

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

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
37th Legislative Day
Wednesday, March 25, 1987

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

Prayer by Reverend Joyce Krajian, North Turner Presbyterian Church.

The Journal of Tuesday, March 24, 1987, was read and approved.

Quorum call was held.

SENATE PAPERS

Bill "An Act Relating to the Purchase of Military Service Time" (S.P. 308) (L.D. 887)

Came from the Senate, referred to the Committee on Aging, Retirement and Veterans and Ordered Printed.

Was referred to the Committee on Aging, Retirement and Veterans in concurrence.

Bill "An Act to Provide Assistance to Development Organizations in Labor Market Areas Facing Sudden and Severe Economic Dislocation" (Emergency) (S.P. 288) (L.D. 815)

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

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

Was referred to the Committee on Economic Development in concurrence.

Bill "An Act Giving the State Fire Marshal, Deputy and Inspectors Full Law Enforcement Powers" (S.P. 307) (L.D. 886)

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

Was referred to the Committee on Legal Affairs in concurrence.

Bill "An Act to Amend the Civil Service Law" (S.P. 310) (L.D. 889)

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

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

Bill "An Act to Facilitate the Movement of Emergency Relief Vehicles" (S.P. 309) (L.D. 888)

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

Was referred to the Committee on Transportation in concurrence.

Unanimous Leave to Withdraw

Report of the Committee on Education reporting "Leave to Withdraw" on Bill "An Act to Provide Teacher Recognition Stipends for Vocational-technical Institute Teachers" (S.P. 170) (L.D. 485)

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

Ought to Pass in New Draft

Report of the Committee on State and Local Government on Bill "An Act to Validate Certain Proceedings of the Town of Trenton" (Emergency) (S.P.

104) (L.D. 277) reporting "Ought to Pass" in New Draft (Emergency) (S.P. 306) (L.D. 885)

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 given its first reading and assigned for second reading Friday, March 27, 1987.

Non-Concurrent Matter

Bill "An Act to Improve the Informal Conference Process for Workers' Compensation Claims" (Emergency) (H.P. 229) (L.D. 297) which was passed to be engrossed as amended by Committee Amendment "A" (H-22) in the House on March 20, 1987.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-22) as amended by Senate Amendment "A" (S-10) thereto in non-concurrence.

The House voted to recede and concur.

PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE

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

Appropriations and Financial Affairs

Bill "An Act to Provide Funding for an Honors Seminar Program to Train Secondary School Teachers in the Humanities" (H.P. 696) (L.D. 937) (Presented by Representative ROLDE of York)

Ordered Printed.

Sent up for Concurrence.

TABLED AND ASSIGNED

Bill "An Act to Develop a Coordinated Local Response to Adolescent Pregnancy" (H.P. 700) (L.D. 941) (Presented by Representative CLARK of Brunswick) (Cosponsors: Senators GAUVREAU of Androscoggin, CAHILL of Sagadahoc and Representative NORTON of Winthrop)

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

On motion of Representative Carter of Winslow, tabled pending reference and specially assigned for Friday, March 27, 1987.

Appropriations and Financial Affairs

Bill "An Act to Provide Family Support Services to Maine Families who Choose to Care for their Developmentally Disabled Children at Home" (H.P. 702) (L.D. 943) (Presented by Representative RYDELL of Brunswick) (Cosponsors: Senators MAYBURY of Penobscot, BRANNIGAN of Cumberland and Representative PINES of Limestone)

Ordered Printed.

Sent up for Concurrence.

Education

Bill "An Act Concerning the School Selection Process" (Emergency) (H.P. 697) (L.D. 938) (Presented by Representative VOSE of Eastport)

Ordered Printed.

Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act to Prohibit the Use of Aircraft on Upper Narrows Pond in Kennebec County which is Designated as a Resource for Public Drinking Water" (H.P. 694) (L.D. 935) (Presented by Representative NORTON of Winthrop) (By Request)

Bill "An Act to Require Municipal Permits for Commercial Landfills" (H.P. 699) (L.D. 940) (Presented by Representative LORD of Waterboro) (Cosponsors: Representatives MURPHY of Berwick and RIDLEY of Shapleigh)

Bill "An Act to Ensure Safe Abatement of Asbestos Hazards" (Emergency) (H.P. 703) (L.D. 944) (Presented by Representative BOST of Orono) (Cosponsors: Senator USHER of Cumberland, Representatives MICHAUD of East Millinocket and HOLLOWAY of Edgecomb.)

Ordered Printed.
Sent up for Concurrence.

Human Resources

Bill "An Act to Facilitate the Transfer of Information Between the Department of Human Services and the Bureau of Taxation" (H.P. 693) (L.D. 934) (Presented by Representative MANNING of Portland) (Cosponsors: Representatives DUFFY of Bangor, DORE of Auburn, and Senator TWITCHELL of Oxford)

Ordered Printed.
Sent up for Concurrence.

On motion of Representative Manning of Portland, the House reconsidered its action whereby L.D. 934 was referred to the Committee on Human Resources.

On further motion of the same Representative, was referred to the Committee on Taxation, ordered printed, and sent up for concurrence.

Human Resources

Bill "An Act to Exempt Certain Restaurants from Restroom Requirements" (H.P. 695) (L.D. 936) (Presented by Representative ROLDE of York)

Ordered Printed.
Sent up for Concurrence.

Judiciary

Bill "An Act to Amend the Maine Tort Claims Act" (H.P. 682) (L.D. 923) (Presented by Representative PARADIS of Augusta) (Cosponsors: Representative CONLEY of Portland, Senators BRANNIGAN of Cumberland and PERKINS of Hancock)

Bill "An Act Pertaining to Adoptive Home Studies" (H.P. 701) (L.D. 942) (Presented by Representative McPHERSON of Eliot)

Ordered Printed.
Sent up for Concurrence.

Labor

Bill "An Act Concerning the Amount of Extended Benefits under the Employment Security Law" (H.P. 688) (L.D. 929) (Presented by Representative WILLEY of Hampden) (Cosponsors: Senators EMERSON of Penobscot and TWITCHELL of Oxford)

Ordered Printed.
Sent up for Concurrence.

