

# 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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## HOUSE

Friday June 5, 1985

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

Prayer by Reverend Robert Hargreaves, St. Mark's Episcopal Church, Augusta.

Quorum called; was held.

The Journal of yesterday was read and approved.

**Papers from the Senate**

The following Joint Resolution: (S.P. 630) JOINT RESOLUTION RECOGNIZING THE MAINE NATIONAL HIGH ADVENTURE PROGRAM FOR OUTSTANDING SERVICE TO THE NATURAL RESOURCES INDUSTRIES AND PUBLIC AGENCIES OF THE STATE AND HONORING MR. AND MRS. WALLACE H. JEFFREY

WHEREAS, the Maine National High Adventure Area represents a unique partnership between the private sector, state agencies and the Boy Scouts of America, operating as the top outdoor and leadership training program, the "Graduate School" of the Boy Scouts of America; and

WHEREAS, Since 1971, over 17,000 participants from over 30 states and the nations of Australia, Canada, Great Britain, Pakistan, Saudi Arabia and South Africa have visited this State through the Maine High Adventure Program, which serves as an "ambassador of good will" for the State; and

WHEREAS, Maine High Adventure has provided hundreds of hours of volunteer service to Baxter State Park, the Allagash Wilderness Waterway, the Maine Forest Service, the Department of Inland Fisheries and Wildlife and the University of Maine System; and

WHEREAS, Maine High Adventure staff and crews have volunteered hundreds of hours fighting forest fires and assisting in search and rescue operations; and

WHEREAS, the Bureau of Parks and Recreation presented Maine High Adventure an Outstanding Service Award for cleaning up litter from public campsites on Lobster Lake; and

WHEREAS, in 15 years, the program has operated bases at Matagamon Lake and Pittston Farm, providing thousands of people with rugged back-country experience without a single serious illness or injury; and

WHEREAS, the program has operated according to the philosophy of good stewardship and the "melding of the resources, both human and natural," and has featured the concept of shared and cooperative use of natural resources; and

WHEREAS, Maine High Adventure operates with the strong support and benefit of the following private and public cooperators:

Bangor Hydro Electric Company  
Boise Cascade Corporation  
Champion International Corporation  
Cianbro Corporation  
Dead River Company  
Diamond Occidental, Inc.  
Dunn Heirs  
Georgia-Pacific Corporation  
Great Northern Paper Company  
H.E. Sargent, Inc.  
International Paper Company; and  
J.M. Huber Corporation  
Prentiss & Carlisle Company, Inc.  
Scott Paper Company  
Seven Islands Land Company  
Baxter State Park Authority  
Bureau of Parks & Recreation  
Bureau of Forestry  
University of Maine  
Department of Inland Fisheries & Wildlife  
James W. Sewall Company

WHEREAS, Maine High Adventure has served as a model for other programs around the United States, in Canada and the Bahamas, stressing leadership, character development and environmental education; and

WHEREAS, the Maine High Adventure program has been created and administered by Mr. Wallace H. Jeffrey and Patricia Jeffrey who have provided inspiration, dedication, vision, commitment and leadership and who have served as counselors, mentors and friends setting a high standard for all to follow; and

WHEREAS, on July 1, 1985, they will retire from outstanding life-long service to the Boy Scouts of America and to the natural resources of New England; now, therefore, be it

RESOLVED: That we, the Members of the 112th Legislature of the State of Maine, now assembled, in the First Regular Session, take this opportunity to recognize the Maine High Adventure Program and its accomplishments and to express, on behalf of the Legislature and interested citizens of Maine, our upmost gratitude and heartfelt best wishes to the Jeffreys for their outstanding role in this development; and be it further

RESOLVED: That a suitable copy of this resolution be prepared and presented to the Jeffreys in token of this sentiment expressed herein.

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

**Unanimous Ought Not To Pass**

Report of the Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 for Construction of an Economic Development and Conference Center" (S.P. 421) (L.D. 1169)

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

**Non-Concurrent Matter**

RESOLVE, Authorizing and Directing the Maine State Housing Authority to Study and Report on Current Practices Relating to Enforcement of Safe and Habitable Conditions in Rental Housing (S.P. 313) (L.D. 802) on which the Minority "Ought Not to Pass" Report of the Committee on Legal Affairs was read and accepted in the House on June 4, 1985.

Came from the Senate with that Body having adhered to its former action whereby the Majority "Ought to Pass" as amended Report of the Committee on Legal Affairs was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-186) and Senate Amendment "A" (S-190) in non-concurrence.

On motion of Representative Reeves of Pittston, the House voted to recede and concur.

**Non-Concurrent Matter**

Bill "An Act to Change the Manner in Which the State Seeks Assurance of Motorists' Financial Responsibility" (H.P. 838) (L.D. 1189) on which the Majority "Ought to Pass" Report of the Committee on Business and Commerce was read and accepted and the Bill passed to be engrossed in the House on June 3, 1985.

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

On motion of Representative Brannigan of Portland, the House voted to adhere.

**Orders**  
**Consent Calendar**  
**Second Day**

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

(H.P. 1075) (L.D. 1564) Bill "An Act to Provide Expanded Markets for Products and Services from Rehabilitation Facilities and Work Centers" (Emergency) (C. "A" H-327)

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

**Orders of the Day**

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

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

**Bill Recalled From Legislative Files**  
(Pursuant to Joint Order —  
House Paper 1134)

Bill "An Act to Protect Railroad Rights-of-way" (H.P. 414) (L.D. 581)

On motion of Representative Vose of Eastport, was referred to the Committee on Transportation. Sent up for concurrence.

The Chair laid before the House the first Tabled and Today Assigned matter:

An Act to Establish an Aroostook County Budget Committee (S.P. 310) (L.D. 799) (C. "A" S-98)

TABLED — June 4, 1985 by Representative DIAMOND of Bangor.

PENDING — Passage to be Enacted.

On motion of Representative Diamond of Bangor, retabled pending passage to be enacted and tomorrow assigned.

The Chair laid before the House the second Tabled and Today Assigned matter:

Bill "An Act to Amend the Probate Code to Improve Guardianship and Conservatorship Proceedings" (S.P. 218) (L.D. 577) (C. "A" S-176)

TABLED — June 4, 1985 by Representative MacBRIDE of Presque Isle.

PENDING — Motion of Representative STETSON of Damariscotta to Indefinitely Postpone Bill and Accompanying Papers.

On motion of Representative Allen of Washington, retabled pending the motion of Representative Stetson of Damariscotta to indefinitely postpone bill and all accompanying papers and tomorrow assigned.

The Chair laid before the House the third Tabled and Today Assigned matter:

Bill "An Act Concerning Nomination Petitions for Unenrolled Candidates" (H.P. 1063) (L.D. 1542)

— In House, Passed to be Engrossed as amended by House Amendment "B" (H-310) on June 4, 1985.

— In Senate, Adhered to Passage to be Engrossed in non-concurrence.

TABLED — June 4, 1985 by Representative DIAMOND of Bangor.

PENDING — Motion of Representative SMITH of Island Falls to Recede and Concur.

On motion of Representative Handy of Lewiston, retabled pending the motion of Representative Smith of Island Falls to recede and concur and later today assigned.

The Chair laid before the House the fourth Tabled and Today Assigned matter:

An Act to Restructure the Duties and Funding of the Maine Land Use Regulation Commission (S.P. 606) (L.D. 1600) (S. "B" S-180)

TABLED — June 4, 1985 by Representative MICHAUD of Medway.

PENDING — Passage to be Enacted.

Whereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The Chair laid before the House the fifth Tabled and Today Assigned matter:

An Act to Clarify the Rights of Tenants in Mobile Home Parks (H.P. 534) (L.D. 909) (C. "A" H-278)

TABLED — June 4, 1985 by Representative DIAMOND of Bangor.

PENDING — Passage to be Enacted.

Whereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The Chair laid before the House the sixth Tabled and Today Assigned matter:

An Act to Establish a Maine-New Hampshire Boundary Commission (H.P. 1049) (L.D. 1525) (C. "A" H-276)

TABLED — June 4, 1985 by Representative DIAMOND of Bangor.

PENDING — Passage to be Enacted.

On motion of Representative Gwadosky of Fairfield, retabled pending passage to be enacted and later today assigned.

The Chair laid before the House the seventh Tabled and Today Assigned matter:

Bill "An Act Relating to Absentee Voting" (S.P. 32) (L.D. 33)

TABLED — June 4, 1985 by Representative VOSE of Eastport.

PENDING — Motion of Representative WENTWORTH of Wells to Indefinitely Postpone House Amendment "B" (H-322) to Committee Amendment "A" (S-129).

The Speaker recognizes the Representative from Pittston, Representative Reeves.

Representative REEVES: Mr. Speaker, Ladies and Gentlemen of the House: L.D. 33 is the unanimous committee bill which has several reforms in the absentee balloting law. You received a fact sheet several days ago on L.D. 33, which tells what it does. It clarifies that Assistant Clerks in addition to Deputy Clerks can carry out the duties of the Clerk. This lessens the burden of the Clerk. It enumerates reasons why an absentee ballot may be challenged and, in this amendment which is now under consideration, we added a couple of reasons so that we would be sure that we were covering every legitimate reason why that could be challenged. The reasons that we added were: a voter using a name of another and committed any other specified violation of this title. The bill establishes a system to mock challenge absentee ballots which ensures their secrecy until the charge is upheld. It slightly changes the eligibility for absentee voting to include all voters who are working during the entire time that the polls are open; it clarifies that 30 days is a reasonable time before election day for the Secretary of State to finish each municipality with absentee ballots; it codifies the current practice in requiring the voter an aide where the voter receives assistance in marking their ballots to sign affidavits on the absentee ballots return envelope.

It also makes absentee ballots easier to obtain in the following ways: if the voter is outside the state, a written request from the voter or family is sufficient. This was formerly restricted to voters outside of the country. A voter can request a ballot by phone, eliminating the application step within the town, and the ballot can be mailed to the voter. It conforms state law to federal law concerning assistance in filling out applications or reading or marking ballots. It allows the voter to vote absentee in the presence of the clerk without filling out an application. Current law limits that voting to the clerk's office, not during the presence of the clerk. It also sets up a new system of witnessing ballots. If the ballot is requested by telephone, mailed to the voter and then returned by mail to the clerk and the voter receives no assistance, no witness or notary is required. Then, if the ballot is delivered by a third person, either one, notary is required to sign or two, other individuals can witness.

The original bill did contain some provisions which limited the participation of candidates in the process. What this amendment that is under consideration now does is eliminate all of these discriminations against candidates. It completely removes the restrictions placed on candidates serving as witnesses. Under this amendment, a candidate who is a notary or other official, may serve as a single witness just the way they do now; if a candidate is not a

notary, he must serve as one of two witnesses. This is treating a candidate exactly the same way as he is treated now and exactly the same as anyone else.

So, I hope you will vote against indefinite postponement of House Amendment "B" and send this bill on its way.

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

Representative WENTWORTH: Mr. Speaker, Members of the House: I understand that an amendment is being drafted on this bill. I would ask for indefinite postponement on this. (At ease)

Representative Wentworth of Wells withdrew her motion to indefinitely postpone House Amendment "B".

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 explain exactly what this amendment does. It adds two reasons to the list of why absentee ballots can be challenged. If someone voted an absentee ballot using the name of another person or if a specified violation of the election laws were committed. The other thing that this amendment does is remove any special treatment of candidates for doing absentee ballots. It removes any restrictions, special restrictions, for candidates on doing absentee ballots. Now candidates can serve as witnesses; candidates can serve as notaries and the candidate is treated exactly as anyone else who does an absentee ballot.

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

Representative WENTWORTH: Mr. Speaker, I would like to pose a question through the Chair to the Representative from Pittston, Representative Reeves.

Did you say that a candidate can handle an absentee ballot like anyone if they are not notaries?

The SPEAKER: The Representative from Wells, Representative Wentworth, has posed a question through the Chair to Representative Reeves from Pittston, who may respond if she so desires.

The Chair recognizes that Representative. Representative REEVES: Mr. Speaker, Members of the House: A candidate can witness an absentee ballot or notarize an absentee ballot. In this bill, which is an omnibus bill, which I just explained to you when I got before the break, one of the things that we are dealing with is changing the system of notarization to include the fact that a third party absentee ballot, one that is taken to a person and filled out and then returned by a third person, may either be notarized or it can have two witnesses sign it. The candidate can be a witness or the candidate can be a notary. The candidate is now treated exactly as anyone else under L.D. 33.

The SPEAKER: The Chair recognizes the Representative from Woolwich, Representative Cahill.

Representative CAHILL: Mr. Speaker, Ladies and Gentlemen of the House: It would appear to me, if we accepted this amendment, that we would be loosening the absentee ballot process. I think the hearings that the Legal Affairs Committee has had and the feedback I am getting from my constituency is that the absentee ballot system is already too loose. It would appear to me that we are loosening it by accepting this amendment.

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

Representative REEVES: Mr. Speaker, Ladies and Gentlemen of the House: I think that the Representative from Woolwich is speaking of the bill rather than the amendment. The pro-

visions that she is talking about are in the bill rather than the amendment.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: After all the amendments that have been put on this bill, that is exactly what it does, it loosens the absentee ballot voting. The amendments that have deleted all these things, in my opinion, has ruined the whole process that we had worked out in committee for a unanimous report so, therefore, I guess I would have to urge that we vote against this.

Representative Zirkilton of Mt. Desert requested a roll call.

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

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

The SPEAKER: If the Representative wishes to wait for awhile, perhaps that motion will be in order.

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 Madawaska, Representative McHenry.

Representative McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: A question was asked, if a candidate is not a notary, can that person notarize and, in my opinion, if the person who is a candidate was not a notary, should not notarize. Am I correct in that assumption?

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

The Chair recognizes the Representative from Lewiston, Representative Handy.

Representative HANDY: Mr. Speaker, Ladies and Gentlemen of the House: It is my understanding that that has not changed. Any person who witnesses a ballot envelope has to be a notary, a dedimus justice, an attorney, a clerk of the courts or a municipal clerk.

