

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
 40th Legislative Day
 Wednesday, April 1, 1987

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

Prayer by Father Sylvio Levesque, St. Francis de Sales Catholic Church, Waterville.

The Journal of Tuesday, March 31, 1987, was read and approved.

Quorum call was held.

SENATE PAPERS

Bill "An Act to Amend Benefits Under the Maine State Retirement System for Members of the State Police" (S.P. 343) (L.D. 998)

Bill "An Act Concerning Veterans' Benefits" (S.P. 344) (L.D. 999)

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

Bill "An Act to Provide Funding for Drug Task Forces" (S.P. 334) (L.D. 989)

Bill "An Act to Provide Funds for Epilepsy Education and Support of Satellite Service Centers" (S.P. 342) (L.D. 997)

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.

Bill "An Act to Allow Organizations to Sell Insurance to a Limited Membership" (S.P. 341) (L.D. 996)

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

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

RESOLVE, to Create a Commission to Study Special Education Programs (S.P. 333) (L.D. 988)

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

Was referred to the Committee on Education in concurrence.

Bill "An Act to Coordinate the Review Process of the Department of Environmental Protection and Maine Land Use Regulation Commission" (S.P. 339) (L.D. 994)

RESOLVE, Authorizing the State to Convey its Interest in the Public Lots in the Town of Westmanland to the Inhabitants of Westmanland (S.P. 335) (L.D. 990)

Came from the Senate, referred to the Committee on Energy and Natural Resources and Ordered Printed.

Were referred to the Committee on Energy and Natural Resources in concurrence.

Bill "An Act to Exempt Income of National Guard Members from the State Income Tax" (S.P. 336) (L.D. 991)

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

Was referred to the Committee on Taxation in concurrence.

Bill "An Act to Require Roll Bars on Police Vehicles" (S.P. 340) (L.D. 995)

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

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

Was referred to the Committee on Legal Affairs in non-concurrence and sent up for concurrence.

Bill "An Act Relating to Significant Energy Agreements and Contracts by Electric Utilities" (S.P. 338) (L.D. 993)

Bill "An Act Relating to the Use of Antibackflow Devices on Public Water Supply Systems" (S.P. 337) (L.D. 992)

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

Were referred to the Committee on Utilities in concurrence.

Unanimous Ought Not To Pass

Report of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act Relating to the Review of Benefits under the Workers' Compensation Act" (S.P. 119) (L.D. 318)

Report of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act to Amend the University of Maine System Labor Relations Act" (S.P. 130) (L.D. 335)

Report of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act to Amend the State Employee Collective Bargaining Act" (S.P. 131) (L.D. 336)

Report of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act Relating to Medical Evidence and Costs in Workers' Compensation Cases" (S.P. 186) (L.D. 513)

Report of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act Relating to Notice of Injury for Purposes of Workers' Compensation and Occupational Disease Claims" (S.P. 237) (L.D. 631)

Were 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 Amend the State Employee Collective Bargaining Act" (S.P. 128) (L.D. 333)

Report of the Committee on Labor reporting "Leave to Withdraw" on Bill "An Act to Amend the Municipal Public Employees Labor Relations Law Regarding the Negotiation of Union Security Clauses" (S.P. 129) (L.D. 334)

Report of the Committee on Fisheries and Wildlife reporting "Leave to Withdraw" on Bill "An Act to Prohibit the Shooting of Immature Deer" (S.P. 181) (L.D. 508)

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

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:

Agriculture

Bill "An Act to Repeal the Mandatory Brucellosis Vaccination for Cattle" (H.P. 775) (L.D. 1047) (Presented by Representative TARDY of Palmyra) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Bill "An Act to Mark Animals for Identification of Ownership" (H.P. 781) (L.D. 1053) (Presented by Representative NORTON of Winthrop) (Cosponsor: Representative CONLEY of Portland) (By Request)

Ordered Printed.
Sent up for Concurrence.

Appropriations and Financial Affairs

Bill "An Act to Restore the 8 percent Discount to Retailers of Alcoholic Beverages" (H.P. 780) (L.D. 1052) (Presented by Representative JOSEPH of Waterville) (Cosponsors: Representatives PERRY of Mexico, ROLDE of York, and MURPHY of Kennebunk)

Ordered Printed.
Sent up for Concurrence.

