

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD
OF THE
One Hundred and Twelfth
Legislature
OF THE
STATE OF MAINE

VOLUME I
SECOND REGULAR SESSION
January 8 - April 2, 1986

The House was called to order by the Speaker.
Prayer by Reverend John Fickett, First Baptist
Church, Pittsfield.
Pledge of Allegiance.
The Journal of Thursday, February 13, 1986, was
read and approved.
Quorum call was held.

PAPERS FROM THE SENATE

The following Communication:

The Senate of Maine
Augusta

February 13, 1986

The Honorable John L. Martin
Speaker of the House
112th Legislature
Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be
advised that the Senate today confirmed, upon the
recommendation of the Joint Standing Committee on
Education, the Governor's nomination of Stewart Smith
of Dexter for appointment to the University of Maine,
Board of Trustees.

Sincerely,

S/Joy J. O'Brien
Secretary of the Senate

Was read and ordered placed on file.

The following Communication:

The Senate of Maine
Augusta

February 13, 1986

The Honorable John L. Martin
Speaker of the House
112th Legislature
Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be
advised that the Senate today confirmed, upon the
recommendation of the Joint Standing Committee on
Education, the Governor's nomination of Robert Dunfey
of Cape Elizabeth for reappointment to the University
of Maine, Board of Trustees.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

Was read and ordered placed on file.

Bill "An Act to Implement the International
Registration Plan to Apportion Fees for Certain
Commercial Vehicles" (Emergency) (S.P. 804) (L.D.
2019)

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

Was referred to the Committee on Transportation
in concurrence.

Ought to Pass in New Draft

Report of the Committee on Judiciary on Bill "An
Act to Make Certain Technical Changes in the Law
Relating to Post-conviction Review" (S.P. 654) (L.D.
1692) reporting "Ought to Pass" in New Draft (S.P.
801) (L.D. 2008)

Came from the Senate, with the report read and
accepted and the New Draft passed to be engrossed.

Report was read and accepted, the New Draft read
once and assigned for second reading Friday, February
21, 1986.

Non-Concurrent Matter

Bill "An Act Regarding the Integrity and
Impartiality of Undercover Police Activity" (H.P.
1423) (L.D. 2012) which was referred to the Committee
on Judiciary in the House on February 12, 1986.

Came from the Senate referred to the Committee on
Legal Affairs in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

RESOLVE, to Protect Municipalities from Loss of
Property Tax in the Event of Transfers under
Provisions of Land Trust Transfers (H.P. 1422) (L.D.
2011) which was referred to the Committee on Energy
and Natural Resources in the House on February 12,
1986.

Came from the Senate referred to the Committee on
Taxation in non-concurrence.

The House voted to recede and concur.

COMMUNICATIONS

The following Communication:

Revised
2/11/86

STATE OF MAINE
DEPARTMENT OF EDUCATIONAL AND CULTURAL SERVICES
AUGUSTA, MAINE 04333

January 31, 1986

To: Joy O'Brien, Secretary of the Senate
Edwin Pert, Clerk of the House
G. William Buker, Bureau of the Budget

From: Robert Eugene Boose, Commissioner

Re: Recommendation for 1986-1987 Funding Levels
for Adult Education

Pursuant to the provision of Title 20-A, M.R.S.A., Chapter 315, Section 8606, I am required to certify annually prior to February 1 to the Legislature and to the Bureau of the Budget a recommendation for the funding level for the various program categories in Adult Education.

Please see the recommendation below:

EDUCATION: ADULT EDUCATION

1986 - 1987

All Other (Category 6300-Grants \$2,528,326 *
to Cities and Towns)
(This includes grants to programs for High
School Completion, Adult Literacy, General Adult
Ed., Adult Handicapped, Adult Voc. Ed., and
Administration)

*For FY 87 the current budget allocation for
grants to cities and towns is \$2,220,106 which
leaves a balance of \$308,220.

Was read and with accompanying papers ordered
placed on file.

The following Communication:

State of Maine
Executive Department
Division of Community Services
State House Station 73
Augusta, Maine 04333

February 11, 1986

The Honorable John L. Martin
Speaker of the House
Maine House of Representatives
State House
Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Title 22 M.R.S.A. Section
5204(3), I am submitting to the 112th Legislature a
report on Maine's Home Energy Assistance Program for
the year 1984-85.

I would be happy to answer any questions you may
have concerning this report.

Sincerely,

S/Nancy A. Boothby
Director

Was read and with accompanying report ordered
placed on file.

PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE

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

Energy and Natural Resources

RESOLVE, Directing the Director of the Bureau of
Public Lands to Convey the State's Interest in
Certain Lands Surrounding Little Sebago Lake (H.P.
1439) (L.D. 2030) (Presented by Representative
CARROLL of Gray) (Approved for introduction by a
majority of the Legislative Council pursuant to Joint
Rule 26)

(Ordered Printed)
Sent up for concurrence

ORDERS

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative MICHAUD from the Committee on
Energy and Natural Resources on Bill "An Act to Give
Municipalities Greater Decision-making Powers
Relating to Solid Waste Management" (H.P. 1298) (L.D.
1814) reporting "Ought Not to Pass"

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

Ought to Pass in New Draft

Representative CASHMAN from the Committee on
Taxation on Bill "An Act to Exempt Nonprofit Hospice
Organizations from the Sales Tax" (H.P. 1289) (L.D.
1806) reporting "Ought to Pass" in New Draft (H.P.
1438) (L.D. 2029)

Report was read and accepted, the New Draft read
once and assigned for second reading Friday, February
21, 1986.