Legal Affairs

Bill "An Act to Provide for the Recovery of Civil Damages from Shoplifters" (H.P. 686) (L.D. 927) (Presented by Representative DELLERT of Gardiner) (Cosponsors: Representative SEAVEY of Kennebunkport,

Senators CLARK of Cumberland and BRANNIGAN of Cumberland)

Bill "An Act to Provide a Standard for Uniforms for On-duty Professional Firefighters" (H.P. 698) (L.D. 939) (Presented by Representative RUHLIN of Brewer) (Cosponsors: Senator BRAUN of Knox, Representatives HALE of Sanford and GREENLAW of Standish)

Bill "An Act Relating to Updating Voting Lists" (H.P. 691) (L.D. 932) (Presented by Representative CARTER of Winslow) (Cosponsors: Representatives MAYO of Thomaston, MELENDY of Rockland, and Senator BERUBE of Androscoggin)

Ordered Printed.
Sent up for Concurrence.

Marine Resources

Bill "An Act Concerning Nonresident Clam Licenses" (H.P. 680) (L.D. 921) (Presented by Representative VOSE of Eastport) (Cosponsors: Representatives LOOK of Jonesboro, MOHOLLAND of Princeton, and Senator RANDALL of Washington)

Ordered Printed.
Sent up for Concurrence.

State and Local Government

Bill "An Act Relating to the State Employee Assistance Program" (H.P. 683) (L.D. 924) (Presented by Representative BOUTILIER of Lewiston) (Cosponsors: Senators MATTHEWS of Kennebec, WEBSTER of Franklin and Representative BICKFORD of Jay)

Bill "An Act Relating to Moorings for Nonresidents" (H.P. 685) (L.D. 926) (Presented by Representative ROLDE of York)

Ordered Printed.
Sent up for Concurrence.

Transportation

Bill "An Act to Permit the Annual Filing of Certain Fuel Use Reports" (H.P. 681) (L.D. 922) (Presented by Representative CASHMAN of Old Town) (Cosponsors: Senator DOW of Kennebec, Representatives INGRAHAM of Houlton and BAILEY of Farmington) (Submitted by the Department of Transportation pursuant to Joint Rule 24)

Bill "An Act Relating to Local Bridges" (H.P. 684) (L.D. 925) (Presented by Representative STROUT of Corinth) (Cosponsors: Representatives NADEAU of Lewiston, CALLAHAN of Mechanic Falls, and Senator CAHILL of Sagadahoc) (Submitted by the Department of Transportation pursuant to Joint Rule 24)

Bill "An Act Enabling a School Bus Driver Trainee to Drive a School Bus on a Regular Route while Accompanied by a Licensed Bus Driver" (H.P. 687) (L.D. 928) (Presented by Representative FARREN of Cherryfield) (Cosponsors: Representatives MOHOLLAND of Princeton and O'GARA of Westbrook)

Bill "An Act to Require Restroom Maintenance and Service on Interstate 95" (H.P. 689) (L.D. 930) (Presented by Representative MacBRIDE of Presque Isle)

Bill "An Act Concerning Motor Vehicle Inspections" (H.P. 690) (L.D. 931) (Presented by Representative BOTT of Orono) (Cosponsors: Senator RANDALL of Washington, Representatives BICKFORD of Jay and SOUCY of Kittery)

Bill "An Act to Allow Municipalities to Determine Local Speed Limits" (H.P. 692) (L.D. 933) (Presented by Representative RACINE of Biddeford) (Cosponsors: Representatives LOOK of Jonesboro and STROUT of Corinth)

Ordered Printed.

Sent up for Concurrence.

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 56 and Joint Rule 34, the following item:

Recognizing:

Coach Paul Nadeau and the Lewiston High School Blue Devils, Class A State Championship Hockey Team; (HLS 170) by Representative HANDY of Lewiston. (Cosponsors: Senator GAUVREAU of Androscoggin, Senator BERUBE of Androscoggin, Representative ALIBERTI of Lewiston)

On motion of Representative Handy of Lewiston, was removed from the Special Sentiment Calendar.

Was read.

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

Representative ALIBERTI: Mr. Speaker, Ladies and Gentlemen of the House: I would like to speak for all of the state hockey participants and, in a sense, I am. The caliber of competition, the sportsmanship, the fan support, was outstanding.

Out of this competition, the state of Maine Class A Champion, in the American sport tradition, emerged. I am happy for the city of Lewiston, Lewiston High School, its faculty, students, parents, but especially for Coach Paul Nadeau, his assistants, and the members of the Lewiston High School Class A Hockey Championship Team for the year 1986-87 -- a rousing team cheer to you champions. Thank you.

Subsequently, was passed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative RYDELL from the Committee on Banking and Insurance on Bill "An Act to Enable the Availability of Credit through Finance Companies in the State" (H.P. 243) (L.D. 311) 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 PRIEST from the Committee on Legal Affairs on Bill "An Act to Amend the Law Concerning Frequency of Local Option Question Elections" (H.P. 309) (L.D. 408) reporting "Ought to Pass" in New Draft (Emergency) (H.P. 704) (L.D. 946)

Report was read and accepted, the New Draft given its first reading and assigned for second reading Friday, March 27, 1987.

Ought to Pass in New Draft/New Title

Representative PRIEST from the Committee on Legal Affairs on Bill "An Act Relating to Absentee Balloting by Residents of Nursing Homes, Hospices and Congregate Housing Units" (H.P. 50) (L.D. 53) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Relating to Absentee Balloting by Residents of Nursing Homes, Boarding Homes and Congregate Housing Units" (H.P. 705) (L.D. 947)

Report was read.

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

Representative HANDY: Mr. Speaker, I move that this bill and all its accompanying papers be indefinitely postponed.

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

Representative PRIEST: Mr. Speaker, Men and Women of the House: I would like to speak briefly to this bill and tell you what this bill does. It is a fairly simple bill but meets a need, which has been felt by many residents of nursing homes, licensed boarding homes and certified congregate housing units.

