

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**  
OF THE  
**One Hundred And Thirteenth Legislature**  
OF THE  
**State Of Maine**

**VOLUME I**  
**FIRST REGULAR SESSION**  
December 3, 1986 to May 22, 1987

The Adjournment Order having been returned from the House, READ and PASSED, in concurrence, on motion by Senator TWITCHELL of Oxford, ADJOURNED until Monday, March 2, 1987 at 10:00 in the morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE  
FIRST REGULAR SESSION  
24th Legislative Day  
Monday, March 2, 1987

The House met according to adjournment and was called to order by the Speaker.  
Prayer by Sister Claveria, Ursuline Sister of Mount Merici, Waterville.  
Pledge of Allegiance.  
The Journal of Wednesday, February 25, 1987, was read and approved.  
Quorum call was held.

(At Ease)

The House was called to order by the Speaker.

SENATE PAPERS

Bill "An Act to Continue the Rebate Programs for Small Business Weatherization and Furnace Modernization and Homeowner Furnace Modernization" (S.P. 196) (L.D. 553)

Bill "An Act to Make Additional Allocations from the Public Utilities Commission Regulatory Fund for the Fiscal Year Ending June 30, 1987" (Emergency) (S.P. 199) (L.D. 556)

Bill "An Act Making Additional Appropriations from the General Fund and Allocations from Other Funds for the Expenditures of State Government for the Fiscal Year Ending June 30, 1987" (Emergency) (S.P. 200) (L.D. 557)

Came from the Senate, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Were referred to the Committee on Appropriations and Financial Affairs in concurrence.

RESOLVE, to Study the Need for and Feasibility of Establishing a Self-insurance Fund and Reinsurance Funds in Maine (S.P. 194) (L.D. 551)

RESOLVE, to Establish a Study of the Feasibility of an Interstate Insurance Compact, Joint Reinsurance Programs and Experience-based Rating in Maine (S.P. 197) (L.D. 554)

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

Were referred to the Committee on Banking and Insurance in concurrence.

Bill "An Act to Require Notice of Possible Radon Exposure" (S.P. 195) (L.D. 552)

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

Was referred to the Committee on Business Legislation in concurrence.

Tabled Pending Ruling by the Chair

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Inland Fisheries and Wildlife Funds and Changing Certain Provisions of the Law Necessary for the Proper Operations of State Government for the Fiscal Years Ending June 30, 1988 and June 30, 1989" (Emergency) (S.P. 202) (L.D. 559)

(Came from the Senate, referred to the Committee on Fisheries and Wildlife and Ordered Printed.)

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

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

In accordance with the Constitution, Article IV, part 3rd, section 9, is this L.D. properly before this body?

The SPEAKER: The Chair, at this point, would not be able to respond to the question. The Constitution does provide that any matter which generates any funds or raises any fees has to originate in this body so the matter will be tabled pending a ruling by the Chair.

Tabled Pending Ruling by the Chair

Bill "An Act to Make Supplemental Allocations to the Department of Inland Fisheries and Wildlife for the Fiscal Years Ending June 30, 1988, and June 30, 1989" (Emergency) (S.P. 198) (L.D. 555)

(Came from the Senate, referred to the Committee on Fisheries and Wildlife and Ordered Printed.)

(The Committee on Reference of Bills had suggested reference to the Committee on Appropriations and Financial Affairs.)

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

Representative JACQUES: Mr. Speaker, in reference to L.D. 555, I would pose the same question -- is this properly before the body?

The SPEAKER: The Chair would respond in the same fashion -- the matter will be tabled pending a ruling by the Chair.

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1988, and June 30, 1989" (Emergency) (S.P. 201) (L.D. 558) C

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

Was referred to the Committee on Transportation in concurrence.

