

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

***One Hundred and Twelfth
Legislature***

OF THE

STATE OF MAINE

Volume II

FIRST REGULAR SESSION

December 5, 1984 - June 20, 1985

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August 29, 1985

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HOUSE

Friday, May 31, 1985

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

Prayer by Reverend Clifford Gall, Searsport Full Gospel 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

May 30, 1985

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

Please be advised the President has appointed the following Conferees on the disagreeing action of the two branches of the Legislature on Bill, "An Act to Amend the Law Relating to Deputy Sheriffs, Appointments and Removal" (S.P. 312) (L.D. 801):

Senator TUTTLE of York
Senator BALDACCI of Penobscot
Senator STOVER of Sagadahoc

Thank you.

Sincerely,

S/ Joy J. O'Brien

Secretary of the Senate

Was read and ordered placed on file.

The following Communication:
SENATE OF MAINE
Augusta

May 30, 1985

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

Please be advised the Senate joined in a Committee of Conference on the disagreeing action of the two branches of the Legislature on Bill, "An Act to Authorize an Award System to Aid in Coyote Control" (H.P. 858) (L.D. 1217). The President has appointed the following Conferees:

Senator MATTHEWS of Kennebec
Senator USHER of Cumberland
Senator PRAY of Penobscot

Thank you.

Sincerely,

S/ Joy J. O'Brien

Secretary of the Senate

Was read and ordered placed on file.

The following Joint Order: (S.P. 623)
ORDERED, the House concurring that An Act Authorizing State Employees to Purchase State Property Upon Retirement or Leaving Office (H.P. 1036) (L.D. 1510), be recalled from the Governor's Desk to the Senate.

Came from the Senate, read and passed.

Was read and passed in concurrence.

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act Concerning the Return of Security Deposits Paid by Tenants" (S.P. 156) (L.D. 423)
Signed:

Sensors:

TRAFTON of Androscoggin
STOVER of Sagadahoc

Representatives:

PERRY of Mexico
PAUL of Sanford
RIOUX of Biddeford
DILLENBACK of Cumberland
MURPHY of Berwick
MASTERMAN of Milo
BOTT of Orono
NICKERSON of Turner
WARREN of Scarborough

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-117) on same Bill.

Signed:

Sensor:

NAJARIAN of Cumberland

Representative:

REEVES of Pittston

Came from the Senate with the Majority "Ought Not to Pass" Report read and accepted. Reports were read.

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

Representative REEVES: Mr. Speaker, I move that the House accept the Minority "Ought to Pass" Report.

Mr. Speaker, Members of the House: I would just like to explain what this bill does. It requires a 4 percent interest on security deposits, which tenants give to landlords, if the security deposit paid is at least \$100 and the landlord has held the security deposit for at least one year.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that you would not accept the "Ought to Pass" Report so we could accept the "Ought Not to Pass" Report. This amendment says landlords must pay interest on security deposits of \$100 or more and I am sure that you are aware that there is no security deposits of under \$100. The paperwork involved with this amendment would be tremendous on the landlords of this state. When the landlords went to file their income taxes at the end of the year, they would have to file a special form so all the interest would have to be kept separate, all records kept separate, and it could very well hurt them. I just don't think that this is a good amendment and I would hope that you would vote with the Majority "Ought Not to Pass."

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

Representative DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I agree with what the lady has just said. It is a book-keeping problem, it is a headache, we don't want to be involved with it and I would ask for a roll call.

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

Representative BAKER: Mr. Speaker, Members of the House: When a tenant has to offer a security deposit, it provides landlords with protection but in addition to providing protection, it also provides that landlord with interest free money. That is money that the landlord can use for a capital investment, that is money that the landlord can place in an account and gather interest. This is money which belongs to a tenant. This is money which could be invested by a tenant in a bank account and could gather interest. An average rent in many urban cities could run somewhere in the neighborhood of \$300 to \$400, a month's security deposit of \$300 or \$400 tied up over a long period of time and then returned would not get that person any interest. Yet, if I were to take that \$300 or \$400 and put it in a bank account, I would get at least a certain amount of interest.

I should point out that it was the practice, and I believe it still is, of the phone company to at least return any interest on a security deposit you pay for your telephone. This is money, again, of the tenant and it is money which I think should, when it is returned, get interest. I think you have to keep that in mind. It is not the landlord's money, it is the tenants money.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it

must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

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

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

Representative MASTERMAN: Mr. Speaker, Ladies and Gentlemen of the House: I don't intend to prolong this debate but I want to convey to you just one point, which seemed to me to be a dilemma. Consider for a moment, and most landlords are pretty kind to the people that they rent to, if they allowed them to divide that deposit up by several months as a part of the rent -- can you just imagine the amount of bookkeeping that would be needed?

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

ROLL CALL No. 117

YEAS:—Baker, H.R.; Beaulieu, Bost, Boutilier, Brannigan, Brodeur, Chonko, Coles, Connolly, Crouse, Handy, Joseph, McHenry, Michaud, Mills, Mitchell, Moholland, Murray, Priest, Reeves, Rolde, Rydell, Stevens, P.

NAYS:—Aliberti, Allen, Armstrong, Baker, A.L.; Begley, Bell, Bonney, Bott, Bragg, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Carroll, Carter, Cashman, Clark, Connors, Cooper, Cote, Crowley, Daggett, Davis, Dellert, Descoteaux, Dexter, Diamond, Dillenback, Drinkwater, Duffy, Erwin, Farnum, Foss, Foster, Greenlaw, Gwadosky, Hale, Harper, Hayden, Hepburn, Hichborn, Hickey, Higgins, L.M.; Hillock, Hoglund, Holloway, Ingraham, Jackson, Jalburt, Kimball, Lacroix, Lander, Law, Lawrence, Lisnik, Lord, MacBride, Macomber, Manning, Martin, H.C.; Masterman, Matthews, Mayo, McCollister, McPherson, McSweeney, Melendy, Murphy, E.M.; Murphy, T.W.; Nadeau, G.G.; Nelson, Nickerson, O'Gara, Paradis, E.J.; Paradis, P.E.; Parent, Perry, Pines, Pouliot, Racine, Randall, Rice, Ridley, Rioux, Roberts, Rotondi, Ruhlman, Salsbury, Scarpino, Seavey, Sherburne, Simpson, Small, Smith, C.B.; Smith, C.W.; Soucy, Sproul, Stetson, Stevens, A.G.; Stevenson, Strout, Swazey, Tammara, Tardy, Taylor, Telow, Theriault, Warren, Webster, Wentworth, Weymouth, Whitcomb, Willey, Zirkilton.

ABSENT:—Carrier, Higgins, H.C.; Jacques, Kane, Lebowitz, McGowan, Michael, Nadeau, G.R.; Nicholson, Paul, Richard, Vose, Walker, The Speaker.

23 having voted in the affirmative and 114 in the negative with 14 being absent, the motion did not prevail.

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

Divided Report

Majority Report of the Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-160) on Bill "An Act to Authorize a Self-liquidating Bond Issue for the County of Cumberland to Raise Funds for the Construction of a Courthouse Addition, Capital Improvements to the Existing Structure and a Related Parking Facility" (S.P. 547) (L.D. 1460)
Signed:

Sensors:

STOVER of Sagadahoc
TUTTLE of York

Representatives:

McHENRY of Madawaska
NICKERSON of Turner
ROTONDI of Athens
HALE of Sanford
DAGGETT of Manchester

MASTERMAN of Milo
MURPHY of Berwick
WENTWORTH of Wells

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

BALDACCI of Penobscot
Representative:

SMITH of Island Falls
SALSBURY of Bar Harbor

Came from the Senate, with the Majority
"Ought to Pass" as amended Report read and
accepted and the Bill Passed to be Engrossed
as amended by Committee Amendment "A"
(S-160).

Reports were read.

Representative McHenry of Madawaska
moved the acceptance of the Majority "Ought
to Pass" Report.

Representative Mitchell of Freeport re-
quested a roll call.

The SPEAKER: A roll call has been re-
quested. For the Chair to order a roll call, it
must have the expressed desire of more than
one-fifth of the members present and voting.
Those in favor will vote yes; those opposed will
vote no.

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

The SPEAKER: The Chair recognizes the
Representative from Standish, Representative
Greenlaw.

Representative GREENLAW: Mr. Speaker,
Ladies and Gentlemen of the House: I hope you
will vote not to accept the "Ought to Pass"
Report. This is the same referendum that has
been put out for three different times over the
life of this problem. In one way, I could thank
you for putting it out because you will help to
pay for our courthouse. The money is coming
from the same place that it was coming from
when the referendum was voted down.

In addition to that, there will be a garage to
benefit one large city.

The SPEAKER: The Chair recognizes the
Representative from Gray, Representative
Carroll.

Representative CARROLL: Mr. Speaker,
Ladies and Gentlemen of the House: My good
friend, the Representative from Standish, is ex-
actly right, this is the same issue that has come
up three times. It is also the same issue that,
two of those times to date, the folks in
Cumberland County have, in fact, voted to
pass.

I would say that this facility that we are go-
ing to remodel and construct in Portland is a
vital and necessary piece of construction and I
would hope that you would keep the bill in-
tact and concur with the other body and send
this thing on its way.

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

ROLL CALL No. 118

YEAS:—Aliberti, Allen, Armstrong, Baker,
H.R.; Beaulieu, Bonney, Bost, Boutilier, Bran-
nigan, Carroll, Carter, Cashman, Chonko,
Clark, Connolly, Cooper, Cote, Crouse, Crowley,
Daggett, Dellert, Descoteaux, Diamond, Dillen-
back, Drinkwater, Erwin, Farnum, Foster,
Gwadosky, Hale, Hayden, Hepburn, Hichborn,
Hickey, Higgins, L.M.; Hillock, Hoggund,
Jacques, Jalbert, Joseph, Kimball, Lacroix,
Lander, Lebowitz, Lisnik, Macomber, Manning,
Martin, H.C.; Masterman, Matthews, McGowan,
McHenry, McPherson, McSweeney, Melendy,
Mills, Moholland, Murphy, E.M.; Murray,
Nadeau, G.G.; Nelson, Nicholson, Nickerson,
O'Gara, Paradis, P.E.; Perry, Pines, Pouliot,
Priest, Racine, Rice, Ridley, Rioux, Roberts,
Rolde, Rotondi, Ruhlin, Rydell, Simpson, Soucy,

Stetson, Stevens, A.G.; Stevens, P.; Stevenson,
Strout, Swazey, Tammara, Tardy, Telow,
Theriault, Warren, Webster, Wentworth,
Weymouth, Whitcomb.

