

# 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  
46th Legislative Day  
Friday, April 10, 1987

The House met according to adjournment and was called to order by the Speaker.  
Prayer by Father Raymond Melville, St. Mary's Catholic Church, Augusta.  
The Journal of Thursday, April 9, 1987, was read and approved.  
Quorum call was held.

SENATE PAPERS

The following Communication:  
MAINE STATE SENATE  
AUGUSTA, MAINE 04333

April 9, 1987  
The Honorable John L. Martin  
Speaker of the House  
113th Legislature  
Augusta, Maine 04333  
Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Fisheries and Wildlife, the Governor's nomination of William J. Vail of Newfield for appointment as the Commissioner of the Department of Inland Fisheries and Wildlife.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate  
Was read and ordered placed on file.

The SPEAKER: The Chair is pleased to welcome the Speaker of the House and the Clerk of the House for the Model State Legislature. They are both from the Speaker's legislative district. Please welcome Tim Kelley from Ashland, who will be the Speaker of the House and John Nichols from Ashland, who will be the Clerk of the House. (applause)

Bill "An Act to Identify the Potential Hazards of Paint Removal by Means of Heat" (S.P. 383) (L.D. 1160)  
Came from the Senate, referred to the Committee on Business Legislation and Ordered Printed.  
Was referred to the Committee on Business Legislation in concurrence.

Bill "An Act to Amend the Charitable Solicitations Laws" (S.P. 382) (L.D. 1159)  
Came from the Senate, referred to the Committee on Business Legislation and Ordered Printed.  
(The Committee on Reference of Bills had suggested reference to the Committee on Legal Affairs.)  
Was referred to the Committee on Business Legislation in concurrence.

Bill "An Act Concerning Comprehensive Drug Prevention Education in Maine's Public Schools" (S.P. 381) (L.D. 1158)  
Came from the Senate, referred to the Committee on Education 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 Education in concurrence.

Bill "An Act to Clarify the Freedom of Access Law" (S.P. 384) (L.D. 1161)  
Came from the Senate, referred to the Committee on Judiciary and Ordered Printed.  
Was referred to the Committee on Judiciary in concurrence.

RESOLVE, Authorizing Floris Doiron of Auburn to Bring a Civil Action Against the State of Maine (S.P. 379) (L.D. 1157)  
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 Allow Aroostook County to Contract for Services for the Operation of the County Jail" (S.P. 380) (L.D. 1156)  
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 Consolidate and Improve the Administration of Workers' Compensation in State Government" (S.P. 385) (L.D. 1162)  
Came from the Senate, referred to the Committee on State and Local Government and Ordered Printed.  
On motion of Representative Carroll of Gray, was referred to the Committee on Labor in non-concurrence and sent up for concurrence.

Bill "An Act to Provide for Renewal of Auto Registration and Inspection Sticker at the Same Time" (S.P. 386) (L.D. 1163)  
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 State and Local Government reporting "Leave to Withdraw" on RESOLVE, to Name the Eastport Breakwater the Harry L. Vose Breakwater (S.P. 269) (L.D. 750)  
Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act to Clarify Core Part Trade-in" (S.P. 255) (L.D. 706)  
Were placed in the Legislative Files without further action pursuant to Joint Rule 15 in concurrence.

COMMUNICATIONS

The following Communication:  
STATE OF MAINE  
ADMINISTRATIVE OFFICE OF THE COURTS  
P.O. BOX 4820 Downtown Station  
PORTLAND, MAINE 04112

April 9, 1987  
Dear Speaker Martin:

It is my honor and personal pleasure to transmit to you and each of the other Representatives of the 113th Legislature a copy of the Eleventh Annual Report of the Judicial Department, pursuant to the provisions of 4 MRSA §17.10.

Sincerely,  
S/Dana R. Baggett  
State Court Administrator

Was read and with accompanying report ordered placed on file.