Unanimous Ought Not To Pass

Report of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act Relating to Usable Data under the State Construction Wage Law" (S.P. 103) (L.D. 276)

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

Unanimous Leave to Withdraw

Report of the Committee on Labor reporting "Leave to Withdraw" on Bill "An Act to Alter the Appointment of Fact Finders by the Maine Labor Relations Board" (S.P. 110) (L.D. 283)

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act Concerning Visitation Rights of Grandparents" (S.P. 72) (L.D. 149)

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act to Permit Judges of the United States to be Admitted to the Practice of Law in Maine by Motion" (S.P. 66) (L.D. 133)

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act Relating to High

Speed Chases and the Penalty for Failure to Stop" (S.P. 58) (L.D. 125)

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

COMMUNICATIONS

The following Communication:  
STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
SPEAKER'S OFFICE  
AUGUSTA, MAINE 04333

February 23, 1987

Hon. Edwin H. Pert  
Clerk of the House  
State House Station #2  
Augusta, Maine 04333  
Dear Clerk Pert:

This is to notify you that I have today made the following appointments:

Pursuant to my authority under 12 M.R.S.A. section 7367, I have reappointed Robert Chasse, of Millinocket, to serve on the White Water Safety Committee.

Pursuant to my authority under 20-A M.R.S.A. section 11002, I have reappointed Rep. Neil Rolde, of York, to serve on the New England Board of Higher Education.

Sincerely,  
s/John L. Martin  
Speaker of the House

Was read and ordered placed on file.

PETITIONS, BILLS AND RESOLVES  
REQUIRING REFERENCE

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

Appropriations and Financial Affairs

Bill "An Act to Make Allocations from the Maine Nuclear Emergency Planning Fund for the Fiscal Years Ending June 30, 1988, and June 30, 1989" (Emergency) (H.P. 417) (L.D. 562) (Presented by Representative LISNIK of Presque Isle) (Cosponsor: Representative FOSTER of Ellsworth)

Bill "An Act to Provide Funds for Interpreting Services for the Deaf and Hearing Impaired Persons in the Post-secondary and Adult Education Programs" (H.P. 430) (L.D. 575) (Presented by Representative HANDY of Lewiston) (Cosponsors: Representatives KETOVER of Portland, PARADIS of Frenchville, and Senator ESTES of York)

RESOLVE, to Provide Funds for the Maine Partners of the Americas, Inc. (H.P. 425) (L.D. 570) (Presented by Representative ROLDE of York)

Ordered Printed.  
Sent up for Concurrence.

Banking and Insurance

Bill "An Act to Develop a Managed Care Insurance Plan Demonstration for Uninsured Individuals and Repeal of the Catastrophic Illness Program Law" (H.P. 428) (L.D. 573) (Presented by Representative SIMPSON of Casco) (Cosponsors: Representatives RYDELL of Brunswick, BAKER of Portland, and LAPOINTE of Auburn)

Ordered Printed.  
Sent up for Concurrence.

Fisheries and Wildlife

Bill "An Act to Allow Juveniles and Senior Citizens to Hunt Does" (H.P. 419) (L.D. 564) (Presented by Representative TRACY of Rome) (Cosponsors: Representative NUTTING of Leeds and Senator MATTHEWS of Kennebec)

Bill "An Act Concerning Weapons Carried by Trappers during Trapping Season" (H.P. 421) (L.D. 566) (Presented by Representative CLARK of Millinocket)

Ordered Printed.  
Sent up for Concurrence.

Human Resources

Bill "An Act to Exempt Border Hospitals from Maine Health Care Finance Commission's Purview" (H.P. 426) (L.D. 571) (Presented by Representative ROLDE of York)

Bill "An Act to Require Mandatory Certification of Adult Day Care Services in Maine" (H.P. 431) (L.D. 576) (Presented by Representative CLARK of Brunswick) (Cosponsors: Representative BOUTILIER of Lewiston and Senator BERUBE of Androscoggin)

Ordered Printed.  
Sent up for Concurrence.

Judiciary

Bill "An Act to Facilitate Mutual Aid Agreements Between Municipal Police Departments" (H.P. 433) (L.D. 579) (Presented by Representative CARTER of Winslow) (Cosponsors: Representative PARADIS of Augusta, Senators BLACK of Cumberland and GAUVREAU of Androscoggin)

(The Committee on Reference of Bills had suggested the Committee on Legal Affairs.)