The SPEAKER: As I understand it, the committee put a provision in the bill which said that if absentee ballots were mailed through the mail never to be touched by a candidate or by anyone else, that the person who received the absentee ballot, could have his or her signature witnessed by two persons and return the ballot through the mail back to the clerk. This amendment does not change that. What this amendment changes is the prohibition against a candidate being the notary if the ballot is handled by the person or being a witness if that ballot had been received through the mail.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: No, when a person has it sent by mail, they do not have to have any witness if they mail it back.

Representative McHenry is partially right, a candidate can be a notary and can go out and witness an absentee ballot. A candidate can witness an absentee ballot, who is not a notary, if they have one other witness with them. That is what the bill does.

The SPEAKER: The Chair stands by his review of the bill after reading it for two minutes.

The Chair recognizes the Representative from Pittston, Representative Reeves.

Representative REEVES: Mr. Speaker, addressing the amendment which I believe is what is being debated at this moment, I would just like to remind members of the House that this amendment takes out the restrictions and discriminations against candidates doing absentee ballots.

In response to what seemed to be the feeling of the House, when they voted on the former absentee ballot bill, this is why this amendment has been presented. There seems to be a great deal of opposition to restrictions on candidates doing absentee ballots. This amendment removes the restrictions on candidates doing absentee ballots and makes them the same as any other person doing absentee ballots.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Willey.

Representative WILLEY: Mr. Speaker, Ladies and Gentlemen of the House: I hate to be the only person who hasn't talked on this subject after two or three days of debate. I really don't have much to offer except that I would like to remind you of two things. Rightly or wrongly, the public perceives politicians' credibility to be somewhere on the level of a used car salesman or less. It would seem to me that part of that is because of absentee ballots. I don't suggest that anybody here has ever abused the privilege of absentee ballots but certainly the possibility is there. It also seems extremely inconsistent to me that we are not allowed to peddle our wares within 250 feet of a ballot box but we can lug absentee ballots around and do whatever we want to do with them. I think that that is extremely inconsistent and I hope that you don't do anything to liberalize this use and to really prohibit the use of them directly by candidates.

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

Representative MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: I don't know how the previous speaker's constituents view him but I know that the majority of my constituents don't hold me in any such low esteem.

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

Representative BOTT: Mr. Speaker, Men and Women of the House: There is a great deal of confusion as to what this bill does and what this amendment does and I, for one, would like to find out what is going on with these 12th hour amendments to a unanimous committee bill so I hope someone would table this for one legislative day.

The SPEAKER: The Chair recognizes the Representative from Woolwich, Representative Cahill.

Representative CAHILL: Mr. Speaker, I would like to pose a question to the Chair. I am really confused now — could you tell us, please, if the amendment we are voting on would have to do with absentee ballots through the mail or all absentee ballots?

The SPEAKER: The Chair knew nothing about this bill until two minutes ago when we met here but, in reading it, it seems very simple.

House Amendment "B" to Committee Amendment "A" does, basically, three things: it adds two things to the prohibition as to why an absentee ballot could be declared illegal. It also removes the prohibition, as I see it, in terms of dealing with candidates being allowed to deal with absentee ballots and notarizing those absentee ballots, if they handled it personally. If the person mailed the ballot through the mail and the candidate happened to be present, he could also serve as a witness because that is in the original bill.

So, if you are in favor of those items, you would vote yes; if you are opposed, you would vote no.

The Chair recognizes the Representative from Woolwich, Representative Cahill.

Representative CAHILL: Mr. Speaker, Ladies and Gentlemen of the House: The four years that I served, previous to this year, I served on Election Laws Committee and we dealt with this issue quite extensively. I was delighted when this legislation first hit the floor, the new draft of this legislation, because I think it was the first attempt of both parties to come together and do something about the absentee balloting process. However, I think this amendment, the way we are attempting to amend this, is to take out any of that reconciliation that the committee, which I think should be commended, attempted to achieve. I think that is a real shame. As candidates, I don't think any one of us can sit here and honestly say that we can give an absentee ballot and act unbiased. I think when our names are on that ballot, we automatically become biased to that ballot.

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

Representative VOSE: Mr. Speaker, Ladies and Gentlemen of the House: Those of us that were against this bill in the beginning were against the one clause making a candidate a second class citizen and that is precisely what this bill did. It inferred some kind of mistrust to those of us going out to get absentee ballots. I, for one, get very few absentee ballots. I do it if somebody calls me and asks me to do it. I generally ask some other people to do it because sometimes I do feel uncomfortable because a person that gets an absentee ballot from a candidate does, in most instances, vote for that candidate although they have told me on several occasions, "I am sorry, I can't vote for you, I vote straight Republican ticket." That is okay with me. The thing is, with this candidate phase of the bill, you are not changing anything that the committee worked so hard on, you are just getting rid of the candidate part of it, which satisfies, I hope, the majority of us so I hope you will vote against the indefinite postponement of this bill.

The SPEAKER: The pending question before the House is adoption of House Amendment "B" (H-322) to Committee Amendment "A" (S-129). Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL No. 145

YEAS:—Aliberti, Allen, Baker, H.R.; Beaulieu, Bost, Boutilier, Brannigan, Brodeur, Brown, A.K.; Callahan, Carrier, Carroll, Carter, Chonko, Clark, Coles, Connolly, Cooper, Cote, Crouse, Daggett, Descoteaux, Diamond, Erwin, Hale, Handy, Hayden, Hickey, Higgins, H.C.; Hoglund, Jacques, Jalbert, Joseph, Lacroix, Lisnik, Macomber, Manning, Martin, H.C.; Mayo, McColister, McGowan, McHenry, McSweeney, Michael, Michaud, Mills, Mitchell, Moholland, Murray, Nadeau, G.G.; Nadeau, G.R.; Nelson, O'Gara, Paradis, P.E.; Paul, Perry, Pouliot, Racine, Randall, Reeves, Richard, Ridley, Rioux, Roberts, Rolde, Rotondi, Rydell, Seavey, Simpson, Smith, C.B.; Soucy, Stevens, P.; Strout, Swazey, Tammara, Tardy, Telow, Theriault, Vose, Walker.

NAYS:—Armstrong, Baker, A.L.; Begley, Bell, Bonney, Bott, Bragg, Brown, D.N.; Cahill, Connors, Davis, Dellert, Dexter, Dillenback, Drinkwater, Farnum, Foss, Foster, Greenlaw, Harper, Hepburn, Hichborn, Higgins, L.M.; Hillock, Holloway, Ingraham, Jackson, Lander, Law, Lawrence, Lebowitz, Lord, MacBride, Masterman, Matthews, McPherson, Melendy, Murphy, E.M.; Murphy, T.W.; Nicholson, Nickerson, Paradis, E.J.; Parent, Pines, Rice, Salsbury, Scarpino, Sherburne, Small, Smith, C.W.; Sproul, Stetson, Stevens, A.G.; Stevenson, Taylor, Warren, Webster, Wentworth, Weymouth, Whitcomb, Willey, Zirkilton.

ABSENT:—Cashman, Crowley, Duffy,

Gwadosky, Kane, Kimball, Priest, Ruhlin, The Speaker.

80 having voted in the affirmative and 62 in the negative with 9 being absent, House Amendment "A" (H-322) to Committee Amendment "A" (S-129) was adopted.

Representative Handy of Lewiston offered House Amendment "C" (H-325) to Committee Amendment "A" (S-129) and moved its adoption.

House Amendment "C" (H-325) to Committee Amendment "A" (S-129) was read by the Clerk.

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

Representative HANDY: Mr. Speaker, Men and Women of the House: This amendment simply allows those individuals who need assistance in voting to permit the notary to provide that assistance.

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

Representative REEVES: Mr. Speaker, Ladies and Gentlemen of the House: I believe that L.D. 33 requires that when a voter receives assistance in marking their ballot — for instance, if they are blind or they can't hold a pen, that another person must witness that assistance process.

I would like to pose a question through the Chair to Representative Handy. Does your amendment take away the need for a witness of that aiding process?

The SPEAKER: Representative Reeves of Pittston has posed a question through the Chair to Representative Handy of Lewiston who may respond if he so desires.

The Chair recognizes that Representative.

Representative HANDY: Mr. Speaker and Members of the House: There are two terms here that sometimes are confused, assistance and aid. The person who provides the assistance is the notary public, the dedimus justice, etc. The person who is the aide is some other party that comes in and assists, helps the voter aide is some other party that comes in and assists, helps the voter vote. That aide could be provided if that person who is assisting the voter is the notary public, the dedimus justice.

The SPEAKER: The Chair recognizes the Representative from Woolwich, Representative Cahill.

Representative CAHILL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a further question to the sponsor of the amendment.

Under this amendment, the candidate could be the person marking the ballot for the person that needs assistance?

The SPEAKER: Representative Cahill of Woolwich has posed a question through the Chair to Representative Handy of Lewiston, who may respond if he so desires.

The Chair recognizes that Representative.

Representative HANDY: Mr. Speaker, Ladies and Gentlemen of the House: That is correct, that is what we have under our current law and this amendment would return to the status quo.

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

Representative REEVES: Mr. Speaker, Ladies and Gentlemen of the House: Federal law requires that a candidate be allowed to act as an aide. L.D. 33 puts into the statute that when an aide is used, a third person must witness that process. As I understand it, Amendment H-325 removes that requirement for a witness aided ballot. Therefore, I move the indefinite postponement of this amendment.

Thereupon, on motion of Representative Reeves of Pittston, House Amendment "C" to Committee Amendment "A" as amended by Senate Amendment "A" and House Amend-

ment "B" thereto was adopted.

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

Representative ALIBERTI: Mr. Speaker, Ladies and Gentlemen of the House: I had intended to offer an amendment to this bill which would address my major concern. I will not be presenting my amendment dealing with the absentee votes in designated places. Secretary of State, Rodney Quinn, told me nursing homes and congregate housing can request that municipalities afford them a special day so my amendment is not necessary.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I move the indefinite postponement of this bill and all accompanying papers.

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

Representative REEVES: Mr. Speaker, Men and Women of the House: I hate to go against a member of my own committee but I feel that the committee has worked long and hard over the long series of technical provisions in this bill, which you have in your fact sheet and which I have gone over for you. I am in sympathy with the committees feeling of loss in taking out one of the major reforms of the bill but I do feel this is a good bill and that it should be passed. I hope that you will vote against the motion to indefinitely postpone.

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

Representative DILLENBACK: Mr. Speaker, Ladies and Gentlemen of the House: I am also a member of this committee and I am sorry that it has been amended to such a degree that it has no worth anymore to us. I would ask for a roll call.

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

A vote of the House was taken and 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 Rockland, Representative Melendy.

Representative MELENDY: Mr. Speaker, Ladies and Gentlemen of the House: I think you realize that I had very strong feelings about this bill and today I have been remaining rather quiet. I am certainly not getting what I want but there are many things left in this bill that are good and if we can start with a little step, maybe we can get to the rest of our journey in a few short years. I'd say, let's vote for these reforms.

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

Representative VOSE: Mr. Speaker, Ladies and Gentlemen of the House: I sincerely apologize for causing such a ruckus about this bill to begin with, but honestly, the committee did work hard and long on the aspects of this bill and, just because there was one objectionable clause in the bill that some of us objected to and were fortunate enough to win in eliminating that clause, I hope that you won't indefinitely postpone the bill because the bill has some very good points in it, in my opinion.

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

Representative RACINE: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you

will vote against the pending motion. A lot of changes were needed, some were defeated by amendment but at least, it is a start. I have to agree with my good friend, Representative Vose. You know people are reluctant to accept changes and this is a common fact. However, in order to make some changes, you have got to start someplace. I think that this is the time to start. I hope that you will vote against the pending motion.

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

Representative MASTERMAN: Mr. Speaker, Ladies and Gentlemen of the House: I hesitated to rise this morning because what I am going to say I had to think about quite a lot. I find this very amusing, the exercise we are going through right now, I find most amusing. Thirteen members of the Committee on Legal Affairs, Republicans, Democrats listened, I wouldn't even dare say how many came in to testify and we listened to what their problems or what they perceived their problems were. We, of the committee, finally hammered out a bill that we thought would meet the desires of everyone. I think the one thing we forgot in committee was that everyone in this House is, and maybe or will be again, a candidate. We lost sight of that. I am going to vote not to indefinitely postpone because I agree that we are coming out with something. But once again, I want to put into the record that I find it amusing that we neglected to remember that everyone in this House was, and maybe will be again, a candidate.

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

Representative BOTT: Mr. Speaker, Ladies and Gentlemen of the House: It is with great reluctance that I rise today to support the motion to indefinitely postpone this bill. I have a lot of confidence in our committee and I feel that we worked long and hard. We balanced the interests between the two different parties. We listened to hours of testimony and I think, to stop amending this now, I think we are disrupting a very delicate balance and I would hope you would all vote to indefinitely postpone this bill.

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

Representative MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: I reluctantly rise to support the bill at this time because I have been opposed to the bill in total. But I am finding something of an undercurrent here. Are we looking at a bill, or what is left of this bill, that was merely a smoke screen to get at the candidates absentee balloting? If we can't have that or if the opposition cannot have that prohibition, they don't want the rest of the bill. Is it because the rest of the bill was there just to hide the absentee ballots by a candidate?

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: The committee did work long hard hours on this bill and we did hear hours and hours of testimony and we did compromise and we did not do this to harm the candidates. This whole bill came into balance so that we thought we had a fair very fair, a very honest system. When we started taking amendments on it, we ruined that balance. I just feel as though with that balance ruined, the bill is even going to question more our integrity as candidates and for absentee ballots.

The SPEAKER: The pending question before the House is on the motion of Representative Murphy from Berwick to indefinitely postpone the bill and all accompanying papers. Those in favor of that motion will vote yes; those op-

posed will vote no.