Education

Bill "An Act to Clarify the Law Concerning Secondary Education Course Requirement Facilities" (H.P. 783) (L.D. 1055) (Presented by Representative WARREN of Scarborough) (Cosponsors: Representatives HIGGINS of Scarborough and TRACY of Rome)

Ordered Printed.
Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act Relating to Owners and Operators of Biomass Burners" (H.P. 790) (L.D. 1062) (Presented by Representative RIDLEY of Shapleigh) (Cosponsors: Representatives JACQUES of Waterville, DEXTER of Kingfield and Senator USHER of Cumberland)

Bill "An Act to Protect the State's Freshwater Great Ponds and Rivers" (H.P. 796) (L.D. 1068) (Presented by Representative KIMBALL of Buxton) (Cosponsors: Representatives MICHAUD of East Millinocket, DIAMOND of Bangor and Senator BLACK of Cumberland)

Ordered Printed.
Sent up for Concurrence.

Fisheries and Wildlife

Bill "An Act to Protect Landowners from Damage or Destruction of Trees by Hunters Maintaining Ladders or Observation Stands" (H.P. 776) (L.D. 1048) (Presented by Representative JACQUES of Waterville)

Bill "An Act to Amend the Hunting Laws Concerning Vinalhaven" (H.P. 778) (L.D. 1050) (Presented by Representative SCARPINO of St. George) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Ordered Printed.
Sent up for Concurrence.

Human Resources

Bill "An Act Relating to Requirements for License to Operate a Nursery School" (H.P. 788) (L.D. 1060) (Presented by Representative SWAZEY of Bucksport)

(Cosponsors: Representatives BOST of Orono and SIMPSON of Casco)

Ordered Printed.
Sent up for Concurrence.

Utilities

Bill "An Act to Require the Installation of Telecommunication Devices for the Hearing and Speech Impaired in Public Facilities" (H.P. 791) (L.D. 1063) (Presented by Representative MELENDY of Rockland) (Cosponsors: Representatives CONNOLLY of Portland, KILKELLY of Wiscasset and Senator PERKINS of Hancock) (The Committee on Reference of Bills had suggested the Committee on Human Resources.)

On motion of Representative Manning of Portland, was referred to the Committee on Utilities, ordered printed, and sent up for concurrence.

Judiciary

Bill "An Act to Accord Qualified Immunity from Tort Liability to Employers Giving Recommendations about Current or Past Employees" (H.P. 777) (L.D. 1049) (Presented by Representative JALBERT of Lisbon)

Bill "An Act to Streamline Costs in the Criminal Justice System and Ensure the Constitutional Rights of Indigent Defendants" (H.P. 787) (L.D. 1059) (Presented by Representative WARREN of Scarborough) (Cosponsors: Representatives PRIEST of Brunswick and CONNOLLY of Portland)

Ordered Printed.
Sent up for Concurrence.

Labor

Bill "An Act to Amend the Definition of Seasonal Under the Employment Security Law" (H.P. 779) (L.D. 1051) (Presented by Representative CLARK of Millinocket) (Cosponsors: Representatives GOULD of Greenville, SALSBURY of Bar Harbor, and President PRAY of Penobscot)

Ordered Printed.
Sent up for Concurrence.

Legal Affairs

Bill "An Act to Establish a Voluntary Program of State-approved Identification Cards for use by Persons not having Drivers' Licenses" (H.P. 784) (L.D. 1056) (Presented by Representative LEBOWITZ of Bangor) (Cosponsor: Representative LAWRENCE of Parsonsfield)

Bill "An Act to Require Candidates Requesting Ballot Inspection to Pay for this Service" (H.P. 792) (L.D. 1064) (Presented by Representative ROTONDI of Athens) (Cosponsors: Representative BICKFORD of Jay and Senator MATTHEWS of Kennebec)

RESOLVE, to Establish the Special Select Committee on Lotteries (H.P. 786) (L.D. 1058) (Presented by Representative BRAGG of Sidney) (Cosponsors: Representatives SEAVEY of Kennebunkport, BAILEY of Farmington and JALBERT of Lisbon)

Ordered Printed.
Sent up for Concurrence.

Taxation

Bill "An Act to Reimburse Municipalities for Revenues Lost Due to Existence of State Properties" (H.P. 789) (L.D. 1061) (Presented by Representative CARROLL of Gray) (Cosponsors: Representatives MAYO of Thomaston, PARADIS of Augusta and Senator WHITMORE of Androscoggin)

(The Committee on Reference of Bills had suggested the Committee on State and Local Government.)