On motion of Representative Priest of Brunswick, referred to the Committee on Judiciary, ordered printed and sent up for concurrence.

Legal Affairs

RESOLVE, Directing the Maine Lottery Commission to Change the Method of Making Payouts to Game and Lottery Winners (H.P. 420) (L.D. 565) (Presented by Representative ARMSTRONG of Wilton)

RESOLUTION, Proposing an Amendment to the Constitution of Maine Requiring Residency of Candidates 3 Months Before Filing Deadline (H.P. 427) (L.D. 572) (Presented by Representative VOSE of Eastport)

Ordered Printed.  
Sent up for Concurrence.

Marine Resources

Bill "An Act to Establish a Moratorium on New Mussel Aquaculture Leases" (Emergency) (H.P. 418) (L.D. 563) (Presented by Representative COLES of Harpswell) (Cosponsors: Representatives MITCHELL of Freeport, SALSBURY of Bar Harbor and Senator MATTHEWS of Kennebec)

Bill "An Act Relating to the Membership of the Atlantic Sea Run Salmon Commission" (H.P. 422) (L.D. 567) (Presented by Representative GWADOSKY of Fairfield) (Cosponsors: Representatives CARTER of Winslow, RUHLIN of Brewer, and Senator MATTHEWS of Kennebec)

Ordered Printed.  
Sent up for Concurrence.

State and Local Government

Bill "An Act to Amend the Laws Relating to Major Policy-influencing Positions" (H.P. 429) (L.D. 574) (Presented by Representative VOSE of Eastport) (Cosponsors: Representatives TAMMARO of Baileyville and MOHOLLAND of Princeton)

Ordered Printed.  
Sent up for Concurrence.

Taxation

Bill "An Act to Provide an Income Tax Exclusion for Income Earned from Service in the Maine National Guard" (H.P. 432) (L.D. 578) (Presented by Representative VOSE of Eastport) (Cosponsor: Senator ERWIN of Oxford)

Ordered Printed.  
Sent up for Concurrence.

Judiciary

Bill "An Act to Discontinue Town Ways and Public Easements" (H.P. 423) (L.D. 568) (Presented by Representative NORTON of Winthrop) (By Request)

(The Committee on Reference of Bills had suggested the Committee on Transportation.)

On motion of Representative Moholland of Princeton, referred to the Committee on Judiciary, ordered printed and sent up for concurrence.

Transportation

Bill "An Act to Permit the Use of Speed Bumps" (H.P. 424) (L.D. 569) (Presented by Representative ROLDE of York)

Ordered Printed.  
Sent up for Concurrence.

ORDERS

On motion of Representative McSWEENEY of Old Orchard Beach, the following Order:

ORDERED, that Representative Earl G. Nicholson of South Portland be excused the week of February 23 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Sally Rice of Stonington be excused February 20 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Linwood M. Higgins of Scarborough be excused February 11, 17, and 18 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Susan J. Pines of Limestone be excused February 24 and 25 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Catharine K. Lebowitz of Bangor be excused March 2 and 3 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Marge L. Kilkelly of Wiscasset be excused March 9 and 10 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Charles Priest of Brunswick be excused February 24 for health reasons.

AND BE IT FURTHER ORDERED, that Representative David G. Stanley of Cumberland be excused March 2 and 3 for personal reasons.

Was read and passed.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative SMITH from the Committee on Fisheries and Wildlife on Bill "An Act to Change the Date of the Muzzle-loading Deer Hunting Season" (H.P. 41) (L.D. 44) reporting "Ought Not to Pass"

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

Unanimous Leave to Withdraw

Representative WALKER from the Committee on Fisheries and Wildlife on Bill "An Act To Require Nonresident Moose Hunters to Employ the Services of a Licensed Maine Guide" (H.P. 91) (L.D. 100) reporting "Leave to Withdraw"

Representative BEGLEY from the Committee on Labor on Bill "An Act Relating to Trial Work Periods under the Workers' Compensation Act" (H.P. 237) (L.D. 305) reporting "Leave to Withdraw"

