm and I should note, at this time, that that person who used that firearm in protection of his dwelling was not prosecuted because of the right to use that firearm in the protection of oneself and one's dwelling.

I ask again that you support the motion to indefinitely postpone and allow us to move on to other matters.

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

Representative DRINKWATER: Mr. Speaker, Members of this Body: Very briefly. I would like to correct an error that arose yesterday in the debate. The error was that it was indicated that all these petitions that came in and letters, etc. came from the county that I come from. That is not true. Still, I assume until the debate is over on this bill, I suppose that they are in Judiciary, I think that is the way it is handled, but they were turned into Judiciary and you will find they are from all over the state and not just Waldo County.

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

Representative McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: As I indicated when we voted on this issue last week, I was for the bill, but I voted for it with the intention that somebody would correct the bill, make it so that it would be workable, and seeing no amendments coming forward, I cannot vote for the bill. I will have to vote for indefinite postponement. The reasoning behind my voting this way is because, in protecting my property, I am putting myself wide open for a law suit that I might lose everything that I own. I don't believe that's a good way of doing things. I want to protect my property and, at the same time, I want to be protected while protecting my property. This bill does not do that. It puts me in jeopardy. What about the old person that I talked about last time. The 80 year old person. Can you imagine that 80 year old person going out with a baseball bat after a young hoodlum? You know, they are in trouble. This is not going to help them.

The SPEAKER: The pending question before the House is the motion of the Representative from South Portland, Representative Kane, that this bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL No. 14

YEAS:—Aliberti, Allen, Baker, H.R.; Beaulieu, Begley, Bost, Boutilier, Brannigan, Brodeur, Brown, A.K.; Carroll, Chonko, Clark, Coles, Connolly, Cooper, Cote, Crouse, Daggett, Descoteaux, Diamond, Duffy, Foster, Gwadosky, Hale, Handy, Harper, Hayden, Hickey, Higgins, H.C.; Hoglund, Jacques, Joseph, Kane, Lacroix, Lawrence, Lisnik, MacBride, Macomber, Manning, Martin, H.C.; Mayo, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mills, Mitchell, Moholland, Murphy, E.M.; Murray, Nadeau, G.G.; Nelson, Nicholson, O'Gara, Paradis, P.E.; Pouliot, Priest, Reeves, Richard, Rioux, Rolde, Rydell, Salsbury, Simpson, Smith, C.B.; Smith, C.W.; Stevens, P.; Tammaro, Tardy, Taylor, Theriault, Vose, Walker, Warren, Willey, The Speaker

NAYS:—Armstrong, Baker, A.L.; Bell, Bonney, Bragg, Brown, D.N.; Cahill, Callahan, Carter, Conners, Crowley, Davis, Dellert, Dexter, Drinkwater, Erwin, Farnum, Greenlaw, Hepburn, Hichborn, Higgins, L.M.; Hillock, Ingraham, Jalbert, Kimball, Lander, Law, Lebowitz, Lord, Masterman, Matthews,

McCollister, McPherson, Murphy, T.W.; Nickerson, Paradis, E.J.; Parent, Paul, Perry, Pines, Racine, Randall, Rice, Ridley, Roberts, Rotondi, Scarpino, Seavey, Sherburne, Small, Soucy, Sproul, Stetson, Stevens, A.G.; Stevenson, Strout, Swazey, Wentworth, Weymouth, Whitcomb, Zirkilton

ABSENT:—Bott, Carrier, Cashman, Dillenback, Foss, Holloway, Jackson, Nadeau, G.R.; Ruhlin, Telow, Webster

79 voted in favor and 61 against with 11 being absent, the motion did prevail.

Sent up for concurrence.

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

Representative DIAMOND: Mr. Speaker. Having voted on the prevailing side, I now move reconsideration and ask that you all vote against me.

The SPEAKER: Representative Diamond, after having voted on the prevailing side, now moves that we reconsider our action whereby the bill was indefinitely postponed. If you are in favor of the motion to reconsider, you will vote yes; those opposed will vote no.

A viva voce vote being taken, the motion did not prevail.

The SPEAKER: The Chair recognizes the Representative from Wilton, Representative Armstrong.

Representative ARMSTRONG: Mr. Speaker, is the House in possession of "An Act Making Appropriations to the State Planning Office to Conduct Inventories of Natural Areas Worthy of Preservation for the Fiscal Year Ending June 30, 1987 to Authorize the State Planning Office to Charge for Publication" (H.P. 739) (L.D. 997) (H. "A" H-27)?

The SPEAKER: The Chair would answer in the affirmative, having been held at the Representative's request.

The Chair recognizes that Representative.

Representative ARMSTRONG: Mr. Speaker. Men and Women of the House: I would now move that the House reconsider its action whereby this L.D. was passed to be enacted.

The SPEAKER: The Representative from Wilton, Representative Armstrong, moves that the House reconsider its action whereby L.D. 997 was passed to be enacted.

There is objection. The Representative may continue or the Chair will order a vote.