NAYS:—Baker, A.L.; Begley, Bell, Bott,
Bragg, Brodeur, Brown, A.K.; Brown, D.N.;
Cahill, Callahan, Coles, Connors, Davis, Dex-
ter, Foss, Greenlaw, Handy, Harper, Holloway,
Ingraham, Jackson, Law, Lawrence, Lord, Mac-
Bride, Mayo, McCollister, Michaud, Mitchell,
Murphy, T.W.; Paradis, E.J.; Parent, Randall,
Reeves, Salsbury, Scarpino, Seavey, Sherburne,
Small, Smith, C.B.; Smith, C.W.; Sproul, Taylor,
Vose, Willey, Zirnklton.

ABSENT:—Carrier, Duffy, Higgins, H.C.;
Kane, Michael, Nadeau, G.R.; Paul, Richard,
Walker, The Speaker.

95 having voted in the affirmative and 46 in
the negative with 10 absent, the Majority
"Ought to Pass" Report was accepted and the
bill read once.

Committee Amendment "A" (S-160) was read
by the Clerk.

Representative Mitchell of Freeport offered
House Amendment "B" (H-251) to Committee
Amendment "A" and moved its adoption.

House Amendment "B" to Committee
Amendment "A" was read by the Clerk.

The SPEAKER: The Chair recognizes the
Representative from Freeport, Representative
Mitchell.

Representative MITCHELL: Mr. Speaker, Men
and Women of the House: House Amendment
"B" to Committee Amendment "A" is a very
simple amendment. What it does is it separated
the referendum that will be submitted to the
voters of Cumberland County into two sepa-
rate questions. The first will be a question as
to whether the voters would approve the con-
struction of a courthouse and the indebtedness
for the courthouse.

The second question would be, if the voters
approve the construction of the courthouse, do
they also approve the construction of a park-
ing garage associated with it. I believe that the
people of Cumberland County deserve the right
to determine how deeply they go into
debt. They deserve the right to vote on these
matters and they ought to be separated. The
amendment is simple and fair and I think we
should all allow the people of Cumberland
County to separate these two and vote on them
independently and to the supporters of the
courthouse, I just might suggest that separating
these two measures on the ballot might
enhance the chances of the courthouse itself
passing.

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

Representative McHENRY: Mr. Speaker,
Ladies and Gentlemen of the House: The com-
mittee had thought of that action but we were
told that the city of Portland has zoning or-
dinance that says they cannot have the new
buildings without parking facilities so if the
people passed the courthouse construction
without any parking space, I think you would
have problems. I may be off a bit but that is
just about what they told us.

The SPEAKER: The Chair recognizes the
Representative from Gray, Representative
Carroll.

Representative CARROLL: Mr. Speaker,
Ladies and Gentlemen of the House: I would
move the indefinite postponement of House
Amendment "B".

The Chair of the Local and County Govern-
ment Committee has given you the facts the
way they are. The city of Portland has told us
in subcommittee that I was chair of that these
two facilities, the courthouse reconstruction
and the parking facilities, should go hand in
hand. There is a lot of division among the sub-
committee. It is the best intentions of all of us
to try to solve a very serious problem for the
courts as well as some serious parking problems
for those people that go to the courts.

I would urge your support in indefinitely
postponing this amendment.

Representative Macomber of South Portland
requested a Division.

Representative Coles of Harpswell requested
a roll call.

The SPEAKER: A roll call has been re-
quested. For the Chair to order a roll call, it
must have the expressed desire of more than
one-fifth of the members present and voting.
Those in favor will vote yes; those opposed will
vote no.

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

The SPEAKER: The Chair recognizes the
Representative from Monmouth, Representa-
tive Davis.

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

I am wondering about this construction. My
understanding is that the payment of the same
will be made by a lease to the state and the
state in turn will pay for this construction, in-
directly by a lease—is that or is that not true?

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

The Chair recognizes the Representative
from Scarborough, Representative Higgins.

Representative HIGGINS: Mr. Speaker, Ladies
and Gentlemen of the House: The answer to
the gentleman from Monmouth's question is
yes, the state is going to reimburse the county
of Cumberland for rental or lease space for the
courthouse facility. I think the idea of the park-
ing garage is a little bit more nebulous than
that. I don't think that the state is going to pay
for the parking garage via the lease method.
The people of Cumberland County are going
to have to pay for that out of their own pockets
and I think that that is the difference, if you
will, between the two issues.

While I am on my feet, I would like to op-
pose the pending motion before us to in-
definitely postpone the Representative from
Freeport's amendment. I feel that the people
from Cumberland County, I happen to live
close to Portland and I am not sure how my
people would feel about whether they want to
pay for a parking garage in the downtown area
of Portland and I think they ought to have the
opportunity to vote on that separately. I think
the courthouse is something that is desperately
needed in the Portland area in that district
court. The idea of the parking garage does
bother me a little bit and certainly the people
from the outlying areas are not interested in
paying for that anymore than they were for the
Cumberland County Civic Center. I would have
to admit that Portland certainly has the ma-
jority of the voters in that county and I think
that they are going to probably support the
parking garage to the magnitude that it will
overwhelm the other outlying areas and the
county will, therefore, have to build a park-
ing garage but I think in the fairness of just
plain equity the other communities ought to
be given the opportunity of voting against the
parking garage if they don't want to have to
pay for it. Whether the city of Portland has
enough votes to make up for that, I don't know,
but I think they ought to be given the
opportunity to see whether or not that
happens.

I would hope that you would vote against the
motion before us today and split the issues up.
The method of payment for the courthouse and
the method of payment for the parking garage
is different, they ought to be handled differ-
ently, and I would hope that you would vote
against the pending motion.

The SPEAKER: The Chair recognizes the
Representative from Monmouth, Representa-
tive Davis.

Representative DAVIS: Mr. Speaker, Men and

Women of the House: I have previously sponsored court bond L.D.'s and they have been defeated when they went out to the people. The thing that bothers me about this bill is that—we or are we not taking this out of the peoples hands as the whole in the State of Maine and putting it to Cumberland County and, at the same time, the rest of the populous of the state is going to be paying for it over the long run without any input as to whether or not they are interested in paying the money. I think you understand what I mean. We had a bond issue, it was statewide, it was defeated by the people—now we are going through a different process where the same people who voted against it are going to have to pay for it because it is going to be handled on a lease basis. I favor the bond issue and I sponsored it but I don't necessarily favor this way of taking the money out of the remaining number of people in the state other than Cumberland County by this process.

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

Representative DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I have to disagree with the gentlemen who just spoke. We need this courthouse down there. If you want to talk about costs, the renovations to this building are impossible. As far as the people voting, the people in Cumberland County are going to vote, they voted last time in favor of the courthouse, they need the courthouse, and I don't dispute the fact that perhaps the garage should be segregated from it but we certainly need that courthouse and I hope you will support that position.

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

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I am a signer of the "Ought Not to Pass" on this bill for the reasons given by Representative Greenlaw. There is not question about the need. My concerns have also been expressed by Representative Davis—the bond issue has gone out to the state and has failed so it is going to the county—yes, the county supported it and they will support this one, why shouldn't they? I asked what the rent was at the present time and it was \$54,000 a year and, if this passed, that rent or lease if going to be close to \$600,000 over a 20 year period. The state is going to pay for this through the General Fund, if the Appropriations will give the Judiciary that money. They probably will have to so I think the method of which they are going about it is wrong. The state should vote on the issue the same as always. I question why they ever went out to the state in the first place if they can do it in this fashion.

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

Representative COOPER: Mr. Speaker, Ladies and Gentlemen of the House: There have been several issues raised here today and I will not address them at this time because we are speaking at this point about the amendment and the amendment is to separate the parking garage from the courthouse and have two separate bond issues. Please remember that as we vote on this amendment and we will debate the other issues after this, if you so wish.

The idea of separating the parking garage from the courthouse has some appeal to it. However, there is a real concern in that the addition to the courthouse is going to be built on the present parking lot that Cumberland County has and we will be losing about 100 spaces. We already have a parking problem. At least when I was the County Commissioner there, gave out parking tickets to police officers who were there to testify in court because they were parking in our parking lot and we simply had no room for our own employees. My

stepfather, who had to go to court as a witness, parked on outer Forest Avenue at a shopping center, which is three miles away, and took a bus into the courthouse so he could serve on jury duty because there simply was no place to park around the courthouse. This parking garage would solve the present problem that we have and also deal with the aggravated situation that we will have if, in fact, we vote to have a courthouse there.

So, I would ask that you please support the motion to indefinitely postpone this amendment.

The SPEAKER: The Chair recognizes the Representative from Freeport, Representative Mitchell.

Representative MITHCELL: Mr. Speaker, Ladies and Gentlemen of the House: I don't disagree with the gentlemen from Windham that there are serious parking problems in downtown Portland. There are also serious parking problems throughout Cumberland County and many other towns, Brunswick and Freeport for example. The question here is, are we going to give the voters of our county the right to vote separately on this parking garage. It is simply an issue of fairness and that is all that it is, just simply giving the voters the chance to say yes or no before they indebt themselves to \$2.5 million to build a parking garage.

The SPEAKER: The Chair recognizes the Representative from Stockton Springs, Representative Crowley.

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

If we build this garage, who will own it? The city of Portland or the State of Maine?

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

The Chair recognizes the Representative from Portland, Representative Manning.

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: The answer to that question would be the County of Cumberland.

While I am on my feet, I would like to pose a question to anybody who is objecting to this. Where will their police departments be parking their cars when they have to come in and testify if the courthouse that will be constructed is taking away the parking that they are presently using now?

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 Portland, Representative Beaulieu.

Representative BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question to anyone who might choose to answer. Since Portland has a long standing ordinance of not allowing major construction without parking facilities, would the courts facilities, if voted favorably, then be void without the parking attached to it?

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Greenlaw.

Representative GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I would be glad to answer the Representative from Portland's question about parking police cars. I addressed this in the committee hearing and most of our police chiefs said when they got along toward retirement age, they get a little heavier, and their deputies would be very glad to take over their jobs and walk one block from the new parking garage at Benois. If the city of Portland would like to refuse that permission to build a courthouse, there are several other towns that would be more than pleased to furnish them with a location.

The SPEAKER: The Chair recognizes the

Representative from Portland, Representative Manning.

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to remind this House that earlier in the year we killed a bill that said both the district court in Van Buren and the district court in Bar Harbor would be continued. The district court in Bar Harbor at least in Van Buren I know, had only 204 cases last year but yet, we want to continue that place and yet we don't want to help out the district court in the city of Portland.

The SPEAKER: The Chair recognizes the Representative from Harpswell, Representative Coles.

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

Is there any law that prohibits the city of Portland from building and operating this facility in its own name?