PETITIONS, BILLS AND RESOLVES  
REQUIRING REFERENCE

The following Bills and one Resolution 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 Change the Lime Laws" (H.P. 925) (L.D. 1237) (Presented by Representative CALLAHAN of Mechanic Falls) (Cosponsor: Representative TARDY of Palmyra)

Ordered Printed.  
Sent up for Concurrence.

Appropriations and Financial Affairs

Bill "An Act to Create a Statewide Reservation System for State Parks that have Overnight Camping Facilities" (H.P. 915) (L.D. 1227) (Presented by Representative ARMSTRONG of Wilton) (Cosponsors: Representatives JACQUES of Waterville, STROUT of Windham, and Senator LUDWIG of Aroostook)

Bill "An Act to Provide the State Environmental Resources Volunteer Effort with a Full-time Coordinator" (H.P. 919) (L.D. 1231) (Presented by Representative COLES of Harpswell) (Cosponsors: Representatives MAYO of Thomaston, DIAMOND of Bangor, and Senator ANDREWS of Cumberland)

Bill "An Act to Encourage Postponement of Sexual Activity among Unmarried Teenagers" (H.P. 921) (L.D. 1233) (Presented by Representative BRAGG of Sidney) (Cosponsors: Senator MATTHEWS of Kennebec, Representatives HUSSEY of Milo and CROWLEY of Stockton Springs)

Bill "An Act to Fund and Implement Collective Bargaining Agreements with Vocational-technical Institute System Employees Represented by the Maine Teachers Association, the Maine State Employees Association and the American Federation of State, County and Municipal Employees and to Fund and Implement Benefits for Certain Vocational-technical Institute System Employees Excluded from Bargaining" (Emergency) (H.P. 922) (L.D. 1234) (Presented by Representative CROWLEY of Stockton Springs) (Cosponsors: Representatives MURPHY of Kennebunk, NADEAU of Lewiston and Senator WHITMORE of Androscoggin)

Ordered Printed.  
Sent up for Concurrence.

Business Legislation

Bill "An Act to Ban the Use of Plastic Connectors for Containers" (H.P. 912) (L.D. 1224) (Presented by Representative MITCHELL of Freeport) (Cosponsors: Representatives STEVENS of Bangor, COLES of Harpswell, and JACQUES of Waterville)

Bill "An Act to Enable Electric Sign Manufacturers to Maintain the Signs they Install" (H.P. 916) (L.D. 1228) (Presented by Representative VOSE of Eastport)

Ordered Printed.  
Sent up for Concurrence.

LATER TODAY ASSIGNED

Bill "An Act to Enable Local School Administrative Units to Support Certain Child Care Programs" (H.P. 906) (L.D. 1218) (Presented by Representative FOSS of Yarmouth) (Cosponsors: Representatives STANLEY of Cumberland, HOGLUND of Portland, and Senator ANDREWS of Cumberland)

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

On motion of Representative Carter of Winslow, tabled pending reference and later today assigned.

Fisheries and Wildlife

Bill "An Act to Require Archery Hunter Training" (H.P. 914) (L.D. 1226) (Presented by Representative JACQUES of Waterville) (Cosponsors: Representatives McGOWAN of Canaan, CLARK of Millinocket, and ROTONDI of Athens) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Bill "An Act Regarding Posting of Private Land" (H.P. 910) (L.D. 1222) (Presented by Representative DUFFY of Bangor) (Cosponsors: Speaker MARTIN of Eagle Lake, Representative CLARK of Millinocket, and President PRAY of Penobscot)

Bill "An Act to Allow Crossbow Hunting for Handicapped Persons" (H.P. 908) (L.D. 1220) (Presented by Representative LEBOWITZ of Bangor) (Cosponsors: Representatives JACQUES of Waterville and GREENLAW of Standish)

Ordered Printed.  
Sent up for Concurrence.