CONSENT CALENDAR

FIRST DAY

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

(H.P. 1340) (L.D. 1877) Bill "An Act to Provide Funds to Continue a Study of Bedrock Ground Water in Aroostook County" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-511)

(H.P. 1276) (L.D. 1793) Bill "An Act to Create a Rape Crisis Center in Augusta" Committee on Appropriations and Financial Affairs reporting "Ought to Pass"

(S.P. 671) (L.D. 1739) RESOLVE, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory Committee on Taxation reporting "Ought to Pass"

(H.P. 1261) (L.D. 1771) RESOLVE, to Name the New Bridge Between the Cities of Bangor and Brewer the "Veterans' Memorial Bridge" Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-512)

(H.P. 1175) (L.D. 1670) Bill "An Act to Provide Vanity Plates for Trailers" Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-513)

(H.P. 1311) (L.D. 1827) Bill "An Act to Provide for Fair Treatment of Unpowered Fishing Dorries Under the Boat Excise Tax Law" Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-514)

There being no objections, the above items were ordered to appear on the Consent Calendar of Friday, February 21, 1986, under the listing of Second Day.

CONSENT CALENDAR

SECOND DAY

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

(H.P. 1203) (L.D. 1710) Bill "An Act to Clarify the Authority of Municipal Officers to Temporarily Restrict Vehicle Passage over Certain Highways" (C. "A" H-510)

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.

PASSED TO BE ENACTED

Emergency Measure

An Act to Permit the Transfer of Protection from Abuse Hearings from Superior Court to District Court (S.P. 655) (L.D. 1693) (C. "A" S-373)

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. 123 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 Allow Justices of the Superior Court to Act on Requests for Preliminary Child Protection Orders (S.P. 658) (L.D. 1696) (C. "A" S-374)

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. 123 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.

At this point, a message came from the Senate, borne by the Majority Floor Leader, Senator Violette of Aroostook, proposing a Convention of both branches of the Legislature to be held at 10:45 a.m. in the Hall of the House for the purpose of extending to Chief Justice Vincent L. McKusick and members of the Judiciary an invitation to attend the Convention and to make such communication as they may be pleased to make.

Subsequently, the House vote to concur in the proposal for a Joint Convention to be held at 10:45 a.m. and the Speaker appointed Representative Diamond of Bangor to convey this message to the Senate.

Subsequently, Representative Diamond of Bangor reported that he had delivered the message with which he was charged.

Emergency Measure

An Act to Permit the Electricians' Examining Board to Renew Certain Master, Journeyman and Limited Electricians' Licenses (H.P. 1252) (L.D. 1762) (H. "A" H-495)

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 Amend the Laws Relating to Investigative Information of the State Fire Marshal's Office (H.P. 1259) (L.D. 1769) (C. "A" H-497)

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 Resolve a Conflict in the Law Dealing with the Crime of Gross Sexual Misconduct (H.P. 1324) (L.D. 1859)

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. 112 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 Amend the Protection from Abuse Law (H.P. 1334) (L.D. 1871)

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

On motion of Representative MacBride of Presque Isle, tabled pending passage to be enacted and specially assigned for Friday, February 21, 1986.

Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Oxford County for the Year 1986 (H.P. 1404) (L.D. 1984)

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 none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

Emergency Measure

RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Aroostook County for the Year 1986 (H.P. 1405) (L.D. 1985)

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 3 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

An Act to Clarify Set-back Requirements under the Shoreland Zoning Law (S.P. 699) (L.D. 1784) (C. "A" S-375)

An Act Revising the Mandatory Vaccination Requirement for Livestock (H.P. 1410) (L.D. 1991)

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

ORDERS OF THE DAY

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

HOUSE DIVIDED REPORT - Majority (10) - "Ought Not to Pass" - Minority (3) - "Ought to Pass" - Committee on Judiciary on RESOLVE, Authorizing Jeanette Hodgdon Brown, Administratrix of the Estate of Kenneth R. Hodgdon, to Recover Judgment Entered in Her Favor against the State in Lincoln County Superior Court (H.P. 1186) (L.D. 1683)

TABLED - February 12, 1986 by Representative PARADIS of Augusta.

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

Representative Paradis of Augusta, moved to retable one legislative day, pending his motion that the House accept the Majority "Ought Not to Pass" Report and specially assigned for Friday, February 21, 1986.

Subsequently, Representative Paradis of Augusta withdrew his motion to table one legislative day.

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

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

Bill "An Act to Regulate Funds Availability for Items Deposited in an Account with a Financial Institution" (H.P. 1319) (L.D. 1854)

TABLED - February 13, 1986 by Representative BRANNIGAN of Portland.

PENDING - Adoption of Committee Amendment "A" (H-506)

On motion of Representative Brannigan of Portland, Committee Amendment "A" (H-506) was indefinitely postponed.

Subsequently, the Bill was assigned for second

reading, Friday, February 21, 1986.

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

HOUSE DIVIDED REPORT - Majority (7) "Ought to Pass" as amended by Committee Amendment "A" (H-496) - Minority (6) "Ought Not to Pass" - Committee on Utilities on Bill "An Act Concerning Local Telephone Service Rate Structure" (H.P. 1388) (L.D. 1957)

TABLED - February 13, 1986 by Representative VOSE of Eastport.

PENDING - Acceptance of Either Report.

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

Representative VOSE: Mr. Speaker, Ladies and Gentlemen of the House: I move acceptance of the Majority "Ought to Pass" Report.

I am not going to debate local measured service at all, I am simply going to explain what this bill does and hope that you will support the Majority "Ought to Pass" Report.

This allows the trial of the local measured service for a two year pilot program. That, of course, has been in effect since Saturday. It sets a statutory cap, which was what we were mainly concerned about in our committee, we didn't want adjustments in the rates or anything like that during the two year period.

It requires a poll of the users with a report to the legislature in January of 1988; in other words, the phone company will, in fact, poll the users of local measured service and report back to us so that we will know the results of that poll and whether or not they want to continue onward or not. It also sunsets LMS on May 1, 1988. Now, unless the sunset is repealed by a future legislature, LMS will die.