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

The Chair recognizes the Representative from Portland, Representative Manning.

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: No, there isn't but this does not help the city of Portland, it helps the towns throughout the city as well as the city of Portland when people come in, not only to testify or to be witnesses, to be on jury duty, it is helping out every town, not just the city of Portland.

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

Representative HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I might agree with the gentlemen from Portland, Representative Manning, in that regard if we were providing parking for just the spaces that were being eliminated. the parking garage that is being asked for here is much bigger than what they expect necessary traffic to be for the courthouse so it is going to provide additional parking in the downtown area of Portland, which other communities object to. I don't blame Portland for wanting to have the county pay for a parking garage in their area but I think there are other people in the county who are going to be obligated to this that might like to have a say in it. If they are going to have to pay for it, they ought to have a say in it and that is all the proponents of this amendment are saying.

The SPEAKER: The pending question before the House is the motion of the Representative from Gray, Representative Carroll, that House Amendment "B" to Committee Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL No. 119

YEAS:—Allen, Baker, H.R.; Beaulieu, Brannigan, Carroll, Cashman, Cooper, Crouse, Crowley, Daggett, Descoteaux, Erwin, Hayden, Higgins, H.C.; Hoglund, Lacroix, Manning, Martin, H.C.; Masterman, McCollister, McGowan, Melendy, Mills, Murray, Nadeau, G.G.; Nelson, O'Gara, Paradis, P.E.; Pouliot, Roberts, Rotondi, Ruhlin, Stevenson, Tardy, Vose, Warren
NAYS:—Aliberti, Armstrong, Baker, A.L.; Begley, Bell, Bonney, Bost, Bott, Boutillier, Bragg, Brodeur, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Carter, Chonko, Clark, Coles, Connors, Connolly, Cote, Dellert, Dexter, Diamond, Dillenback, Drinkwater, Farnum, Foss, Foster, Greenlaw, Gwadosky, Hale, Handy, Harper, Hepburn, Hichborn, Hickey, Higgins, L.M.; Hillock, Holloway, Ingraham, Jackson, Jalbert, Joseph, Kimball, Lander, Law, Lawrence, Lebowitz, Lisnik, Lord, MacBride, Macomber, Matthews, Mayo, McHenry, McPherson, McSweeney, Michaud, Mitchell, Moholland, Murphy, E.M.; Murphy, T.W.; Nicholson, Nickerson, Paradis, E.J.; Parent, Perry, Pines, Priest, Racine, Randall, Reeves,

Rice, Ridley, Rioux, Rolde, Rydell, Salsbury, Scarpino, Seavey, Sherburne, Simpson, Small, Smith, C.B.; Smith, C.W.; Soucy, Sproul, Stetson, Stevens, A.G.; Stevens, P.; Strout, Swazey, Tamaro, Taylor, Telow, Theriault, Webster, Wentworth, Weymouth, Whitcomb, Willey, Zirkilton

ABSENT:—Carrier, Davis, Duffy, Jacques, Kane, Michael, Nadeau, G.R.; Paul, Richard, Walker, The Speaker

36 having voted in the affirmative and 104 in the negative with 11 being absent, the motion did not prevail.

Whereupon House Amendment "B" (H-251) to Committee Amendment "A" (C-"A" (S-160) was adopted.

On motion of Representative Manning of Portland, tabled pending adoption of Committee Amendment "A" as amended by House Amendment "B" thereto and specially assigned for Monday, June 3, 1985.

Divided Report

Majority Report of the Committee on Local and County Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-161) on Bill "An Act to Annex the Town of Brunswick and Harpswell to Sagadahoc County" (S.P. 374) (L.D. 1008)

Signed:

Senators:

BALDACCI of Penobscot
STOVER of Sagadahoc
TUTTLE of York

Representatives:

SALSBURY of Bar Harbor
DAGGETT of Manchester
MASTERMAN of Milo
MURPHY of Berwick
WENTWORTH of Wells
NICKERSON of Turner

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

Signed:

Representatives:

McHENRY of Madawaska
SMITH of Island Falls
ROTONDI of Athens
HALE of Sanford

Came from the Senate, with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be Engrossed as amended by Committee Amendment "A" (S-161)

Reports were read.

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

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

Mr. Speaker, Men and Women of the House: The reason I signed the "Ought Not to Pass" Report is because I don't like to put out a referendum issue that is misleading to the people. The people who are concerned about the annexation will be faced with the Sagadahoc County voting for a courthouse, Cumberland County voting for a courthouse and also the annexation. For instance, take the people from Brunswick, they would be voting, if the previous legislation we were discussing a little while ago were to pass, on the Cumberland court and yet, they would not have to pay for the court if they were annexed through Sagadahoc County. It just does not make sense to me.

I said to the sponsor, if you wish, we could have a one year delay and each county would have voted on their courts and the voters of the Sagadahoc County and the ones that are concerned would know exactly where they stand, they would know what they owe, but the sponsor wished to put it out the way it is now. I have a big problem having people voting for a referendum question which will cost Cumberland County money and then to annex themselves out of that county, a possibility, and

not responsible for paying for that and then would be responsible for paying for a court in Sagadahoc County, which they never voted on. It just does not make sense to me and that is why I signed the "Ought Not to Pass."

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Wentworth.

Representative WENTWORTH: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will vote against the "Ought Not to Pass" so we may vote "Ought to Pass" and give the people of these two towns their choice of what they want to do. I feel assured that they have looked into the business of setting a date because they have been told that they must set up their referendum question previous to the vote for the county budget if they are not to be involved in paying for it.

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

Representative MASTERMAN: Mr. Speaker, Men and Women of the House: I also find myself on the other side of the issue and I hope you won't support the motion that is before us. I listened very carefully to the testimony given by the people in these two towns and also some of the delegation and it seemed to be that Sagadahoc or the towns of Brunswick and Harpswell seemed to be misplaced.

I would like to read into the record, this letter didn't come to me but I happen to have a copy, it went to a member of the other body, but it came from John Bibber, the town manager of Brunswick. I quote: "as you perhaps are aware by this time, the town council took the following action at its meeting February 25, 1985—the town of Brunswick has historically had very strong ties to Sagadahoc County. We work together, we shop at the same stores and share many of the same concerns. The town council of Brunswick endorses the introduction of legislation to allow public referendum by the towns involved to determine if the voters of Brunswick and Sagadahoc County approve the proposal to allow Brunswick to join the county." After I listened very carefully to the testimony, I believe that they were right.

The SPEAKER: The Chair recognizes the Representative from Bath, Representative Small.

Representative SMALL: Mr. Speaker, Men and Women of the House: I hope you will not support the "Ought to Pass" motion. Although I am totally opposed to having Brunswick join Sagadahoc County, it seems the majority of my local officials and constituents favor it. I, therefore, will support sending the question back to the towns involved through the referendum process and there I will work to try to defeat the proposal. Please allow Brunswick, Harpswell and Sagadahoc voters the chance to decide their own future.

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 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 Island Falls, Representative Smith.

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I am on the opposite side of this bill, the Minority Report, for a very simple reason. The people did not request this. This was requested by one or two of the county commissioners. I felt that if there was a petition brought into us by the people of those towns asking for this or a vote of the town meeting asking for this, then I certainly

could support it but, on the request of a couple of commissioners, one or two, therefore, I think it is a waste of money to send it out to those people.

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

Representative McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to point out that the committee did receive, at the hearing and later a letter from the city of Brunswick, saying that they remained neutral on this issue. I also want to point out that, if I lived in Brunswick, I assure you that I would vote against it in a second because my county taxes would increase enormously. I don't live in Brunswick and I just thought the question should be put properly before the people.

It is going to cost a lot of money to the people who are on either side because they are going to have to debate this and they are going to have to fight and it is going to create a lot of hard feelings. So be it.

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

ROLL CALL No. 120

YEAS:—Allen, Baker, H.R.; Beaulieu, Carter, Chonko, Connolly, Crouse, Diamond, Hale, Handy, Hayden, Hoglund, Lacroix, Lisnik, Martin, H.C.; McHenry, Melendy, Michaud, Mills, Mitchell, Moholland, Racine, Rice, Rioux, Rotondi, Smith, C.B.; Stevens, P.; Theriault, Vose

NAYS:—Aliberti, Armstrong, Baker, H.R.; Begley, Bell, Bonney, Bost, Bott, Boutlier, Bragg, Brannigan, Brodeur, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Carroll, Cashman, Clark, Coles, Connors, Cooper, Cote, Crowley, Daggett, Dellert, Descoteaux, Dexter, Dillenback, Drinkwater, Duffy, Erwin, Farnum, Foss, Foster, Greenlaw, Gwadosky, Harper, Hepburn, Hichborn, Hickey, Higgins, H.C.; Higgins, L.M.; Hillock, Holloway, Ingraham, Jackson, Jacques, Jalbert, Joseph, Kimball, Lander, Law, Lawrence, Lebowitz, Lord, MacBride, Macomber, Manning, Masterman, Matthews, Mayo, McCollister, McGowan, McPherson, McSweeney, Michael, Murphy, E.M.; Murphy, T.W.; Murray, Nadeau, G.G.; Nelson, Nicholson, Nickerson, O'Gara, Paradis, E.J.; Paradis, P.E.; Parent, Perry, Pines, Pouliot, Priest, Randall, Reeves, Ridley, Rolde, Ruhlin, Rydell, Scarpino, Seavey, Sherburne, Simpson, Small, Smith, C.W.; Soucy, Sproul, Stetson, Stevens, A.G.; Stevenson, Strout, Swazey, Tamaro, Taylor, Telow, Warren, Webster, Wentworth, Weymouth, Whitcomb, Willey, Zirkilton

ABSENT:—Carrier, Davis, Kane, Nadeau, G.R.; Paul, Richard, Roberts, Salsbury, Tardy, Walker, The Speaker

29 having voted in the affirmative and 111 in the negative with 11 being absent, the motion did not prevail.

Whereupon, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (S-161) was read and adopted.

Under suspension of the rules, the Bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" in concurrence.