The bill essentially provides an additional way for residents of those units, those homes, to vote by absentee ballot and to vote in a non-pressured way. It provides that municipal clerks or their deputies or assistants can go into the nursing homes, licensed boarding homes or certified congregate housing units at least once prior to an election and hold a time for absentee balloting by the residents of those units.

This bill still allows candidate participation in the process. Candidates can campaign in those homes, candidates can be present as anyone else can be present when the residents vote. The only thing this bill does as far as candidates go is that it prohibits candidates whose names are on the ballots from witnessing absentee ballots. If candidates' names are not on absentee ballots that are being witnessed, candidates can witness ballots like anybody else. That is the only change, basically, with the respect to candidates, that this bill makes. It does that because there is an additional way provided for people in nursing homes, licensed boarding homes and congregate housing units, to vote by absentee ballot -- we provided that.

This bill does not go as far as many people would wish in taking candidates entirely out of the process. The committee simply hasn't considered that but it does deal with a need felt by many residents of nursing homes, licensed boarding homes and congregate housing units, to vote absentee in a non-pressured way.

This procedure has worked well in at least two cities that have tried it voluntarily -- the city of Lewiston and the city of Biddeford. We have had excellent reports from those cities and that is the reason that this procedure was adopted by the committee.

I would urge you to defeat the motion for indefinite postponement.

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

Representative ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: The impetus for this bill is clearly outlined in the Statement of Fact in the original bill, which I would like to read to you.

The procedure by which residents of nursing homes, hospices and congregate housing units cast absentee ballots has been seriously questioned in recent years. Frequently, the residents of these facilities are easily influenced in their voting by persons assisting them in the absentee balloting process. Accordingly, the true intent of the voter is either diminished or suppressed. The widespread practice in which representatives of candidates for public office are actively involved in the absentee ballot process in these facilities calls into serious question the integrity of the voting process. This bill restores dignity to the absentee balloting process and reduces the likelihood of improper influence of person's casting absentee ballots by requiring residents of nursing homes, hospices, or congregate housing units to cast their absentee ballots before either the clerk or his deputies. The

resident will be allowed to vote either in the clerk's office or at his residence on certain days, not fewer than three in number designated by the clerk.

Many of us find this Statement of Fact offensive. It is arbitrary and without basis. Although we are aware that this does not become part of the statute, it certainly reflects the legislative intent of this proposal. To paint all of us here with a broad brush is unacceptable to me.

I would hope that you would support the indefinite postponement.

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

Representative MELENDY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to respond to that. When I asked the Revisor of Statutes to submit a bill for me this session, I asked that my original bill of last session be the one that was printed. I did not take the time to stop and look and see what had been printed and what had been printed is what had come out of the committee last year as the committee report. So, instead of going through the expense of having a whole new bill drawn up, I thought that I would save the state some money and merely take this bill, as had been printed, before the committee and explain to them what I had actually intended, which that was my original bill. So, I can see why Representative Erwin would be upset by that so that why I wanted to give you an explanation.

I would like to tell you some of the things I heard in my first and second election processes. As I went door to door, the elderly people wanted to talk about different things that affected them. Some of the questions that I kept track of is what I will share with you now.

I would hear questions like: "Could there be an easier way for us to get absentee ballots? Do we have to wait until candidates contact us before we know we will be able to get a chance to vote?" Of course, there were other ways -- they could call for ballots, etc. but it was their past experience that there would always be a candidate coming around. There are times when candidates don't come around until the last minute. If you have any elderly friends or relatives, you know that they tend to want to think about these things ahead of time. If things happen a little later, they get a little bit nervous about it all.

"Why do we get left out from getting ballots when a candidate leaves office and until another candidate is willing to take us on as a customer?" I was kind of upset to hear that kind of a comment but, basically, that is how they feel. There were times when a candidate, (and it could have been a local candidate, I am talking about all candidates across the board) perhaps it was a selectman or something, who had been running for years and years and years and would always come in and get that absentee ballot -- then all of a sudden, the person isn't running anymore so consequently, they would not go out and get the ballots from these people. They felt sort of left out. In fact, there was one lady that said: "I missed two elections because no one found me between times." Of course, I explained that they could have called but still, we are just looking for something simpler. "Do we have to vote for the people who bring us the ballots?" You don't know how many people have asked that. It is not that any of us are saying, "you have to vote for us" but that is what they think is really expected of them -- why that nice person brought me the ballot and so certainly, I owe them a vote. I just don't think that that is fair.

"There are so many candidates that come through our building, it is very annoying and interrupts our schedules, especially our naps." You know, one of the things that a couple of the building people told me is that how confused these people are during the election times because they don't have too much company. Then, all of a sudden, there are these strange people coming to the door and it is really something that puts them out of what is norm for them.

"You don't have to hand your ballot to a candidate when you vote at the polls to be sure that it gets to the ballot box -- why should we be expected to do that?" So the questions just went on and on and on so I felt that we have to come up with a way that these elderly can vote so they don't have to wait for anyone in particular, other than their own voting day. Voting through the mails is still available to them but this would show them that there will be someone there every year prior to the election and that is what I am looking for, something fair for the elderly.

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

Representative ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to respond to my good friend Representative Melendy. Perhaps she has that problem in her area but I don't have that problem in my area. I do not go out knocking on doors, I receive my requests from the town clerk and from the people involved. I go out and give a service to my people and I don't care whether they are Republican or Democrat, I take their votes. I have a very nice visit with them because they want some company. I have a town clerk who is elected and I know of many other towns and cities who have an elected clerk, their name is on the ballot, they have got a problem.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Nadeau.

Representative NADEAU: Mr. Speaker, Men and Women of the House: In response to Representative Erwin's concerns, I can simply say that this bill is not pointing a finger at any individual and not insinuating or not accusing anybody of trying to tamper with an election, we are just simply trying to institute a process, which would cover the whole gamut, to avoid the implication that all politicians are a bunch of crooks. We are not singling out anyone.