What it does is that it simply allows for a two year pilot program and it is automatically dead on May 1, 1988 unless this House repeals the sunset provision and that would be done 'if' the poll would indicate that the users feel that this is a good way to go.

The SPEAKER: The Chair recognizes the Representative from Cape Elizabeth, Representative Webster.

Representative WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: This is one of the worst pieces of legislation, in my estimation, to come before this House. I hope the majority of the House will quickly defeat the motion of the Representative from Eastport.

It doesn't matter how you stand on delay or implementation of local measured service -- you should vote against this bill. There are two major reasons why this bill should not become law. One, the bill would take a stipulated agreement and make this agreement the law. This stipulation comes from the latin word "bargain" -- it is a bit of this and a bit of that. The stipulation is a compromise. It was worked out by the New England Telephone Company, the Public Utilities Commission and the Public Advocate. The stipulation is an experiment, we do not know if it will succeed and it was certainly never intended to become law. The stipulation is binding on all parties who signed it for two years, well into 1988. This bill makes the stipulation

binding forever. This is an unprecedented step. Parties in the regulatory system will basically be robbed of due process henceforth. There can be no flexibility, no adaptability, no room for change or improvement.

Secondly, the bill contains one of the most convoluted, mixed up sunset provision that any bureaucrat could imagine. Assume for a moment that the voters in November want local measured service -- this bill contains an elaborate mechanism to poll local measured service customers two years from now -- then based on the response of 85,000 customers, local measured service could possibly be banned. The sunset would thus override the November referendum. This is cumbersome, costly, counterproductive and shows complete disregard for the voters. The only sunset that we need is the referendum in November.

I hope that you will vote no on the pending motion.

The Chair ordered a Division and a vote of the House was taken.

Representative Vose of Eastport requested a roll call.

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

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

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

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

Representative VOSE: Mr. Speaker, Ladies and Gentlemen of the House: I am rather surprised at the vote. I would have thought that we would have offered all the protection in the world to the people who wanted to try out local measured service. I don't understand why you wouldn't want to have these people try it and have the telephone company poll them and let us know the results of that poll so that we can say whether or not local measured service will continue.

If, for example, the local measured service referendum fails to stop it and continues onward, it will continue on indefinitely. There is no question about it. However, what if two years down the pike, we decide that local measured service is no good, then we should have an opportunity to react to it or act on it according to the voters. This is strictly a protection measure and I really am rather amazed that those of you that voted to delay the implementation of measured service would not want to vote to stop it. This is the only bill before us that literally kills it after a certain point in time. However, I will bow to your expertise.

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

39 having voted in the affirmative and 95 in the negative with 17 being absent, the motion did not prevail.

(See Roll Call No. 240)

Subsequently, the Minority "Ought Not to Pass" Report was accepted.
Sent up for concurrence.

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

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

PASSED TO BE ENACTED

An Act to Establish a Maine-New Hampshire Boundary Commission (H.P. 1049) (L.D. 1525) (C. "B" H-499)

Was 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.

Subsequently, Senator Carpenter of Aroostook, reported that the Committee had delivered the message with which it was charged and that the Honorable Vincent L. McKusick and members of the Judiciary were pleased to say that they would forthwith attend the Convention.

At this point, the Honorable Chief Justice and members of the Judiciary entered the Convention Hall amid the applause of the Convention, the audience rising.

The Honorable Chief Justice, Vincent L. McKusick, then addressed the Convention as follows:

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

PAPER FROM THE SENATE

The following Joint Order: (S.P. 806)

ORDERED, the House concurring, that when the House and Senate adjourn, they adjourn to Friday, February 21, 1986, at 12:00 in the afternoon.

Mr. President, Mr. Speaker, Ladies and Gentlemen of the 112th Legislature: I consider it a great honor to address this Joint Convention for a second time. Last year I spoke to you about the policy of the Three C's--comity, communication, and cooperation. I suggested to you that "there is a governmental principle parallel to the Separation of Powers Doctrine--and that principle teaches us that each of the three branches must practice a policy of comity, communication and cooperation with the other branches on matters of common concern." It is in that spirit of the Three C's that I welcome this opportunity to report again on the courts to you of the Legislative Branch. Joining me today are my colleagues of the Supreme Judicial Court as well as the Chiefs of our trial courts, Chief Justice Clifford and Chief Judge Devine, and our State Court Administrator, Dana Baggett. All of us look forward to visiting with you after the adjournment of this Joint Convention.

Came from the Senate, read and passed.

Was read and passed in concurrence.

At this point, the Senate entered the Hall of the House and a Joint Convention was formed.

(In Convention)

The President of the Senate, Charles P. Pray, in the Chair.

Last year, at the outset of your first and longer session, I gave you a comprehensive review of the business of the Maine courts. This year, I intend to give you more of an update--a survey of what the Three Branches, working together in the spirit of the Three C's, have accomplished in the first 14 months of your current legislative term--and then I will discuss some matters of common concern that we are now facing.

On motion of Senator Violette of Aroostook, it was

ORDERED, that a Committee be appointed to wait upon the Honorable Vincent L. McKusick, Chief Justice of the Supreme Judicial Court and the members of the Judiciary to inform them that the two branches of the Legislature are assembled in Convention ready to receive such communication as pleases them.

Let me start with a report from each of the courts for the year 1985. First, our trial courts experienced a remarkable upsurge in case filings as compared with 1984. In the District Court new cases jumped 13 percent reaching almost a quarter of a million, by far the highest ever. For the first time, civil violations and traffic infractions passed the 100,000 mark. The filing in 1985 of 25,000 small claims -- "small" only relatively, since damages recovered can go as high as \$1,400--also set a new record for the District Court.