Message and Documents

The following Communication:

STATE OF MAINE
ONE HUNDRED AND TWELFTH
LEGISLATURE
COMMITTEE ON AGRICULTURE

May 30, 1985

The Honorable John L. Martin
Speaker of the House
112th Legislature

Dear Speaker Martin:

We are pleased to report that all business which was placed before the Committee on Agriculture during the first regular session of the 112th Legislature has been completed. The regular breakdown of bills referred to our committee follows:

Total number of bills received	30
Unanimous reports	25
Leave to Withdraw	9
Ought to Pass	7
Ought Not to Pass	0
Ought to Pass as Amended	7
Ought to Pass in New Draft	2
Divided reports	4
Carry Over Bills	
(Approved by the	
Legislative Council)	1

Respectfully submitted,
S/ Edgar E. Erwin S/ John M. Michael
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication: (S.P. 624)
112th Maine Legislature
May 30, 1985

Senator Edgar E. Erwin
Representative John M. Michael
Chairpersons
Committee on Agriculture
112th Legislature
Augusta, Maine 04333
Dear Chairs:

Please be advised that Governor Joseph E. Brennan has nominated Cheryl Kelley of St. Francis, Jesse Harriman of Richmond, and Russell Pinfold of Brunswick for reappointments to the Animal Welfare Board.

Pursuant to Title 17 MRSA Section 1051, this nomination will require review by the Joint Standing Committee on Agriculture and confirmation by the Senate.

Sincerely,
S/ Charles P. Pray
President of the Senate
S/ John L. Martin
Speaker of the House

Came from the Senate, Read and Referred to the Committee on Agriculture.
Was Read and Referred to the Committee on Agriculture in concurrence.

Petitions, Bills and Resolves Requiring Reference

Reported pursuant to Joint Order H.P. 1110

Representative BRANNIGAN from the Committee on Business and Commerce, pursuant to Joint Order (H.P. 1110) asks leave to report that the accompanying Bill "An Act Relating to the Authority of Medical Service Organizations and Nonprofit Hospitals to make Incidental Indemnity Payments" (H.P. 1129) (L.D. 1636) be referred to this Committee for public hearing and printed under Joint Rule 2.

Report was read and accepted, and the bill referred to the Committee on Business and Commerce, ordered printed and sent up for concurrence.

Consent Calendar First Day

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

(H.P. 594) (L.D. 864) Bill "An Act to Assist Workers' Displaced from Employment by Imports" Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-271)

(H.P. 960) (L.D. 1381) Bill "An Act to Amend the Wood Measurement Laws" (Emergency) Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-272)

(H.P. 1049) (L.D. 1525) Bill "An Act to Establish a Maine-New Hampshire Boundary Commission" Committee on State Government reporting "Ought to Pass" as amended by Com-

mittee Amendment "A" (H-276)

(H.P. 534) (L.D. 909) Bill "An Act to Clarify the Rights of Tenants in Mobile Home Parks" Committee on Business and Commerce reporting "Ought to Pass" as amended by Committee Amendment "A" (H-278)

(S.P. 585) (L.D. 1535) Bill "An Act Relating to Financial Regulation of Insurance Companies" Committee on Business and Commerce reporting "Ought to Pass" as amended by Committee Amendment "A" (S-155)

(S.P. 529) (L.D. 1424) Bill "An Act to Prevent the Hospital Cost Containment Law from Substituting for the Collective Bargaining Process" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-156)

(S.P. 108) (L.D. 323) Bill "An Act to Amend the Maine Certificate of Need Act to Define More Clearly the Legal Requirements for Ex Parte Contracts During the Certificate of Need Process, Consistent with the Maine Administrative Procedure Act" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-157)

Under suspension of the rules, Second Day Consent Calendar notification was given.

The Senate Papers were passed to be engrossed as amended in concurrence and the House Papers were passed to be engrossed as amended and sent up for concurrence.

Consent Calendar Second Day

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

(S.P. 50) (L.D. 68) Bill "An Act to Clarify and Make Corrections in the Fisheries and Wildlife Laws" (S. "A" S-152)

(H.P. 408) (L.D. 561) Bill "An Act to Modify and Update Certain Laws Pertaining to Inland Fisheries and Wildlife" (C. "A" H-262)

(S.P. 136) (L.D. 375) Bill "An Act to Clarify Municipal Authority over Automobile Graveyards and Junkyards" (C. "A" S-149)

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

Passed to Be Engrossed

Bill "An Act Requiring Treatment and Rehabilitation as a Condition for License Restoration when Convicted of Alcohol or Drug Related Vehicular Homicide" (S.P. 614) (L.D. 1613)

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

As Amended

Bill "An Act to Amend the Law Relating to Employment and Dismissal of County Employees" (S.P. 530) (L.D. 1425) (C. "A" S-150)

Was reported by the Committee on Bills in the Second Reading, read the second time and Passed to be Engrossed as Amended in concurrence.

The following items appearing on Supplement No. 4 were taken up out of order by unanimous consent:

Reports of Committees

Unanimous Ought Not to Pass

Representative BRANNIGAN from the Committee on Business and Commerce on Bill "An Act to Require Financial Responsibility and Insurance Provided before being Permitted to Operate a Motor Vehicle" (H.P. 767) (L.D. 1087) 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 HICKEY from the Committee on Aging, Retirement and Veterans on Bill "An Act to Modify State Disability Retirement Provisions" (H.P. 469) (L.D. 668) reporting "Leave to Withdraw"

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

Ought to Pass in New Draft

Representative TAMMARO from the Committee on Labor on Bill "An Act to Improve the Workers' Compensation System and Reform the Rate-making Process" (H.P. 771) (L.D. 1063) reporting "Ought to Pass" in New Draft (Emergency) (H.P. 1127) (L.D. 1634)

Report was read and accepted, the New Draft read once and assigned for second reading Monday, June 3, 1985.

The following items appearing on Supplement No. 5 were taken up out of order by unanimous consent:

Petitions, Bills and Resolves Requiring Reference

The following Bill was received and, upon the recommendation of the Committee on Reference of Bills, was referred to the following Committee, Ordered Printed and Sent up for concurrence:

Appropriations and Financial Affairs
Bill "An Act Concerning Transitional Services for Handicapped Persons Beyond School Age" (H.P. 1131) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsors: President PRAY of Penobscot, Senator GILL of Cumberland and Representative CARTER of Winslow) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27) (Ordered Printed.)

Sent up for concurrence.

Consent Calendar First Day

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

(H.P. 1033) (L.D. 1485) Bill "An Act to Reimburse the Department of Inland Fisheries and Wildlife for Search and Rescue Operations" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-287)

Under suspension of the rules, Second Day Consent Calendar notification was given. The House Paper was passed to be engrossed as amended and sent up for concurrence.

By unanimous consent, all matters having been acted upon requiring Senate concurrence were ordered sent forthwith to the Senate.

Orders of the Day

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

The Chair laid before the House the first matter of Unfinished Business:

Bill "An Act Increasing the Authorizing Indebtedness of Veazie Sewer District" (Emergency) (H.P. 1115) (L.D. 1625)

TABLED—May 30, 1985, (Till Later Today) by Representative DIAMOND of Bangor.

PENDING—Further Consideration.

On motion of Representative Diamond of Bangor, tabled unassigned.

The Chair laid before the House the second matter of Unfinished Business:

Bill "An Act to Amend the Charter of the Winthrop Water District" (Emergency) (H.P. 1114) (L.D. 1624)

TABLED—May 30, 1985 (Till Later Today) by Representative DIAMOND of Bangor.

PENDING—Further Consideration.

On motion of Representative Diamond of Bangor, tabled unassigned.

The Chair laid before the House the third matter of Unfinished Business:

Bill "An Act to Extend the Boundaries of the Gray Water District to Include the Entire Town" (H.P. 1113) (L.D. 1623)

TABLED—May 30, 1985 (Till Later Today) by Representative DIAMOND of Bangor.

PENDING—Further Consideration.

On motion of Representative Diamond of Bangor, tabled unassigned.

The Chair laid before the House the fourth matter of Unfinished Business:

Joint Resolution Requesting Limitations on Investment and Divestiture of Public Funds in the Republic of South Africa and Namibia (H.P. 1117)

TABLED—May 30, 1985 (Till Later Today) by Representative LACROIX of Oakland.

PENDING—Adoption.

On motion of Representative Diamond of Bangor, tabled pending adoption and specially assigned for Monday, June 3, 1985.

The Chair laid before the House the fifth matter of Unfinished Business:

HOUSE DIVIDED REPORT—Majority (10) "Ought to Pass" in New Draft under New Title Bill "An Act Regarding Members of the Public serving on State Licensing Boards" (H.P. 1125) (L.D. 1631)—Minority (3) "Ought to Pass" in New Draft under New Title Bill "An Act Regarding Members of the Public Serving on State Licensing Boards" (H.P. 1126) (L.D. 1632)—Committee on Business and Commerce on Bill "An Act to Require Two Members of the Public on All State Licensing Boards" (H.P. 857) (L.D. 1216)

TABLED—May 30, 1985 (Till Later Today) by Representative BRANNIGAN of Portland.

PENDING—Motion of same Representative to accept the Majority "Ought to Pass" in New Draft Report.

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

Representative STEVENS: Mr. Speaker, Men and Women of the House: The State of Maine currently has 39 licensing boards. These boards were created to serve the public good, to protect the health, safety and welfare of the public. As a side result of doing all those things, they protect the industry that they regulate. They are able to restrict entry into the profession, they are able to regulate, by educational requirements, the requirements that people need to enter and in many ways they inflate the cost of doing business in the State of Maine. These are not necessarily bad things but the public interest is so involved that I feel that each of these boards should have two public members. Of the 39 that exist now, only three have two public members. It is my contention that the public would be better served by having the public better represented.

On the Business and Commerce Committee, we frequently have these boards come before us requesting an expansion of their regulatory power or aspects that will increase the difficulty in entering that profession. I feel that two public members would give the confidence to that one full public member that is currently required to speak out better on behalf of the consumers of their services rather than just the trade industry itself.

Currently, there are three boards that have only three members. My amendment that is currently on the desk will change that so these two boards, the auctioneers and the plumbers will be increased to five members so that two public members will not compose the majority of the boards.

The state policy of when to license is frequently initiated, not by termination of a state need but by the industry presenting itself to

the legislature saying, please regulate us. That realization alone, I think, is enough to convince the body that there should be two public members on the board. If the public came with an outcry and said, we are being misused by these unlicensed people in the profession, I could understand the lack of two public members but when the industry comes before us, like they have this year three times with dietitians, respiratory therapists and massage therapists, when they come asking for licensure, I think it is part of that, they should be willing and eager to accept two public members on the boards.

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

Representative ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: When this bill was being considered by the Business and Commerce Committee, I appeared before that committee to register my objections to this proposed legislation. Earlier in this session, we passed legislation that would decrease the size of the Maine Board of Accountancy. The board consisted of three CPAs, three PAs and one public member. The reason for requesting the decrease was that CPAs outnumber PAs by 6 to 1. Currently, there are 609 CPAs and 130 PAs licensed in this state. During the past five years, 1,613 CPAs took exams while 7 PAs took exams. The board will now have three CPAs, one PA and one public member. If this legislation is passed, this particular board would have more public members than one of its licensed professions that it regulates. I am opposed to small boards being required to have two public members.