In response to Representative Handy's concern, if he or if any one of you, decide that you would like to go visit Mrs. Jones and you would like to talk about your reelection campaign and what not, there is absolutely nothing to prohibit that. As a matter of fact, as I understand it, you may accompany the deputy clerk to Mrs. Jones' room when the balloting is being done. The only thing that you cannot do is be in the direct presence of Mrs. Jones when she is voting. You cannot notarize the ballot. That is the only prohibition there.

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

Representative ALIBERTI: Mr. Speaker, Ladies and Gentlemen of the House: Seeing that this is championship day for Lewiston -- we have become champions also in this cause.

Last session, you heard a very, very intense attempt to get this passed. It had its merits because the city of Lewiston, on its own, followed this exact same pattern that is recommended in this bill. The accolades are endless from the three major nursing homes in the community that happen to be in my district, and from the City Clerk, who had the opportunity of going in and voting these people. I,

on my own, visited one of those balloting areas at the end of the balloting period and you could almost feel the individual edification of these people as they were allowed to go into that balloting booth and vote the same as you and I would vote, with a great deal of dignity and feeling. It happened in Lewiston and we are very, very happy with the process.

I urge you to consider this legislation so other areas in this state can have the same opportunity. The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Handy.

Representative HANDY: Mr. Speaker and Members of the House: The Representative from Saco must have a sixth sense because I don't recall stating my concerns on the floor but I will at this time.

My colleague from Lewiston, Mr. Aliberti, is absolutely correct, our city does put into a process a voting day for individuals in these facilities. However, it is not something that the state has required them to do, they do it out of their own volition and with the resources that they have in their budget. There are no monies coming down from the state to fund the various small towns that will be mandated to do this.

Secondly, the thing that does happen in the city of Lewiston, which Representative Aliberti referred to, is a good process. The fact that he did not mention is that that process that Lewiston does have does not prohibit the members of this body, who seek election in Lewiston, from being involved in the process. If a relative of mine, if my grandmother or aunt would call me, who lives in one of these facilities, I am prohibited from serving a member of my own family under this proposed legislation. So, that is where the Lewiston idea leaves off and this bill picks up, it prohibits we, as candidates, and somehow casts a dark shadow over us simply by implication. I simply can't go along with putting us in that class of citizen.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: As you all know, we had this bill before us last year and it came out and was defeated on the floor. Last year it came out of committee unanimous and it came out again this year unanimous. I don't think that any one of us on the committee even discussed the fact that anybody was a crook or anything else or that any wrongdoings were going on. We just decided that we felt as though these people have a right to vote and they have a right to vote in dignity and privacy like any of the rest of us. I think most of our senior citizens like to be in the mainstream of things. I think this is one way we can help them be in it.

Sometimes when candidates have no opposition, they forget these people in nursing homes and congregate housing and hospices because they don't need their vote. When they have a tight race, they are all in their scrambling for their vote and I don't believe this is quite fair.

This bill does not stop the candidate from campaigning in any of these places. They can go at any time before the town clerk goes to collect the votes and they can meet with the people, they can talk with them, they can tell them they are a candidate and try to impress them and talk them into voting for them. There is nothing wrong with that. But what it does do at the time of voting, these people have the right to come down and vote in privacy.

As far as small town funds, my town has done this twice now — the last November election, I talked to my town clerk and she went up and did it and she did

it again in our town election. The cost of it is hardly anything because they do not have to spend that much time because most small towns have one place like mine does.

You may be prohibited from actually getting a member of your family an absentee ballot, but you are certainly not prohibited from going and visiting your family member and telling them that you are a candidate. I am sure as in most families — we all vote together.

So, I urge you not to support the indefinite postponement of this bill but pass it on to become a law.

Representative Erwin of Rumford was granted permission to address the House a third time.

Representative ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: Just very briefly, I would like to respond to my good friend, Representative Murphy, to say that I have always gone out to get absentee votes each time I have run. I have run unopposed before and I don't mind going out and getting them even though I don't need them. I probably get 150 to 200 votes. We have four or five large congregate housing units and it would work a hardship on my town clerk. She would have to have her assistant go out or hire someone else to do it because her name would be on the ballot.

I urge you to support the indefinite postponement.

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

Representative BOTT: Mr. Speaker, Men and Women of the House: I rise today to urge you to support the unanimous committee report on this issue. While this is considerably weaker than the bill that was reported out last session, I believe nonetheless that it is an important step towards safeguarding the rights of elderly voters. The point has been made by Representative Erwin that somehow we should feel insulted by this legislation or because somehow it insinuates that we are not handling the process properly. I submit to you that if we were all as good and as diligent as Representative Erwin, this bill wouldn't be before us. I don't think we have anything to be ashamed of by supporting this bill because I think we are sending a positive statement out there to other areas of the state that we are very concerned in protecting the rights of our elderly citizens in their autumn years by protecting them against what could be unscrupulous candidates, who could place undue pressure upon them in nursing homes. My fear is not the men and women of this chamber but potential candidates that could abuse the system in the future. I think that this is something that has worked very well in my community and other communities across the state.

I would urge you to support its passage and further request a division.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House: Speaking as the Representative from Kennebunk, we are looking at a bill that we should have passed last year. As the House Chairman of the committee had indicated, it is a good bill and I agree. I agree with him as well that it doesn't go far enough.

There will be bills coming to his committee which will address additional problems that I think we have to face in the 113th.

In the last session, we talked about waltzing Aunt Hilda around and we saw a very good bill nit-picked to death to the point where the bill was killed. I think that is a tragedy.

I think we have an opportunity now that, at election time, Maine senior citizens in nursing homes will no longer be waltzed around. My concern is that, not only looking at nursing homes, there should be a provision in here in terms of Maine's correctional facilities in terms of guidelines and standards being set up so that convicts in Maine correctional systems or institutions are not registered and voted en masse as absentee ballots.

So, we have an opportunity to take a step that we should have taken a year ago. I think there is a hardship, I have to agree with the gentleman from Lewiston in terms of what it is going to require on the local level. I think the overriding goal has got to be the security and privacy that, if that citizen went to vote that day at the town hall or the polling place, if they are voting that day in the nursing home, they should be given the same respect and privacy and security of their ballot.