Was passed.

The Chair appointed:

Senators: CARPENTER of Aroostook
CHALMERS of Knox
SEWALL of Lincoln

Representatives: KANE of South Portland
CARRIER of Westbrook

In the Superior Court, although civil filings grew only modestly, criminal case filings fairly

exploded—they increased by over 20 percent. The increases in our biggest counties for criminal caseload were even more dramatic—27 percent in Cumberland County and 53 percent in York.

It is, however, more than the number of filings that measures the litigation explosion Maine courts are facing. Consistent with a phenomenon observed all across the country, court cases in Maine are qualitatively becoming more complex and more time-consuming to try. In the Superior Court, the trial of run-of-the-mill auto negligence cases, once commonplace, has been replaced by much more complex litigation—for example, lengthy product liability suits, and zoning and other appeals produced by increased development pressures in many parts of Maine. Any new administrative regulation adds to the workload of the Superior Court, to which appeals are taken from both local and state agency decisions. For example, the hospital costs containment law of two years ago is just now beginning to produce administrative appeals to the Superior Court that promise to have economic complications similar to appeals the Law Court gets from the Public Utilities Commission, along with the difficult procedural and legal issues that come with a new statutory scheme.

The District Court is experiencing the same increase in the length and complexity of its trials. Marital property questions in divorce cases and the difficult issues involved in child protection and parental rights termination cases are just some examples that are not quickly or easily resolved.

I am proud of the steps taken by our trial courts to improve their operations in the face of these greater demands. Under Chief Justice Clifford's leadership, the expedited case flow program for civil cases, started experimentally in four counties in November 1984, went statewide the first of this month. In this program, a judge reviews every civil case soon after it is filed. About three-quarters of the civil cases are found suitable to put on a fast track and the reviewing judge sets the time schedule for completing discovery and going to trial. Many of the other cases, particularly the megacases with multiple parties and complex issues, are specially assigned to a single judge to handle. Through this active judicial management of litigation from the start, the Superior Court is cutting down on delay and expense to the benefit of the public.

I told you last year of the District Court's plans for using volunteer guardians ad litem for children involved in abuse and neglect proceedings. Under Chief Judge Devine's leadership and with financing by a federal grant, lay volunteers have been selected and trained and the program is fully under way at several court locations. You have before you a proposal to formalize this program as a regular feature of our District Court. This is a splendid program on its own merits, but has the additional attractiveness of not being any drain on our court budget. Any administrative expense for operating the lay volunteer system will be less than the attorneys' fees we otherwise would have to pay for the lawyer guardians. I am confident that without any net additional expense, the CASA (court-appointed special advocate) program so-called will much improve the way the courts handle these

sensitive and most important child protection cases.

Turning to the Law Court, in 1985, 518 new appeals were filed—somewhat higher than any prior year. As in the trial courts, moreover, our civil appeals are becoming observably more complex and demanding. Along with discharging their rulemaking and administrative responsibilities, my hard-working colleagues keep us well abreast of our heavy appellate caseload.

In the spirit of the Three C's, you of this 112th Legislature in your first regular session, took several steps to help us in improving court operations. I will mention some examples. First, thanks to your financial support and the help of a federal grant, we are well on the way towards computerizing our trial courts. The "laboratory" has been Rockland District Court where Deputy Chief Judge Pease presides. Soon, other courts will be automated and vital computer links established with the Division of Motor Vehicles and the State Police. We look to computers to help our hard-pressed clerks' offices cope with burgeoning caseloads and to give our judges prompt and complete information before sentencing.

Second, you started last year the process of improving court facilities in Cumberland, Sagadahoc and Waldo Counties by enacting the enabling legislation by which the people of those counties, last November 5th, authorized court building bond issues.

Third, last year you authorized a commission appointed by the Governor, the President, the Speaker and myself to study the possible relocation and consolidation of the Supreme Judicial Court into its own building at the seat of government here in Augusta. We look forward to receiving before the end of this year that Commission's appraisal of the pros and cons of such a move.

Fourth, you last year corrected an oversight in the new judicial retirement law affecting older judges.

Fifth, you by statute established the Court Mediation Service as a permanent structural feature of the Judicial Department. Mandated for any contested issues in a divorce case where the couple have minor children, the mediation service has been used more, and has proven more efficacious, than any of us dared hope. In 1985, our mediation service conducted 4,400 divorce mediations, and 1,200 in small claims cases—and Lincoln Clark, the director, tells me that mediation, when mandated, is turning out to be as successful as when pursued at the parties' choice.

At this second regular session of the 112th Legislature, our mutual policy of the Three C's is faced with its principal challenge in regard to the financial needs of the courts in these difficult budgetary times. First, let me comment generally on the financing of our unified state court system. State funding and unified statewide management of our courts went into effect on January 1st, just 10 years ago. The 1975 Legislature adopted that forward-looking change on the recommendation of the

Study Commission that bore its name of its chairman, Senator, later Attorney General, Joseph E. Brennan. For more than 8 of these past 10 years, I have been privileged, as head of the Judicial Department, to work with you and your predecessor legislatures and with Governor Longley and Governor Brennan for the improvement of the courts of Maine. The Legislature has done much to that end. You eliminated trial de novo. You restructured the appeals in workers' compensation cases. You gave the Superior Court a Chief Justice who is here with us today and you created the State Court Library Committee, initially headed by the late Justice Thomas E. Delahanty, to preserve and update important assets in the 18 county law libraries. The Legislature has progressively made much needed improvement in funding for the courts. Better court facilities have come into being at several smaller locations around the state. Effective within the past 15 months, you of the Legislature, increased judicial salaries from their prior position of being the lowest in the nation.

In spite of the court improvements that have often involved increased appropriations, the cost of operating the courts remains in the range of only some 1 percent of total state expenditures. At the same time, the net burden on the public fisc is further reduced by the revenues turned in to the General Fund from the fines and fees imposed by the courts.