In addition, boards generally do not have even numbers of members because of a possible tie vote. This bill would make most boards have an even number of members.

I would inquire if there is a fiscal note on this legislation.

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

Representative ARMSTRONG: Mr. Speaker, Ladies and Gentlemen of the House: I am sure that most of you are aware that the state has a number of occupational and professional licensing boards. A few years ago, this legislature, after a lot of debate and a close vote, required these boards to add one public member. That is the current law.

The bill before you that we are debating right now would increase that number to two public members. I urge you to vote no on this bill.

Let me tell you just a little bit—I am not going to list the whole list of professional occupational and professional boards but these are the boards that we are talking about, that by a law passed in this legislature already have to have one public member and the sponsor of this bill is now trying to increase that to two public members. Board of Accountancy is one of the Boards; the Maine State Board of Registration of Architects and Landscape Architects; the Board Examiners of applicants for admission to the bar; the Board of Boiler Rules; the Board of Chiropractic Examination and Registration; the Electricians' Board; the State Board of Registration for Professional Engineers; the State Board of Registration of Land Surveyors; the State Board of Certification for Geologists and Soils Scientists; the Board of Registration of Medicine; the Oil and Solid Fuel Board; the State Board of Optometry; the Plumbers Examining Board; the State Board of Examiners of Psychologists; the State Board of Veterinarian Medicine.

The present law that requires one public member of these boards seems to be working fine, there seems to be no complaints, we have heard nothing from the public members saying that they were outnumbered, outgunned, that they were ignored and since the public has not complained, the public apparently feels

that they are well served.

I see no advantage to increasing, at this time, the number of public members on the boards from one to two so I urge you to vote no against this bill.

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

Representative ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: I was at that work session and was told that they will get expenses.

The SPEAKER: The Chair would advise the Representative that if the boards are not enlarged, then the expenses remain the same.

The Chair recognizes the Representative from Bangor, Representative Stevens.

Representative STEVENS: Mr. Speaker, Ladies and Gentlemen of the House: The answer to your question, Representative Erwin, is that that boards have dedicated revenues and the boards are not increased. My bill requires that the next industry slot that becomes available, that slot will be filled by a public member. We are not changing the sizes of the boards so it will be a change from odd to even numbers. There is much dedicated revenues in these boards. One board, I think, has a budget of \$285,000. They have plenty to pay their per diem.

The SPEAKER: The Chair recognizes the Representative from Orrington, Representative Baker.

Representative BAKER: Mr. Speaker, Ladies and Gentlemen of the House: The proponents of this bill have been busy the past few hours correcting some of the more obvious flaws in their version of the bill. It still falls short of accomplishing the primary objective of both versions of this bill and that is, to achieve independence and objectivity from our public representatives on licensing boards. Increasing the number of public members on these boards does nothing to address the possible conflicts of interest nor does it guarantee any objectivity.

Under their version, a retired electrician can still be appointed as the public member to the Electricians Examining Board. Does that provide the public with the necessary safeguards? Obviously, it does not.

You will notice on your calendar that the minority has proposed another version of this same bill and that contains some specific language which addresses that potential conflict of interest. I would like to read from the bill. "A person appointed to serve as a public member of an occupational or professional licensing board may not be a past or present member of the occupation or profession regulated by that board, may not have been professionally affiliated with that occupation or profession or an activity directly related to that occupation or that profession."

I submit to you, ladies and gentlemen, that their's is a well intended effort but I think that you might agree that the second version would provide the necessary safeguards to the public. Therefore, I would urge that you reject the Majority Report and accept instead the Minority Report.

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

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

My question is, who will decide what participating member will go? For example, if you have a five member board and let's say there are two labor representatives, two industry representatives and one public member, now who is going to decide what representative is going to leave and then, does it not, indeed, leave it totally imbalanced?

The SPEAKER: The Representative from Portland, Representative Beaulieu, has posed a question through the Chair to anyone who

may respond if they so desire.

The Chair recognizes the Representative from Bangor, Representative Stevens.

Representative STEVENS: Mr. Speaker, Men and Women of the House: The amendment that is on your desk outlines how that will be done. The licensing boards are changed to come before the legislature, December 1st, and present to the Business and Commerce Committee their suggestion for which of the designated slots shall become a public slot. Engineers have a mechanical engineer or an electrical engineer, many of them are mixed in that regard. It is up to the board to come to us and present to us what they feel is the best slot to become a public slot.

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

Representative BEAULIEU: Mr. Speaker, I would like to pose another question to the chair or any member of the committee.

Do you currently have in your possession a listing of all the boards and its current membership?

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

The Chair recognizes the Representative from Bangor, Representative Stevens.

Representative STEVENS: Mr. Speaker, Ladies and Gentlemen of the House: Yes, I do.

The SPEAKER: The Chair recognizes the Representative from Eastport, Representative Vose.

Representative VOSE: Mr. Speaker, Ladies and Gentlemen of the House: Before I came to the legislature, I was very proud to have served as a consumer member on the Electricians Examining Board. I also became the chairmen of that board which I was very proud of since all the rest of them were electricians. However, I am very hesitant to want to take one of the electricians off that board and put on another public member. I felt a little ill at ease when I first went down there because the only thing I knew about electricity was don't hold the black and the white at the same time.

This board is also an examining board and they do conduct exams and tests. I was a little at loss but unfortunately, I knew the answers on the tests after about three or four times but when anybody needed help in the examinations, I was unable to help them, we did need an experienced electrician. I am not adverse to the idea that is being talked about here but I would prefer, quite frankly even though it required a fiscal note to add another member and not take an experienced member off.

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

Representative BEAULIEU: Mr. Speaker, Ladies and Gentlemen of the House: I would like to be able to have an opportunity to look at the list that the gentlelady from Bangor has just to see what the potential impact could be. So, I would ask if someone would please table this bill for one day.

Representative Armstrong of Wilton moved the indefinite postponement of the bill and all accompanying papers and requested a roll call vote.

On motion of Representative Gwadosky of Fairfield, tabled pending the motion of Representative Armstrong of Wilton to indefinitely postpone the bill and all its accompanying papers and specially assigned for Monday, June 3, 1985.

The Chair laid before the House the sixth item of Unfinished Business:

HOUSE DIVIDED REPORT—Majority (12) "Ought Not to Pass"—Minority (1) "Ought to Pass" as amended by Committee Amendment "A" (H-249)—Committee on Local and County Government on Bill "An Act to Provide a

Referendum to Abolish County Government and Authorize Reassignment of its Functions and Duties to Appropriate State and Municipal Agencies" (H.P. 379) (L.D. 520)

TABLED—May 30, 1985, (Till Later Today) by Representative McHENRY of Madawaska.

PENDING—Motion of same Representative to accept the Majority "Ought Not to Pass" Report.

On motion of Representative Carter of Winslow, retabled pending the motion of Representative McHenry that the House accept the Majority "Ought Not to Pass" Report and specially assigned for Monday, June 3, 1985.

The Chair laid before the House the seventh item of Unfinished Business:

An Act to Protect the Voting Rights of Townships Residents (H.P. 1097) (L.D. 1590)

TABLED—May 30, 1985 (Till Later Today) by Representative HAYDEN of Durham.

PENDING—Passage to be Enacted.

The SPEAKER: The Chair recognizes the Representative from Eastport, Representative Vose.

Representative VOSE: Mr. Speaker, Ladies and Gentlemen of the House: We have run into a slight snag on the amendment. It seems that Mr. Henderson has not agreed that the amendment that I have here is the correct amendment and Mr. Howell and Henderson and Gil Brewer are working it out so I would appreciate it if someone would table it one legislative day.

On motion of Representative Diamond of Bangor, tabled pending passage to be enacted and specially assigned for Monday, June 3, 1985.

The following item appearing on Supplement Number 1 was taken up out of order by unanimous consent.

Orders

On motion of Representative DIAMOND of Bangor, the following Joint Order: (H.P. 1130)

ORDERED, the Senate concurring, that S.P. 493, L.D. 1319, Bill "An Act to Amend Certain Sections of the Employment Security Law" be recalled from engrossing to the House.

Was read and passed and sent up for concurrence.

By unanimous consent, was ordered sent forthwith to the Senate.

Orders of the Day Cont'd

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

Bill "An Act to Create the Newcastle-Damariscotta Water District" (H.P. 1116) (L.D. 1626)

—In House, referred to the Committee on Utilities on May 28, 1985.

—In Senate, Passed to be Engrossed without reference to a Committee in non-concurrence on May 29, 1985.

—In House, House recessed on May 30, 1985.

TABLED—May 30, 1985 by Representative HAYDEN of Durham

PENDING—Further Consideration.

On motion of Representative Diamond of Bangor, tabled unassigned.

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

Bill "An Act to Permit the Manufacture and Sale of Higher Efficiency Laundry Detergents (S.P. 604) (L.D. 1598)

—In House, referred to Committee on Energy and Natural Resources on May 29, 1985.

—In Senate, Insisted on Passage to be Engrossed without reference to a Committee in non-concurrence.

TABLED—May 30, 1985 by Representative MICHAUD of Medway.

PENDING—Further Consideration.

The House voted to recede and concur.

The Chair laid before the House the third

tabled and today assigned matter:

Bill "An Act to Amend the Election Laws" (H.P. 274) (L.D. 344)

TABLED—May 30, 1985, by Representative DIAMOND of Bangor.

PENDING—Adoption of Committee Amendment "A" (H-214)

On motion of Representative Diamond of Bangor, retabled pending adoption of Committee Amendment "A" and specially assigned for Monday, June 3, 1985.

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

SENATE REPORT—"Ought to Pass" as amended by Committee Amendment "A" (S-129)—Committee on Legal Affairs on Bill "An Act Relating to Absentee Voting" (S.P. 32) (L.D. 33)

—In Senate, Report read and accepted and the Bill passed to be Engrossed as amended by Committee Amendment "A" (S-129) as amended by Senate Amendment "A" (S-144) thereto.

TABLED—May 30, 1985 by Representative DIAMOND of Bangor.

PENDING—Acceptance of Committee Report.

On motion of Representative Diamond of Bangor, retabled pending acceptance of the Committee Report and specially assigned for Monday, June 3, 1985.

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

Bill "An Act Relating to Retirement Options for Legislators" (H.P. 703) (L.D. 1013) (C. "A" H-154)

TABLED—May 30, 1985 by Representative DIAMOND of Bangor.

PENDING—Passage to be Engrossed.

On motion of Representative Diamond of Bangor, retabled pending passage to be engrossed and specially assigned for Monday, June 3, 1985.