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

Human Resources

Bill "An Act to Permit the Use of State Agencies to House County Inmates in Emergency Situations" (H.P. 795) (L.D. 1067) (Presented by Representative PARADIS of Augusta) (Cosponsor: Representative NORTON of Winthrop)

(The Committee on Reference of Bills had suggested the Committee on State and Local Government.)

On motion of Representative Carroll of Gray, was referred to the Committee on Human Resources, ordered printed, and sent up for concurrence.

State and Local Government

RESOLVE, to Publicize the State Police Toll-free Number for Emergencies to Outdoor Recreationists (H.P. 785) (L.D. 1057) (Presented by Representative MITCHELL of Freeport) (Cosponsors: Representatives PRIEST of Brunswick and RYDELL of Brunswick)

Ordered Printed.
Sent up for Concurrence.

Taxation

Bill "An Act to Require Payment of the Property Tax at the Time of Transfer" (H.P. 774) (L.D. 1046) (Presented by Representative HALE of Sanford) (Cosponsors: Representatives STROUT of Corinth, WENTWORTH of Wells, and Senator TUTTLE of York)

Bill "An Act to Exclude from Sales and Use Tax Transfers of Vehicles from Corporations to the Owner of the Stock of the Corporation" (H.P. 782) (L.D. 1054) (Presented by Representative HOLLOWAY of Edgecomb) (Cosponsor: Senator SEWALL of Lincoln)

Bill "An Act to Establish the Procedure for Notice and Foreclosure of Delinquent Real Property Taxes in Municipalities When the Property Owners are Unknown" (H.P. 793) (L.D. 1065) (Presented by Representative ROLDE of York) (Cosponsors: Senator ESTES of York and Representative McPHERSON of Eliot)

Ordered Printed.
Sent up for Concurrence.

Utilities

Bill "An Act to Create a Code of Ethics for Public Utilities Commissioners" (H.P. 794) (L.D. 1066) (Presented by Representative CONNOLLY of Portland)

Ordered Printed.
Sent up for Concurrence.

REPORTS OF COMMITTEES

Unanimous Leave to Withdraw

Representative WENTWORTH from the Committee on State and Local Government on Bill "An Act Concerning Delinquent Dog Licenses" (H.P. 354) (L.D. 457) reporting "Leave to Withdraw"

Representative PRIEST from the Committee on Legal Affairs on Bill "An Act to Prohibit the Sale of Alcoholic Beverages for Off-premise Consumption after 9 p.m." (H.P. 339) (L.D. 438) reporting "Leave to Withdraw"

Were 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 HALE from the Committee on Labor on Bill "An Act Concerning Mandatory Workfare Participants" (H.P. 108) (L.D. 118) reporting "Ought to Pass" in New Draft (H.P. 798) (L.D. 1070)

Report was read and accepted, the New Draft given its first reading and assigned for second reading Thursday, April 2, 1987.

Ought to Pass in New Draft/New Title

Representative PRIEST from the Committee on Legal Affairs on Bill "An Act to Amend the Election Laws Regarding Incarcerated Felons" (H.P. 206) (L.D. 258) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Amend the Election Laws Regarding Persons Incarcerated in Correctional Facilities" (H.P. 773) (L.D. 1036)

Report was read and accepted, the New Draft given its first reading and assigned for second reading Thursday, April 2, 1987.

Ought to Pass Pursuant to Joint Order (H.P. 23)

Representative ROTONDI from the Committee on State and Local Government on RESOLVE, for Laying of the County Taxes and Authorizing Expenditures of Somerset County for the Year 1987 (Emergency) (H.P. 797) (L.D. 1069) reporting "Ought to Pass" - Pursuant to Joint Order (H.P. 23)

Report was read and accepted, the bill read once. Under suspension of the rules, the Resolve was read a second time, passed to be engrossed and sent up for concurrence.