#### ROLL CALL No. 146

YEAS:—Armstrong, Baker, A.L.; Begley, Bell, Bonney, Bott, Bragg, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Connors, Davis, Dellert, Dillenback, Drinkwater, Farnum, Foster, Greenlaw, Hale, Handy, Harper, Hepburn, Hichborn, Higgins, L.M.; Hillock, Holloway, Ingraham, Jackson, Joseph, Lander, Law, Lebowitz, Lord, MacBride, Macomber, McGowan, McPherson, Murphy, E.M.; Murphy, T.W.; Nicholson, Nickerson, Parent, Pines, Salisbury, Scarpino, Sherburne, Small, Smith, C.W.; Sproul, Stetson, Stevenson, Taylor, Webster, Wentworth, Weymouth, Whitcomb, Zirkilton

NAYS:—Aliberti, Allen, Baker, H.R.; Beaulieu, Bost, Boutilier, Brannigan, Brodeur, Carrier, Carroll, Carter, Chonko, Clark, Coles, Connolly, Cooper, Cote, Crouse, Crowley, Daggett, Descoteaux, Diamond, Erwin, Foss, Hayden, Hickey, Hoglund, Jacques, Jalbert, Lacroix, Lawrence, Lisnik, Manning, Martin, H.C.; Masterman, Matthews, Mayo, McCollister, McHenry, McSweeney, Melendy, Michael, Michaud, Mills, Mitchell, Moholland, Murray, Nadeau, G.G.; Nadeau, G.R.; Nelson, O'Gara, Paradis, E.J.; Paradis, P.E.; Paul, Perry, Pouliot, Racine, Randall, Reeves, Rice, Richard, Ridley, Rioux, Roberts, Rolde, Rotondi, Rydell, Seavey, Simpson, Smith, C.B.; Soucy, Stevens, P.; Strout, Swazey, Tammaro, Tardy, Telow, Theriault, Vose, Walker, Warren, Willey, the Speaker

ABSENT: Cashman, Dexter, Duffy, Gwadosky, Higgins, H.C.; Kane, Kimball, Priest, Ruhlin

59 having voted in the affirmative and 83 in the negative with 9 being absent, the motion did not prevail.

Thereupon, the Bill was read the second time and passed to be engrossed as amended by Committee Amendment "A" as amended by Senate Amendment "A" and House Amendment "B" thereto and sent up for concurrence.

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

The Chair laid before the House the eighth Tabled and Today Assigned matter:

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

TABLED—June 4, 1985 by Representative HAYDEN of Durham.

PENDING—Adoption of Committee Amendment "A" (H-154) as amended by House Amendment "A" (H-263) thereto.

On motion of Representative Hayden of Durham, retabled pending adoption of Committee Amendment "A" (H-154) as amended by House Amendment "A" thereto (H-263) and tomorrow assigned.

The Chair laid before the House the ninth Tabled and Today Assigned matter:

Bill "An Act to Amend the Reapportionment Law" (S.P. 619) (L.D. 1630)

—In Senate, Passed to be Engrossed without reference to a Committee.

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

TABLED—June 4, 1985 by Representative GWADOSKY of Fairfield.

PENDING—Reference.

On motion of Representative Hayden of Durham, retabled pending reference and later today assigned.

The Chair laid before the House the tenth Tabled and Today Assigned matter:

Bill "An Act Concerning the Forest Resources of Maine" (H.P. 1069) (L.D. 1550)

TABLED—June 4, 1985 by Representative JACQUES of Waterville.

PENDING—Adoption of Committee Amend-



ment "A" (H-318)

Representative Jacques of Waterville offered House Amendment "A" (H-329) to Committee Amendment "A" (H-318) and moved its adoption.

House Amendment "A" (H-329) to Committee Amendment "A" (H-318) was read by the Clerk.

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

Representative JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: For the benefit of the gentlemen from Biddeford, Mr. Racine and anyone else in this House, who would like to know what this amendment does, what the amendment does is it deals in the forest practices bill that is coming out of the joint select committee, it deals with Bureau of Public Lands. It states that, if the Bureau of Public Lands adopts a management plan for an extended period of time, eight or ten years, and for some reason somewhere in that time period we either have a new director of public lands or they would want to change that management plan, this would allow for public input before they would change, from let's say, a practice of selective cutting in an area and then somebody would come in because they need money or whatever the case may be and want to go to clear cutting areas without any consideration of wise forest management. This would make sure that people, the citizens of this state would have some input. I think it is a good idea and I hope you will adopt the amendment.

Thereupon, House Amendment "A" (H-329) to Committee Amendment "A" (H-318) was adopted.

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

The Bill was read a second time.

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

The Bill was read a second time.

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

Representative CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: I intend to offer an amendment to this bill, not to the committee amendment but to the bill. The amendment is not yet prepared so I would appreciate it if someone would table it until later in today's session.

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

The Chair laid before the House the eleventh Tabled and Today Assigned matter:

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

TABLED—June 4, 1985 by Representative DIAMOND of Bangor.

PENDING—Adoption of House Amendment "A" (H-316) to Committee Amendment "A" (H-214)

The SPEAKER: The Chair recognizes the Representative from Corinth, Representative Strout.

Representative STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I would pose a question to the Chair. I would ask if this amendment is properly before this House where the subject matter deals with a bill that was handled earlier this session and defeated?

The SPEAKER: The Chair, in reference to the request of Representative Strout of Corinth, in terms of whether or not the amendment is properly before the body, the Chair would rule that House Amendment "A" to Committee Amendment "A" is properly before the body since the question and material in L.D. 159 is contained in the original committee amendment under L.D. 344 and House Amendment "A" to Committee Amendment "A" contains the same language only it is a matter of in-

cluding the amendment which Representative from Canton, Representative McCollister, was including.

Thereupon, House Amendment "A" (H-316) to Committee Amendment "A" (H-214) was adopted.

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

The Bill was read a second time and the bill passed to be engrossed as amended by House Amendment "A" (H-316) to Committee Amendment "A" (H-214) and sent up for concurrence.

The Chair laid before the House the twelfth Tabled and Today Assigned matter:

Bill "An Act Renaming Registered Day Care Providers as Home Baby-sitting Service Providers" (H.P. 1120) (L.D. 1616)

— In House, Passed to be Engrossed on May 30, 1985.

— In Senate, Passed to be Engrossed as amended by Senate Amendment "B" (S-202) in non-concurrence.

TABLED—June 4, 1985 by Representative DIAMOND of Bangor.

PENDING—Further Consideration.

Representative Nelson of Portland moved the House recede and concur.

The SPEAKER: The Chair recognizes the Representative from Limestone, Representative Pines.

Representative PINES: Mr. Speaker, Ladies and Gentlemen of the House: L.D. 1616 contains under Chapter 8305, Section 4, Page 2 of the bill, a subsection: compliance inspection. It reads: "the department may conduct one annual inspection of the providers facility to ensure compliance with the law." One of the reasons why the registration option, without inspection, was passed into law was to encourage day care homes that weren't licensed the option of self-certification. The purpose of this was to give the state the location and names of these homes. 200 providers came forward and did so. If the department inspected registered homes under this bill, they can only inspect on criteria stated in the bill. But don't forget, there are 12 or more parents entering these homes twice daily to inspect. They can inspect homes now if they have a complaint. Currently, having checked with Mildred Hart, head of the licensure department from the Department of Human Services, they have no more than one complaint every six months reported to the department. This is usually on the number of children in the center. If you watch the T.V. news series on day care licensure, the Department of Human Services is unable to inspect annually licensed homes now because of staffing problems. Licensed homes number over 1,000 and have increased by 30 percent in the last year. There are currently over close to 200 persons holding certificates of registration. The registered babysitting providers provide for a reasonable balance between the states legitimate concern for the health and safety of Maine children and the equally legitimate rights of parents to determine for themselves who will assume daytime care of their children. Let's not drive these registered providers underground to operate illegally and give the working parents a choice.

Ladies and Gentlemen, I am the grandparent of two children at a very regulated state day care. These two children at not allowed to attend the same day care center because of an age difference. They don't spend their days together, which I feel is a very serious concern in our society. In a free society, the institution of the family is essential to order and progress.

I am concerned that if we overburden babysitters with rules and regulations, we shall find that they will neither register or become licensed, but will go underground.

The sheet distributed to you last week set out the differences now for registration and licensure. This compliance inspection, anyway you want to say it, puts the foot under the door or,

as our good friend from Damariscotta said, the camel's nose under the tent. There is no fiscal note on this bill and, when the department was asked what they would do if that section of the bill was passed, they stated, we can't inspect because of lack of time and personnel.

I, therefore, move that this bill and all accompanying papers be indefinitely postponed. Mr. Speaker, I request the vote be taken by roll call.

The SPEAKER: The Chair would advise the Representative from Limestone, Representative Pines, that the motion to indefinitely postpone is not in order at this time.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: The concerns that were raised by my good friend from Limestone, Representative Pines, dealing with inspection, the department has told me on a number of occasions that they would like to have this provision in the law, that yes, they would probably not be inspecting every single one of these day cares but, if they had the opportunity, they would inspect some of those day cares.

The reason why we changed the law was simply because the committee felt that the difference between registered day care and licensed day care gave the same notion that a registered day care was a licensed day care. In talking to many people that I have been involved with in the last six or seven months, registered day care gave that notion that it was going to be licensed. So, the committee decided to change it to home babysitting service.

The Committee has also asked the Appropriations Committee to fund three more inspectors. This was a unanimous report that came out of our committee.

Let me just explain the section that is, I guess, controversial. I had a constituent call me up back in January to tell me that her husband went to pick up her infant baby at a registered day care. He pounded on the front door and he pounded and pounded, he couldn't get any answer so he went around to the back door and pounded. Finally some man came out, who he didn't know at all, he had never met, when he picked up his child before and he asked where the person who was supposed to be taking care of the children were. He indicated that her and her helper had gone down to the store for a while and they would be back shortly. The law requires, ladies and gentlemen, that with over six people, there shall be a second person there. That person was not the person who had agreed to babysit their child. They were very upset about that. There were more than the number of children in that day care for that one person to be handling.

Now, I was around when this bill was debated five years ago and we fought on this bill and we came down to the conclusion that 12 was a good compromise, simply because, if there was a fire in that house, one person is not going to be able to get all 12 of those children out. That is what this compliance inspection is asking, that they go in, make sure if they have more than six kids that they have another person there who is 14 years or older. That is all this bill does.

I don't think it is that much of an intrusion. Out of the 180 registered day care homes right now, 50 of those think that the intrusion of the federal government is all right because they are getting food money from the Agricultural Department at \$1.95 per child per day. Now, if they have up to 12 children, that is a pretty good chunk of money that the federal government is giving them so they don't have the federal government getting into their homes but I guess they have a problem with the state government. I have talked to a few people in this building especially, whose children are in registered day care, and saw the amendment and felt that that was a good amendment and

they could live with it. They couldn't live with the original bill, which called for repeal of day care in the home for registered homes but they could live with this amendment.

I hope you go along with Representative Nelson on the recede and concur.

The SPEAKER: The Chair recognizes the Representative from Camden, Representative Taylor.

Representative TAYLOR: Mr. Speaker, Ladies and Gentlemen of the House: I think that safety is a concern that we all have in day care. I think also the imposition of DHS on our day care providers is a concern. I think we have to reach a happy medium.

I urge us to vote against the passing motion because I think we could have it with the provision that any complaint will bring someone from DHS to anyone of those homes. I think that is, indeed, enough of a safety factor and I would urge us to consider the fact that the imposition of DHS on these day care centers is what is causing this initial concern. I don't think we want that, I think we want day care providers out there and I think we want it with safety, not with imposition of DHS, unless it is required.

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

Representative BOUTILLIER: Mr. Speaker, Ladies and Gentlemen of the House: I have traditionally in the past during this session had many concerns about the way DHS conducts investigations and I sympathize with my good friend, Representative Pines, her concerns as she well knows. However, this bill comes from the other body amended and I feel that is very important to note that the amendment deals with at least part of this concern in that, under a complaint, there must be reasonable cause to suspect that a violation of the certification requirement has occurred for DHS to be allowed to investigate.

The other concern that I think Representative Pines has, and I also have some reservations, in the yearly inspection, when DHS is allowed once, unannounced, to enter a day care home to investigate. As I said, I have some initial reservations about it but I think, at this time, it is not happening, we don't have the changes that are required within this bill and, therefore, there are no problems that immediately come to mind. As I said, I have been deeply involved on this issue in trying to deal with some of the problems that I have seen in my area, which has a high concentration of day care centers and I would hope that there wouldn't be any problems. If there is, I probably would be one of the first to present a bill to this body to deal with that but I feel the bill, as amended by that Senate Amendment is a good bill. I hope, for those reasons, that you would go along with the motion to recede and concur.

Representative Manning of Portland 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 been 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 Portland, Representative from Portland, Representative Nelson, that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL No. 147

YEAS:—Aliberti, Allen, Baker, H.R.; Beaulieu, Bost, Boutillier, Brannigan, Brodeur, Carrier, Carroll, Carter, Chonko, Clark, Coles, Connolly, Cooper, Cote, Crouse, Crowley, Dag-

gett, Descoteaux, Diamond, Duffy, Erwin, Hale, Handy, Hayden, Hickey, Higgins, H.C.; Hoglund, Jacques, Jalbert, Joseph, Lacroix, Lisnik, Manning, Martin, H.C.; Mayo, McCollister, McGowan, McHenry, McSweeney, Melendy, Michael, Michaud, Mills, Mitchell, Moholland, Murray, Nadeau, G.G.; Nadeau, G.R.; Nelson, O'Gara, Paul, Perry, Pouliot, Racine, Reeves, Richard, Ridley, Rioux, Roberts, Rotondi, Rydell, Scarpino, Simpson, Soucy, Stevens, P.; Swazey, Tammara, Tardy, Telow, Theriault, Vose, Walker, Warren, The Speaker

NAYS:—Armstrong, Baker, A.L.; Begley, Bell, Bonney, Bott, Bragg, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Connors, Davis, Dellert, Dillenback, Drinkwater, Farnum, Foss, Foster, Greenlaw, Harper, Hepburn, Hichborn, Higgins, L.M.; Hillock, Holloway, Ingraham, Jackson, Lander, Law, Lawrence, Lebowitz, Lord, MacBride, Macomber, Masterman, Matthews, McPherson, Murphy, E.M.; Murphy, T.W.; Nicholson, Nickerson, Paradis, E.J.; Paradis, P.E.; Parent, Paul, Pines, Randall, Rice, Rolde, Salisbury, Seavey, Sherburne, Small, Smith, C.B.; Smith, C.W.; Sproul, Stetson, Stevens, A.G.; Stevenson, Strout, Taylor, Webster, Wentworth, Weymouth, Whitcomb, Willey, Zirkilton

ABSENT:—Cashman, Dexter, Gwadosky, Kane, Kimball, Priest, Ruhlin

77 having voted in the affirmative and 67 in the negative with 7 being absent, the motion did prevail.