Representative HALE from the Committee on Labor on Bill "An Act Relating to Interest on Workers' Compensation Awards" (H.P. 232) (L.D. 300) reporting "Leave to Withdraw"

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

Divided Report

Majority Report of the Committee on State and Local Government reporting "Ought Not to Pass" on Bill "An Act to Authorize Department Heads in Washington County to make Competitive Bidding Purchases of Items which are in the County Budget" (H.P. 81) (L.D. 84)

Signed:

Senators:

TUTTLE of York  
GOULD of Waldo  
CARROLL of Gray  
STROUT of Windham  
LOOK of Jonesboro  
WENTWORTH of Wells  
ROTONDI of Athens  
BICKFORD of Jay  
BOUTILIER of Lewiston  
ANTHONY of South Portland

Representatives:

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

Signed:

Senator:

Representatives:

BALDACCI of Penobscot  
HUSSEY of Milo  
LACROIX of Oakland

Reports were read.

Representative Carroll of Gray moved that the House accept the Majority "Ought Not to Pass" Report.

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

Representative GRAY: Mr. Speaker, Men and Women of the House: L.D. 84 is a Majority "Ought Not to Pass" Report. The Committee felt, in its wisdom, that to put in exceptions for a separate county into statute was an inappropriate way to deal with what we believe already could be done by department heads in that county so I would urge you to follow the majority and accept the "Ought Not to Pass" Report.

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

Representative VOSE: Mr. Speaker, Ladies and Gentlemen of the House: First, I would ask for a Division.

This is L.D. 84, a bill that I sponsored on behalf of the citizens of Washington County and I would like to explain some of the reasons behind this. On the same token, sometimes when a person puts in a bill for their county and their county alone, obviously, you don't want to interfere with the operations of other counties that are doing fairly well. Unfortunately, our county in 1985 and

1986, was subject to a real horror story as far as our commissioners were concerned.

We had one commissioner that socked the sheriff and was convicted on assault. Also, one of the things that the same commissioner was doing was harassing the Clerk and then, when it came time to bid on two cruisers that we put into a budget, the sheriff who had been doing this bidding and putting the bids out for specification for the last four years, (if not longer, that is the four years that he has been in) just simply did the normal thing and went out for bid but, in doing so, called me and I was chairman of the delegation at the time, to find out whether or not there was going to be sufficient money put into the budget that would buy these particular cruisers. I assured him that we had already voted on the two cruisers in the amount of \$22,000. He said, "Thanks, I will go out and see what I can do." He did, in fact, put the specifications out and it went out to bid, properly so, according to the Attorney General and District Attorney.

Then, when it came time to award the bid, which was around \$367 more than the \$22,000 allotted, the commissioners said, "No, you have done the wrong thing." That completely changed what they had been doing right in midstream and there was no question about it, it was a blatant attempt, in my personal opinion, to make the sheriff of our county, look like a donkey.

It ended up a little bit differently than that, however, because the gentleman that had already unsuccessfully bid low, was a gentleman by the name of Lenentine out of Calais, and he in turn, went to his lawyer and said he felt that he had had the low bid and should be awarded the bid, regardless of who did it.

The commissioners, on the other hand, took the other route and said, "No, we are going to re-bid" and they went out to re-bid and sure enough, here comes a lower bid than Lenentine's. Now we are faced with the possibility of buying four automobiles and a court case.

So, one of the things that we were asked as legislators during that time -- can't we do something about the commissioners?

Just to give you an idea of what we had to contend with -- at one of the meetings, the sheriff was arguing with the head honcho, the commissioner, and he said, "You are entering into a contract with juvenile delinquency." He said, "You should have notified me because that is within my territory and I should be handling that." Well, the commissioner said, "You are out of order. We did tell you that." He said, "No, you didn't tell me that." Well, yes he did and the commissioner started to bang him down and during the time he banged him down saying, "You are out of order, we will take a five minute recess." He proceeded to turn around, while I was present at the meeting, and look through his briefcase and whistle, "Zipperty Doo-dah" while the other commissioner leaped off the chair he was sitting on and took a chair and did a little dance around the sheriff, singing while the sheriff was trying to talk. That is what we had to contend with and that is why I am saying that this bill is a step in the right direction.