CONSENT CALENDAR

Second Day

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

(H.P. 214) (L.D. 266) Bill "An Act to Amend the State Antitrust Laws" (C. "A" H-44)

(H.P. 231) (L.D. 299) Bill "An Act Concerning Good Time and Meritorious Good Time Relative to Parole Eligibility" (Emergency) (C. "A" H-48)

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

PASSED TO BE ENGROSSED

Bill "An Act to Require Age Limitations Used in Apprenticeship Programs to be Reasonably Related to Legitimate Job Criteria" (S.P. 319) (L.D. 945)

Bill "An Act to Provide Funds for the Maine State Police Publication and Continuing Education" (S.P. 320) (L.D. 949)

Bill "An Act Requiring Proper Placement of Motor Vehicle Dealer Plates" (H.P. 771) (L.D. 1034)

Bill "An Act Relating to Rate-setting Procedures by Municipally-owned Utilities" (H.P. 772) (L.D. 1035)

Bill "An Act to Provide for the Creation of Liens and Sales on Small Motors" (H.P. 768) (L.D. 1031)

Were reported by the Committee on Bills in the Second Reading, read the second time, the Senate Papers were Passed to be Engrossed in concurrence and

the House Papers were Passed to be Engrossed and sent up for concurrence.

ORDERS OF THE DAY
UNFINISHED BUSINESS

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

The Chair laid before the House the first item of unfinished business:

Bill "An Act Relating to Absentee Balloting by Residents of Nursing Homes, Boarding Homes and Congregate Housing Units" (H.P. 705) (L.D. 947) TABLED - March 27, 1987 by Representative HANDY of Lewiston.

PENDING - Passage to be Engrossed.

Representative Handy of Lewiston offered House Amendment "B" (H-45) and moved its adoption.

House Amendment "B" (H-45) was read by the Clerk.

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

Representative PRIEST: Mr. Speaker, I move that House Amendment "B" be indefinitely postponed.

Men and Women of the House: This amendment essentially would remove from the bill the provision which prohibits candidates from taking absentee ballots to nursing homes, boarding homes and congregate housing units, if their names appear on the ballot. If you recall, this bill was thoroughly debated the other day in this House and essentially the committee has proposed a balanced approach which says that the clerks will hold an absentee balloting procedure before Election Day in nursing homes, boarding homes and congregate housing units. In those eliminated situations, candidates are prohibited from witnessing ballots if, in fact, their names are on the ballots. If their names aren't on the ballots, obviously, they can witness ballots. The committee still allows full participation in campaigning by candidates. The committee still allows full public disclosure and allows candidates to be present when this takes place.

This amendment would, unfortunately, destroy the intent of the bill and, therefore, I would ask you to support the indefinite postponement motion.

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

Representative HOLT: Mr. Speaker, Men and Women of the House: The motive behind this bill, as amended, is fine but I have reservations about it that I can't seem to overcome. Every notary knows the rules for absentee balloting. If anyone asks us as candidates, who are notaries, "Whom should I vote for? We all know the response has to be "well, I can't talk with you about that; if you are unsure, you may leave the items blank that you are unsure about. It does not spoil your ballot to leave spaces blank." Also, when sealing is done by the voter, the candidate may not have seen the ballot before or after the person votes. The sealing is done in the presence but not in view of the notary, so the notary doesn't get to see how a person voted. In the case of a blind person or person who has bad arthritis of the hands, for example, who need help marking the ballot, a third person is called. The notary or candidate doesn't see how the person voted.

Now, if a candidate's very presence is improper influence, then a candidate should not be allowed at all in the nursing or boarding homes referred to in the bill.

Although some of us feel that this bill would protect candidates from the appearance and perhaps the temptations of wrongdoings, I am afraid that it can also be seen as demeaning to the intelligence and independent spirit of nursing home residents and others, as well as demeaning to the integrity of candidates for public service.

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

Representative MELENDY: Mr. Speaker, Men and Women of the House: I don't intend to debate this bill. It was well debated the other day. I merely ask the members of this House to please stick with your vote that we took last week.

The bill was watered down quite a bit in committee and let's keep what we have left.

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

Representative HALE: Mr. Speaker, Men and Women of the House: I rise today to ask you not to cast your vote as you did last week. I would use one example that I ran into. It was the only absentee ballot that I took when I was a candidate on the ballot.

A very close and dear friend of the family had called and asked me to bring a ballot. First of all, I had to bring the authorization for an absentee ballot, go back to the town hall, go back to her congregate housing unit -- this very good friend was fighting cancer, she would not allow any other person to bring this to her. She wanted just me because she knew me. This does not mean that she wanted to vote for me, although naturally I am assuming she did want to vote me, as a very good friend of the family, but she would not have cast a vote if I had not taken it.