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

#### Passed to Be Enacted

##### Emergency Measure

An Act to Make Allocations from the Transportation Safety Fund for the Fiscal Years Ending June 30, 1986, and June 30, 1987 (S.P. 210) (L.D. 568)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 118 voted in favor of the same and 2 against and accordingly, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

##### Emergency Measure

An Act to Make Supplemental Allocations to the Department of Inland Fisheries and Wildlife for the Fiscal Years Ending June 30, 1986, and June 30, 1987 (S.P. 335) (L.D. 898) (C. "A" S-177)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 115 voted in favor of the same and 1 against and accordingly, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

##### Emergency Measure

An Act to Amend Certain Motor Vehicle Laws (S.P. 605) (L.D. 1599) (S. "A" S-200)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 118 voted in favor of the same and none against and accordingly, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

##### Emergency Measure

An Act to Make Supplemental Allocations from the Transportation Fund for the Fiscal Years Ending June 30, 1986, and June 30, 1987 (H.P. 404) (L.D. 557)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being

necessary, a total was taken. 114 voted in favor of the same and none against and accordingly, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### Emergency Measure

An Act to Create the Maine Rainy Day Fund (H.P. 521) (L.D. 741) (C. "A" H-301)

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

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

Representative ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to have someone explain to me what the Maine Rainy Day fund is.

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

The Chair recognizes the Representative from Winslow, Representative Carter.

Representative CARTER: Mr. Speaker, Ladies and Gentlemen of the House: The Rainy Day Fund is an attempt to try and stabilize the funding and the reserves of the state. The bill calls for setting aside up to 50 percent of the revenues above the estimates that come in during the course of the year.

The bill also provided a cap of \$25 million of this particular fund and the funds may only be utilized for the pre-payment of outstanding bonds or for construction projects exceeding \$500,000 or more. In any case, a two-thirds vote of the House is required and has to be recommended by the Governor.

It should serve to enhance the state's financial position in the bond markets as it would prevent having us spend the cupboard bare. It should also serve to prevent this from happening in the future.

The SPEAKER: This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 118 voted in favor of the same and 2 against and accordingly, the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

An Act to Provide Supported Employment for Disabled Persons (S.P. 236) (L.D. 630) (C. "A" S-197)

An Act Relating to Payment of Back Contributions and Withdrawn Contributions by Members of the Maine State Retirement System (S.P. 241) (L.D. 636) (S. "A" S-195)

An Act Relating to the Allowance of Prior Service Credit under the Maine Retirement Law for Military Service (S.P. 243) (L.D. 638) (C. "A" S-185)

An Act to Amend the Concealed Weapons Law (S.P. 331) (L.D. 819) (C. "A" S-194)

An Act to Provide for Contingency Needs of Intermediate Care Facilities for the Mentally Retarded (S.P. 346) (L.D. 941) (C. "A" S-204)

An Act Relating to Medicaid Reimbursement Rates for Audiology and Speech Pathology (S.P. 351) (L.D. 999) (C. "A" S-196)

An Act to Clarify and Improve the Laws on Education in the Unorganized Territory (S.P. 381) (L.D. 1048) (C. "A" S-182)

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

An Act Requiring the Department of Human Services to Provide Medicaid Funded Consumer Directed Personal Care Assistance (S.P. 485) (L.D. 1313)

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

On motion of Representative Nelson of Portland, under suspension of the rules, the House reconsidered its action whereby L.D. 1313 was passed to be engrossed.

The same Representative offered House



Amendment "A" (H-337) and moved its adoption.

House Amendment "A" (H-337) was read by the Clerk.

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

Representative NELSON: Mr. Speaker, Men and Women of the House: I just wanted to explain that this is in an appropriation that was left off unavoidably and I just put in on to be sure that is in a proper state.

Thereupon, House Amendment "A" (H-337) was adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" (H-337) and sent up for concurrence.

An Act Relating to a Support Sytem in the State for Epileptics (S.P. 548) (L.D. 1462) (C. "A" S-191)

An Act to Protect Shareholders in Maine Corporations (H.P. 678) (L.D. 965) (C. "A" H-280)

An Act to Provide for State Research Grants (H.P. 707) (L.D. 1017) (C. "A" H-297)

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

An Act to Increase Fees for Licenses Issued by the Department of Marine Resources (H.P. 761) (L.D. 1081) (H. "B" H-294 to C. "A" H-237)

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

Representative Connors of Franklin 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 passage to be enacted. Those in favor will vote yes, those opposed will vote no.

#### ROLL CALL No. 148

YEAS:—Aliberti, Crouse, Richard

NAYS:—Allen, Armstrong, Baker, A.L.; Baker, H.R.; Beaulieu, Begley, Bell, Bost, Bott, Boutillier, Bragg, Brannigan, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Carrier, Carroll, Carter, Chonko, Clark, Coles, Connors, Connolly, Cooper, Cote, Crowley, Daggett, Davis, Dellert, Diamond, Dillenback, Drinkwater, Duffy, Erwin, Farnum, Foss, Foster, Greenlaw, Gwadnosky, Hale, Handy, Harper, Hayden, Hepburn, Hichborn, Hickey, Higgins, H.C.; Higgins, L.M.; Hillock, Hoglund, Holloway, Ingraham, Jackson, Jacques, Joseph, Lacroix, Lander, Law, Lawrence, Lebowitz, Lisnik, Lord, MacBride, Macomber, Manning, Martin, H.C.; Masterman, Matthews, Mayo, McCollister, McGowan, McHenry, McPherson, McSweeney, Melendy, Michael, Michaud, Mills, Mitchell, Moholland, Murphy, E.M.; Murphy, T.W.; Murray, Nadeau, G.G.; Nadeau, G.R.; Nelson, Nicholson, Nickerson, O'Gara, Paradis, E.J.; Paradis, P.E.; Parent, Paul, Perry, Pines, Pouliot, Racine, Randall, Reeves, Rice, Ridley, Roberts, Rolde, Rotondi, Ruhlin, Rydell, Salsbury, Scarpino, Seavey, Sherburne, Simpson, Small, Smith, C.B.; Smith, C.W.; Soucy, Sproul, Stetson, Stevens, A.G.; Stevens, P.; Stevenson, Strout, Swazey, Tammara, Taylor, Telow, Theriault, Vose, Walker, Warren, Webster, Wentworth, Weymouth, Whitcomb, Willey, Zirkilton, The Speaker

ABSENT:—Bonney, Cashman, Descoteaux, Dexter, Jalbert, Kane, Kimball, Priest, Rioux  
3 having voted in the affirmative and 139 in the negative with 9 being absent, the Bill failed enactment.

#### Later Today Assigned

An Act Providing for the 1985 Amendments to the Finance Authority of Maine Act (H.P. 785) (L.D. 1118) (S. "A" S-179 to C. "A" H-231)

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

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

An Act to Provide Penalties for Violations of Antitrust Statutes (H.P. 809) (L.D. 1156) (C. "A" H-305)

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

An Act Concerning Coverage of Certain Trials by the Electronic Media (H.P. 820) (L.D. 1161) (C. "A" H-275)

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

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

Representative CARRIER: Mr. Speaker, Members of the House: I will try to be brief. This bill kind of slid through the procedures here. I, along with a few others, are not in favor of this.

We must consider the dangers of this bill. The U.S. Supreme Court, as far as I know, does not allow cameras within their courtrooms. We don't really care what they do. Let's consider Maine. I do have to admit that the bill is better in one way with the amendment than it was before. At least, it gives the judge the discretion of whether to have cameras in there or not.

I am worried about the harm that cameras do to people. Let's take a few situations that might arise. Assume you have rape trial and the cameras are allowed in there — I think it would be extremely unfair and cruel to bring in the victim and all the other nice people involved in the case. I think it would cause extra trauma to the defendant themself and to the victim.

Now, about the abused child? What if the decision was made that the cameras would be allowed into the courtroom and the cameras were put on the abused child? What about the abusers? What is it turns out the abuser was found not guilty? What do we do? The harm has been done. For example, the one that purported to have been raped, the harm has been done to the alleged rapist, who was not there in the first place. I think that it will expose a morbid situation on TV showing people's bodies who have been harmed or physically hurt.

I don't mean to say that the judges cannot differentiate one to the other but one slip of the camera can ruin your life.

Like I said, the bill has been changed to leave it to the discretion of the judge. That is all right with me. The judge has enough to do besides watching what the cameras are going to do, what they are going to cover, assuming they will do the right things but, in effect, they don't do the right things, you always get some extremist somewhere that will do something that is not supposed to do or they do it by error. Who is going to get hurt? It's the people.

I don't think we need scenarios like they do on night court on TV, which is silly if you ever saw one. It is not even a challenge to the judicial system but a mockery to the judicial system. I think that it would be much more appropriate to have some good attorneys come, if they want to let the people know what is right or wrong, have some nice lectures about tort's or any other thing that we get involved in every day. I don't think that the TV should be used for a grandstand play by any lawyers and we see them around quite a lot. Some of them will really play this thing down in front of the cameras. I don't think that this should be the place for it. We have tried to protect the privacy of the individuals in many cases, in

many, many cases, because some of the laws that we pass over here and are about to pass, you can't get the records, the records have been under very unusual circumstances, even psychiatrists and the psychologists can't get certain records in order to come out with an examination report. There is nothing to gain by this. I think this kind of exposure of people doing harm to one another can only cause more harm physically and mentally to the people of this state.

This is some of the reasons why, ladies and gentlemen, that I am not in favor of this bill.

Another thing, what if an attorney has an aggravated assault and the judge lets the cameras in there. Now don't you think that some lawyers have enough gall to challenge the thing? I would. I am entitled to having the cameras if the others have it and I don't think that is right. I don't think we should put the judges in that position to be challenged. All I have asked in the past is for the judges to do a good job. They have got enough to worry about worrying about the evidence that is shown and try to balance things out and come out with a good verdict. That is, ladies and gentlemen, one of the few reasons why I oppose the bill because of the dangers, the potential dangers, that it can bring.

Mr. Speaker, I move that this bill and all its accompanying papers be indefinitely postponed and I ask for a roll call.

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

Representative HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: I agree with Representative Carrier on his concerns about this legislation. Presently, television is airing daily a New England trial. The report presents a soapbox aura of what transpires in the testimony. It is hard to believe that we have degenerated to a society that enjoys listening and viewing the tragedy of these people's lives. To me, most court cases are tragic and I feel we gain little by bring others grief into the homes of television viewers.

In a recent poll conducted in European countries, the people were asked what their opinion was of the American society. The majority had judged us by our soap operas. Personally, I feel that is a bad enough evaluation of our county without airing our murder trials to the world.

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

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: It isn't always I get a chance to rise after my seatmate from Augusta and perhaps it is the first time that I have to rise in disagreement with him. I do so very cautiously and also with my good friend from Westbrook.

If you look at Committee Amendment "A" to L.D. 1161 you will see that it is very carefully worded. It says: "the taking of photographs or radio or television broadcasting or transmitting of judicial proceedings in the Superior Court shall be permitted upon the promulgation of and in accordance with rules adopted by the Supreme Judicial Court." Section 2 is the same for the District Court.

I agree with the gentleman from Westbrook when he said that we ought not to be influenced by what the Supreme Court of the United States of America does according to its rules and regulations but we ought to be influenced by what the supreme Judicial Court of the State of Maine does in accordance with its rules and regulations. They already permit live broadcasting of proceedings before the Supreme Judicial Court. What this bill does is to permit this on the same limited basis in the Supreme and District Courts.

Now, I don't believe for one minute that every trial in this state is going to be broadcasted and seen in the evening news. I think very few cases would be broadcast live and

seen on the evening news. I think very few cases that are that noteworthy. There would be a few and I think that if we do have a few, it is in the public interest to see the working of our Superior and District Courts. What better example to the people of Maine, to the people of the country for that matter, than to see how constitutional rights are upheld, to see how the system works.

We permit it here in this chamber and nobody is at loss because of it. No one suffers because of it. We permit cameras in this chamber and no one is at a loss because of it. It keeps the system pure and decent and honest. I don't think there is anything wrong with letting cameras into a courtroom provided that the judge always has the control of how these cameras are used. This is not a free wheeling press conference.

If you look in the Big Dan controversial trial of rape in New Bedford, Massachusetts, you would have noticed that the judge had complete control over that one camera and never, never was it permitted to show the plaintiff, the victim of rape in that charge. That camera was very closely controlled.

The judges were against this bill for obvious reasons. They reluctantly agreed to go along, provided we would give them the control that is only proper over their courtroom. I think that is only a prudent measure for us to enact.

I urge you not to vote for indefinite postponement of this bill. Maine is one of the few states left in the United States that does not provide for coverage of original trials. We do it on the appellate level in the Supreme Judicial Court. This is a big step but it is a carefully weighted step.

I urge you to vote against the indefinite postponement so that we can have this bill enacted.