Human Resources

Bill "An Act to Establish the Community Agency Wage Parity Fund" (H.P. 911) (L.D. 1223) (Presented by Representative CONNOLLY of Portland) (Cosponsors: Representatives CLARK of Brunswick and Senator BUSTIN of Kennebec)

Ordered Printed.  
Sent up for Concurrence.

Judiciary

Bill "An Act to Apportion Fault under the Comparative Negligence Law" (H.P. 909) (L.D. 1221) (Presented by Representative WARREN of Scarborough) (Cosponsors: Representatives COTE of Auburn and THISTLE of Dover-Foxcroft)

Bill "An Act to Strengthen the Victim's Ability to Address the Court at a Criminal Sentencing" (H.P. 917) (L.D. 1229) (Presented by Representative SOUCY of Kittery)

Bill "An Act Relating to a Court Appearance by a Property Manager on Behalf of a Landlord" (H.P. 918) (L.D. 1230) (Presented by Representative MANNING of Portland) (Cosponsors: Senator BRANNIGAN of Cumberland and Representative PARADIS of Augusta)

Bill "An Act to Reinstate Capital Punishment in Certain Murder Cases" (H.P. 924) (L.D. 1236) (Presented by Representative HEPBURN of Skowhegan) (Cosponsors: Representatives LEBOWITZ of Bangor and CALLAHAN of Mechanic Falls)

RESOLUTION, Proposing an Amendment to the Constitution of Maine Relating to Salaries Received by Judges Who have been Relieved of Their Duties (H.P. 920) (L.D. 1232) (Presented by Representative FOSS of Yarmouth) (Cosponsor: Representative MacBRIDE of Presque Isle)

Ordered Printed.  
Sent up for Concurrence.

State and Local Government

Bill "An Act Concerning Conflicts of Interest Relating to Department of Environmental Protection Employees" (H.P. 907) (L.D. 1219) (Presented by Representative MURPHY of Berwick) (Cosponsors: Senators TUTTLE of York, USHER of Cumberland, and Representative COLES of Harpswell) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27)

Ordered Printed.  
Sent up for Concurrence.

Taxation

Bill "An Act Authorizing Counties to Choose Alternative Sources of Revenue" (H.P. 913) (L.D. 1225) (Presented by Representative VOSE of Eastport) (Cosponsors: Representative CASHMAN of Old Town, Senators TWITCHELL of Oxford and DOW of Kennebec)

Ordered Printed.  
Sent up for Concurrence.

Utilities

Bill "An Act Concerning the Harrison Water District" (H.P. 923) (L.D. 1235) (Presented by Representative JACKSON of Harrison) (Cosponsor: Senator TWITCHELL of Oxford)

Ordered Printed.  
Sent up for Concurrence.

REPORTS OF COMMITTEES

Unanimous Leave to Withdraw

Representative ALLEN from the Committee on Business Legislation on Bill "An Act to Increase the Handling Fees for Returnable Bottles and Cans" (H.P. 47) (L.D. 50) reporting "Leave to Withdraw"

Representative CARTER from the Committee on Appropriations and Financial Affairs on Bill "An Act to make Allocations from the Public Utilities Commission Regulatory Fund and the Public Utilities Commission Reimbursement Fund for the Fiscal Years Ending June 30, 1988, and June 30, 1989" (Emergency) (H.P. 157) (L.D. 198) reporting "Leave to Withdraw"

Representative LEBOWITZ from the Committee on Business Legislation on Bill "An Act to Prohibit Tobacco Companies from Sponsoring Community, Sporting, Recreational or Civic Events" (H.P. 273) (L.D. 356) reporting "Leave to Withdraw"

Representative MICHAUD from the Committee on Energy and Natural Resources on Bill "An Act Establishing the Songo Locks Advisory Council" (H.P. 133) (L.D. 174) reporting "Leave to Withdraw"