Representative ARMSTRONG: This particular unanimous bill out of appropriations and my only objection to it sailing through the House undebated, which it did this morning under the gavel, was that there is a price tag on it of \$40,000 of General Fund money which is to be given to the State Planning Office to conduct a study. My feeling is that, where the study may be needed, it may not be something that we can afford at this particular time. There are a number of other things which we don't seem to have the money to fund.

But my second consideration is that, at the present time, this year, the State Planning Office has a budget in excess of two million dollars and forty-four authorized positions. In fiscal year 1986, this bill proposes giving the State Planning Office another \$40,000 to complete the study. I am not debating the worth of the study but I notice in the budget document that the State Planning Office budget has asked for an increased budget of about \$600,000 for fiscal year 1986, which puts the State Planning Office's budget at \$2,625,599. I certainly feel that if we decide that the study is worthwhile, the State Planning Office with forty-four employees and a budget, if it is approved, in excess of \$2,600,000 they should be able to fill the requirements of this particular bill. Secondly, if the State Planning Office is unable to do it, I feel that this may be an ideal case of where we can request the assistance of the Natural Resources Council of Maine, Audubon Society or other conservation groups

that are particularly interested in identifying these natural assets throughout the state.

I do ask for a division on the reconsideration motion.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Carter.

Representative CARTER: Mr. Speaker. Ladies and Gentlemen of the House: This bill, as it is currently written, allows for the continuation of a program that has been in existence for some time. It has run into problems. The funds are running short, federal funds that is. The Committee felt in unanimity that this program is a valuable program in that it serves to identify geological, botanical and zoological areas worthy of preservation throughout the state. As a means of trying to fund this program, other than through the General Fund, the Committee saw fit to require that these publications would no longer be available for free to the public but they would be available on a cost basis. Hopefully, the funds will be recouped and, whichever funds do come in from the sales of these items, will be credited to the General Fund, rather than setting up a dedicated revenue account.

I would urge you to vote against the motion to reconsider.

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

Representative ROLDE: Mr. Speaker. Ladies and Gentlemen of the House: I urge you to follow the Representative from Winslow, Representative Carter.

This is my bill. Let me just give you a little bit of background. In the 1970's, the legislature created a critical areas program. The program really has two parts. One is the administration of the program, the other is the inventory of the natural areas of the state to see which of those areas which have critical plants and geological areas worth saving. It is also, I should point out, a voluntary program. It is not done in any mandatory way. It is done in cooperation with the landowners. The federal funds, it is true, are drying up. The funds probably would have dried up anyway, because the federal funds have been used to inventory the coastal areas because the federal funds have come from the Coastal Planning. So what has happened is basically that all of the inventory has been done in the coastal areas. Now it is the turn of the inland areas. At the hearing on the bill, some of the landowners, such as the Central Maine Power Company, Boise Cascade, all testified in favor of the bill, that they had worked very well with the project. I would point out to you—this did come out, I was quite surprised, because it came out of the Committee unanimously and that the bill, if it passed, would have to go on the Appropriations Table and take its place with all the other things that the state has to consider.

So I am just asking you to enact the bill so that it can go on the table and support the Appropriations Committee which went over this very carefully.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the Representative from Wilton, Representative Armstrong, that we reconsider our action whereby L.D. 997 was passed to be enacted. If you are in favor of the motion to reconsider enactment, you will vote yes; if you are opposed, you will vote no.

A vote of the House was taken.

29 voted in the affirmative and 86 in the negative, the motion did not prevail.

On motion of Representative Sproul of Augusta, was removed from the Special Sentiment Calendar:

In Memory of:

Sharon V. Taylor, of Augusta, a freshman at Cony High School and a member of the Maine Audubon Society; (HLS 210)

Was read.

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

Representative SPROUL: Mr. Speaker. Men and Women of the House. Today, some of Augusta's schools closed early. There was no teacher's conferences; it was not to celebrate any type of championship; it was not even in anticipation of Chizzel Wizzel, Cony High School's highly acclaimed student minstrel show. Today, some of Augusta's schools closed early out of respect to a 15 year old girl who was murdered over the weekend. Today, I attended the funeral of the girl, who occasionally babysat my stepchildren, when we lived just two doors apart. As you can imagine, the emotions in the church were highly charged. It tore me apart as I watched hundreds of youth from my city, as they came to pay respects to Sharon Taylor. Death, anxiety, confusion, fear, yes, these all went through the minds of these young people. But along with those thoughts were thoughts of happiness, love, caring, joy and respect, for those are the memories Augusta has of Sharon Taylor. Augusta lost a treasure on Saturday. Cony High School's class of '88 lost a young lady who was a likely candidate for Valedictorian. Hundreds of youth lost a friend.

John and Christina Taylor lost a daughter whom they both loved and respected but those of us who knew Sharon Taylor are better people because of it. She touched our lives with her smile, her love of nature, her diligence. She made us feel good about the future. We knew she would make the world a better place to live in. And she did.

Whereupon, the Order was passed. Sent up for concurrence.

(Off Record Remarks)

On motion of Representative McSweeney of Old Orchard Beach,

Adjourned until eight-thirty tomorrow morning in memory of Sharon V. Taylor of Augusta.