I would urge you to defeat the motion before us and enact this good bill.

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

Representative HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: I am supportive of this bill. I know that there is a need for it. My concern is what we are mandating to the larger cities. Between the state hospital and the nursing homes, we have over a 1,000 people and it could be fairly costly to the larger cities and I do have a concern about the cost.

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

Representative THISTLE: Mr. Speaker, Ladies and Gentlemen of the House: As you know, I am a recent victor in a campaign and as part of that campaign, I determined that I would become a notary public so that I could register voters and then I could also take ballots to people in nursing homes. Many of you have probably done so. Part of that process, part of what you have to do when you become a notary, is swear an oath that you will abide by the laws of the state of Maine. It seems to me that the bottom line in the question before us today is whether the integrity of the process is being infringed upon as we are currently using it. I don't think it is. I think if we have any problems at all, they are very minor. I think those of us in this House here have a great deal of integrity. I agree with Representative Erwin that the Statement of Fact in the original bill calls into question that integrity and I think that is appalling. I believe we have a fine system and we should keep it just the way it is.

I urge you to vote for indefinite postponement.

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

Representative CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: I stand in support of this too. I don't consider it an insult (the wording of the preamble) I consider it a realistic approach. To be realistic about it, I think that no one could deny that anyone who goes into a room in a nursing home alone with an elderly person or even with a nurse present, does not influence that person. It is a natural reaction to that person's presence to do what you think that person wants you to do while he or she is there. So, I put that to rest in my mind. I surely think that the person is influenced by the present system and by a candidate in that room.

I have to point out too that preserving the integrity and the privacy of the polling place -- none of you here or none of us here can put our political signs close to a polling booth, close

enough so that it can influence the voter in the booth, or even in the building for that matter. But there are people here asking that candidates be permitted to go into a room and cause an influence by presence and by actually speaking and influencing that person.

I want to tell you about my own experience since I think probably it is the same with all of you here in the last election and prior elections too. I found it too costly in terms of time, even though there were several patients in the various homes that were friends of mine and I should have visited other times anyway, but too costly in time to go to the nursing homes -- all these things that are required to be done in order to get the application and ballot to that person, to spend two or three or four hours to get two or three or perhaps four votes. So, my defense to that was to appoint an absentee ballot chairman in my campaign and it worked out very, very well.

I think this is a progressive step, I think it is something that has to be done. I do not think that anybody should be insulted in the least by it. I urge that you support it.

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

Representative SHELTRA: Mr. Speaker, Ladies and Gentlemen of the House: I have been in communication with my city clerk of Biddeford. Of course Biddeford is one of the largest communities in the state of Maine and he definitely endorses this bill as well as I do. I hope that you vote against postponement.

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

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I am wondering what happens to a candidate that doesn't have the money to hire somebody to go out and gather these absentee ballots? That is one question. I am not totally against the bill because I have never gathered votes when I was opposed. When I was unopposed, I would.

I do have a question and it is in regards to the people that are supposed to be gathering these votes. If they do not gather those votes, who is going to do it, if it is not the candidate? If the clerk refuses to go to these homes, who is going to do it? That is my question.

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

Representative MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. I went to the city hall last Friday when I was home, I showed the bill to our city clerk. I represent a city of 22,000 people with about 1,200 units for the elderly and people of that nature and she felt it was a wonderful idea. She felt that there was no way in the world that she couldn't handle it and she thought it would work very well. As far as the gentleman from Madawaska, I don't believe anybody ever has to hire somebody to go out and collect absentee ballots. What I did in my campaign and I am sure many other people did too, that when somebody from one of these homes called me regarding an absentee ballot, I had somebody on my committee who was glad to take care of that without being paid.

The SPEAKER: The Chair recognizes the Representative from Sanford, Representative Paul.

Representative PAUL: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to point out that, in the past, we always seemed to find volunteers to help out the voting process. Nothing prevents us in this case from having the town clerk

use these volunteers and deputize them. There wouldn't necessarily have to be an expense involved.

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

Representative THISTLE: Mr. Speaker, Ladies and Gentlemen of the House: I didn't realize that it might be important to go over the process with you. I thought that many of you, in fact all of you, had experience in taking absentee ballots but perhaps there are a few of you who haven't. In fact, I know one or two who haven't.

Briefly to go over the process, first of all, people in nursing homes or boarding homes do have access without relying on someone to come to see them. They can call the town clerk and have a ballot brought in or picked up by someone and they can write in and request it and, after filling out a request form, can get a ballot sent to them so they can vote. So, to say this is the only avenue open to these people is through someone coming to their room, that is inaccurate.

Secondly, it does take a lot of time. I heard that mentioned. To collect an absentee ballot, it taken an enormous amount of time. If you are committed to the process, you invest in that time. First of all, it is wonderful because you do a good service to those people who are, for the most part, shut-ins.

Furthermore, it tests your skills at communicating and it gives them an opportunity to challenge you, even at the last moment. First you have to go and fill out a request form. It has to be signed by them, you turn that in at the town office and they -- at some future date when they get the ballots -- you return to the person who filled the request form and if you are a notary, you can return by yourself; if you are not, you have to take someone else with you to witness. There we see some integrity in the process, I believe. There is a lot of time involved.

In the last election, I spent hours doing it and I think I got 35 absentee ballots but I got them in nursing homes from people who may or may not have had access any other way.

Finally, I would like to speak again to the process. This process, it seems to me, relies at root on how we trust the system. Do we have faith in it? I say, yes we do and we display that faith by how we, as notary's or simply as candidates, behave during the campaign.

I urge you again, please, support the motion to indefinitely postpone.

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

Representative RACINE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to make a couple of corrections on some comments that were just made.

The absentee ballot system was changed a couple of years ago whereby an individual could, by telephone, call the Clerk's Office and the Clerk, without the intervention of a notary or anyone else, could mail that ballot to the individual that called for it. The application form, in that case, does not have to be filled; therefore, the system has been refined to allow and expedite the process to keep, basically, third-party people out of the system.