Representative BICKFORD from the Committee on State and Local Government on Bill "An Act to Amend the Laws Relating to Major Policy-influencing Positions" (H.P. 429) (L.D. 574) reporting "Leave to Withdraw"

Representative THISTLE from the Committee on Judiciary on Bill "An Act to Provide a Waiting Period Prior to Granting of Divorce" (H.P. 566) (L.D. 764) reporting "Leave to Withdraw"

Representative COTE from the Committee on Judiciary on Bill "An Act Concerning Support in Cases of Unmarried Persons" (H.P. 567) (L.D. 765) reporting "Leave to Withdraw"

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

Refer to the Committee on Taxation

Representative CARTER from the Committee on Appropriations and Financial Affairs on Bill "An Act to Establish the Cost of the 1987 Spruce Budworm Management Program" (Emergency) (H.P. 711) (L.D. 962) reporting that it be referred to the Committee on Taxation.

Report was read and accepted and the bill referred to the Committee on Taxation and sent up for concurrence.

Ought to Pass in New Draft

Representative BICKFORD from the Committee on State and Local Government on RESOLVE, Clarifying the Harbor Management Jurisdictions of the Towns of Bar Harbor and Gouldsboro (H.P. 295) (L.D. 381) reporting "Ought to Pass" in New Draft (Emergency) (H.P. 926) (L.D. 1238)

Report was read and accepted, the New Draft read once.

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

Ought to Pass in New Draft

Representative JACQUES from the Committee on Fisheries and Wildlife on Bill "An Act Concerning Snowmobile Registration Fees" (H.P. 174) (L.D. 218) reporting "Ought to Pass" in New Draft (Emergency) (H.P. 904) (L.D. 1206)

Report was read and accepted, the New Draft given its first reading and assigned for second reading Monday, April 13, 1987.

Ought to Pass in New Draft/New Title

Representative DUFFY from the Committee on Fisheries and Wildlife on Bill "An Act Concerning Penalties for Molesting, Killing or Possessing Caribou" (H.P. 42) (L.D. 45) reporting "Ought to Pass" in New Draft under New Title Bill "An Act Concerning Penalties for Caribou and Big Game Violations" (H.P. 905) (L.D. 1207)

Report was read and accepted, the New Draft given its first reading and assigned for second reading Monday, April 13, 1987.

Divided Report

Majority Report of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act Providing for the Use of Spendable Earnings as a Basis for Calculating Workers' Compensation Benefits" (H.P. 398) (L.D. 532)

Signed:

Senators:

Representatives:

DUTREMBLE of York  
ANDREWS of Cumberland  
MCHENRY of Madawaska  
TAMMARO of Baileyville  
JOSEPH of Waterville  
RAND of Portland  
HALE of Sanford  
RUHLIN of Brewer

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-56) on same Bill.

Signed:

Senator:

Representatives:

COLLINS of Aroostook  
WILLEY of Hampden  
BEGLEY of Waldoboro

ZIRNKILTON of Mount Desert  
HEPBURN of Skowhegan

Reports were read.

Representative Ruhlman of Brewer moved that the House accept the Majority "Ought Not to Pass" Report.

On further motion of the same Representative, tabled pending his motion that the House accept the Majority "Ought Not to Pass" Report and specially assigned for Tuesday, April 14, 1987.

Divided Report

Majority Report of the Committee on Energy and Natural Resources reporting "Ought Not to Pass" on Bill "An Act Regarding the Generation of Electric Power and High-level Radioactive Waste" (I.B. 1) (L.D. 20)

Signed:

Senators: USHER of Cumberland  
TUTTLE of York  
LUDWIG of Aroostook  
Representatives: MICHAUD of East Millinocket  
JACQUES of Waterville  
RIDLEY of Shapleigh  
HOGLUND of Portland  
DEXTER of Kingfield  
LORD of Waterboro  
ANDERSON of Woodland

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

Signed:

Representatives: COLES of Harpswell  
HOLLOWAY of Edgecomb  
MITCHELL of Freeport

Reports were read.