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

Representative McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I believe that both sides must agree to having television in the courtroom. When you have both sides agreeing, I believe that people that do commit certain crimes want to have publicity. All we are saying, we are going to put them on television. That is my feeling. I don't see that it is going to be an injustice by putting it on television. I may be wrong but that is my feeling.

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

Representative WARREN: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support the statements made by the good Representative from Augusta, Representative Paradis. I am the sponsor of this bill. It is, I believe, a very reasonable approach. It just continues things that are already done in the State of Maine court system.

I would like to give you a general overview of what the bill does and the discussions that have gone on in the Judiciary Committee and the concerns that have been raised and also tell you how we have answered those concerns.

Before I begin though, I would like to respond to something my good friend and fellow supporter, Representative Paradis, said about television coverage of the legislature. He said that it is good and keeps us open and honest and give the public information. Then he said, he didn't think anyone was hurt by it. Well, for those of you who have seen the Tuesday Lewiston Journal, you will see a picture that was taken in this Chamber by a reporter with a camera. It is a picture of a fellow named Representative Dan Warren of Scarborough and he is yawning. The caption says, "Representative Dan Warren of Scarborough shows the effects of a long hot day in the Maine House as lawmakers work double sessions in an attempt to finish up before the deadline." I suppose my mother and father are going to

see this and I don't know what they are going to say. I have been telling them I have been working hard and I hope they don't disagree now.

My point is, although one could argue that I should be embarrassed by that photo, I think the public does have the right to know how government operates, how its tax dollars are spent and although I have had a few of my distinguished colleagues here poke a little fun at me today, I think that is fair. We do allow coverage here and I think the overall result is very good.

L.D. 1161, as amended, does a couple of things. You should have a fact sheet in front of you that was provided to you this week. Basically, it continues the current practice that we have in the Maine Supreme Court of allowing radio and TV personnel to cover the proceedings. This bill would extend this procedure to the District Court and Superior Courts in Maine.

I would like to stress that the judges would have absolute discretion to decide whether radio and TV personnel should be allowed in the courtrooms. They will do as they have done in approximately 43 states in the United States, they will promulgate rules to ensure a dignified courtroom. For instance, they will have the power through the bill to require that only one camera, for instance be present in the courtroom, and all the television networks use this camera for any coverage that they would like to provide their viewers, the public.

They can also require that the camera be stationary, that it be in the back of the courtroom and out of the view of the jury and the witnesses.

The other states have shown that technology today can provide us with electronic equipment that is not obtrusive and not distracting. In these other states, the judges and the lawyers and the media have felt that the public was well served and this was not disruptive. So, I don't believe that there would be any problems caused by this and none of use want that.

The original bill did say that either party could veto the coverage and, after a public hearing and several work sessions with the members of the Judiciary Committee, the committee decided to amend the bill to put this in the hands of the judges where it probably does belong, to ensure for instance, that sensitive cases involving sexual abuse or child abuse are not televised, and to ensure that the judges are not cruel so the witnesses will not have their faces on TV if that would harm the proceedings in any way.

This bill received a 10 to 3 "Ought to Pass" Report out of the Judiciary Committee. There were both Republicans and Democrats in the Majority "Ought to Pass" position. So, it is not a partisan measure in any way.

I look at it as a taxpayer's bill and a citizen's bill. Lawyers and judges, I suppose, will be very slow to support this because frankly, you are asking to have increase access to what they are doing.

I spoke yesterday on a small claims bill and I told you that it would be bad for lawyers. I suppose some lawyers wouldn't like this bill, some judges wouldn't probably like this bill because it will be giving you increased access to their courtrooms. Well, I guess the question is, whose courtrooms are they? I think they belong to the people of the State of Maine through their legislature. This is a very reasonable extension of the present regulations concerning coverage.

The last point I would like to make is that this bill is in the form of a very, I guess, compromise effort. The Legislature's Judiciary Committee decided to put a sunset on the bill of two years. This will give the courts time to promulgate rules for camera coverage and if it does work, fine, they will come back before this body in two years and ask for an exten-

sion and if it doesn't work, then the legislature, at that time, will have the discretion not to continue it. I don't think it has worked, I do think we will continue to have a dignified atmosphere in Maine's courtrooms and I urge you to vote against the motion to indefinitely postpone, press the red button, and allow Maine citizens continued access to their courtroom.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I rise to stand in agreement with my good friend from Augusta, Representative Hickey, to say that Maine is the last bastion in the Northeast which still lives by the old code of fairplay and conservative living. Everyone that has been asked when they move to the State of Maine, why? They say, you have a standard of living here which is the way we want to raise our family.

Do you want to turn around and start copying some of the conduct that we see on television from other states? We have a system of justice in Maine that we should be proud of. But, unfortunately, if this bill goes through, a person charged with a crime will have three trials. Before he goes to trial, he is tried by the news media. Then he is tried by his peers. If this is televised, everyone that will watch it, regardless of the verdict, he will have to live with the verdict the rest of his life. Do we want to give up what we consider a very precious way of life, which many out-of-staters envy? We are the very last bastion of what you call down to earth, common sense way of doing things. What effect would it have, what good?

I have a situation in my hometown and I don't particularly prejudice the trial but a gentlemen went around, who had some sort of a feeling against a particular religious faith and started painting all the churches in my hometown and in the neighboring town. The more publicity the newspapers gave him, the better he loved it. Had this been in effect, when the trial was held in one of our coastal counties, which is considered in my opinion, one of our conservative counties, it would have been a regular circus. I say, let's maintain the dignity of the courts and the rights of the individual by not making a trial or a person's unfortunate circumstances a circus for the general public.

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

Representative McHENRY: Mr. Speaker, Ladies and Gentlemen of the House: After hearing that the bill has been amended and neither party has the right to veto, I think it makes the bill much more where the victim may not wish to be on television or the parents of the victim or the relatives of the victims or the witness may not wish to be on television, it is up to the judge to say yes, we are going to be on TV, we are going to make an example of this family or this situation, this case and it is the poor victim who is going to be victimized again. I absolutely don't believe in this.

As for accessibility through the court in the State of Maine, everyone has accessibility. As a matter of fact, we are spending thousands and thousands of dollars to make sure there are handicapped accessibility also. Now, to tell the people in the State of Maine that we are going to put it on television and you know what it is, if they cover the whole trial, it will be on television, the whole thing. Fine, but they are going to pick and choose what is going to be on the TV news. You have about 50 seconds of news coverage and I assure you this is not justice.

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

Representative STEVENS: Mr. Speaker, Ladies and Gentlemen of the House: I stand as the cosponsor of this document. This summer, the child abuse panel, the Governor's working group on child abuse, worked diligently and presented as part of the Governor's omnibus bill many protections that would protect children from scrutiny in child abuse cases in the court. I do not know how the Judiciary Committee is going to act on these sections of the bill but I felt very comfortable supporting the omnibus child abuse bill that extended privacy to children in child abuse case proceedings and I also felt very comfortable cosponsoring Representative Warren's bill.

The business in the courts is public business just as much as the business in this hall. The newspaper, the radio, the television people are there, the media, the electronic media are just not filming. You are going to see the cases, as Representative McHenry alluded to, on the front page of the paper. It is just a modern step forward as to the way information is disseminated. How can we say that it is all right for the newspapers to be in the court, to write everything that is said, and not give the same advantage or access to the electronic media?

Proceedings that are currently sheltered from the public, the child abuse or certain divorces, things like that that are currently sheltered, are not public information, that is still not going to be. There is only going to be in the cases of public access. If the newspapers can be there now, then the television should be there. If they newspapers cannot be there, then the television will not be able to be there.

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

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

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

Representative LEBOWITZ: Mr. Speaker, Men and Women of the House: I concur heartedly with my other member from Bangor in all that she has just said and I just wanted to add to that that Chief Justice Berger has stated that the media are surrogates of the public and this bill give the electronic media the ability to reports on the courts in a responsible manner and with the complete control of the court. Since television is a news media used exclusively by a large number of people in this state, it only follows that that medium should have the same privilege of on the spot coverage as the printed word now enjoys. I urge you not to support the motion before you.

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

Representative STETSON: Mr. Speaker, Ladies and Gentlemen of the House: Earlier in this debate, someone mentioned the fact that we should take our signal from our Maine Supreme Judicial Court. I am inclined to follow that advice. Our Maine Supreme Judicial Court does have the power to open up the trial courts to media coverage. But the Maine Supreme Judicial Court has not seen fit to do it.

Now, I don't think we should be telling the Maine Supreme Judicial Court you must do it, you must do it. That, in effect, is what this bill is doing. It is saying to our court system, our judiciary, you must open up your trial courts. We are going to let you decide where the cameras are going to be situated, how many cameras and that sort of thing but we are sending a clear message, if we pass this bill, that these trials will become public spectacles.

I have to agree with the Representative from Madawaska when he put his finger on a cou-

ple of objections to this kind of legislation. It might well work against the public interest because there are some people, not legislation, who just don't want to be on camera. There are a lot of people out there who don't want to be on camera. I can well imagine that many people would think twice about entering the courtroom either as a litigant or as a witness if they thought they were going to be on camera. I do believe that the veto power was a very important feature of the bill as initially drafted. I might have been able to support the bill if that had been left in there. But that is not longer there.

Not every witness has the means to escape to Europe if he or she doesn't want to be on camera but I suggest that possibly that might have been the reason that a key witness in the Von Bulow trial waited a long time before she came back to testify. I feel that the chilling effect of the public exposure through television cameras might be counterproductive to our system or justice, to our system of fairness, and to our system of open courtrooms.

There is one other thing I would like to comment on. It has been mentioned that the discretions with the courts to decide on the coverage of the trial, but there is one thing you haven't considered, the discretion is not with the courts as to what is going to be shown on the evening news. In other words, the court can control when the cameras are turned on and there they are pointed perhaps, but they don't control what part of the trial will be shown on the evening news? I can tell you you can get a very distorted picture through editorship of the evening news. So, I suggest that there are many objections to this whole scheme of opening the courts to the television media.

I would think twice about this motion and I would support the gentlemen from Westbrook in his motion to indefinitely postpone.

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

Representative DIAMOND: Mr. Speaker, Men and Women of the House: I rise as a cosponsor of this legislation with Representatives' Warren and Stevens and would like to explain why I believe it would be a serious mistake if this legislature did not endorse this legislation and enact it.

The concerns that have been raised this morning center around a concern for the process, that the judicial process is somehow going to be jeopardized by letting the media, and there by letting the public, into our courtrooms. I have a hard time accepting that argument because I believe that we would be doing a disservice to the people of this state by not respecting their ability to have access, direct access, to their courtrooms.

As the system now stands, there is limited access to the law court but there is no access to superior and district courts. The legislation we are asking you to enact today would give limited access to media to the broadcast and elect other forms of electronic media, the same access that print journalists have right now. As you know by watching TV in the evening, the evening news you see artists renditions of witnesses, defendants, and others in the court proceeding being depicted. You are seeing it not directly but you are seeing it through a third party. Somebody's interpretation and they are relating it to you.

Representative Warren and I were journalists before we came to the legislature and what we used to do was provide you, we served as that third party providing readers with an explanation of what took place in public life and government and in the courts. You couldn't determine for yourself the guilt or innocence or the circumstances surrounding an incident, you were dependent upon us to relate it to you.

I think we have shortchanged our citizens of this state by not going along with 43 other states in this country that have opened their

courts to the more sophisticated forms of media, the television cameras, the still cameras, the tape recorders. What harm could possibly abuse these more sophisticated tools. There is certainly abuse that takes place now with print journalists in these artists that provide the sketches that we see on the news every night. This would be a more restrictive measure in that it would give judges more control over those who would deal with the new forms of communication.

Our concern here though is not whether or not electronics and other gadgetries are sophisticated enough to accomplish our goal without being obtrusive but it is to define what our purpose is as a legislature. Is it to insulate the public from the things that they may find offensive? If so, then we should ban the evening news because certainly there are plenty of items we see at six o'clock and six-thirty that offend us in one way or another or is it to encourage open access to government at all levels, all levels. The public certainly has a right to find out what we do as a legislative body and we encourage them to come directly and we encourage them to use the media to follow what we do. The Executive branch has the same oversight as well. But, for some reason, we are struck in the dark ages when it comes to trusting the public to see directly what goes on in our courts.

It reminds me of back in the 1800's when photography first started being developed. There was a famous photographer named Matthew Brady who wanted to capture history through the use of his camera. Cameras were new at the time and people were frightened of them. They felt that every time their picture was being taken a little bit of their soul was being stolen from them. That was the old wives tale and people believed it. Obviously, we know that is not true but there was a fear of something new. This process, if we adopt this legislation, would be new to Maine at the District level and the Superior Court level but certainly is not new to the other forms of government.

I don't think the responsible use by the judges in this case of this legislation, of this enabling legislation, is going to give the public a more direct access to the third branch of government from which the have been insulated for so long.

So, I ask that you oppose the motion to indefinitely postpone this legislation and allow it to be enacted and sent to the other body.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair.

I would like to ask a question of the sponsors or the cosponsors, who will make the determination which trials or which activities in the courtroom will be covered? Will it be determined by the judge who would say, this is what I feel should be brought out to the public or will it be determined by the news media as to what is newsworthy?

The SPEAKER: Representative Jalburt of Lisbon has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Bangor, Representative Diamond.

Representative DIAMOND: Mr. Speaker, Men and Women of the House: In response to the good gentleman's question, both will have a partial say in it. I would like to read the amended version of this bill, the section that is of concern to the gentleman so that it is clear. It says: "judicial proceedings in Superior Court, and later in the bill, in District Court shall be permitted upon the promulgation of and in accordance with rules adopted by the Supreme Judicial Court." Those rules have not yet been determined, obviously. Once the bill has been

enacted, they would be, but those parameters for the use of media, the broadcast media in the court room would be established at that time. There are going to be trials that are going to take place, court proceedings that won't be of any interest to the media, just as is the case now. There will be cases such as glamorous, if you want to call them that, or controversial court cases, the Big Dan instance in Massachusetts for example, or the Von Bulow, for instance, where there will be a greater public attention, great media attention as a result of the greater public attention. If the public attention is there, the media will cover it. Why restrict one aspect of the media from covering a trial simply by staging their cameras outside the courtroom and capturing somebody holding their hands up like this or somebody coming out of the courtroom in a possibly less than honest way as portrayed when, in fact, they could be in the courtroom itself, see exactly what went on and not base it simply on third party rendition. So, for that reason, I ask you to oppose the motion.