Being from Biddeford and knowing a little bit about why our Clerk is so adamant about sending these people down to nursing homes -- the reason this was started in Biddeford was because there were indications that the system was being abused. When a system is abused, it is very difficult to prove. I

realize that you can challenge these ballots when they are opened but when you do challenge a ballot, you have got to have a reason as to why you are challenging it. It is very difficult to prove that a voter has been unduly influenced and/or intimidated. There is nothing wrong with the system now that is being proposed -- that system allows the Clerk, and as was mentioned by Representative Macomber from South Portland, a city as large he is representing, the Clerk has no objection.

People have mentioned cost -- cost is not a problem because what you do is deputize one of your Clerks that work in the office and all he has to do is go down there with some ballots and a ballot box and those people who want to vote come in and cast their ballot and place it in the box. It is a procedure that may not last more than half an hour to an hour so there is not that much time involved.

Also, under the current law, if an individual does not avail themselves of using the voting procedure by the Clerk, (I did not read the bill) I believe that absentee ballots may be obtained at a later date. I could be corrected on that.

If the bill calls for allowing no one in that nursing home, I wholeheartedly support that concept. I will tell you that I have seen elections lost and won based on absentee ballots. I don't think that that is the right way to get elected or defeated.

I would urge you to vote against the pending motion from the good gentleman from Lewiston, Representative Handy.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: At the last session, I was violently opposed to this bill. I am on the Legal Affairs Committee. If the original draft, which was presented to us, had stayed the way it was, you would have had a divided report. Under the new draft, I can live with it.

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

Representative WENTWORTH: Mr. Speaker, Ladies and Gentlemen of the House: May I remind any one of you who has gone with an absentee ballot to any person, that the first question you hear is: "Who shall I vote for?" When you say: "Well, I can't tell you," they say: "Who are you going to vote for?" If an answer is given those people, can you tell me that they are not influenced?

I ask you to defeat the motion and pass this bill.

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

Representative PRIEST: Mr. Speaker, Ladies and Gentlemen of the House: I would just urge you to realize that we are voting on a new draft at this point, L.D. 947, and not the original bill.

The provisions that we are voting on and the Statement of Fact concerned with it are those in L.D. 947. I would also urge you to realize that this bill does not go as far as some, for example, the Representative from Kennebunk would want it to.

It does not take candidates out of the actual balloting process except in a situation where their names are on the ballot and you are dealing with residents of nursing homes, licensed boarding homes and congregate units.

It is a limited bill. I think it is a good bill and I urge you to defeat the pending motion.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: If this bill passes, these people do not have to vote this way. They still have

the option of mailing a ballot, telephone for a ballot, or a ballot designated by a third person. So, it does leave them an option. It doesn't leave the candidate out completely. A candidate can go and observe the whole procedure while the voting is going on.

I urge you to defeat the motion on the floor and I would ask for a roll call.

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

Representative SHELTRA: Mr. Speaker, Ladies and Gentlemen of the House: I am going to be very brief. I will give you something to think about.

While you are in session up here, your perspective opponents are out hurrying about, scurrying about, collecting absentee ballots.

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

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I come from a small town and there are not too many who go out and get absentee ballots. The last election, the Clerk called me and asked me if I would go and get an absentee ballot. I said, "yes, I will." I went down and got the forms. As was said, you have to make a couple of trips to do this. When I got there, I found out who it was and I said, "well, you are asking quite a lot of me, to go out and get a Republican ballot." Being the former Chairman of the Republican Party and kidding with her, of course, I took the ballot out and I am sure that I did not intimidate him as to how he would vote by being there in that same room.

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

Representative MELENDY: Mr. Speaker, Ladies and Gentlemen of the House: I believe that Representative Thistle, in an earlier part of his testimony, gave us a real reason for the need for this bill. He said that he had to explain the absentee process because there were some people in this House who do not know the process. For that very reason, Representative Thistle and members of this House, I believe that we need this because if there are areas where people are not being served, this is going to assure that they will have a vote.

Also, to respond to Representative Hickey's concern, that this is costly to the municipalities — the pilot project of this actually happened in Rockland about four years ago at my request and the nursing home people were very, very pleased with it. They have talked to other city Clerks who have passed it on around the state and I am very happy to see about four municipalities actually starting to do this.

In terms of cost, I have heard from those that have been participants in this, they say it actually decreases the time they have to spend because when they are in their offices, day after day, they have to continue sending out the different applications and taking them back in. It is all done in a one step process and done in a few hours. I would say that large communities are really happy with this process.

Also, the National Association of City Clerks, is looking at Maine right now to see what we come up with on this particular bill. They are pleased with what they hear from our city Clerks and would perhaps like to see the same thing happen nationwide.

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

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

The SPEAKER: The pending question before the House is the motion of the Representative from Lewiston, Representative Handy, that L.D. 947 and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 10

YEA - Conley, Connolly, Erwin, P.; Hale, Handy, Holt, Joseph, LaPointe, McGowan, Smith, Tamaro, Thistle.

NAY - Aliberti, Allen, Anderson, Anthony, Armstrong, Bailey, Baker, Begley, Bickford, Bost, Bott, Boutilier, Bragg, Brown, Callahan, Carroll, Carter, Cashman, Chonko, Clark, H.; Clark, M.; Coles, Cote, Crowley, Curran, Dellert, Dexter, Diamond, Dore, Duffy, Dutremble, L.; Farnum, Farren, Foss, Foster, Garland, Gould, R. A.; Greenlaw, Gurney, Gwadosky, Hanley, Harper, Hepburn, Hichborn, Hickey, Higgins, Hillock, Hogle, Holloway, Hussey, Ingraham, Jackson, Jacques, Jalbert, Ketover, Kilkelly, Kimball, Lawrence, Lebowitz, Lisnik, Look, Lord, MacBride, Macomber, Mahany, Manning, Marsano, Martin, H.; Matthews, K.; Mayo, McHenry, McPherson, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Murphy, E.; Murphy, T.; Nadeau, G. G.; Nadeau, G. R.; Nicholson, Norton, Nutting, O'Gara, Paradis, E.; Paradis, J.; Parent, Paul, Perry, Pines, Pouliot, Priest, Racine, Rand, Reed, Rice, Richard, Ridley, Rolde, Rotondi, Rydell, Scarpino, Seavey, Sheltra, Sherburne, Simpson, Small, Soucy, Sproul, Stanley, Stevens, A.; Stevenson, Strout, B.; Strout, D.; Swazey, Tardy, Taylor, Telow, Tracy, Tupper, Walker, Wentworth, Weymouth, Whitcomb, Willey, Zirkilton.