I have taken three in my tenure as a notary public. Two have not been in my district but they have always been at the request and I feel that if we do not allow people to call us to go and fill out a ballot, they will not cast a vote. This is depriving them of their right to vote as a citizen in the state of Maine and the United States.

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

Representative HANDY: Mr. Speaker, Men and Women of the House: I offered this amendment today as "the balanced approach" to this report from the committee. I have to disagree with my good friend, Representative Priest, that the report out of committee was the balanced approach. In fact, that is not the balanced approach, that removes candidates exclusively from the process.

The approach that I suggest in this amendment would retain the provision in the committee's report, which would require clerks to go to boarding homes, nursing homes and congregate housing facilities to present their voting day for the residents of those facilities.

This amendment diverts only in that it removes the prohibition from candidates from being participants in the absentee balloting process.

Let me refresh for you what we did last year with respect to absentee balloting -- we instituted absentee balloting by mail process that does not involve any other individuals except the clerk and the voter in that, a voter may, by phone or written request, contact their clerk, request an absentee ballot and the clerk would mail it to that individual. That individual would then complete the ballot, seal the envelope, put it in the mail to go to the clerk. That fairly removes the candidate from the process because it is a choice that the voter consciously makes by keeping the provision where clerks are required to go and have a voting day at

the facility, that too, provides the residents of those three facilities, the opportunity to make a conscious choice, once again, to not have a candidate involved in the process.

If a voter chooses to have a candidate, who they trust or some other individual who may be on the ballot that they trust, bring them that ballot and see to it that their rights under the Constitution are carried through as they choose, then that is what this amendment would do. It would simply allow for them to make that choice.

I would ask you to oppose the motion before us today, which is to indefinitely postpone, so we may go on to accept House Amendment "B". Keeping in mind that candidates aren't any worse nor are they any better than any other individual who may be involved in the campaign. In fact, in some ways, I think people look at us to be held up to a higher standard, but by the same token, we should not be held to a lower standard simply because we put ourselves up for public scrutiny.

I would ask you today to oppose the motion of indefinite postponement so that we can accept House Amendment "B".

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to support the motion to indefinitely postpone this amendment on this bill. This is a unanimous report out of committee, we gave it a lot of study and a lot of thought and we agreed, unanimously, that it was a good bill.

It does not stop the candidate from going in there and campaigning; they can be there at the time of voting, so I feel that it is not hurting any of us as candidates.

I ask for a roll call.

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

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: I believe it is incumbent upon us, particularly this year, in light of various allegations that have been made about one or more members of this House -- to do everything we can to separate ourselves from the ballot collection process. We have an obligation to try and make it clear, not only that we will avoid all improprieties but to separate ourselves from all appearance or potential for impropriety. It seems to me that the original bill, as presented, does that and should be supported for that reason.

I would urge support for the motion to indefinitely postpone this amendment.

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 Representative Priest of Brunswick that House Amendment "B" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 15

YEA - Aliberti, Allen, Anderson, Anthony, Begley, Bickford, Bost, Bott, Boutillier, Bragg, Brown, Callahan, Carroll, Carter, Cashman, Chonko, Clark, H.; Clark, M.; Coles, Crowley, Curran, Davis,

Dellert, Diamond, Dore, Duffy, Dutremble, L.; Farnum, Farren, Foss, Foster, Garland, Gould, R. A.; Greenlaw, Gurney, Gwadosky, Hanley, Harper, Hepburn, Hichborn, Hickey, Higgins, Hillock, Hoglund, Holloway, Hussey, Ingraham, Jackson, Jacques, Jalbert, Ketover, Kilkelly, Lawrence, Lebowitz, Lisnik, Look, Lord, MacBride, Macomber, Manning, Marsano, Martin, H.; Matthews, K.; Mayo, McHenry, McPherson, McSweeney, Melendy, Michaud, Mitchell, Moholland, Murphy, E.; Murphy, T.; Nadeau, G. G.; Nadeau, G. R.; Norton, Nutting, O'Gara, Paradis, E.; Parent, Paul, Perry, Pines, Pouliot, Priest, Racine, Rand, Reed, Rice, Richard, Ridley, Rolde, Ruhlin, Rydell, Salsbury, Scarpino, Seavey, Sheltra, Sherburne, Simpson, Small, Soucy, Sproul, Stanley, Stevens, A.; Stevenson, Strout, B.; Swazey, Tamaro, Tardy, Taylor, Telow, Thistle, Tracy, Tupper, Vose, Warren, Wentworth, Weymouth, Whitcomb, Willey, Zirkilton.