Representative Michaud of East Millinocket moved that the House accept the Majority "Ought Not to Pass" Report.

On further motion of the same Representative, tabled pending his motion that the House accept the Majority "Ought Not to Pass" Report and specially assigned for Monday, April 13, 1987.

Divided Report

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-57) on Bill "An Act to Provide for Additional Moose Hunting Permits for In-State Residents" (H.P. 29) (L.D. 30)

Signed:

Senators: ERWIN of Oxford  
BRAUN of Knox  
Representatives: JACQUES of Waterville  
CLARK of Millinocket  
SMITH of Island Falls  
ROTONDI of Athens  
DUFFY of Bangor  
BROWN of Gorham  
GREENLAW of Standish  
WEYMOUTH of West Gardiner  
WALKER of Norway

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

Signed:

Senator: USHER of Cumberland  
Representative: FARREN of Cherryfield

Reports were read.

Representative Jacques of Waterville moved that the House accept the Majority "Ought to Pass" Report.

Representative Macomber of South Portland requested a roll call.

The SPEAKER: The Chair recognizes the Representative from Cherryfield, Representative Farren.

Representative FARREN: Mr. Speaker, Ladies and Gentlemen of the House: I move indefinite postponement of L.D. 30 and all its accompanying papers.

With all due respect to my colleagues on the Joint Standing Committee on Inland Fisheries and Wildlife, I am concerned about increasing moose hunting permits by 50 percent -- from 1,000 to 1,500. Because of that, I have signed the Minority "Ought Not to Pass" Report.

Some of the reasons for doing so are as follows: while the biologists in the Department of Inland Fisheries and Wildlife maintain that the moose population can sustain an additional harvest, I have not been able to determine whether or not the population is currently in the top of its cycle, in the middle, or in the bottom. Although it was not stated in the question at the time of the initial referendum, many people were of the understanding that, up to 1,000 permits, which is now the case, was what they were voting on. That being the case, aren't we breaking faith with the people by extending the permits beyond that level? I think that we are.

There are many people throughout the state who have told me that they are opposed to an increase in permits. Those who have contacted me from my district are running 75 percent opposed. While the existing wood harvest and practices may be conducive to good moose habitat, how long will that practice continue? What about the diseases that our moose quickly encounter? What effect will these things have in the future and when?

A change in any of these elements can result in a major reduction in our moose population. Can the herd sustain the potential of natural interruptions and an additional 500 permits that could result in 400 to 450 additional moose being taken during the hunt? Many of us don't think that it is in the best interest of our great state to take that risk.

There are many unanswered questions that makes it difficult for me to support additional permits. We presently have a system in place which allows for a limited moose hunt and it seems to be working reasonably well. I do not feel that we should make any changes at this time, especially one as substantial as called for in L.D. 30 and put the existing hunt and the future of the moose herd in jeopardy.

For these and other reasons, I ask that you support me in the indefinite postponement of L.D. 30 and all its accompanying papers.

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

Representative ROTONDI: Mr. Speaker, Ladies and Gentlemen of the House: There is no biological reason why the moose permits that are issued should not be increased. With 1,000 permits that are issued now, there are only approximately 850 moose that are harvested. If the permits are increased to 1,500, the harvest would be between 1,000 and 1,200 moose.

Some areas of the state are saturated with moose and can't hold any more. In my area in particular, I have known personally four individuals who have been killed by moose-vehicle accidents.

Originally, I only wanted the additional permits issued to residents only, just to give them the priority on the permits, but I compromised because of the testimony of people that came before the committee and it is back to its 10 percent to non-residents.