ABSENT - Davis, Lacroix, Paradis, P.; Reeves, Ruhlman, Salsbury, Stevens, P.; Vose, Warren, Webster, M.; The Speaker.

Yes, 12; No, 128; Absent, 11; Paired, 0; Excused, 0.

12 having voted in the affirmative and 128 in the negative with 11 being absent, the motion did not prevail.

Subsequently, the Committee Report was accepted, the New Draft read once and assigned for second reading Friday, March 27, 1987.

Ought to Pass in New Draft/New Title

Representative PRIEST from the Committee on Legal Affairs on Bill "An Act Relating to Drinking on Public Streets" (H.P. 152) (L.D. 193) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Relating to Drinking on Public Beaches" (H.P. 706) (L.D. 948)

Report was read.

Representative Priest of Brunswick moved acceptance of the Committee Report.

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

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

Would somebody explain what this L.D. does, please, in reference to the former law that required a warning from a public official before someone could be arrested for drinking in public? How is that changed, if it was?

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

The Chair recognizes the Representative from Brunswick, Representative Priest.

Representative PRIEST: Mr. Speaker, Ladies and Gentlemen of the House: The bill does not change the existing law on that provision as far as warnings and use of signs. All it does is clarify that a public beach is considered a public place, that is all it does. It doesn't change anything else.

Subsequently, the Committee Report was accepted, the New Draft read once and assigned for second reading Friday, March 27, 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. 187) (L.D. 231) Bill "An Act Defining Terms in the Manufactured Housing Zoning Laws" Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-38)

(H.P. 69) (L.D. 72) Bill "An Act to Exempt Municipal Combination Snowplows and Dump Trucks from the Weight Limitations Imposed on Other Highway Vehicles" Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-39)

(H.P. 70) (L.D. 73) Bill "An Act to Prohibit the Movement of Mobile Homes without Reasonable Assurance that all Drain and Sewer Assessments have been Paid" Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-40)

(S.P. 96) (L.D. 243) Bill "An Act to Increase the Fees for Examination and Licensure for Chiropractors" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-8)

There being no objections, the above items were ordered to appear on the Consent Calendar of Friday, March 27, 1987 under the listing of Second Day.

CONSENT CALENDAR

Second Day

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

(H.P. 365) (L.D. 479) Bill "An Act to Validate and Approve the School Construction Proceedings of Maine School Administrative District No. 42" (Emergency)

(S.P. 77) (L.D. 163) Bill "An Act to Amend the Piscataquis County Budget Committee Procedures" (C. "A" S-6)

(S.P. 187) (L.D. 514) RESOLVE, to Continue the Commission to Study the Integration of the Maine State Retirement System with the United States Social Security System (Emergency) (C. "A" S-5)

(S.P. 141) (L.D. 395) Bill "An Act to Clarify Municipal Liability for Certain Vehicular Accidents"

(H.P. 104) (L.D. 114) Bill "An Act to Provide a Trade-in-credit for Camper Trailers" (C. "A" H-37)

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

PASSED TO BE ENGROSSED
As Amended

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) (C. "A" H-32)

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

The SPEAKER: The Chair recognizes the Representative from Athens, Representative Rotondi.

Representative ROTONDI: Mr. Speaker, I would request a Division.

I hope you will vote against engrossing this bill and vote with me on this Division.

Yesterday, it was mentioned by proponents of this bill that this matter belongs to local control. There is nothing closer to local control than the County Commissioners. It was also said that there were some incidents where County Commissioners repaired private ways. There was only one incident where they did. You don't condemn a system for just one incident.

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

A vote of the House was taken.

63 having voted in the affirmative and 44 in the negative, the Bill was passed to be engrossed as amended and sent up for concurrence.

PASSED TO BE ENACTED

Emergency Measure

An Act to Amend the State Employees Labor Relations Act by Allowing 3-year Labor Contracts (S.P. 135) (L.D. 371)

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. 124 voted in favor of the same and 2 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

TABLED AND ASSIGNED

Emergency Measure

An Act to Limit the Party Size to 12 Persons for all Groups Operating with a Guide on Inland Waters (H.P. 599) (L.D. 812) (S. "A" S-7)

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

On motion of Representative Jacques of Waterville, tabled pending passage to be enacted and specially assigned for Tuesday, March 31, 1987.

PASSED TO BE ENACTED

An Act to Clarify the Penalty Provisions for the Late Filing of Corporation Reports (H.P. 122) (L.D. 147) (H. "A" H-20)

An Act to Allow Reasonable Attorneys Fees for Court Appointed Counsel on Appeals by the State to any Federal Court (H.P. 249) (L.D. 322) (C. "A" H-21)

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

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

SENATE PAPERS

The following Joint Resolution: (S.P. 321)
JOINT RESOLUTION IN RECOGNITION
OF MAINE'S TRAVEL AND TOURISM INDUSTRY

WHEREAS, "the benefits of travel are many; the freshness it brings to the heart; the delight of beholding new cities; the meeting of unknown friends;" and

WHEREAS, with its geographical breadth and diversity, vacationland proudly offers those and countless other benefits to all who choose the great escape and pathway from the stresses of our mundane worlds; and

WHEREAS, Maine's travel and tourism industry is the State's 2nd largest industry and makes substantial contributions to the economic welfare of the State, providing nearly 1.31 billion dollars to the Maine economy in 1986; and

WHEREAS, the diversified nature of the tourism industry in Maine enhances the state economy and the well-being of the people of Maine and all who visit the State; and

WHEREAS, since the travel and tourism industry attracts more people to Maine, which in turn will yield greater revenue to the General Fund through increased tax revenues and employment for the people of Maine, promoting tourism is, in fact, an investment in Maine's future; now, therefore, be it

RESOLVED: That we, the Members of the 113th Legislature of the State of Maine, now assembled in First Regular Session, take this opportunity to acknowledge the many outstanding accomplishments of those in the State's travel and tourism industry and express to them on this particular day a full measure of our gratitude and appreciation for their outstanding contribution to the well-being of this State; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Maine Vacation Travel Commission in honor of this special occasion.