The SPEAKER: The Chair recognizes the Representative from Shapleigh, Representative Ridley.

Representative RIDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I think we are losing sight of one very important thing here on this bill. I have sat in many courtrooms on trials when I was affiliated with the sheriffs department. It is still true that a man is innocent until proven guilty. If you let the cameras get in the courtrooms and televise the whole process going on, I don't think that is a good idea. What sells newspapers is the flashy stories and this and that and I think they are going to do the same thing on this TV business.

Many times in the courtroom there is an outburst of a witness, they are very fidgety, they are nervous, it isn't something that they go through every day and to get them on the stand and for the judge and the attorneys and what not to get the information out of them that they want is a pretty difficult job. If they are looking, even though they can't see the cameras but they know that the people back home are watching them, they are going to be all the more nervous and I think it is going to be a hindrance.

Every once in a while in a courtroom there would be an outburst, something very unusual would happen and I don't think that it would really serve any useful purpose to have this televised all over the state.

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

Representative CARRIER: Mr. Speaker, Ladies and Gentlemen of the House: Just to clarify a few things that have been said. Many people seem to say that this is a constitutional right that we have to see some of these morbid shows and exhibitions on TV. I don't believe it is a right, I do believe that the press is usually decent and honest and all that was quoted before. They try hard but you always have a few there, like you have in any group, that will just push too much or use bad judgment. For that reason, I think that somebody can really get hurt with this exposure on TV.

Attorneys usually set their cases up, what will the other one argue about, this is where you come in with your stuff, but first you have to think of what will be the others arguments. Some of the people here have said, that the public has the right to know. I agree with that, they have a right to know up to a certain point. We have a bill in here to make the records of the CPA's almost confidential. I think they should be. I think they really should be. So, whoever said the public has a right to know, there is a limit as to what the public should know. It was mentioned that the Supreme Court having the cameras there and all this stuff, a lot of this study of the Supreme Court is an appeal on the law. It isn't an appeal on

the individuals themselves, whether they have done something or not, people appeal to the Supreme Court, so who have you got there? You have the judges, you don't even have to have the victim, you don't have to have anybody in there but the lawyers and everything else.

When you come right down to it, you cannot compare the cases where you get the meat of the cases but do come into the district and the superior court.

I want to use another example. I won't use the name but you know what it is. What about these people that sprayed all kinds of different things on different buildings and they went to court recently or a few months back. Some of you probably don't know but the judge found them in contempt or court and for what? For what? Whenever the judge would talk to the defendant, he put his fingers in his ears, he pushed his nose up, put his eyes down, stuck his tongue out, he pushed out his false teeth, now do you want that on TV? You can say, well, the judge can stop that, but why try to if he is involved in concentration of law and concentration of being right, he forgets to tell the TV men he doesn't want that on there. There is nothing in there that says things can be deleted.

I agree that the judge should have the full discretion, up to a point. I also maintain that he should not have the full discretion if the victim or the defendant of the plaintiff or whatever you want to call them, unless you have their agreement. I think if I was the victim, I should have the right to refuse to have TV in there. I think we should extend that right to all people.

I don't put memos out on any of these things. I don't have to. I rely on the good judgement of the people in here, whether they are with me or not, let's hope that we all do what is best. One of the memos here says that the judge will have absolute authority. Well, we are not talking about any individual judges but, for those of you that know certain individuals judges, I would dislike to put my life in their hands. I really would. I don't think too much of some's judgement, taste, everything else. I don't think they should be able to do this. That is why I say that a plaintiff should have at least the right to refuse, if he refuses, the judge should not have the discretion of having it anyway. We have direct access to the courtroom. What is it that you want in the courtroom that you can't have? You can cry about that if you want to but we are concerned with the process, we are concerned that everything gets a fair shake. I am not saying fairness, I said fair shake. That is what I am saying.

We have here in this state, judges, as you know. We happen to have a judge that does a wonderful job under very strong and limited circumstances. That judge in the mean time, through no fault of his own, happens to be blind. Okay? Now what do we do. Let's say that the court circuit comes out and says, so and so is supposed to be on there but what is he going to do, not allow any cameras at all? I mean that is a big question. If I am the defendant and I think the cameras with me in my favor, I can challenge the judge that is supposed to be there. What are they going to do, are we going to talk about discrimination? I don't believe in it but it doesn't bother me any. The thing is, what about the judge? If you are the defendant or the plaintiff or whoever you are, what are we going to do about that? Nothing?

I think that this bill is bad and I could go on forever and ever but I leave it to you to use your good judgement and vote for the indefinite postponement of this bill.

Representative McHenry of Madawaska was granted permission to address the House a third time.

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: There is a big difference between the newspaper

reporters and the television cameras. The television camera, in order to see what has gone on, you must be home at six for the six o'clock news or six-thirty or at eleven o'clock and you can't watch three television stations at one time unless you are fortunate enough to have four or five video recorders and record the news. If you want to keep up on the case, with the newspaper you can go out and buy five different newspapers and you can keep up with the case, you can see different opinions, but with the television, I assure you more than 80 percent of the people can only watch one station at a time and they will get that one station's point of view.

I have a few constituents that do not have television. Are you advocating that you should go out and buy television for these people to make sure that they have accessibility like everybody else? I know this is ridiculous, but for me, it is simply not true. Even if they did give five minutes, which I doubt, of coverage on any one case in the State of Maine every night or one night, I agree, if the whole thing could be done on television, if you want to really make it accessible to the public, make it accessible, the whole thing. But if people really are interested in the court case, I assure you they can go to the court.

The SPEAKER: The Chair recognizes the Representative from Bucksport, Representative Swazey.

Representative SWAZEY: Mr. Speaker, Ladies and Gentlemen of the House: Last year, I was a defendant in a court case with the jury and the whole bit. Let me tell you, it is a lot different between making laws in this chamber and being in on a court case. It is as different as black and white. I don't mind standing here and the cameras flashing at me all they want to but I certainly wouldn't appreciate anyone in that court with the cameras grinding away and you are trying to describe various events and so forth.

I will be very brief. It was a District Court and it is a highly emotional time in one's life. I don't believe I would like to have a camera shoved under my nose for a juicy viewing for the six o'clock news.

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

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question to the sponsors of the bill. My question is, can the media sell these tapes or portions of these tapes on the open market, the ones they use or don't use?

The SPEAKER: Representative Crowley of Stockton Springs has posed a question through the Chair to any member who may answer if they so desire.

The Chair recognizes the Representative from Scarborough, Representative Warren.

Representative WARREN: Mr. Speaker, Men and Women of the House: I guess the answer to that is that the tapes would be the property of the television station taking them. So, I guess they could do with them what they wanted to. In some cases, the judges will ask reporters not to do that. I know Judge Alexander in Kennebec County has asked news reporters from the Kennebec Journal not to sell photographs that they take.

Just a few points in response to some very good questions that have been raised. I am very impressed with the questions that have been asked and the level of debate. Legislators here are obviously very concerned about protecting the rights of the public and the interest of victims and witnesses and I would just like to say it is the intention of the sponsors and the Judiciary Committee, the Majority "Ought to Pass" Report to do just that. I think for those of you in Somerset County, who know Judge Benoit, and those of you in Androscoggin County, who know Judge Delehanty, I think that we can all be assured the judges will protect the



rights of the victims and the witnesses at all times and, if it is appropriate, not to allow television or radio coverage they would do so.

I would urge you all to vote against this motion for the people of the State of Maine.

The SPEAKER: A roll call has been ordered. The pending question is the motion of Representative Carrier of Westbrook, to indefinitely postpone the bill and all accompanying papers. Those in favor of that motion will vote yes; those opposed will vote no.

#### ROLL CALL No. 149

YEAS:—Aliberti, Armstrong, Baker, A.L.; Beaulieu, Begley, Bell, Bonney, Bost, Bott, Bragg, Brown, A.K.; Brown, D.N.; Cahill, Callahan, Carrier, Chonko, Clark, Connors, Cote, Crowley, Daggett, Dellert, Dexter, Dillenback, Erwin, Farnum, Foster, Hale, Harper, Hepburn, Hichborn, Hickey, Higgins, L.M.; Hillock, Hoggund, Holloway, Ingraham, Jalbert, Lander, Law, Lawrence, Lisnik, Lord, Macomber, Martin, H.C.; Masterman, Matthews, McHenry, McPherson, McSweeney, Michaud, Mills, Moholland, Murphy, E.M.; Murphy, T.W.; Nelson, Nickerson, Paradis, E.J.; Parent, Paul, Perry, Pines, Pouliot, Racine, Rice, Richard, Ridley, Roberts, Salsbury, Seavey, Sherburne, Small, Smith, C.B.; Smith, C.W.; Soucy, Sproul, Stetson, Stevens, A.G.; Stevenson, Strout, Swazey, Tammario, Tardy, Taylor, Telow, Webster, Wentworth, Whitcomb, Willey, Zirkilton

NAYS:—Allen, Baker, H.R.; Boutilier, Branigan, Brodeur, Carroll, Carter, Cashman, Coles, Connolly, Cooper, Crouse, Davis, Diamond, Drinkwater, Duffy, Foss, Greenlaw, Gwadosky, Handy, Hayden, Jackson, Jacques, Joseph, Lacroix, Lebowitz, MacBride, Manning, Mayo, McCollister, McGowan, Melendy, Michael, Mitchell, Murray, Nadeau, G.G.; Nadeau, G.R.; Nicholson, O'Gara, Paradis, P.E.; Priest, Randall, Reeves, Rolde, Rotondi, Ruhlman, Rydell, Scarpino, Stevens, P.; Theriault, Vose, Walker, Warren, The Speaker

ABSENT:—Descoteaux, Higgins, H.C.; Kane, Kimball, Rioux, Simpson, Weymouth  
90 having voted in the affirmative and 54 in the negative with 7 being absent, the motion to indefinitely postpone did prevail.

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

Representative CARRIER: Mr. Speaker, having voted on the prevailing side, I now move that the House reconsider its action and hope you all vote against me.

The SPEAKER: The Representative from Westbrook, Representative Carrier, having vote on the prevailing side, now moves that the House reconsider its action whereby the House voted to indefinitely postpone. Those in favor will vote yes; those opposed will vote no.

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

An Act to Provide Pension Rights to Morris G. Pilot (H.P. 841) (L.D. 1191) (C. "A" H-303)

An Act Establishing a System for the Reporting of Selected Neurological Disorders (H.P. 956) (L.D. 1376) (C. "A" H-291)

An Act Concerning Extension of the Permit Processing Period for Hydropower Projects (H.P. 1051) (L.D. 1527) (C. "A" H-304)

An Act to Require Adequate Notice of Tax Lien Foreclosure (H.P. 1090) (L.D. 1583) (H. "A" H-210; H. "A" H-289)

An Act to Protect the Voting Rights of Township Residents (H.P. 1097) (L.D. 1590) (H. "B" H-298)

An Act to Further Competition in the Liquor Trade (H.P. 1119) (L.D. 1615) (H. "D" H-290)

An Act to Examine the Lobster Resources of the State (H.P. 1124) (L.D. 1620) (S. "A" S-188)

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

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

#### CONSENT CALENDAR

##### First Day

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

(S.P. 498) (L.D. 1359) Bill "An Act to Encourage the Development of Solid Waste Energy Recovery Facilities in the State of Maine" (Emergency) Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-207)

Under suspension of the rules, Second Day Consent Calendar notification was given and the Senate Paper was passed to be engrossed as amended in concurrence.

The following items appearing on Supplement No. 2 were taken up out of order by unanimous consent.

#### Papers from the Senate Non-Concurrent Matter

Bill "An Act to Provide for Public Participation in the Development of Emergency Plans" (S.P. 554) (L.D. 1486) on which the Bill and accompanying papers were Indefinitely Postponed in the House on June 4, 1985.

Came from the Senate with that Body having insisted on its former action whereby the Bill was passed to be engrossed as amended by Senate Amendment "A" (S-187) in non-concurrence.

The House voted to adhere.

#### Consent Calendar

##### First Day

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

(H.P. 1022) (L.D. 1500) Bill "An Act to Revise the Maine Securities Act" Committee on Business and Commerce Reporting "Ought to Pass" as amended by Committee Amendment "A" (H-333)

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.

The following item appearing in Supplement No. 3 was taken up out of order by unanimous consent.

#### Reports of Committees Divided Report

Majority Report of the Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-334) on RESOLVE, Authorizing the Exchange or Sale of Certain Public Reserved Lands (H.P. 1060) (L.D. 1546)

Signed:

Senators:

USHER of Cumberland  
KANY of Kennebuc  
EMERSON of Penobscot

Representatives:

MICHAUD of Medway  
JACQUES of Waterville  
RIDLEY of Shapleigh  
COLES of Harpswell  
HOGUND of Portland  
DEXTER of Kingfield  
BROWN of Livermore Falls  
HOLLOWAY of Dover-Foxcroft

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-335) on same bill.

Signed:

Representative:

MITCHELL of Freeport

Reports were read.

Representative Michaud of Medway moved the House accept the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the

Representative from Freeport, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, Men and Women of the House: I don't like to sign out minority reports alone but sometimes, if we see something we think it wrong, I think we have responsibility to point it out and to state our objections publicly.