These are the facts and I hope that you do not indefinitely postpone this bill.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: Just a few other points I would like to make -- you know it is kind of interesting that when we passed the first moose bill, the biologists at that time wanted to have 2,000 permits. Because the committee wanted to be cautious, they went with 1,000. One of the questions that I asked at that time was, that if we put this 1,000 in there and down the line, the biologists feel that we have to increase the amount, would we be able to do it? They said, "Oh yes, no problem, we will have to follow the advice of the experts." I assumed that that was going to be true. Come to find out now, some of the people say, "We don't want to do that because we don't want to upset the applicart."

It is curious to me that Bud Leavitt writes in his column that we should follow the advice of the experts when you deal with a doe permit system and, in the same breath, they say in this case, when the experts of the professional Fisheries and Wildlife management people say that you could go up to that level without any problem -- in this case, we shouldn't follow that advice. I was a little confused then and I am still a little confused now.

The only other thing I would like to say is, that this does not guarantee 1,500 permits, it would change it from "up to 1,500 permits" -- the law now is up to 1,000 permits. That is what the difference would be. Any time that the biologists felt that there was any problem in any individual area or across the state, they could drop that down and issue no permits or any amount in between.

I don't have any real strong feelings on this bill because it is not really a question of biological needs, it is a question of social ones -- whether socially someone will accept following the biologists recommendations or not. I guess the choice is up to you.

The SPEAKER: The Chair recognizes the Representative from Greenville, Representative Gould.

Representative GOULD: Mr. Speaker, Ladies and Gentlemen of the House: My district and myself are opposed to this increase in the number of permits. I am not opposed to hunting, I have been a hunter since I have been able to carry a gun. The people in my district are not opposed to killing moose. What we do believe, however, is that we have a good, clean hunt in existence right now and we would like to see this hunt continue for at least two to three more years. At that time, a re-evaluation can be taken and we can find if, indeed, the herd is in excellent shape. If it is, then we can increase the number of permits.

I would like to share this one thing with you. I was 21 years old the first time I ever saw a moose. I have lived in God's country ever since I was born and when you have to be 21 years old to see a moose, you get a little concerned about what may possibly happen to the moose herd. I am not arguing with biologists, they know more about it than I do, I just don't think that by waiting for two or three more years, that we are going to do any damage to the moose herd, one way or another. So, socially yes, I am opposed to it.

The SPEAKER: The Chair recognizes the Representative from Woodland, Representative Anderson.

Representative ANDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I live in the middle part of northern Aroostook County and I can't find anybody in

my area that is in favor of increasing the moose kill, nobody.

Representative Paradis of Old Town 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 Representative Farren of Cherryfield that L.D. 30 and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 20

YEA - Anderson, Baker, Bott, Chonko, Clark, M.; Conley, Curran, Davis, Dexter, Farnum, Farren, Foss, Foster, Gould, R. A.; Gurney, Handy, Harper, Hichborn, Higgins, Hillock, Holloway, Hussey, Ingraham, Jackson, Jalbert, Ketover, Kimball, LaPointe, Lebowitz, Look, Lord, MacBride, Macomber, Matthews, K.; McSweeney, Mitchell, Murphy, E.; Murphy, T.; Norton, O'Gara, Paradis, E.; Parent, Perry, Pines, Reeves, Rice, Richard, Ridley, Rydell, Salsbury, Sherburne, Simpson, Small, Soucy, Stanley, Stevens, A.; Stevens, P.; Stevenson, Strout, B.; Tardy, Thistle, Tupper, Webster, M.; Wentworth, Zirkilton.

NAY - Aliberti, Allen, Armstrong, Bailey, Bickford, Bost, Boutilier, Bragg, Brown, Callahan, Carroll, Carter, Cashman, Clark, H.; Coles, Cote, Crowley, Dellert, Diamond, Dore, Duffy, Dutremble, L.; Erwin, P.; Garland, Greenlaw, Gwadosky, Hale, Hanley, Hepburn, Hickey, Hoglund, Jacques, Kilkelly, Lacroix, Lawrence, Manning, Marsano, Martin, H.; Mayo, McGowan, Michaud, Mills, Moholland, Nadeau, G. G.; Nadeau, G. R.; Nicholson, Paradis, J.; Paradis, P.; Paul, Priest, Racine, Rand, Reed, Rolde, Rotondi, Ruhlin, Scarpino, Seavey, Sheltra, Smith, Sproul, Strout, D.; Swazey, Tamarro, Taylor, Telow, Tracy, Vose, Weymouth, Whitcomb.