NAY - Baker, Conley, Erwin, P.; Hale, Handy, Holt, LaPointe, Mahany, McGowan, Mills, Paradis, P.; Smith.

ABSENT - Armstrong, Bailey, Connolly, Cote, Dexter, Joseph, Kimball, Lacroix, Nicholson, Paradis, J.; Reeves, Rotondi, Stevens, P.; Strout, D.; Walker, Webster, M.; The Speaker.

Yes, 122; No, 12; Absent, 17; Paired, 0; Excused, 0.

122 having voted in the affirmative and 12 in the negative with 17 being absent, the motion did prevail.

Representative Erwin of Rumford offered House Amendment "A" (H-43) and moved its adoption.

House Amendment "A" (H-43) was read by the Clerk.

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

Representative ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: This amendment allows candidates to deliver ballots to licensed boarding homes and congregate housing. It does retain the prohibition against delivering to nursing homes so that might answer somebody's questions about going into nursing homes. We have done that in Rumford. Our town clerk has been into the nursing homes. I took no absentee ballots during this last election from the nursing homes. That has worked very well and the nursing homes were very cooperative. The residents there were very appreciative.

I would hope you would go along with this amendment so that candidates would be allowed to go into congregate housing.

Those people in the congregate housing are not seriously ill or senile. They like to vote and they want to vote with the person that they request. I would hope that you would honor that.

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

Representative PRIEST: Mr. Speaker, Men and Women of the House: I move that this amendment be indefinitely postponed.

I admire the persistence of those who do not agree with the unanimous committee report but I would, once again, ask you to support the committee's approach on this matter and indefinitely postpone this amendment.

We have limited the bill's application to the three situations, licensed boarding homes, licensed nursing homes, and certified congregate housing units. We did not cover such areas as elderly housing units or hospitals or a wide variety of other items. Our concern was to deal with those specific situations where people are most likely to need an alternate process for casting absentee ballots and in those situations dealing with the complaints we had concerning undue influence. I

think we have dealt well with that and we have got a balanced approach and I would ask you to support the committee and reject the amendment.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative Priest of Brunswick that House Amendment "A" be indefinitely postponed. Those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Representative Erwin of Rumford requested a roll call vote.

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

A vote of the House was taken and more than one-fifth of the members present and voting having 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 Priest of Brunswick that House Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 16

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

NAY - Brown, Callahan, Conley, Erwin, P.; Hale, Handy, Holt, LaPointe, Mahany, McGowan, McSweeney, Michaud, Mills, Paradis, J.; Paradis, P.; Smith, Vose.

ABSENT - Armstrong, Bailey, Coles, Connolly, Cote, Dellert, Dexter, Joseph, Kimball, Lacroix, Nicholson, Reeves, Rotondi, Stevens, P.; Strout, D.; Walker, Webster, M.; The Speaker.

Yes, 116; No, 17; Absent, 18; Paired, 0; Excused, 0.

116 having voted in the affirmative and 17 in the negative with 18 being absent, the motion did prevail.

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

Representative HANDY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair. I would like to pose a question to the Chair of the Joint Standing Committee on Legal Affairs -- in as much as the debate has centered around the issue that candidates may go to these various facilities prior to the clerks balloting of these individuals, is it also the intent of the Committee Report that the clerks notify candidates when they will make these efforts

to poll individuals so that candidates may, as has been stated earlier, be in attendance at this time?

The SPEAKER: Representative Handy of Lewiston has posed a question through the Chair to any member of the Legal Affairs Committee who may respond if they so desire.

The Chair recognizes the Representative from Brunswick, Representative Priest.

Representative PRIEST: Mr. Speaker, Men and Women of the House: The bill provides that the clerk shall designate one or more times during which she shall appear. Presumably that designation will be public and there would be a notice posted and that would be available for all candidates to see.

Subsequently the Bill was passed to be engrossed and sent up for concurrence.

The Chair laid before the House the second item of unfinished business:

An Act Regarding the Membership of the Maine Committee on Aging (H.P. 582) (L.D. 780) (H. "A" H-25) TABLED - March 27, 1987 by Representative DIAMOND of Bangor.