Probably the darkest cloud in the history of this State, the one thing that we can really be ashamed of, is the actions that were taken by legislatures about 100 years ago when they sold all the land that belonged to the State and gave it away to people for virtually nothing. It was an inheritance that was given to us by our mother state and it was disposed of for money back in the 1830's, 1840's and 1850's. The bill today is a land swap, it is the culmination of about ten bills that have come in to the legislature over the last ten years consolidating our public lots and in general I agree with the bill except for one section and that is the Chain of Ponds transaction. In that transaction, the state is proposing to swap 20 acres of land on the Chain of Ponds, with 2,000 acres of shore frontage, for a 100 acre cliff that is inaccessible across the lake that has 4,000 feet of frontage.

In the Maine Times that was distributed to all the members of this House last week, in the real estate ad in the back of the newspapers, there was an advertisement for a one acre cottage lot on Mooselookmeguntic Lake within about 50 miles from Chain of Ponds. I, personally, don't think it is as nice a lake as Chain of Ponds are and the ad was for a one acre camp lot with 100 feet of frontage for \$20,000. The Bureau of Public Lands said that the land they are swapping for 20 acres with the 2,000 feet of frontage was worth \$38,000 slightly less than twice the one acre on Mooselookmeguntic. I just felt that it was a terrible deal and I felt that I needed to object to it.

The public lands of this State are not our property. The public lands are a trust that we administer for the people of Maine and I don't think that we should be diminishing that trust by selling out land to whoever happens to come along.

In the mid 1970's, in another land swap bill, we consolidated a number of parcels and we located the Chain of Ponds tract. The Chain of Ponds areas is a lovely area, we located 1,000 acres of land on the east shore. The land has very little timber value and I think it was really clear to everyone that the purpose of that transaction was to get a prime recreational and scenic land into state ownership. In the eight years that the Bureau of Public Lands has managed that land, they haven't come up with any plans, they have no documentation, they haven't done anything with it and now they want to sell part of it. I think it is a bad idea. That land belongs to 1,100,000 Maine people and we are selling part of it to five people at bargain prices. So, this is a lottery, ladies and gentlemen, in which five people win and 1,100,000 people, Maine people, lose.

Representative Mitchell of Freeport requested a roll call vote.

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 been expressed a desire for a roll call, a roll call was ordered.

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

Representative MICHAUD: Mr. Speaker, Men and Women of the House: I hope that you would go along with this Majority 12 to 1 Report from the Committee on Energy and Natural Resources. Representative Mitchell is

correct as far as them selling that land. However, one thing that he failed to mention is, what good is public land if that land is leased to someone else. That was one of the main reasons for swapping that land off. If the public can't use it, it is really not much good to the public. So, I would hope you would go along with the 12 to 1 Report.

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

Representative MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: In response to my good friend, the gentleman from Medway, Representative Michaud, 20 acres had four camp lots on it, those camp lots were there when we acquired the land and we have a policy that we are going to let those people lease those lots forever. They pay that lease to the State. The minimum lease is \$175 a year. So, you know that we are getting at least \$600 annually for that and we are trading it off for a cliff across the lake, a larger cliff, and I don't see how you would ever get any trees off from it, it is absolutely worthless land we are getting.

The SPEAKER: The pending question before the House is acceptance of the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL No. 150

YEAS:—Aliberti, Armstrong, Baker, A.L.; Beaulieu, Begley, Bell, Boutillier, Bragg, Brannigan, Brown, D.N.; Cahill, Callahan, Carter, Clark, Coles, Cooper, Cote, Davis, Dellert, Dexter, Diamond, Drinkwater, Foss, Foster, Gwadosky, Hayden, Hepburn, Higgins, H.C.; Higgins, L.M.; Hillock, Hoglund, Holloway, Ingraham, Jackson, Lacroix, Lander, Law, Lawrence, Macomber, Manning, Masterman, Matthews, McCollister, McPherson, McSweeney, Michaud, Moholland, Murphy, T.W.; Murray, Nadeau, G.G.; Nadeau, G.R.; Nicholson, O'Gara, Paradis, P.E.; Pines, Pouliot, Racine, Rice, Richard, Ridley, Rolde, Rotondi, Salsbury, Seavey, Sherburne, Small, Sproul, Stetson, Stevens, A.G.; Stevens, P.; Stevenson, Swazey, Tammara, Tardy, Taylor, Telow, Theriault, Vose, Walker, Webster, Weymouth, Whitcomb, Willey

NAYS:—Allen, Baker, H.R.; Bonney, Bost, Bott, Brodeur, Carroll, Cashman, Chonko, Connors, Connolly, Crouse, Crowley, Daggett, Dillenback, Erwin, Farnum, Greenlaw, Hale, Handy, Harper, Hichborn, Jalbert, Joseph, Lebowitz, Lord, MacBride, Martin, H.C.; Mayo, McGowan, McHenry, Melendy, Mills, Mitchell, Murphy, E.M.; Nelson, Nickerson, Paradis, E.J.; Parent, Paul, Perry, Priest, Reeves, Ruhlman, Rydell, Scarpino, Simpson, Smith, C.B.; Smith, C.W.; Soucy, Strout, Warren, Zirkilton

ABSENT:—Brown, A.K.; Carrier, Descoteaux, Duffy, Hickey, Kane, Kimball, Lisnik, Michael, Randall, Rioux, Roberts, The Speaker 85 having voted in the affirmative and 53 in the negative with 13 being absent, the Majority "Ought to Pass" Report was accepted and the Bill read once.

Committee Amendment "A" (H-334) was read by the Clerk and adopted.

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

The following item appearing in Supplement No. 4 was taken up out of order by unanimous consent.

#### Passed to be Enacted

An Act Concerning Inspection of Safety Seat Belts (H.P. 432) (L.D. 612) (H. "A" H-314; C. "A" H-265)

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

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

Representative RACINE: Mr. Speaker, Ladies and Gentlemen of the House: When we engrossed this bill, I thought it was a bad bill

and now a day later, I still think it is a bad bill. So, I request that the vote be taken by the yeas and nays.

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 Canton, Representative McCollister.

Representative MCCOLLISTER: Mr. Speaker, Ladies and Gentlemen of the House: The last time we discuss this bill I asked a question and it never was answered. The question was, is the inspecting mechanic going to be held liable if the seatbelt breaks?

The SPEAKER: The Chair recognizes the Representative from Woolwich, Representative Cahill.

Representative CAHILL: Mr. Speaker, Ladies and Gentlemen of the House: No.

The SPEAKER: The pending question before the House is passage to be enacted. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL No. 151

YEAS:—Aliberti, Allen, Baker, H.R.; Beaulieu, Bell, Bost, Bott, Boutillier, Brannigan, Brodeur, Cahill, Callahan, Carroll, Cashman, Chonko, Coles, Connors, Connolly, Cooper, Crouse, Crowley, Daggett, Dellert, Dexter, Diamond, Drinkwater, Erwin, Farnum, Foss, Handy, Harper, Hayden, Higgins, H.C.; Higgins, L.M.; Hillock, Hoglund, Holloway, Ingraham, Jackson, Jacques, Jalbert, Joseph, Lawrence, Lebowitz, Lisnik, MacBride, Macomber, Manning, Martin, H.C.; Matthews, Mayo, McCollister, McPherson, Melendy, Mills, Mitchell, Murphy, E.M.; Murphy, T.W.; Murray, Nadeau, G.R.; Nelson, Nicholson, O'Gara, Paradis, P.E.; Perry, Pines, Pouliot, Priest, Reeves, Rice, Richard, Ridley, Rolde, Rydell, Salsbury, Scarpino, Seavey, Simpson, Small, Stevens, P.; Stevenson, Strout, Taylor, Telow, Theriault, Walker, Warren, Webster, Wentworth, Weymouth, Whitcomb, Zirkilton

NAYS:—Armstrong, Baker, A.L.; Begley, Bonney, Bragg, Brown, A.K.; Brown, D.N.; Carrier, Carter, Clark, Cote, Davis, Dillenback, Duffy, Foster, Greenlaw, Hepburn, Hichborn, Lacroix, Lander, Law, Lord, Masterman, McGowan, McHenry, McSweeney, Michaud, Moholland, Nickerson, Paradis, E.J.; Parent, Paul, Racine, Rotondi, Sherburne, Smith, C.B.; Smith, C.W.; Soucy, Sproul, Stetson, Stevens, A.G.; Swazey, Tammara, Tardy, Willey

ABSENT:—Descoteaux, Gwadosky, Hickey, Kane, Kimball, Michael, Nadeau, G.G.; Randall, Rioux, Roberts, Ruhlman, Vose, The Speaker

92 having voted in the affirmative and 46 in the negative with 13 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The Chair laid before the House the following matter: Bill "An Act Concerning Nomination Petitions for Unenrolled Candidates" (H.P. 1063) (L.D. 1542)

(— In House, Passed to be Engrossed as amended by House Amendment "B" (H-310) on June 4, 1985.)

(— In Senate, Adhered to Passage to be Engrossed in non-concurrence. TABLED—June 4, 1985, by Representative DIAMOND of Bangor.) which was tabled earlier in the day and later today assigned pending the motion of the Representative from Island Falls, Representative Smith, that the House recede and concur.

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

Representative REEVES: Mr. Speaker, Ladies

and Gentlemen of the House: This bill came out of committee with so many technical errors that I really believe that is not salvageable. Even the amendment that we put on last time in the House, which was rejected by the Senate, did not solve the important technical problem in this bill.

I hope that the House will vote against the motion to recede and concur so that we can adhere.

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

Representative HANDY: Mr. Speaker, Ladies and Gentlemen of the House: Parliamentary inquiry?

To put this bill in the posture so that it may be amended, we would have to bring this bill up to the enactment stage and then back it up in the process, is that correct?

The SPEAKER: The Chair would answer in the affirmative.

Representative HANDY: Mr. Speaker and Members of the House: I would hope that we would recede and concur so that we can deal with this bill on a responsible fashion and amended it so that it is a proper piece of legislation. So, I would hope you would go with the motion before us, which is to recede and concur.

The SPEAKER: The pending question before the House is to recede and concur. Those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

22 having voted in the affirmative and 87 in the negative, the motion to recede and concur did not prevail.

On motion of Representative Reeves of Pittston, the House voted to adhere.

The Chair laid before the House the following item: An Act to Establish a Maine-New Hampshire Boundary Commission (H.P. 1049) (L.D. 1525) (C. "A" H-276) which was tabled earlier in the day and later today assigned pending passage to be enacted.

Whereupon, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The Chair laid before the House the following item: Bill "An Act Concerning the Forest Resources of Maine" (H.P. 1069) (L.D. 1550) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Representative CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: Parliamentary inquiry? Is the bill in position to offer an amendment to the bill, not to the committee amendment?

The SPEAKER: The Chair would answer in the affirmative. The Representative may proceed.

Representative Connolly of Portland offered House Amendment "A" (H-340) and moved its adoption.

House Amendment "A" (H-340) was read by the Clerk.

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

Representative CONNOLLY: Mr. Speaker and Members of the House: This bill, which I think is a very important and unique bill, and for all the years in the legislature, I think it is probably the first time that the legislature is going to do something in the way of dealing with the forest resources and forest practices in the state as a whole. I think, for the first time, it has a chance of finally being passed and signed into law.

This bill amongst its significant provisions establishes a series of committees. One of the committees that is set up is a group called the Citizens Forestry Advisory Council which is supposed to consist of seven members of the



public. The amendment that I offer, and only to this particular committee that is established, this citizens committee, would say that no one who serves on this committee can have a direct or substantial financial interest in the harvesting, transportation or processing of trees. This is an attempt, at least as far as that citizen committee is concerned, to stop any potential conflict of interest.

I have checked with Representative McGowan, who is the Chair of the select committee that developed this bill and other members of his committee, and they find this amendment acceptable. I would hope the House would support it.

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

Representative MICHAUD: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair to the Representative from Portland.

I know what the good Representative Connolly is trying to do with this amendment. The question I have is, say if I own 30 acres of land and I want to harvest the timber off that land, under your amendment, will that prohibit me from being a member of the Council?

The SPEAKER: Representative Michaud of Medway has posed a question through the Chair to the Representative from Portland, Representative Connolly, who may respond if he so desires.

The Chair recognizes that Representative.

Representative CONNOLLY: Mr. Speaker and Members of the House: Yesterday, when I was discussing this very issue with the Representative from Medway, we talked about this kind of an example. Because of that very concern, the small woodlot owner, we have added the word substantial. Someone has to have a substantial financial interest. So, it is my understanding, because of that language, a small woodlot owner would not be barred from serving on this committee.

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

Representative DUFFY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question.

Would the Representative from Portland define substantial for me? Would that mean substantial amount of his income, substantial amount of his worth? I would just like to a definition of substantial.

The SPEAKER: Representative Duffy of Bangor had posed a question through the Chair to the Representative from Portland, Representative Connolly, who may respond if he so desires.

The Chair recognizes that Representative.

Representative CONNOLLY: Mr. Speaker and Members of the House: In response to the question, substantial amount of his income. That is what we are trying to get at here.

The SPEAKER: The Chair recognizes the Representative from Dover-Foxcroft, Representative Law.

Representative LAW: Mr. Speaker, Ladies and Gentlemen of the House: I hope you defeat this amendment. The original bill specifically said, and I am going to quote one sentence in it: "members of the council shall be chosen to represent the broadest possible interest and experience which can be bought to bear in the implementation of this chapter." Now, I am a strong believer in a balanced.....

The SPEAKER: Would the member of the press please find herself outside this body immediately.

The Chair apologizes. The Representative from Dover-Foxcroft may continue.

Representative LAW: I am a strong advocate and supporter and promoter of the balanced use of all our resources. The wording in Subsection A that I just read indicated that. However, I also believe that a person's avocation can be

as biased as his vocation. If you start eliminating the people who have a strong interest in a vocation or financial interest and merely stack this Council with people who have a strong avocation of environmental protection and not of balanced use, then you will destroy the whole meaning of this balanced use of the resources in this advisory council.