The general operating expenses of the courts--the "All Other" account exclusive of personnel costs and capital expenditures--include some substantial items that we have little control over if the courts are to be open and operating. Those items make the "All Other" accounts difficult to project. For example, the Constitution requires the State to provide counsel for indigent criminal defendants, as well as counsel and other professional assistance for children and parents involved in child neglect and abuse cases brought by the Department of Human Services. Those mandated costs in Maine are made a financial responsibility of the Judicial Department. Our "All Other" account also pays for juror and witness fees, rent on leased court facilities and all the other expenses of running the courts outside personnel costs. The litigation explosion--increased numbers and complexity of cases--translates directly into greater operating costs for the general operations of the courts.

On February 1st, the Supreme Judicial Court took steps to assure that we do not exhaust the "All Other" appropriations before the end of the current fiscal year. The Court instituted a number of emergency cost-saving or cost-deferring measures, such as the suspension of any expenditures for judicial education, the elimination of computerized legal research, and any out of state travel, and a freeze on equipment purchases. The Court is prepared, if need be, to take further steps. We have also had to suspend our court mediation program, except for the most critical cases. We had already expended more than the entire amount appropriated for the mediation program for this whole fiscal year. The demand for mediation far outran our budgetary expectations--that overrun resulted, not only from mediation required in divorce cases, but also from the fact that mediation has now become routinely

available for other cases everywhere across the state. Mediation has proved its value in spades. In appropriate cases, I am convinced mediation produces a better brand of justice. I hope that working together we can resume that valuable public service at a very early date.

The other financial issues before you involve, first, the tentative collective bargaining agreements negotiated last summer with court employees. Two years ago, collective bargaining for our employees came about by coordinated action taken by the Legislature and the Supreme Judicial Court, jointly advised by a citizens committee chaired by Dean James Carignan of Bates College. Unfortunately, he achieved a different fame more recently as you know. To avoid any problem of separation of powers, the Legislature enacted a statute, and at the same time the Supreme Judicial Court issued an administrative order, establishing in identical parallel fashion the right of court employees to bargain collectively. Pursuant to both the statute and the order, the Supreme Judicial Court designated the State Court Administrator as the bargaining representative of the Judicial Department. The process thus set in motion by the Legislature and the Court has now run its course and has produced proposed two-year contracts starting last July 1. The cost items in the contracts do not become effective until the Legislature appropriates the monies to cover them. I recommend the funding of those contracts that have been duly negotiated through the collective bargaining process set up jointly by the Legislature and the Court.

Second, as of December 1st, a year ago, the Legislature replaced a pay-as-you-go retirement program for judges with a funded contributory retirement system, similar to the Maine State Retirement System available to other state employees. The aggregate amount of funding for that judicial retirement system in this current biennium is also at issue.

Third, the State has an obligation under the outstanding federal court order to complete the job of making all court facilities accessible to the handicapped.

In the face of these budget problems, we in the Judicial Branch, have been alert, not only to the need for cost control, but also to opportunities for appropriate revenue enhancement. Of course, court revenues are not dedicated; they go into the General Fund. Nonetheless, they can't be ignored in addressing the courts' financial needs. The same litigation explosion that causes greater costs also tends to increase court revenues. Also last June 1st, the Supreme Judicial Court, by rule, more than doubled civil filing fees in all courts, the second increase in three years. At all times, the Court is sensitive to the danger that higher filing fees will reduce court access, and so by rule, the Court has provided for the waiver of filing fees in those few cases where appropriate. We expect court fines and fees to produce nearly \$14 million for the State in this fiscal year, an increase of 16 percent over last year.

The Judicial Council, which I by statute head,

directed a year ago a study of the collection of criminal and civil fines. A broadly representative committee, chaired most effectively by Assistant Attorney General, William Stokes, has recommended for your consideration at this session a comprehensive bill designed to give better tools to the district attorneys and others of the Executive Branch who have the job of enforcing the fines imposed by the courts. I fully support that legislation. In light of the \$50 million collected in court fines in the past five years, a collection record of 97 percent might not be considered too bad by private business standards; however, any appreciable amount of uncollected public fines can not be tolerated. The integrity of our court processes is damaged by the willful disregard of a fine imposed for a civil or criminal wrong, or by the willful failure to appear in response to a court summons.

In the spirit of the Three C's, your Joint Committee on Appropriations and Financial Affairs has designated a subcommittee to work with us on the financial concerns of the courts. You have my firm commitment to give you all the help at our command as you address the question of the financial needs of the courts.

Next year, the whole nation will commemorate the 200th anniversary of the signing of the United States Constitution on September 17, 1787. The British statesman Gladstone, a century ago, called "the American Constitution...the most wonderful work [of government/ ever struck off at a given time by the brain and purpose of man." We were part of one of the 13 original States--the District of Maine within the Commonwealth of Massachusetts. Our four representatives in that summer of 1787 participated in what Catherine Drinker Bowen in the title of her book on the Constitutional Convention called the "Miracle at Philadelphia." The next year, Maine towns sent 46 delegates on the arduous trip to Boston to take part in the state ratification convention.

Your President and your Speaker and I are joining Governor Brennan in proposing the creation of a Maine Commission on the Bicentennial of the United States Constitution. That Commission representing the three Branches can encourage and coordinate the plans already underway by many civic and educational organizations in Maine and it can cooperate with the like effort in the Mother Commonwealth. This is a time when all of us should count, and count again, the blessings of ordered liberty that we enjoy under the oldest constitution in today's world.