ABSENT - Anthony, Begley, Connolly, Holt, Joseph, Lisnik, Mahany, McHenry, McPherson, Melendy, Nutting, Pouliot, Walker, Warren, Willey, The Speaker.

Yes, 65; No, 70; Absent, 16; Paired, 0; Excused, 0.

65 having voted in the affirmative and 70 in the negative with 16 being absent, the motion did not prevail.

The SPEAKER: The pending question before the House is the motion of Representative Jacques of Waterville that the House accept the Majority "Ought to Pass" Report.

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 Waterville, Representative Jacques, that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 21

YEA - Aliberti, Allen, Armstrong, Bailey, Bickford, Bost, Boutilier, Bragg, Brown, Carroll,

Carter, Cashman, Clark, H.; Clark, M.; Coles, Cote, Crowley, Davis, Diamond, Dore, Duffy, Dutremble, L.; Erwin, P.; Garland, Greenlaw, Gwadosky, Hale, Hanley, Hepburn, Hickey, Hoglund, Jackson, Jacques, Kilkelly, Lacroix, Lawrence, Manning, Marsano, Martin, H.; Mayo, McGowan, McSweeney, Michaud, Mills, Moholland, Nadeau, G. R.; Nicholson, Paradis, J.; Paradis, P.; Paul, Perry, Priest, Racine, Rand, Reed, Rolde, Rotondi, Ruhlin, Rydell, Scarpino, Seavey, Sheltra, Smith, Sproul, Strout, D.; Swazey, Tammaro, Taylor, Telow, Tracy, Vose, Weymouth, Whitcomb.

NAY - Anderson, Baker, Bott, Chonko, Conley, Curran, Dellert, Dexter, Farnum, Farren, Foss, Foster, Gould, R. A.; Gurney, Handy, Harper, Hichborn, Higgins, Hillock, Holloway, Hussey, Ingraham, Jalbert, Ketover, Kimball, LaPointe, Lebowitz, Look, Lord, MacBride, Macomber, Matthews, K.; Mitchell, Murphy, E.; Murphy, T.; Nadeau, G. G.; Norton, O'Gara, Paradis, E.; Parent, Pines, Reeves, Rice, Richard, Ridley, Salsbury, Sherburne, Simpson, Small, Soucy, Stanley, Stevens, A.; Stevens, P.; Stevenson, Strout, B.; Tardy, Thistle, Tupper, Webster, M.; Wentworth, Zirkilton.

ABSENT - Anthony, Begley, Callahan, Connolly, Holt, Joseph, Lisnik, Mahany, McHenry, McPherson, Melendy, Nutting, Pouliot, Walker, Warren, Willey, The Speaker.

Yes, 73; No, 61; Absent, 17; Paired, 0; Excused, 0.

73 having voted in the affirmative and 61 in the negative with 17 being absent, the Majority "Ought to Pass" Report was accepted, the bill read once.

Committee Amendment "A" (H-57) was read by the Clerk and adopted and the bill assigned for second reading Monday, April 13, 1987.