What this bill actually does is, after the sheriff or anyone else in the departments, go through the gauntlet and that the gauntlet you are all used to as far as the budgetary figure is concerned -- once that is approved, then there is no reason why that particular department head can't go out to bid on his own and provided that that bid does not exceed

5 percent of the budgetary amount, he then can enter into a contract and buy that particular piece of equipment, whether it be a car, computer or whatever it is. Obviously, then the commissioners would have to sign the warrant, I am not taking that away from them.

It might be said sometime that that might open up a bucket of worms -- maybe it opens up a way that there can be some hanky-panky going on but we do have a law on the books that tells you how to bid. The law says that it must be opened in public and if any of the department heads felt at ease or not at ease with this particular way of bidding, there is nothing to stop them from letting the commissioner buy it either.

Yes, this is a Washington County bill and it is a step in the right direction and what we are trying to do is trying to tell our constituents that we, as legislators, are on top of this thing and we want to do what we can to straighten the situation out.

Someone might say, now we have good commissioners and quite honestly, we do. We have two in particular and that is fine. I don't think anything is going to happen. To the contrary, this year, I think we have leveled off but who is to say what will happen the year after and the year after that. That is why this bill is here and there probably will be some more.

Ordinarily, I don't debate a 10 to 3 bill out of committee but I feel that if we, in Washington County, want to help our constituents in whatever way we can, I like to hope that you people will go along with it and defeat the motion to accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Jonesboro, Representative Look.

Representative LOOK: Mr. Speaker, Ladies and Gentlemen of the House: The issue before you strictly concerns Washington County. I appeal to you in recognizing that, if such legislation is passed, it may be conveyed in sessions henceforth, possibly to your county. I certainly hope you do not have to experience the trials and errors of Washington County.

I address the bill as it is written. It clearly exempts Washington County from being liable or operating within the preview of this particular section. The wording as written also eliminates the necessity for those who will be in the authority to purchase equipment from going to the competitive bidding process. I noted this last weekend and I called the legal research office, the legal analysis, and my concern was confirmed by them. Therefore, as this is written, it does take the necessity for those persons to abide by the competitive bidding process. I feel that this is not what we need in handling public funds.

In Washington County, prior to the experiences that Representative Vose has referred to, this has not been an issue. The department heads would make known to the commissioners their interests in acquiring equipment, they would be advised to seek out what they thought they would need, bring us in a ballpark figure on the price and then the commissioners put this to bid. The bids were received, opened in public forum, and decided on with the consultation of the department head.

I have conferred with, not only the county commissioners, but the present department heads and have found that the majority of those do not feel that this legislation is necessary nor do they want it. They feel it is not within the best interests of handling public funds for Washington County.

I have served as a county commissioner, as many of you know, and I speak from the angle as a

commissioner as well as a legislator, representing ten towns within that county.

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

Representative MCHENRY: Mr. Speaker and Members of the House: I am from Aroostook County and whenever we deal with other counties I have, in the past, always gone along with the majority of the delegation. If somebody in Washington County tells me that the majority of the delegation is against the bill, I will vote that way; if they tell me they are for the bill, I will vote that way. Whatever the wish of the delegation is, I will vote that way.

I feel very uncomfortable voting on a county procedure for anything, very uncomfortable, because I am not involved in that county. I would like to have anybody from Washington County tell me what the stand of the delegation is.

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

The Chair recognizes the Representative from Eastport, Representative Vose.

Representative VOSE: Mr. Speaker, Ladies and Gentlemen of the House: I am the sponsor of the bill and it is cosponsored by Representative Moholland of Princeton and Senator Randall of Washington. I cannot speak for the rest of the delegation because I didn't poll them. The time that this bill was talked about was in 1986 -- those of us that were on the delegation at that time, and at that time, we were pretty much in favor of snapping them just a little bit in certain ways.