Came from the Senate, read and adopted.

Was read and adopted in concurrence.

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

ORDERS

On motion of Representative MANNING of Portland, the following Joint Resolution: (H.P. 707) (Cosponsors: Speaker MARTIN of Eagle Lake, President PRAY of Penobscot and Senator GILL of Cumberland)

**JOINT RESOLUTION IN HONOR OF KEVIN W. CONCANNON
FORMER COMMISSIONER OF MENTAL HEALTH
AND MENTAL RETARDATION**

WHEREAS, the State of Maine has made enormous advances over the past decade in the field of mental health; and

WHEREAS, these gains may in a large part be attributed to the commitment of one man, Kevin W. Concannon of Portland, who became the State's first Commissioner of Mental Health and Mental Retardation in 1980; and

WHEREAS, under his outstanding leadership children and adults with mental illness, mental retardation or other developmental disabilities have been given new hope through his sound effective and humane policies; and

WHEREAS, Commissioner Kevin W. Concannon of Portland has earned the respect and esteem of countless numbers across this State and nation and will long be acclaimed for his achievements in mental health; now, therefore, be it

RESOLVED: That We, the Members of the 113th Legislature of the State of Maine, now assembled in First Regular Session, join at this time to honor former Commissioner Kevin W. Concannon for his years of outstanding public service and to express our

appreciation of his professional skills, friendship and courteous manner while administering this State in the field of mental health; and be it further

RESOLVED: That a suitable copy of this resolution be prepared and presented to Kevin as a tangible token of the esteem in which he is held.

Was read.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: As most people know the present Commissioner Kevin Concannon, has been told by Governor McKernan that he will not be reappointed so, for future years when Kevin can look at this, we put it down as former Commissioner. I think people on both sides of the aisle can say that this one person has really taken that department and put it on the map, not only in the state of Maine, but in the entire United States.

The state can be proud of the ranking that both the Mental Retardation Division has and the mental illness has throughout the country. In both cases, they rank within the top 10 of the states in the United States. For the state of Maine to say that, with the small resources that we have, shows that Kevin has tried to work the best he could for the people who have the least amount to say of how they should be treated.

Pineland has come a long way since the Consent Decree. If anybody has had a chance to go down there, you can see what has happened.

Mental health has also come a long way, although I will say, not because of Kevin Concannon, but because of many other things -- we have a lot to do within the next year or so with the Division of Mental Illness, simply because both AMHI and BMHI have problems there but I don't think that it reflects at all on Kevin. I think it reflects the fact that society as a whole is having more problems in that area.

I, for one, have known this person for many, many years, back to the days when he and I were walking Grant Street in Portland. I am proud to present this Joint Resolution to the one person, whom I think has really made this state and this legislature look good with that Division.

Subsequently, was adopted and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

On motion of Representative Cashman of Old Town, the House reconsidered its action whereby Bill "An Act to Permit the Annual Filing of Certain Fuel Use Reports" (H.P. 681) (L.D. 922) was referred to the Committee on Transportation.

On further motion of the same Representative, was referred to the Committee on Taxation, ordered printed and sent up for concurrence.

On motion of Representative Allen of Washington, the House reconsidered its action whereby Bill "An Act to Exempt Certain Restaurants from Restroom Requirements" (H.P. 695) (L.D. 936) was referred to the Committee on Human Resources.

On further motion of the same Representative, was referred to the Committee on Business Legislation, ordered printed and sent up for concurrence.

On motion of Representative Allen of Washington,
Adjourned until Friday, March 27, 1987, at twelve
o'clock noon.

STATE OF MAINE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION
JOURNAL OF THE SENATE

In Senate Chamber
Wednesday
March 25, 1987

Senate called to Order by the President.

Prayer by the Honorable Michael E. Carpenter of
Houlton.

FORMER SENATOR CARPENTER: Let us pray. Our
Heavenly Father, we thank You for this day. For the
days that are to come and the beautiful weather. We
are ever mindful for all that we have and all that we
share because of Your Holy grace. We are ever
mindful of those who have less than we have and part
of our purpose for being assembled here is to provide
for and to care for and to love those. Amen.

Reading of the Journal of Yesterday.

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill "An Act to Assure Access to Legal Assistance
by Residents of Rural Areas"

S.P. 294 L.D. 844

In Senate, March 20, 1987, referred to the
Committee on JUDICIARY and ORDERED PRINTED.

Comes from the House referred to the Committee on
APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED
PRINTED in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

House Papers

Bill "An Act to Amend the Maine State Retirement
System"

H.P. 672 L.D. 905

Comes from the House referred to the Committee on
AGING, RETIREMENT AND VETERANS and ORDERED PRINTED.

Which was referred to the Committee on AGING,
RETIREMENT AND VETERANS and ORDERED PRINTED, in
concurrence.

Off Record Remarks

Bill "An Act to Encourage Investment in the
Development of Potato Varieties"

H.P. 678 L.D. 911

Bill "An Act Regarding the Maine Agricultural
Marketing and Bargaining Act of 1973"

H.P. 679 L.D. 912

Come from the House referred to the Committee on
AGRICULTURE and ORDERED PRINTED.

Which were referred to the Committee on
AGRICULTURE and ORDERED PRINTED, in concurrence.

Bill "An Act to Extend Maine's Bottle Bill"

H.P. 622 L.D. 895

Bill "An Act to Mandate Rustproofing Designation
of Motor Vehicles"

H.P. 668 L.D. 901

Come from the House referred to the Committee on
BUSINESS LEGISLATION and ORDERED PRINTED.

Which were referred to the Committee on BUSINESS
LEGISLATION and ORDERED PRINTED, in concurrence.