I wish you in the Legislature all possible good will as you address your weighty responsibilities in the next couple of months, the next seven or eight weeks. What is accomplished in these halls in the Spirit of the Three C's will decide the quality of justice in Maine for some time to come. I do thank you very much for your time and attention. (applause)

The Chief Justice and members of the Judiciary withdrew amid the applause of the Convention, the audience rising.

The purpose for which the Convention was assembled having been accomplished, the President declared the same dissolved.

The Senate then retired to its Chamber, amid applause of the House, the members rising.

In The House

The House was called to order by the Speaker.

(Off Record Remarks)

The Chair laid before the House the following matter: HOUSE DIVIDED REPORT - Majority (10) - "Ought Not to Pass" - Minority (3) - "Ought to Pass" - Committee on Judiciary on RESOLVE, Authorizing Jeanette Hodgdon Brown, Administratrix of the Estate of Kenneth R. Hodgdon, to Recover Judgment Entered in Her Favor against the State in Lincoln County Superior Court (H.P. 1186) (L.D. 1683) which was tabled earlier in the day and later today assigned pending acceptance of the Majority "Ought Not to Pass" Report.

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

Representative ALLEN: Mr. Speaker, Men and Women of the House: I rise this morning as one of the three members of the Judiciary Committee to sign this bill out in an "Ought to Pass" manner. I believe all of you this morning received information from the sponsor of the bill which basically is a couple of newspaper reports. If some of you have had an opportunity to read that, it would give you some of the background regarding the case. But for those of you who have not had an opportunity to become familiar with the case, I would like to indulge you by giving you a brief synopsis of what has happened thus far.

First of all, we are talking about an accident that occurred in the town of Dresden, Maine at the intersection of Routes 127 and 197. One is a state aid road and one is a state highway. Mrs. Brown's (who was then Mrs. Hodgdon) husband Kenneth was killed in an accident at that intersection. The reason for the accident was that he had the right of way and was hit by a car and killed instantly. Mr. Hodgdon was on a motorcycle at the time and, by the way, he was wearing a helmet. He was killed instantly and, at that point in time, Mrs. Hodgdon decided to sue the state for damages. The reason she sued the state for damages was she felt the state was liable in this instance and because of our Tort Claims Act, felt she had an opportunity to take the issue to court. She did that and a jury of eight in the County of Lincoln found in her favor. They found that the state was 60 percent responsible for the accident, that the town of Dresden was not at fault and that the driver of the vehicle that hit Mr. Hodgdon was 40 percent responsible. That jury of eight awarded Mrs. Hodgdon \$121,500. Numerous times, the state, both at the Superior Court level prior to

the trial, during the trial, and after the trial, had asked that the case against the state be dismissed on the fact that the state was immune from this type of prosecution. Four justices of the Superior Court ruled against the state and allowed the trial to proceed. Evidence during the trial accrued for about two weeks and, at the end of those two weeks, the jury found in favor of Mrs. Hodgdon. The state immediately appealed the decision to the Law Court and the Law Court overturned what had happened at the Superior Court level. It didn't overturn it on the basis of the claims made by Mrs. Hodgdon and her attorney, it overturned it because it said that the state was immune under the Tort Claims Act from this type of liability. It also stated that the plaintiff could bring action against the state if she had a Special Resolve from the legislature.

While this trial was going on back in 1981, the same Resolve came to the legislature. It passed overwhelmingly in the House and was defeated by one vote in the other body. The reason why it was defeated was because it was pending, it was in court, and it was before a jury.

The plaintiff is back to the legislature this year asking that she be paid her \$121,500 that was judged in her favor. The majority of our committee felt that that should not occur. But those of us who supported the sponsor of the bill and other proponents of the bill felt that Mrs. Brown was justified in her suit against the state. We felt that the circumstances around this were unique. In 1983, we had granted a similar Resolve in the case of Pelletier versus the State of Maine, an opportunity to go to court and recoup damages. So as a matter of simple justice, we felt justified in turning this report out in an "Ought to Pass" manner. I would ask you to support the "Ought to Pass" Report.

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

Representative MACBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will support the Majority "Ought Not to Pass" Report.

The accident involved in this case was a tragic accident. There is no doubt about that. The loss for all members of Mr. Hodgdon's family was indeed very great. If this \$121,000 would bring Mr. Hodgdon back to life, I am sure everyone would be happy to spend almost any amount of money to do just that. Unfortunately, the money will not bring Mr. Hodgdon back to life.

Mrs. Hodgdon has since remarried and is now Mrs. Brown. She had brought this suit before as you have heard. The bill, as you know, followed the legislative process. It went to the Legal Affairs Committee and it was voted "Ought to Pass" by that committee. It came to the floor of the House and did pass and, as you also have just heard, it was rejected by one vote in the other body. Following the trial, the state appealed the judgment and the court rendered the decision in favor of the state because of its immunity.

We are being asked to grant an exception to the state's immunity law. If we pass this bill, then there will be many other families waiting in the wings to bring suit. How many of you have dangerous sections of your roads where tragic accidents have happened in the past? I know I have one such section in my district.

With the shortage of the money that the state now

has and is facing, I do not feel that we can afford to pay law suit settlements and I do not feel the public would be willing to have tax increases for this purpose. My sympathies, indeed, do go out to Mrs. Brown, but since the case has failed once, I do not feel we should attempt to go the same route again. I hope you will accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Brunswick, Representative Priest.

Representative PRIEST: Mr. Speaker, Men and Women of the House: We all sympathize with Mrs. Hodgdon's tragic loss in this situation. The issue here, however, is not one of sympathy but one of fairness. There simply is no basis for Mrs. Hodgdon to sue the state under the Maine Tort Claims Act. That is the law which we have enacted in the past to govern suits against the state. Mrs. Hodgdon recognized this and has recognized this all through her legal battle to recover against the state. She originally brought a suit claiming exception to the Maine Tort Claims Act and said that this exception allowed her to sue the state. The trial judge should have recognized that the exception didn't exist. Unfortunately, he did not. He let the case go to a jury decision.