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

Bill "An Act Concerning Absentee Voting at Designated Places" (H.P. 1105) (L.D. 1594)

TABLED—May 30, 1985 by Representative DIAMOND of Bangor.

PENDING—Motion of Representative McCOLLISTER of Canton to Indefinitely Postpone Bill and Accompanying Papers.

Representative Jalbert of Lisbon offered House Amendment "A" (H-260) to L.D. 1594 and moved its adoption.

House Amendment "A" (H-260) was read by the Clerk.

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

Representative REEVES: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you will vote to indefinitely postpone House Amendment "A", which changes the entire content of this L.D. 1594.

We do have two other amendments prepared, which will be offered, which I think take care of the most controversial sections of this bill. This is an enabling act, which allows the clerk in towns to set up absentee voting procedures in designated places in nursing homes and elderly congregate housing. If the municipal officers find that this action is appropriate or is one of the major parties petitions the municipal officers to do this, all of you have received a fact sheet on this bill and I will just kind of go over the basic points of the bill with you. The municipal officers direct the clerk to carry out this section. The clerk establishes a list of these places designated to receive assistance at least 105 days before the election day. Absentee ballot applications aren't available until 90 days before the election, so you will know 105 days before which places are going to have these voting days. Then the clerk establishes a schedule for polling days at

the designated places, at least 35 days before the election day and on polling days, the clerk accepts voter registration subject to approval by the registrar and he can use a ballot box and the major parties can observe these polling days.

There is plenty of notice time for everyone involved to know exactly when these polling days are going to take place and the bill says that they will take place at least seven days before the election.

Now, the two controversial parts of this bill as it came out of committee unanimous report from the committee, were (1) the prohibition of candidates doing absentee ballots in the nursing homes or congregate housing or in the designated places. An amendment is going to be offered to strip that prohibition from the bill.

The other controversial part was that no absentee balloting should be done in the congregate housing or elderly homes before designated polling days. An amendment is also going to be offered to say that absentee balloting can take place the way that it does now, both before and after the polling day.

The amendment that is being considered right now says that each of these designated polling days have to take place at least 30 days before the election. I think that this would completely destroy the point of the bill which is to give elderly people a chance to vote fairly close to the election, the same way that other people do, give them a chance to make up their minds and vote close to election day and these other two amendments are going to allow business as usual to take place both before and after the designated polling day in the institutions.

So, I hope that you will vote to indefinitely postpone House Amendment "A" and allow these other two amendments to be offered.

The SPEAKER: The pending question before the House is the motion of Representative Reeves of Pittston that the House indefinitely postpone House Amendment "A". All those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

77 having voted in the affirmative and 13 in the negative, the motion to indefinitely postpone did prevail.

Representative McCollister of Canton offered House Amendment "B" (H-261) to L.D. 1594 and moved its adoption.

House Amendment "A" (H-261) was read by the Clerk.

Representative Aliberti of Lewiston moved the indefinite postponement of House Amendment "B" and requested a Division.

The SPEAKER: The Chair recognizes the Representative from Canton, Representative McCollister.

Representative McCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: This bill that we are addressing today denies candidates from taking absentee ballots. Just because we have put our name in nomination, it should not remove from us any of our rights as a citizen. I, personally, have taken offense to the fact that this committee has given the impression that there is something wrong with being a politician. I believe that the crucial issue right here is, is being a politician something that should deny you some of your rights? I do not believe so. I hope you will defeat the motion to indefinitely postpone this amendment.

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

Representative DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: This bill will not affect me one way or another. I don't have very many nursing homes in my area but I will say this, we have heard over the years the complaint and the problem of legislators taking bundles of absentee ballots and rushing into the nursing homes and having these people

fill them out.

I had the opportunity this year to be in a nursing home a great deal of time because of my mother-in-law. I can quite frankly tell you the people in that nursing home, I am quite sure, did not know what they were voting on. I think it is only appropriate that we have a town clerk go into those nursing homes and have an aid—you can be there if you wish to be there under this bill—you can be there and observe, let them do their voting. At the end of the period of time, if they have not voted when this deadline comes up, you can then go into the nursing home with your absentee ballot if somebody has not voted. But it is a matter of principle whether you are interested in having legislators in the nursing homes getting votes or not. Personally, I am opposed to it.

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

Representative HANDY: Mr. Speaker and Members of the House: I hope you would support Representative McCollister's amendment. As was indicated, it seems that we, as politicians, sometimes admit to being tainted because we have to sacrifice some rights that every other citizen has.

Now, I would like to put into perspective for you the reason why this onslaught of absentee ballot reform legislation has come at this session. Primarily, the reason comes from my home town, the city of Lewiston. Some of those people who are advancing this legislation do it for their own reasons, but I would like to put this into historical perspective for you. Because one or more candidates found that they could not gain access to a particular nursing home, they raised objection to that. But the fact of the matter remains, that the particular individual who was granted access to that particular nursing home was virtually raised in that facility, has had a number of friends in that facility and is very friendly with the administration. I am not about to say who can associate with whom, that is what this bill is trying to do to us right here today, men and women of the House. I would hope that you would support Representative McCollister's amendment so that we, as politicians, who hold ourselves up to the highest standard, can exercise our rights as individuals in this state. I hope you would support Representative McCollister's amendment.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Melendy.

Representative MELENDY: Mr. Speaker, Ladies and Gentlemen of the House: The problem is not only in Lewiston, it is in many places. The amendment that is being proposed here completely guts the real reason behind giving the elderly an opportunity to have their special voting day. I would hope that you would vote indefinitely postpone it.

I would like to share with you what we did in our community during the last election. You could say we tried a pilot project for special election day for the elderly. During the campaign, I received several calls from very upset and agitated constituents, whose nursing homes and elderly housing units, were being invaded by numerous strangers. Their question was, what can we do to keep uninvited people out? Overly aggressive candidates were sort of pushing their way into these peoples homes in what the candidates perceived to be in the best interests of these same people. Whether we want to admit it or not, candidates do disrupt the lives of the elderly during the election year. Each candidate goes through, and for people who lead rather quiet and very scheduled lives, having up to twelve or more candidates running through their home, tends to be very confusing and very disruptive. We tend to be self-centered. We all mean well, but if we were to step back and to look at the big picture, we would see very many people

waving all these papers that needed to be signed. It is very intimidating to the elderly who fear signing anything at all. To see so many strangers asking them to do this is even more intimidating.

All this bill is doing is, if the municipalities agree to doing this, it would allow the elderly to have their own special election day. For nursing home residents, it is even more important. Would you want somebody coming into your bedroom asking for support? That is exactly what we are doing when we go from room to room asking people to sign an absentee application. I ask you to please allow the people to vote or not to vote at all if that is their choice, without having all this pressure put on them. If you served to help the public, the elderly, the handicapped and the people with special needs, I urge you to set your own needs aside and to give the elderly the protection that they so desperately need and want. You may be very professional in the way that you present yourself but I ask you to present the elderly from those who are not so considerate of them. What do we fear by not allowing the elderly this consideration?

I would just like to share with you what we actually did. We set aside specific days where the nursing homes and the congregate homes were going to have their own election days where the candidates would come in. We were given time you know, one came in the morning, one came in the afternoon, they set up some posters and some flags and so forth and they gave the people that live in these homes a chance to sit and to ask questions the same way as you would do to the people on the outside. This is all we are asking. Let them be treated on their own election day the way you used to treat them when they could get about by themselves. Please vote for the indefinite postponement of this amendment.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: For the last 30 years, if not longer, I have run for public office in my home town every three years, in one position or another. Last year, I made it even better by running for the House when I didn't have to run for selectman.

I say again, it is bad enough that the general public has had an unfortunate opinion of politicians. Some people say politicians are crooked. I have not met anybody in this House, the short time that I have been here, that I consider crooked or tainted. I am very pleased to say that. But passing this bill without the amendment, you are in effect saying to the general public, yes, we know we are crooked but we are going to do something about it. That is exactly what you are saying.

Again, you are saying to the nursing home administrator, we are telling you who you can allow to come into our nursing home to get ballots. My old Aunt Mary, 92 years old, calls up and said, John, I want you to bring me a ballot. I say, I am sorry but the state says I cannot bring you a ballot because I might be crooked and I might force you to vote for me.

I say again, we are invading the privacy of a persons home by telling him or her that, because they are infirmed or in a hospital, that we will tell you who will come in and when you will vote. The next thing you know they are going to determine there is going to be a voting time and that we will not be able to go into the mills and factories to talk to the people. They will get the town to do that. Then they will say, well, certain days we will not be able to talk to the female population or to the male population. The more you get this type of legislation, the more you are saying to the people, we will decide when you can vote and when you cannot vote, and you will be segregated from other people.

I would say you should support the amend-

ment of the Representative from Canton.

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

Representative BOTT: Mr. Speaker, Men and Women of the House: I would simply like to take issue with some of the statements that were made that this would somehow blemish our record as politicians. I would say that this is a positive step to protect that favorable image that we have been able to project by saying quite simply that we are not willing to permit unscrupulous candidates from going in and harassing people in the nursing homes, people who need their privacy.

I would also like to point out that this bill will not stop a candidate running for office from visiting the nursing home, talking with those people and soliciting their votes. It will merely stop them from showing up in a hurried state with a stack full of ballots saying just sign here, check here, fine I will see you later, smile and move right along. I think there is a potential for abuse with those people in there. The committee spent a lot of time and I think we came out with a good bill and I hope you will move to indefinitely postpone this amendment.

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

Representative REEVES: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to clarify the two amendments. One of them, which we are discussing now and one of them which has not yet been offered. House Amendment "B", which we are discussing now removes the requirement that no absentee ballot may be issued to any person in a designated polling place before the date of that polling day. That is what we are discussing now.

Now, perhaps the most important issue is the prohibition of candidates. The prohibition of candidates is removed by House Amendment "C", which has yet to be brought up on the floor to be voted on. So, what we are voting on now is not the issue of candidates but the issue of, are we going to allow absentee balloting as usual in these nursing homes before the established polling day that the clerk is going to run?

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

Representative CASHMAN: Mr. Speaker, Men and Women of the House: I just wanted to briefly address what I considered a rather peculiar argument offered by the Representative from Rockland. The argument was that this bill, as it is submitted to the body by the committee, will address the problem of strangers waving papers in the faces of the elderly and asking for signatures. To try to address that problem, we are being told that we should eliminate a situation where candidates can get absentee ballots from the elderly. I am not a stranger to the elderly in my district. I don't think anybody in this House is. The gentleman from Lisbon is absolutely correct, most of the absentee ballots that I collect, when I have run for office, have been people who called me and asked me to come get them because they trusted me. They wanted me to take their absentee ballot. I would suggest that is probably the case with most of the people sitting in this House. If you have served in public office, you have represented people for a period of time, they have come to know you, some have come to trust you, some haven't. The ones that do will call you and ask you for an absentee ballot. It is not the case of 20 or 30 strangers running into a nursing home and waving papers around. I am not a stranger to my elderly constituents. I hope the rest of you aren't.