CONSENT CALENDAR

First Day

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

(S.P. 166) (L.D. 470) Bill "An Act to Provide for District Elections in Piscataquis County" Committee on State and Local Government reporting "Ought to Pass"

(S.P. 149) (L.D. 403) Bill "An Act to Establish a Commemorative Day in Honor of Samantha Smith" Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-24)

There being no objections, the above items were ordered to appear on the Consent Calendar of Monday, April 13, 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:

(S.P. 88) (L.D. 209) Bill "An Act to Repeal the Sunset Provision of the Social Workers Freedom of Choice Law" (C. "A" S-20)

(H.P. 196) (L.D. 248) Bill "An Act Concerning the Calculation of the Insured Value Factor in Public Tuition Payments to Private Schools" (C. "A" H-58)

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

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Create a Youth Fisheries and Wildlife Conservation Education Program" (Emergency) (H.P. 862) (L.D. 1155)

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

Representative Brown of Gorham offered House Amendment "A" (H-59) and moved its adoption.

House Amendment "A" (H-59) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" (H-59) and sent up for concurrence.

PASSED TO BE ENGROSSED

Bill "An Act to Exempt Certain Eating Establishments from the Requirements to Provide a Public Toilet Facility" (Emergency) (S.P. 371) (L.D. 1106)

Was reported by the Committee on Bills in the Second Reading, read the second time, the Senate Paper was Passed to be Engrossed in concurrence.

As Amended

Bill "An Act to Amend the Law Regarding the Organization and Management of Stock Institutions" (S.P. 142) (L.D. 396) (C. "A" S-21 and S. "A" S-25)

Was reported by the Committee on Bills in the Second Reading, read the second time, the Senate Paper Passed to be Engrossed as Amended in concurrence.

PASSED TO BE ENACTED

Emergency Measure

An Act Making Additional Appropriations from the General Fund and Allocations from Other Funds for the Expenditures of State Government for the Fiscal Year Ending June 30, 1987 (S.P. 372) (L.D. 1107)

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. 128 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Require Greater Specificity in the Annual Reports of the Maine Health Care Finance Commission (S.P. 145) (L.D. 399) (S. "A" S-23)

An Act to Amend Property Tax Abatement Procedures (H.P. 67) (L.D. 70) (C. "A" H-51)

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.

ENACTOR

TABLED AND ASSIGNED

An Act Relating to Immunization of Post-secondary Students (H.P. 182) (L.D. 226) (C. "A" H-50)

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



On motion of Representative Manning of Portland, tabled pending passage to be enacted and specially assigned for Monday, April 13, 1987.

On motion of Representative Small of Bath, Adjourned until Monday, April 13, 1987, at ten o'clock in the morning.

PASSED TO BE ENACTED

An Act to Amend the Law Regarding the Medical Certificate Filed After Death (H.P. 263) (L.D. 346) (C. "A" H-49)

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

ORDERS OF THE DAY

TABLED AND TODAY ASSIGNED

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

Bill "An Act to Implement Project ASPIRE for High School Students in the State" (H.P. 897) (L.D. 1198) (Committee on Appropriations and Financial Affairs suggested)

TABLED - April 9, 1987 by Representative CARTER of Winslow.

PENDING - Reference.

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

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

Bill "An Act to Amend the Election Laws Regarding Persons Incarcerated in Correctional Facilities" (H.P. 773) (L.D. 1036)

TABLED - April 9, 1987 by Representative DIAMOND of Bangor.

PENDING - Passage to be Engrossed.

On motion of Representative Priest of Brunswick, retabled pending passage to be engrossed and specially assigned for Monday, April 13, 1987.

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

Bill "An Act to Allow Drunk Drivers to be Sued for Punitive Damages" (H.P. 879) (L.D. 1180) (Committee on Judiciary suggested)

TABLED - April 9, 1987 by Representative PARADIS of Augusta.

PENDING - Reference.

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

The Chair laid before the House the following matter: Bill "An Act to Enable Local School Administrative Units to Support Certain Child Care Programs" (H.P. 906) (L.D. 1218) which was tabled earlier in the day and later today assigned pending reference.

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

On motion of Representative Carter of Winslow, tabled pending reference and specially assigned for Monday, April 13, 1987.

(Off Record Remarks)