PENDING - Passage to be Enacted.

On motion of Representative Carroll of Gray, under suspension of the rules, the House reconsidered its action whereby L.D. 780 was passed to be engrossed.

The same Representative offered House Amendment "B" (H-47) and moved its adoption. House Amendment "B" (H-47) was read by the Clerk and adopted.

Subsequently, the Bill was passed to be engrossed as amended by House Amendment "A" and House Amendment "B" in non-concurrence and sent up for concurrence.

The Chair laid before the House the third item of unfinished business:

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

TABLED - March 27, 1987 by Representative DIAMOND of Bangor.

PENDING - Passage to be Enacted.

On motion of Representative Paradis of Augusta, was recommitted to the Committee on Judiciary in non-concurrence and sent up for concurrence.

The Chair laid before the House the fourth item of unfinished business:

RESOLVE, Establishing a Commission to Study the Linkages between Education and Economic Development (H.P. 735) (L.D. 986)

(Committee on Economic Development suggested) TABLED - March 31, 1987 (Till Later Today) by Representative DIAMOND of Bangor.

PENDING - Reference.

On motion of Representative Crowley of Stockton Springs, was referred to the Committee on Economic Development, ordered printed and sent up for concurrence.

The Chair laid before the House the fifth item of unfinished business:

RESOLVE, Requiring the Commissioner of Educational and Cultural Services to Develop a Plan to Improve the State's Adult Education Program to More Adequately Address the Problems of Illiteracy

and High School Completion (Emergency) (H.P. 736) (L.D. 987) (Committee on Economic Development suggested) TABLED - March 31, 1987 (Till Later Today) by Representative DIAMOND of Bangor. PENDING - Reference.

On motion of Representative Crowley of Stockton Springs, was referred to the Committee on Education, ordered printed and sent up for concurrence.

The Chair laid before the House the sixth item of unfinished business:

Bill "An Act to Provide Due Process in Unemployment Insurance Appeals" (H.P. 766) (L.D. 1029) (Committee on Judiciary suggested) TABLED - March 31, 1987 (Till Later Today) by Representative DIAMOND of Bangor. PENDING - Reference.

On motion of Representative Paradis of Augusta, was referred to the Committee on Labor, ordered printed and sent up for concurrence.

TABLED AND TODAY ASSIGNED

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

Bill "An Act to Increase the Fees for Examination and Licensure for Chiropractors" (S.P. 96) (L.D. 243) (C. "A" S-8) TABLED - March 31, 1987 by Representative ALLEN of Washington. PENDING - Passage to be Engrossed.

On motion of Representative Allen of Washington, tabled pending passage to be engrossed and specially assigned for Thursday, April 2, 1987.

(Off Record Remarks)

(At Ease to the Gong)

The House was called to order by the Speaker.

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

SENATE PAPER

Bill "An Act to Extend the Deadline for Reservation of License Plate Numbers" (Emergency) (S.P. 354) (L.D. 1071)

Came from the Senate under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed as amended by Senate Amendment "A" (S-17).

Under suspension of the rules, without reference to any committee, the Bill was read once.

Senate Amendment "A" (S-17) was read by the Clerk and adopted.

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

By unanimous consent, ordered sent forthwith to Engrossing.

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

SENATE PAPER

Bill "An Act to Amend the Approval Deadlines for the Androscoggin and Aroostook County Budgets" (Emergency) (S.P. 355) (L.D. 1072)

Came from the Senate under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed.

Under suspension of the rules and without reference to any Committee, the bill was read twice and passed to be engrossed in concurrence.

By unanimous consent, ordered sent forthwith to Engrossing.

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

PASSED TO BE ENACTED
Emergency Measure

An Act to Extend the Deadline for Reservation of License Plate Numbers (S.P. 354) (L.D. 1071) (S. "A" S-17)

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. 104 voted in favor of the same and 6 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

PASSED TO BE ENACTED
Emergency Measure

An Act to Amend the Approval Deadlines for the Androscoggin and Aroostook County Budgets (S.P. 355) (L.D. 1072)

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. 104 voted in favor of the same and 5 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

(Off Record Remarks)

On motion of Representative Willey of Hampden, Adjourned until Thursday, April 2, 1987, at nine o'clock in the morning.