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

Representative PARADIS: Mr. Speaker,

Ladies and Gentlemen of the House: If you are like me and not thoroughly confused at this point, maybe I can shed some light. I am not involved in this bill in any way. I am not on the committee, so please understand where I am coming from.

Trying to reconcile Committee Amendment "A" to the bill and then understanding the House Amendment "B" that is presently before this body is very confusing. I understand the Committee Amendment, which is the bill, -- if you have a designated place, such as a nursing home or a congregate housing area for the elderly, and that is a designated area for the elderly or the nursing home patients to vote, I personally don't have any problem with the designated area and having the clerk go in there to vote those people, I think that is extremely good. If we want to call that reform of the system, I think that is acceptable. There is one problem with that. Let's say hypothetically that 30 days or 25 days before the November election, the clerk is asked to designate and they go to nursing home A, there is a vote. They vote 20 people out of 50 people. The problem as I see it is, what happens to the remainder of the people who are not able to go to vote with the clerk in that room? Because, I do not believe the clerk will go to every single door, knock on the door and say, would you like to vote. I think there will be a place there, they will do it as officially as they can, they have manpower restrictions, they have time restrictions, they are not there to campaign, they are there to accept ballots. They would do it the right way, no problem there. But what happens to the people who are not permitted to vote? Under the bill as it is now, no one in that nursing home would be able to vote ever after. We would disenfranchise those people because, number one; they were sick that day; number two; they might have been taking a nap and not aware; number three, they might have gone with a relative or a friend for a ride as many of them do on certain days.

I have a brother who lives in a nursing home, maybe because I am sensitive to that fact, I have never gone to a nursing home to do an absentee ballot, as a matter of principle. I go to see him very often. I respect those that do go to the nursing homes to do voting, it is part of the process. There are people well intentioned on both sides of this issue. I just am afraid that if this Committee Amendment "A" is accepted without the House Amendment, we would disenfranchise a lot of people because they didn't come down to the community room to vote or they weren't aware that it was voting day, 25 days before the election, they weren't able to understand the instructions that might have been posted on the bulletin board because they don't read English fluently as others do. For a list of really good reasons as our elderly have, I hope we don't disenfranchise them because there was an early date to vote, the clerk went there, got a few ballots and left, there is a problem. I have no problem with the clerk going there and voting 90 percent of the people, excellent. I have never gone and I will never go to vote in a nursing home out of principle, but I think House Amendment "B" is a good amendment and I plan to vote on it for that reason.

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

Representative REEVES: Mr. Speaker, Ladies and Gentlemen of the House: Another point of clarification. The Bill as it came out of committee, L.D. 1594 is a new draft, does not prohibit absentee balloting at the nursing home after the polling day has taken place. What House Amendment "B", which we are discussing now, would do is that it removes the prohibition of absentee balloting at the nursing homes before the polling day has taken place.

House Amendment "C", which we will discuss next, removes the prohibition of can-

didates doing absentee ballots in the way that they do now. Just to clarify what Representative Paradis said, even without the amendment, the bill does not prohibit absentee balloting in the nursing home after the polling day. House Amendment "B" removes the prohibition of third party absentee balloting before the polling day.

The SPEAKER: The Chair recognizes the Representative from Canton, Representative McCollister.

Representative MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: One of the nursing homes in my district have about 15 people, who are not residents of the town, who are not interested in becoming voters in the town, they continue to vote in the town in which they grew up in. If there are just seven days left after the town clerk finishers in that nursing home, am I or anyone else going to get an application, send it to the town or drive it, whichever the case may be, probably it will be sent, and the ballot comes back and then the ballot goes back to the town clerk, I don't believe it can be done in seven days.

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

Representative DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to prolong this but my understanding of the bill is that anybody even in a nursing home can request by mail an absentee ballot just as anybody else can.

Representative Reeves of Pittston was granted permission to address the House a third time.

Representative REEVES: Mr. Speaker, Ladies and Gentlemen of the House: Just to clarify what Representative Dillenback said, without House Amendment "B", no, the nursing home people will not be able to request a ballot by mail before the polling day.

Representative Clark of Millinocket requested 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 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 Lewiston, Representative Aliberti, that House Amendment "B" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL No. 121

YEAS:—Aliberti, Allen, Armstrong, Baker, A.L.; Begley, Bell, Bonney, Bott, Bragg, Brodeur, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Crowley, Davis, Descoteaux, Dexter, Dillenback, Drinkwater, Farnum, Foss, Foster, Greenlaw, Gwadosky, Harper, Hepburn, Hichborn, Higgins, L.M.; Hillock, Hoglund, Holloway, Jackson, Lander, Law, Lawrence, Lebowitz, Lord, MacBride, Macomber, Manning, Masterman, Matthews, Mayo, McPherson, Melendy, Mills, Murphy, E.M.; Murphy, T.W.; Nadeau, G.G.; Nicholson, Nickerson, O'Gara, Paradis, E.J.; Parent, Pines, Pouliot, Racine, Rice, Roberts, Rotondi, Salisbury, Seavey, Sherburne, Small, Smith, C.W.; Sproul, Stetson, Stevens, A.G.; Stevenson, Taylor, Telow, Webster, Wentworth, Weymouth, Whitcomb, Willey, Zirkilton.

NAYS:—Baker, H.R.; Beaulieu, Bost, Boutillier, Brannigan, Carroll, Carter, Cashman, Chonko, Clark, Coles, Connolly, Cooper, Cote, Crouse, Daggett, Dellert, Diamond, Duffy, Erwin, Hale, Handy, Hayden, Hickey, Higgins, H.C.; Jacques, Jalbert, Joseph, Lacroix, Lisnik, Martin, H.C.; McCollister, McGowan, McHenry, McSweeney, Michael, Michaud, Mitchell,

Moholland, Murray, Nelson, Paradis, P.E.; Perry, Priest, Randall, Reeves, Ridley, Rioux, Rydell, Scarpino, Simpson, Smith, C.B.; Soucy, Stevens, P.; Strout, Swazey, Tardy, Theriault, Vose, Walker, Warren.

ABSENT:—Carrier, Connors, Kane, Kimball, Nadeau, G.R.; Paul, Richard, Rolde, Ruhlman, Tammaro, The Speaker.

78 having voted in the affirmative and 62 in the negative with 11 being absent, the motion did prevail.

Representative Aliberti of Lewiston offered House Amendment "C" and moved its adoption.

House Amendment "C" (H-283) was read by the Clerk.

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

Representative ALIBERTI: Mr. Speaker, Ladies and Gentlemen of the House: I ask your indulgence for about two or three minutes. The political system that I have witnessed here today is truly a great one. It was with a great deal of emotion also.

This bill, L.D. 1594, had its beginning as L.D. 282, it is designed and written to address the need to guarantee all persons the right to cast their vote without intimidation, with integrity, respect and freedom of choice. This needed guarantee is specifically addressed in L.D. 52 to a special group, and members of nursing homes, congregate housing for the elderly and other designed places, the need for legislation surfaced during my successful campaign and election to the 112th Legislature as a Representative from District 65. This concern was not a campaign issue. It was never an issue or addressed until after the campaign so as not to tarnish the need as a personal vendetta. The process itself reeked with violations and a discredit to our democratic process. It violated the right to vote with dignity. The process in which the voting was solicited appeared to violate the standards associated with good election voting procedures. I vowed to help improve the process of voting this segment of our voting public. I immediately contacted and involved the advocates and the protectors of this franchise, the employees of the Secretary of State's office, the Assistant Secretary of State and his most efficient staff. In drafting my concerns, this L.D. was born but many changes and other needs surfaced. Many experts were enlisted to help. The mandate was to draft a bill that would be honest, fair and not deprive anyone of governmental entity of their inherent rights.

A member of the Maine Committee of City and Town Clerks, and a member of that illustrious legislative committee, attended every one of the hearings as a representative of all the city clerks in the state and kept them posted on every single development and concern. All of the major nursing homes in Lewiston were provided with this bill. No major adverse concerns were registered. Some minor suggestions were addressed. My legal campaign advisor offered support for the draft of the bill. My sponsors offered invaluable support and addressed some concerns. My conscience and my dedication to my constituents concerns were of paramount and prioritized importance.

This bill is not a mandate or a mandatory dictate. This bill is an enabling act, if it fits your community and your community sees the need for this bill, then your town and city fathers can opt to implement L.D. 1594. The clerk then designates and follows the process of the bill. The designated places involved must agree to the terms of the bill in voting its inhabitants. This preserves and reserves and guarantees the right of designated places to maintain the integrity and privacy of its voters.

I found and learned a valuable lesson, that these concerns are extremely important to me. But I had to address an unknown, the political

implications, the acceptance and rejections by you, the candidates, and your concerns as they surfaced. The bill will attempt to vote everyone qualified to cast their ballots right up to the deadline for the casting of their vote.

The last minute change in L.D. 1594 as amended addressed these concerns. The bill is full of compromise in almost every instance with one major exception. The direct and exclusive involvement with the city clerk and his staff to vote the qualified voters of the designated places at the designated time was a must. This was the lifeline of the bill. When the clerk has terminated his mandated involvement and the certification of the voting of the designated places on the polling day, subsequent voting will take place according to 753, Subsection 7 of 754 as the law now operates. To address a strong request by the identified opposition, an amendment that deletes Section 8 of the bill, and in reference to Section 8, was agreed upon with great reluctance. I have addressed every concern surfaced on L.D. 1594 with respect and dignity as a member of this illustrious body. I would assume the reverse would be also forthcoming.

This report came out of committee unanimously, documented from the highly respected Committee on Legal Affairs and their dedicated chairs. That certainly must be weighed as you consider your vote on this bill. Thank you for your indulgence.

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

Representative REEVES: Mr. Speaker, Men and Women of the House: This House Amendment "C" removes Section 8 of the bill, which prohibits candidates from doing absentee ballots, collecting absentee ballots in nursing homes or congregate housing or at the designated places. When we voted down House Amendment "B", we said that all of the absentee balloting before the designated day will still be prohibited but, after the voting day has taken place, Representative Aliberti's amendment, House Amendment "C", will now permit candidates to collect ballots in the nursing homes as they do now, just the way any other person would.

On motion of Representative Reeves of Pittston, tabled pending adoption of House Amendment "C" and later today assigned.