There were four Superior Court judges who took a brief look at this case, but only one, the trial court judge, considered the issue in depth. The Law Court, when this case finally reached the Law Court, said simply that the Trial Court was wrong, the judge was wrong. In a unanimous decision by the Maine Supreme Judicial Court, the Law Court said, "Hodgdon cites no authority nor has our research revealed any under which the state can be held liable in this action." The Law Court also said it found no merit for the plaintiff's argument that the state should be liable under Section 3655, which was the supposed exception to the Maine Tort Claims Act which allowed suit.

Mrs. Hodgdon also, as you have heard, tried in 1981 to get the legislature to grant her the right to sue. The legislature said no. Now, having lost once before the legislature, having lost before the Maine Supreme Judicial Court, Mrs. Hodgdon is back before us seeking again to be allowed to recover against the state.

The question is one, however, of fundamental fairness. Why should Mrs. Hodgdon be allowed to recover against the state for this kind of action when no one else can recover under the Maine Tort Claims Act for this kind of action? To allow her to recover is simply not fair and it may also be unconstitutional as a violation of equal protection under the law. This is a situation which is not unique but it is covered under general Maine law, the Maine Tort Claims Act. All citizens of Maine are subject to the Maine Tort Claims Act. To allow Mrs. Hodgdon to somehow not be subject to it, when everyone else is subject to it, I think, poses serious constitutional questions. For this reason, the majority of the Judiciary Committee recommended that this bill not be passed even though we had great sympathy for Mrs. Hodgdon's case. For that reason, I would urge you to accept the Majority Report of the committee.

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

Representative LEBOWITZ: Mr. Speaker, Ladies and Gentlemen of the House: This case is not your normal

case. This case arose out of an accident, as you have heard, at the junction of two roads where there was a blind approach. Neither the person coming on Route 127 or the person approaching on Route 197 could see anyone coming from the other direction. It was agreed that this was a hazard and the town and the State of Maine attempted to determine which had the obligation to make the repairs. It was agreed that it was the responsibility of the state. Ten years were spent in trying to make the corrections so that an accident such as the tragic death of Mr. Hodgdon would not occur. However, the state failed to make any repairs and it went on for this period of time, until finally there was an accident. It was then that the state agreed that they would attempt to repair it and they prepared a study, which cost \$12,000, to determine how to correct this. The state was not yet ready to do it and, because the citizens of Dresden had been so frustrated, one citizen proposed a solution which the state agreed would work and this was the solution that did come about.

I normally am opposed to any suit being brought against the state. However, this does seem to be an exception to the rule. The case was tried by a jury and a finding was made for the defendant. Upon motion of the state, it was appealed to the Maine Supreme Judicial Court but the Maine Supreme Judicial Court declined to address the constitutional issues. However, they did find the town was not liable and the state was obligated by law to maintain both highways, Routes 127 and 197. It would appear that maintenance also includes a safety factor as part of this obligation. The defendant, at the close of the trial and the Supreme Judicial Court decree, was ordered to pay a portion of the cost of the appeal in the amount of a little over \$4,600 and this is the portion of this case that I address in being particularly burdensome to the defendant. I think that she is entitled to a reconsideration and I urge you to support my colleague, Representative Allen.

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

Representative STETSON: Mr. Speaker, Ladies and Gentlemen of the House: The last speaker mistakenly referred to the plaintiff as the defendant. It was the plaintiff who was ordered to pay the cost of the appeal to the Supreme Judicial Court. I might say that in consideration of this bill before the Judiciary Committee, there was an offer made to Mrs. Brown that we would certainly recommend that the Department of Transportation reimburse her the court costs but she declined that offer.

This, as Representative Priest from Brunswick has already pointed out, is a legal question. It is not a sympathy question. It is a question that we should adhere to the law. We have all taken the oath to uphold the law of the State of Maine. I believe that in good conscience we must go with the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Edgecomb, Representative Holloway.

Representative HOLLOWAY: Mr. Speaker, Men and Women of the House: I just want to clarify two or three things that have been said here today. One of them is that there are Resolves waiting in the wings. There are two of them right now in the Legal Affairs Committee that are very similar to the bill that we are debating today. So it does happen often; they do come back all of the time. The Pelletier

case came back to us two years ago, it was passed unanimously under the hammer, and the court is now handling that case.

This is simply an issue of negligence by the State of Maine. The Tort Claims Law, as I understand it, does have a legal aspect in it whereby a person can come back to the legislature for a waiver to go to court. In this particular instance, the lady has been to court and primarily she went to court even though she knew that she did not have a waiver from us and it was because she did indeed want to prove that it was negligence by the state and that Kenny Hodgdon was certainly not a Hell's Angel running out on the highway -- that the accident occurred because of the negligence of the state to carry on and take care of this highway situation that has been in resolve with the town of Dresden for three different years. Petitions have been put in to the state yearly that there would be an accident there. They waited and the state waited until an accident occurred before they repaired it.

I would urge you today to allow this Resolve to come before us again and to vote "Ought To Pass" on this.

The SPEAKER: The Chair recognizes the Representative from Durham, Representative Hayden.

Representative HAYDEN: Mr. Speaker, Men and Women of the House: This issue before us today is indeed a difficult one. I think that it is important for us to face it directly and know exactly what it is we are deciding and what it is that we are having to grapple with. First of all, we are grappling with a very difficult idea, which is, that we in the legislature, out of necessity, have chosen to pass a law that makes the state immune unless there is a specific statute addressing the issues that are at stake in this case. The lower court opinion, the State Supreme Court opinion was unanimous that rejected Mrs. Hodgdon-Brown's request and said that the section of the act that is relevant provides: "except as otherwise stated by statute, all governmental entities shall be immune from suit on any and all Tort Claims seeking recovery of damages."