I would like to take exception of the statement that was made that you don't go through the bid process. I think if you read Section 304A, which is the change in Washington County, you will find that the purchasing of any vehicles or anything of that nature has to be done under Section 304, which says, "that all provisions of Title IV shall govern the purchase as far as applicable and the purchase through the state shall be governed by Title IV, Section 1816." Here it says -- let me read this: "Except in the case a purchase through the state the county commissioners, except those in Washington County, shall make all purchases over \$1,000 of services, supplies, materials and equipment needed by the county, or any department or agency thereof, by competitive bidding," which is precisely what is referred to in 304A -- it refers back to 304, which says it has to be done by competitive bidding.

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

Representative MCHENRY: Mr. Speaker, Members of the House: I would like to have an answer to the question -- does the majority of the delegation in Washington want to kill the bill or not?

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

The Chair recognizes the Representative from Princeton, Representative Moholland.

Representative MOHOLLAND: Mr. Speaker, Ladies and Gentlemen of the House: I would like to invite some of you fine legislators down to Washington County some night when we have a meeting down there. They do everything but kill one another.

I don't think this is a 100 percent good bill but I think the bill will kind of straighten out the commissioners and the sheriff and some of the other people in the county. I have been over there to two or three meetings. I have been called everything but a man. The clerk has been called everything but a lady and there has been chair bouncing and yodeling

and singing and I think we have got to do something in Washington County.

I hope you will go along with Representative Vose on this bill.

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

Representative WENTWORTH: Mr. Speaker, Men and Women of the House: I would agree with my coworker here that it has been a policy to go along with the budget committee's recommendation. I have been a member of the Local and County Government Committee for nine years and it has always been our policy to accept the vote of the delegation in regard to the budget because it is their money and their county. But in this case, it could affect any county in the state and I think it is actually a change in government up in that county and I do not think we should agree with it.

The SPEAKER: The Chair recognizes the Representative from Jonesboro, Representative Look.

Representative LOOK: Mr. Speaker, Ladies and Gentlemen of the House: The matters that prompted this legislation are in the past. There is a new board of county commissioners and I do not foresee a repeat performance because some of the characters that were acting before are no longer in office. I feel that the people of Washington County have recognized the problem, the problem has been solved, and I do not foresee anything further such as we have experienced in the past few years.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative Carroll of Gray 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.

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

Divided Report

Recommitted to State and Local Government

Majority Report of the Committee on State and Local Government reporting "Ought Not to Pass" on Bill "An Act to Repeal the Authority of County Commissioners to Order the Repair of Ways Maintained by a Municipality" (H.P. 68) (L.D. 71)

Signed:

Senators: TUTTLE of York  
BALDACCI of Penobscot

Representatives: CARROLL of Gray  
HUSSEY of Milo  
LOOK of Jonesboro  
WENTWORTH of Wells  
STROUT of Windham  
BICKFORD of Jay  
LACROIX of Oakland  
ROTONDI of Athens  
BOUTILIER of Lewiston  
ANTHONY of South Portland

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

Signed:

Senator: GOULD of Waldo

Reports were read.

On motion of Representative Carroll of Gray, was recommitted to the Committee on State and Local Government and sent up for concurrence.

Divided Report  
Tabled and Assigned

Majority Report of the Committee on State and Local Government reporting "Ought to Pass" on Bill "An Act to Establish the Aroostook County Budget Committee on a Permanent Basis" (H.P. 85) (L.D. 88)

Signed:

Senators: TUTTLE of York  
BALDACCI of Penobscot  
GOULD of Waldo

Representatives: CARROLL of Gray  
HUSSEY of Milo  
STROUT of Windham  
LOOK of Jonesboro  
ROTONDI of Athens  
BICKFORD of Jay  
LACROIX of Oakland  
BOUTILIER of Lewiston  
ANTHONY of South Portland

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

Signed:

Representative: WENTWORTH of Wells

Reports were read.

On motion of Representative Carroll of Gray, tabled pending acceptance of either report and specially assigned for Tuesday, March 3, 1987.