The following item appearing on Supplement No. 6 was taken up out of order by unanimous consent.

Papers from the Senate

The following Joint Order: (S.P. 625) ORDERED, the House concurring, that H.P. 785, L.D. 1118, Bill, "An Act Providing for the 1985 Amendments to the Finance Authority of Maine Act" be recalled from engrossing to the Senate.

Came from the Senate, read and passed. Was read and passed in concurrence.

The Chair laid before the House the following matter: Bill "An Act Concerning Absentee Voting at Designated Places" (H.P. 1105) (L.D. 1594) which was tabled earlier in the day and later today assigned pending adoption of House Amendment "C".

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Roberts.

Representative ROBERTS: Mr. Speaker, Ladies and Gentlemen of the House: Representative Reeves just said, that since we had voted down House Amendment "B", there would be no polling in the nursing homes until after the clerk gets there. I was under the impression that the vote to indefinitely postpone Amendment "B" was not carried. Am I wrong?

The SPEAKER: The pending question on House Amendment "B" was indefinite postponement, that matter has been defeated. The pending question now is on House Amend-

ment "C".

The Chair recognizes the Representative from Rockland, Representative Melendy.

Representative MELENDY: Mr. Speaker, Ladies and Gentlemen of the House: I move for the indefinite postponement of House Amendment "C".

I feel very strongly that candidates should pretty much remain out of the picture. We can certainly go into the home and we can certainly give the support to the elderly that trust us so much. My concern with this is not you or I, those of us that are here today, because apparently we have gotten through to them that we are trustworthy, but there are times when people become a little overly aggressive and the elderly are really intimidated by this.

I would just like to explain something that happened in my own campaign. We had a candidate that had obtained more than 200 absentee applications three months before the election day, when the things were first printed, and it was very difficult for the elderly to remember that they had signed up for these things and so forth. The thing that bothers me in this particular case is that quite often new candidates do not scrutinize information that they should have at their disposal when they are going out there. This particular candidate told me that, as he went from house to house, people would say, well, can you help me, can you tell me how to vote? He would say, no I can't tell you how to vote but I will tell you how I voted. It is things like this that we are protecting them from.

There are enough people out there getting the absentee applications and so forth. I say, let's go in, support our elderly, but let's remain out of the final signature.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Jacques.

Representative JACQUES: Mr. Speaker, Men and Women of the House: I am glad that Representative Melendy did say that she wasn't referring to any of us in this body because I was beginning to feel like a lowlife there for a while, but I am glad to see that is not the case.

You know I have been the chairman of the Housing Authority in the City of Waterville for the last five years and I have also been the state representative for all but one of the elderly congregate housing in the city and, two of the three nursing homes are in my district, and let me tell you, I would just as soon not have to go vote absentees because it is a pain. If I get beat on absentees, so be it. One thing that really concerns me is, if you think the elderly people, and I can only speak for the ones that live in what I call my district and my housing, are going to let just anybody go in and vote them, you are wrong, because it took a long time for them to trust anybody before they go in and vote them.

We have an amendment before us here to prohibit candidates from getting absentees. I probably should be speaking in favor of that but I am going to tell you a story that happened a couple of years ago. It is a true story and I won't try to bore you. I went to one of our local nursing homes -- my mother had a cousin that was in that home on a temporary basis and she called and she wanted me to go vote her. I said, I would just as soon not because I am on the ballot. I was unopposed but I was on the ballot. She said, if you don't come, I am not voting. Those of you that have been here before have heard me get up and speak how important it is that we encourage people to vote. So, I went over to vote. When I got there, there were about 35 elderly people sitting in their rec room looking around doing nothing. So, I asked the activity director, what are they waiting for? She said, they were waiting to vote. I said, I am sorry but I was under the assumption that the city clerk had sent somebody over here to vote -- this noon time. She said, they only voted the Democrats. It was a Democrat that came

over. I said, you are kidding me. She says, no.

The clerks are so busy, maybe your clerks aren't, but my clerk is. Usually, when someone wants to vote absentee, they either call one of the candidates or a member of the Republican or Democratic party and say look, this person is a registered Republican, they want to vote absentee, you better go vote them or the same with the Democrats. What really bothered me is my Democrats had gone and voted only the Democrats and the rest of these people, and they are not quite as dull witted as you think they are, were sitting there waiting for someone to vote them. Now, I tried for two hours to get somebody to go vote those people and nobody would go do it. So, I went back and said, you give me those applications and I will vote the people. So, I came back, got the applications, got the ballots, went to the nursing home, this nursing home is on Cool Street in Waterville, you can call them, they will tell you this is what happened and I voted all the people. I only assisted when they were confused about a referendum question. The social director was there, I asked for somebody else to come along. I said to the social director, what are you? She said, a Democrat. We found a nurse that was a Republican, they went with everybody and voted them. I brought the ballots back and those people voted. Now, they were Republicans, they could have voted for me, it was in the June primary but I didn't have an opponent anyway. But I just hate to think what would have happened if I had not been there. Just the fact that I was on that ballot would have preempted me from voting those 30 people or however many there were there.

Now, we have got boogymen all over the world here and I think we are going a little crazy with our boogymen syndrome because, let me tell you, if I have to cheat to win an election, then I certainly don't deserve to be here.

I will tell you whenever anybody gets into our nursing homes and starts pushing things around, you know what the people do, they throw them out. Now, if I was sure that the city clerk could handle this whole situation by herself, I would say I am all for this because as a Representative told me yesterday, he gets a little tired when you are out there trying to organize your campaign, people call up and want you to go and vote them absentee, it would be easy if I could say Maine law prohibits me from doing it. We have all talked about it, we have waved the flag here about how voting peoples rights are so important and here we had a chance where 30 or 35 people would not have voted because somebody in my party decided it wasn't important enough to take the time to vote the Republicans too.

I am not trying to say that I am holier-than-thou but at least that opportunity was there for me to do that and we are going to take it away unless we adopt this amendment. I just think we are making a big mistake because these elderly people who everybody says how dull witted they are and confused they are and everything else -- let me tell you another story. My cousin works at a nursing home in town and this gentleman came to vote them -- I picked on the Democrats so now I am going to pick on the Republicans -- he was a Republican and he was telling this little old lady, she was 83 and just passed away recently, he was doing his best to convince her that Dave Emery was the man to elect. She never said anything, she listened to his whole spiel and she look up at him and said, I want you to know young man that I knew Georgie Mitchell from the time he was born, right up until the time he left Waterville and you can talk until you are blue in the face, I am voting for Georgie Mitchell. So, the guy accepted that and he came down to my name and said, you really don't have to vote for Paul Jacques because there is no Republican running against him. He figured that would be okay with her. She looked up at him and said, I am sorry, I don't care if nobody

is running against him or if Richard Nixon is running against him, I am voting for Paul Jacques and that is all there is to it. Everybody in the area kind of chuckled and this guy figured he tried and failed and off he went. This lady was 83 and she knew just as much about what she was doing as the guy who was trying to get her to do something else did. It is funny because a couple of people that were there heard it, came back and told me about it. These people aren't all as dull witted you think they are. If you are going to fool some of these people, you are going to have to get up pretty early in the morning.

I sure hate to see you take away the opportunity for somebody to be able to vote such as that type of situation I was in. Now, maybe that is just one situation, maybe that is just a unique experience but I still hate to think what would have happened if I had not been able to go back and vote those people because I could not find anybody that would bother to go vote those people. I couldn't find Republicans to do it, I certainly didn't find Democrats to do it because they left them hanging in the first place so I ended up doing it. So, I am not going to vote to indefinitely postpone that amendment.

On motion of Representative Hayden of Durham, tabled pending the motion of Representative Melendy of Rockland that House Amendment "C" be indefinitely postponed and specially assigned for Monday, June 3, 1985.

Bill Held

The SPEAKER: The Chair recognizes the Representative from Manchester, Representative Daggett.

Representative DAGGETT: Mr. Speaker, is the House in possession of: Bill "An Act to Establish a Kennebec County Budget Committee" (H.P. 300) (L.D. 389)?

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

Representative Daggett of Manchester, having voted on the prevailing side, moved the House reconsider its action whereby House Amendment "A" to Committee Amendment "A" was adopted.

On motion of the same Representative, tabled pending his motion to reconsider whereby House Amendment "A" to Committee Amendment "A" was adopted and specially assigned for Monday, June 3, 1985.

The following item appearing on Supplement No. 2 was taken up out of order by unanimous consent:

Reports of Committees

Unanimous Leave to Withdraw

Representative COOPER from the Committee on Judiciary on Bill "An Act Relating to Child Abuse Conviction Reform" (H.P. 880) (L.D. 1237) reporting "Leave to Withdraw"

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

Administrative Supplement

Reference is made to (H.P. 419) (L.D. 599) Bill "An Act to Reduce the Hours Required for Master and Journeymen Electricians"

In reference to the action of the House on Thursday, May 30, 1985, whereby it Insisted and Asked for a Committee of Conference, the Chair appoints the following members on the part of the House as Conferees:

Representative THERIAULT of Fort Kent
Representative RYDELL of Brunswick
Representative BAKER of Orrington

Administrative Supplement

Reference is made to (H.P. 858) (L.D. 1217) Bill "An Act to Authorize an Award System to Aid in Coyote Control"

In reference to the action of the House on

Thursday, May 30, 1985 whereby it Insisted and Asked for a Committee of Conference, the Chair appoints the following members on the part of the House as Conferees:

Representative SMITH of Island Falls
Representative DUFFY of Bangor
Representative CONNERS of Franklin

Representative Stevenson of Unity was granted unanimous consent to address the House:

Representative STEVENSON: Mr. Speaker, Members of the House: On roll call 119, I was having trouble with the button. It was stuck. I asked that I be recorded as "no" but it came out on the printed roll call as being recorded as "yes". I would like to have that changed.

Representative Lebowitz of Bangor was granted unanimous consent to address the House:

Representative LEBOWITZ: Mr. Speaker, Ladies and Gentlemen of the House: On roll call 117, I was not recorded and if I had been recorded, my vote would have showed "nay".

Administrative Supplement Orders

On Motion of Representative HIGGINS of Portland the following Joint Order (H.P. 1133)

Ordered, the Senate concurring, that the Joint Standing Committee on Taxation report out a bill entitled "An Act Providing for a Sales Tax Exemption for Railroad Track Materials."

Was read.

On motion of Representative Macomber of South Portland, tabled pending adoption and specially assigned for Monday, June 3, 1985

(Off Record Remarks)

On motion of Representative Zirnkilton of Mt. Desert,

Adjourned until nine o'clock tomorrow morning.