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

Representative JACQUES: Mr. Speaker and Men and Women of the House: I am going to give you another side of this story here. I have served on four or five different commissions and study committees since we started and we had five people on the original Forest Practices Committee that got direct paychecks from large paper companies or land management companies. I have a real problem with that and I saw it at work. I don't have a problem with a guy having some expertise in being there but I do have a problem with someone who gets direct financial payment, whether he be retired or still actively working for a large company because, and it is only human nature, to look out for the company. Unfortunately, the legislators are supposed to look out for everyone and you get into a situation where you have one side battling the other and it is only through a lot more hard work you get anything done. I saw this very clearly when we had the Whitewater Rafting Commission. We had two rafters out of ten members. Those two rafters did more to screw up the progress of that Whitewater Rafting Commission than you would ever believe.

This Council is going to have to come before the Energy and Natural Resources Committee for confirmation. I will tell you right now I, as one member of that committee, will not vote for anyone to be on the Council that has any direct financial benefit from any large company. I think it is only the right thing to do. We did not prohibit somebody from serving on the advisory board from any walk of life. But I know that there are retired Service Foresters that worked for individual clients who would be more than willing to serve and there are plenty of people who do not receive direct financial payment.

I hate to be talking about the bogeyman like I used the other day but this is a bogeyman that is real. I am not casting any dispersions on the character of those who receive direct financial benefits, it is just the nature of the beast. As a matter of fact, when we had that Forest Practice Committee's second meeting, one of the members of the committee who was on the payroll said, you know I can't see any reason why this commission should continue. I move we abolish it right now. Fortunately, nobody was stupid to second that move. But that is what happened.

So, I am going to vote for Representative Connolly's amendment. I hope you do too because I think we can accomplish all we want to accomplish without having their hands tied and without really limiting the area of expertise that we will have on the council. This only applies to the Council, not the working committee. The working committee, I would hope, would have people that have the background and training, and it doesn't matter if they are on a direct payroll or not, because they will be advising and making recommendations. But when it comes to the Council, I think it is very important that we make sure that everybody's interests are protected, not just certain groups.

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

Representative CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: Just a quick response to what Representative Law said. This amendment is by no stretch of the imagination an attempt to stack the Council, just the opposite is true, to prevent a Council

like this from being stacked. By direct and substantial, we are talking about people, who have 25 percent of more of their income that would come from the industry. People who have small amounts of land or small amounts of income would not be prohibited from serving.

The SPEAKER: The Chair recognizes the Representative from Dover-Foxcroft, Representative Law.

Representative LAW: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to add one more word. If you are going to limit it to have a balanced use or a balanced advisory council or anything, if you are going to eliminate the timber industry, then you have got to eliminate anybody that has got a financial interest in any of the resource groups like Natural Resource Council, the Audubon Society. If you are going to eliminate everybody that has got a financial interest in either extreme, then I can accept eliminating the timber industry. But to eliminate one extreme group and not eliminate the other, you are bound to have a stacked deck. If all we want is a bunch of little old ladies, I don't mean that in the derogatory sense at all, but people without a direct interest in the forest, I have no objections to that but they would all have to be that, not just one extreme.

The SPEAKER: The Chair recognizes the Representative from Livermore Falls, Representative Brown.

Representative BROWN: Mr. Speaker, Ladies and Gentlemen of the House: Once again, we seem to be pointing that nasty finger of conflict of interest to people who have a job. You know, it is a sad day, I think, when we have so much mistrust of so many people. The forest industry our biggest source of revenue that this state has in all areas. I don't care whether we are talking about large paper companies, small woodlot owners, small saw mill owners, the workers in the paper mills, the loggers, the contractors, it doesn't really matter who we are talking about, we are talking about a wide cross section of people in this state whose livelihood depend upon the forest industry.

Ladies and Gentlemen, if somebody works for a major paper company, draws a salary from that company, doesn't that mean that person doesn't have the best interests of the overall industry at heart. I can't accept that, I won't accept that. I think there are enough people in this body that won't accept that as well.

These folks have to be appointed by the Governor, whether it is your party or my party or that other group of individuals are going to have to be confirmed by the Energy and Natural Resources Committee. There is a review process and, if there is a real conflict of interest, somebody along the line, I hope, is going to be able to pick that up, if they think that that person has been nominated for that position, is not going to be able to act in the best interests of the industry as a whole, let's get rid of some of this mistrust that has been plaguing public office, any kind of public office, for the last few years. It is time we started placing some confidence and trust in people, good people, whether they have a job or whether they are retired.

I hope that you don't support this amendment, it is not worthy of your support and I would move the indefinite postponement of House Amendment "A" and I would ask for a roll call.

The SPEAKER: The Chair recognizes the Representative from Shapleigh, Representative Ridley.

Representative RIDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I would hope you would support my colleague from Livermore Falls, Representative Brown on his indefinite postponement. I will tell you why. I don't think you should exclude one section of the public out there as Representative Jacques said in his talk. We certainly didn't want to exclude

everybody or anybody and this is exactly what you are doing. If you are looking for someone with some expertise in a line or a field, well certainly, it is going to be someone who has been affiliated with that field before they could have any expertise with it. They are going to come before the committee for confirmation and I am sure that when they do have too much of a conflict of interest, why it will be taken care of down there, they will be scrutinized and we feel that they do have too much of a conflict of interest, why it will be taken care of down there. But to just flatly come out and say that we are not going to have anybody on there that has a substantial financial interest in the forestry work or received — I think I understood Representative Connolly to say that received a substantial part of his income — well, someone could own quite a few hundred or thousands of acres of land and not get any income out of it until they harvest it. So, I would assume that they probably could qualify to go on this until they actually started getting income from it.

The SPEAKER: The Chair recognizes the Representative from Canaan, Representative McGowan.

Representative MCGOWAN: Mr. Speaker, Ladies and Gentlemen of the House: As chairman of the Joint Select Committee on Forest Practices I see this amendment as not being anything that is really earthshaking. I believe very strongly in the gubernatorial appointment process and the committee process.

I do have concerns when someone like Representative Brown of Livermore Falls raises the points that he does because I think back of the 111th Legislature, when we brought this bill before this legislature, Representative Brown didn't believe that there was a problem in the forests of the State of Maine and didn't support our study. Well, I think that that represents maybe how he feels about this whole issue. It is my concern that people do receive the review from our committees and from our governors and from the people of the State of Maine. I am going to vote for it and I am going to ask you, as Chairman of the Select Committee on Forest Practices, to support Representative Connolly's amendment.

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

Representative HILLOCK: Mr. Speaker, Ladies and Gentlemen of the House: As I look at this, I started to think about what is substantial. It is a gray area and I heard somebody mention 25 percent. Then I went and looked through the register and we are all concerned about the State of Maine or we wouldn't be here. I noticed a lot of people didn't list any other occupations. I know a few legislators here that cut firewood. If that is all their income is from the Legislature and the firewood that the sell in the offseason and they want to leave the legislature and serve their state, they would be excluded from this. So, I am concerned about the lower income people who do derive some part of their income from forest products. I am really surprised that those who would support this amendment wouldn't be concerned about the poor people in the State that do have some substantial part of their income from the processing of trees, and it is substantial in this State.

So, I would urge you to vote against this amendment.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: There is a very distinct difference between somebody who cuts firewood as a side job and somebody who gets \$35,000 a year from a large paper company. That is the concern we have. To try to cut it any other way, you are just making a joke out of the whole thing. Now, when we had

formed the Joint Select Committee on Forest Practices everybody said, after we finally got the bill through, that we should make sure we had a wide representation which we did. We had somebody from Maine Audubon, he made one meeting or two. We had somebody representing small woodlot owners who were real concerned about what was going to happen. That guy made one meeting. So, just getting somebody that has a substantial background involved is not going to guarantee any participation.

To answer Representative Brown, there is a lot of mistrust of us and there should be because, in the past, there have been some mistakes made and we have sold the people we represent down the river. We have done it in this body before with the best of intentions, but we have done it.

You see, we have to be reelected every two years and that is one safety that is not there when you appoint members. I, for one, would recommend when the appointments are made for these people who are going to be on this Council, we don't get them one or two at a time like we do in LURC and DEP. I would like to see us get them all at the same time. Then we can look and make sure we do have a nice even, fair cross section that is not going to be loaded in one way or the other.

All through the last LURC hearings we had, we were told that the Governor was trying to load LURC for the Big A which was coming up, that started a year and a half ago. There was distrust then because it seemed that they were putting more people on with business that would be pro Big A versus environmentalist who would be anti-Big A. That distrust is there and there is nothing we can do right in one fell swoop to try to do away with that distrust but this is just a small attempt to make sure that when the governor does look at people he is going to appoint here, that the spectrum will be a little bit narrower but I think the field of expertise will still be there. Don't be confused about the poor guy who is cutting firewood on the side trying to make a living and the guy who is getting \$40 or \$50 grand from a paper company directly when you start voting on this amendment.

The SPEAKER: The Chair recognizes the Representative From Shapleigh, Representative Ridley.

Representative RIDELY: Mr. Speaker, Ladies and Gentlemen of the House: I agree with the previous speaker 100 percent. I wish that he would really think about what he said, we would have a nice even, cross section. I go along with that but by eliminating this one section, you are not going to get a nice, even, cross section.

The SPEAKER: The Chair recognizes the Representative from Canaan, Representative McGowan.

Representative MCGOWAN: Mr. Speaker, Ladies and Gentlemen of the House: I know everybody is in a hurry to leave this chamber and I will be very brief but I just wanted to add one thing to this debate, that Representative Law should he not be serving in this body, would be eligible to serve on either of these commissions in this legislature. I would like to point out to members of this legislature and he is an expert.

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

Representative DUFFY: Mr. Speaker, Ladies and Gentlemen of the House: I, too served on the Joint Select Committee on Forestry, just this session. I am satisfied that that amendment will set the guideline as the basis so that they can use good judgement, that's all. I ask you to allow this amendment to be put on.

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

Representative MICHAUD: Mr. Speaker, Men

and Women of the House: I am still quite undecided what I am going to do with this amendment, which way I am going to vote. It is correct that they do have to be confirmed by the Energy and Natural Resources Committee and this whole deal about conflicts, I am sure no matter who is on there, the Portland Press Herald probably can find a conflict, one way or another, if they want to stretch it out.

I would like to pose a question through the Chair to the gentlemen from Portland. Who decides what is substantial? Is it the committee that is going to decide the word substantial?

The SPEAKER: Representative Michaud of Medway has posed a question through the Chair to the Representative from Portland, Representative Connolly, who may respond if he so desires.

The Chair recognizes that Representative. Representative CONNOLLY: Mr. Speaker and Member of the House: First, I am not a front for the Portland Press Herald.

Yes, I think in the first instance, if there is a question about substantial interests, that that would be decided by the committee and by the Senate. And if there were a legal question beyond that, then I think that, as had happened in the past, that there would be an opinion requested of the Attorney General's Office. I think that in the first instance, it would be the committee that would make the decision on that matter if the question were raised.

While I am on my feet, to my bleeding heart friend from the other end of the hall, we are not going to exclude poor people, that is a red herring that you throw up on this issue, you know what you say. The question here is conflict of interest. This is, as Representative Jacques says, a small attempt to begin to deal with it. I would hope that you would vote against the motion to indefinitely postpone.

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

Representative DAVIS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question to the previous speaker.

Does this mean that anyone who serves on this committee has got to disclose his total income?

The SPEAKER: Representative Davis of Monmouth has posed a question through the Chair to Representative Connolly of Portland, who may respond if he so desires.

The Chair recognizes that Representative.

Representative CONNOLLY: Mr. Speaker, Ladies and Gentlemen of the House: The answer to that question is no.

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 in the motion of Representative Brown of Livermore Falls that House Amendment "A" (H-340) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL No. 152

YEAS:—Armstrong, Baker, A.L.; Begley, Bell, Bonney, Bott, Bragg, Brown, D.N.; Cahill, Callahan, Connors, Dexter, Drinkwater, Farnum, Foss, Foster, Greenlaw, Hepburn, Higgins, L.M.; Hillock, Ingraham, Jackson, Lander, Law, Lawrence, Lebowitz, MacBride, Masterman, Matthews, McPherson, Murphy, E.M.; Murphy, T.W.; Nicholson, Nickerson, Paradis, E.J.; Parent, Pines, Rice, Ridley, Salsbury, Scarpino, Seavey, Sherburne, Small, Smith, C.W.; Sproul, Stetson, Stevens, A.G.; Stevenson, Strout, Telow, Webster, Wentworth, Weymouth, Whit-

comb, Willey, Zirnkilton

NAYS:—Aliberti, Allen, Baker, H.R.; Beaulieu, Bost, Boutilier, Brannigan, Brodeur, Brown, A.K.; Carrier, Carroll, Cashman, Chonko, Clark, Coles, Connolly, Cooper, Cote, Crouse, Crowley, Daggett, Dellert, Diamond, Dillenback, Duffy, Erwin, Hale, Handy, Harper, Hayden, Hichborn, Hickey, Higgins, H.C.; Hoglund, Holloway, Jacques, Jalbert, Joseph, Lacroix, Lisnik, Lord, Macomber, Manning, Martin, H.C.; Mayo, McCollister, McGowan, McHenry, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Murray, Nadeau G.G.; Nadeau, G.R.; O'Gara, Paradis, P.E.; Paul, Perry, Pouliot, Priest, Racine, Reeves, Richard, Roberts, Rolde, Ruhlman, Simpson, Smith, C.B.; Soucy, Stevens, P.; Swazey, Tammara, Tardy, Theriault, Vose, Walker, Warren, The Speaker

ABSENT:—Carter, Davis, Descoteaux, Gwadosky, Kane, Kimball, Michael, Nelson, Randall, Rioux, Rydell, Taylor

57 having voted in the affirmative and 82 in the negative with 12 being absent, the motion to indefinitely postpone did not prevail.

Thereupon, House Amendment "A" (H-340) was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-318) as amended by House Amendment "A" (H-329) thereto and House Amendment "A" (H-340) to the Bill.

Sent up for concurrence.

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

(Off Record Remarks)

On motion of Representative Ingraham of Houlton.

Adjourned until nine o'clock tomorrow morning.