CONSENT CALENDAR

First Day

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

(H.P. 158) (L.D. 199) Bill "An Act Regarding the Maine Land Use Regulation Commission" (Emergency) Committee on Energy and Natural Resources reporting "Ought to Pass"

(H.P. 183) (L.D. 227) Bill "An Act Relating to the Administrative Council of the University of Maine System" Committee on Education reporting "Ought to Pass"

(H.P. 45) (L.D. 48) Bill "An Act to Repeal the Requirement that Unemployment Tax Liens and Warrants be Filed in the Offices of Municipal Clerks" Committee on Taxation reporting "Ought to Pass"

(H.P. 46) (L.D. 49) Bill "An Act to Validate Certain Abstracts of Divorce Decrees" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-4)

(H.P. 289) (L.D. 374) Bill "An Act to Extend the Life of the 9-1-1 Study Commission" (Emergency) Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-5)

(H.P. 62) (L.D. 65) Bill "An Act Relating to the Confidentiality of the Office of Employment Rehabilitation and Abuse Investigation Unit Files of the Workers' Compensation Commission" (Emergency) Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-7)

(H.P. 117) (L.D. 142) Bill "An Act to Amend the Employment Security Law Regarding Full-time Students in the Employ of Organized Camps to Conform with the Federal Unemployment Tax Act" Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-6)

There being no objections, the above items were ordered to appear on the Consent Calendar of Tuesday, March 3, 1987 under the listing of Second Day.

ENACTOR  
Emergency Measure  
Tabled and Assigned



An Act Amending the Excise Tax Law as it Relates to Telephone Company Motor Vehicles (H.P. 199) (L.D. 251) (H. "A" H-3)

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

On motion of Representative Cashman of Old Town, tabled pending passage to be enacted and specially assigned for Tuesday, March 3, 1987.

Passed To Be Enacted

An Act Concerning Enhancement of Theft Penalties Based on Prior Convictions (S.P. 74) (L.D. 157)

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.

ORDERS OF THE DAY

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

Bill "An Act to Provide Disaster Assistance for Home Mortgagors" (S.P. 168) (L.D. 472)

- In Senate, Referred to the Committee on Economic Development.

TABLED - February 25, 1987 by Representative DIAMOND of Bangor.

PENDING - Motion of Representative CARTER of Winslow to refer to Committee on Appropriations and Financial Affairs in non-concurrence.

Representative Carter of Winslow withdrew his motion to refer to the Committee on Appropriations and Financial Affairs.

Subsequently, was referred to the Committee on Economic Development in concurrence.

(Off Record Remarks)

Special Sentiment Calendar

In Memory of:

Kenneth D. Robinson, of Gardiner, a successful businessman, owner and operator of Robinson's Health Care Facility, a popular member of fraternal and civic organizations, a healthcare lobbyist and a former chairman of the Governor's Council under Governor Curtis; (HLS 130) by Representative DELLERT of Gardiner. (Cosponsors: Senator DOW of Kennebec, Representative WEYMOUTH of West Gardiner)

On motion of Representative Dellert of Gardiner, was removed from the Special Sentiment Calendar.

Was read.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Dellert.

Representative DELLERT: Mr. Speaker, Members of the House: Kenneth D. Robinson, owner of the Robinson Health Care Facility for 40 years, died recently. He was a graduate of Gardiner Area High School and Springfield College. Kenneth was active in his church, and was a 32nd degree Mason. As a member of Lions International, he served in every office of his club and was a former district governor.

He will be particularly remembered as President and Executive Director of Maine Health Care and as a lobbyist to health care issues. He worked both in Maine and Washington to improve health care for citizens of Maine. He shared with me his concerns for the elderly and chronically ill and looked forward to working with a new administration.

The Robinson Health Care Facility is being operated by his daughter, who hopes that her fathers concerns for excellence and affordable care for all, will be brought to fruition.

I would ask that when we adjourn today, we do so in memory of Kenneth D. Robinson.

Subsequently, was passed and sent up for concurrence.

(Off Record Remarks)

On motion of Representative Lord of Waterboro, Adjourned until Tuesday, March 3, 1987, at nine o'clock in the morning, in memory of Kenneth D. Robinson.