Now, the gentlelady from Edgecomb is exactly right. Normally the process in a case like this that prevents us from ending up in the predicament that we are in today is that the request is made to the legislature for the right to go forward. Well, that is one of the unusual things about this case. There were a number of defendants involved, one of who was the state. The state, as a party in this suit, was permitted to stay in as a party in this suit and the case went to conclusion. Forty percent of the responsibility was given to one party, sixty percent to the state. In a normal situation, the state would not have been in the case at that time. The jury came with the verdict, the case was appealed, and the Law Court had to decide, is it any different now because the jury has come up with the verdict? Do we treat this case any differently than the way our law clearly requires us as justices, the Law Court had to decide. They decided -- no, we cannot. This is a tragic situation. A death is tragic but our law is specific on that point.

The gentleman from Brunswick, Representative Priest said, this is a question of justice. Justice because part of our job is to be even-handed. We have a statute which exists in our law for perfectly sound reasons. We have passed it, it has been amended, it has been defended, session after

session. If we wanted to decide today to turn our backs on that principle of state immunity, then maybe our obligations would be different. The reason ladies and gentlemen that we cannot is simply that we cannot afford to do that. I think that we should be blunt with ourselves. We are faced with a situation here, where there is no question that Mrs. Hodgdon-Brown has the right to come to the legislature and ask for an exception, that is her right. She has fought hard for her rights in this case. Her lawyers have fought hard for her rights in this case. But just as the issue came before the Law Court to make a hard decision to follow the law, we also have to make that decision. I think that the truth, and it may be the sad truth, is that we simply cannot, in justice, allow the exception to be made. That is not something that is easy to do. It is also something that we will not gain any applause for.

I think part of our role of being politicians is we are sensitive to applause, we are sensitive to approval. I think that this is one of the examples where we have to face the bitter truth that we are not going to get cheered for this decision. Unless somebody sits down with us and gives us the chance to explain in detail just exactly how it is we came to it, they may think that this is an example of "justice delayed being justice denied" -- I believe that was the headline in a newspaper article. That is not the case. Those of our constituents and those that are the citizens of the State of Maine, who will care to listen to our explanation, I think will agree that is not the case. The truth is, probably not very many will be interested enough to take the time and sit down with us. It doesn't change the responsibility that we have here today. It is a hard job. We fought hard to sit here in these seats and now is the chance to do our job. I think we have to follow what our obligations are; I think that they are clear.

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

Representative MCHENRY: Mr. Speaker, Men and Women of the House: It has been mentioned that we had a case of Pelletier versus the State of Maine, but I will tell you that I sponsored that bill and co-sponsored the bill. The first time we came in we lost the bill by one vote. It was a Unanimous Report from the Legal Affairs Committee, unanimously accepted by the House, and in the other body, Senator Collins said that they did not have the money and couldn't risk this person winning his case in court, so they killed the bill. The attorney for my constituent knew that he could not go to court and sue because the law says that you must receive permission before you go to court. We came back two years later and again we asked permission to sue the state and again the Legal Affairs Committee gave us a Unanimous Report, the House accepted, the other body accepted, and from then on, his attorney took the steps to go to court. The way I understand this case is that this person came here, asked for permission to sue, the other body turned them down by one vote and they went to court anyway without permission. This is how I understand it. They won in court and they want us to say, okay, we will pay. This is my understanding. I believe that this is putting the horse behind the cart. I believe the law says we must receive permission to sue before we ever start proceedings and, if that is the case, I believe this woman, in my opinion, has not been dealt with fairly

by her attorney if she did not understand that she had to receive permission; if she did understand, then fine.

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

A vote of the House was taken.

77 voting in the affirmative and 39 in the negative, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

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

PAPER FROM THE SENATE

Bill "An Act to Establish a Piscataquis County Budget Committee" (Emergency) (S.P. 805) (L.D. 2031)

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

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

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

PAPERS FROM THE SENATE

Non-Concurrent Matter

Bill "An Act to Authorize the Creation of Detention Districts" (Emergency) (H.P. 1434) (L.D. 2025) which was referred to the Committee on Judiciary in the House on February 13, 1986.

Came from the Senate referred to the Committee on Human Resources in non-concurrence.

On motion of Representative Paradis of Augusta, tabled pending further consideration and specially assigned for Friday, February 21, 1986.

Non-Concurrent Matter

Bill "An Act to Exempt Prisoners and Adult Offenders who are Performing Court-ordered Public Restitution from the Provisions of the Workers' Compensation Act" (H.P. 1433) (L.D. 2024) which was referred to the Committee on Judiciary in the House on February 13, 1986.

Came from the Senate referred to the Committee on Labor in non-concurrence.

On motion of Representative Beaulieu of Portland, tabled pending further consideration and specially assigned for Friday, February 21, 1986.

The following item appearing on Supplement No. 5 was taken up out of order by unanimous consent.

PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE

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

Energy and Natural Resources

Bill "An Act to Clarify the Application of Water Quality Standards to Hydroelectric Projects" (H.P. 1440) (Presented by Representative VOSE of Eastport) (Cosponsors: Senators USHER of Cumberland, PERKINS of Hancock, and Representative PARADIS of Old Town)

(Ordered printed)
Sent up for concurrence.

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

PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE

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

Labor

Bill "An Act to Make Clarifications in the Laws of Maine Relating to the Workers' Compensation Act" (EMERGENCY) (H.P. 1441) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsors: Representative BEGLEY of Waldoboro, President PRAY of Penobscot, and Senator DUTREMBLE of York)

(Ordered printed)
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 Foster of Ellsworth,
Adjourned until Friday, February 21, 1986, at twelve o'clock noon pursuant to Joint Order, S.P. 806.