

# 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**  
**65th Legislative Day**  
**Tuesday, May 12, 1987**

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

Prayer by Father Raymond Boulanger, St. John's Catholic Church, Brunswick.

The Journal of Monday, May 11, 1987, was read and approved.

Quorum call was held.

SENATE PAPERS

Bill "An Act to Clarify the Law Regarding Prohibition of Employment Penalties or Interference Against State Military Force Members" (S.P. 501) (L.D. 1518)

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 Remove the Responsibility of the Department of Agriculture, Food and Rural Resources to Pay for Wildlife Damage" (S.P. 496) (L.D. 1513)

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

Was referred to the Committee on Agriculture in concurrence.

Bill "An Act to Clarify Eligibility for the Group Accident and Sickness or Health Insurance Program" (Emergency) (S.P. 500) (L.D. 1517)

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.

Bill "An Act to Amend the Laws Relating to the Maine State Museum" (S.P. 502) (L.D. 1519)

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 Extend the Sunset Provision of the Maine Revised Statutes, Title 5, section 17004" (S.P. 498) (L.D. 1515)

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

Was referred to the Committee on Human Resources in concurrence.

Bill "An Act to Amend the Laws Governing Diagnostic Evaluations of Juveniles for Juvenile Court Proceedings" (S.P. 497) (L.D. 1514)

Bill "An Act to Clarify the Laws Pertaining to Payment for Medical Services" (S.P. 499) (L.D. 1516)

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

Were referred to the Committee on Judiciary in concurrence.

Unanimous Ought Not To Pass

Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act to Permit Certain Nonprofit Organizations to have Game

Machines on Premises when Proceeds are used for Charitable Purposes" (S.P. 350) (L.D. 1042)

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

Unanimous Leave to Withdraw

Report of the Committee on Legal Affairs reporting "Leave to Withdraw" on Bill "An Act to Require the Prompt Issuance and Service of Writs of Possession" (S.P. 108) (L.D. 281)

Report of the Committee on Legal Affairs reporting "Leave to Withdraw" on Bill "An Act to Authorize the Sale of Certain Vintage Wines to Licensees" (S.P. 214) (L.D. 581)

Report of the Committee on Legal Affairs reporting "Leave to Withdraw" on Bill "An Act Requiring the Payment of Interest on Security Deposits" (S.P. 248) (L.D. 697)

Report of the Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on Bill "An Act to Create a Cholesterol Control Program within the Department of Human Services" (S.P. 262) (L.D. 743)

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act Relating to Liquor Excise Taxes and Freight Rates" (S.P. 357) (L.D. 1092)

Were 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 Legal Affairs on Bill "An Act to Amend the Liquor Licensing Laws" (S.P. 39) (L.D. 27) reporting "Ought to Pass" in New Draft (S.P. 486) (L.D. 1466)

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 Wednesday, May 13, 1987.

Ought to Pass in New Draft/New Title

Report of the Committee on Fisheries and Wildlife on Bill "An Act to Prohibit Motor Vehicles over 1,000 Pounds on Lakes, Ponds or Reservoirs used to Supply Drinking Water" (S.P. 188) (L.D. 515) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Regulate Motor Vehicles on Lakes, Ponds or Reservoirs Used to Supply Drinking Water" (S.P. 474) (L.D. 1437).

Came from the Senate, with the report read and accepted and the New Draft Passed to be Engrossed as amended by Senate Amendment "A" (S-57).

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

Senate Amendment "A" was read by the Clerk and adopted and the New Draft assigned for second reading Wednesday, May 13, 1987.

Non-Concurrent Matter

Bill "An Act to Amend the Child and Family Services and Child Protection Act as it Relates to Judicial Reviews" (H.P. 1089) (L.D. 1480) which was referred to the Committee on Judiciary in the House on May 8, 1987.

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

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Authorize a Bond Issue in the Amount of \$4,300,000 for Constructing and Equipping Centers for Advanced Technology that Service the Economic Development Needs of Maine" (S.P. 220) (L.D. 601) which was referred to the Committee on Economic Development in the House on May 5, 1987.

Came from the Senate with that Body having adhered to its former position whereby the Bill was referred to the Committee on Appropriations and Financial Affairs in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter  
LATER TODAY ASSIGNED

Bill "An Act Relating to Initial Plates under the Motor Vehicle Laws" (H.P. 40) (L.D. 43) on which the Majority "Ought Not to Pass" Report of the Committee on Transportation was read and accepted in the House on May 1, 1987.

Came from the Senate with the Minority "Ought to Pass" Report of the Committee on Transportation read and accepted and the Bill passed to be engrossed in non-concurrence.

On motion of Representative Diamond of Bangor, tabled pending further consideration and later today assigned.

COMMUNICATIONS

The following Communication:

STATE OF MAINE  
DEPARTMENT OF PUBLIC SAFETY  
36 HOSPITAL STREET  
AUGUSTA, MAINE 04330

The Honorable John L. Martin  
House of Representatives  
Speaker's Office  
Augusta, Maine 04333  
Dear Speaker Martin:

Pursuant to 25 M.R.S.A. §1544, it is my privilege to present you and the Legislature the twelfth annual report on crime in Maine.

This report is based on data presented to this department from all law enforcement agencies in Maine in a style and format as prescribed by law and which is consistent with the other states' efforts. The result is a valuable document by which we can evaluate the occurrence of crime in Maine, compare that situation with past years, and evaluate Maine's record with those of other states.

This year's report offers the encouragement of a substantiated record of a reduced crime rate which has been the trend in Maine over the past few years. There are many explanations which may be offered for this positive development, among which has to be the professionalism of our State's law enforcement officers, the diligence of its prosecutors and the responsiveness of its courts.

Lastly, let me add that this report would have been impossible without the strong commitment of our local, county, and state law enforcement agencies to collecting and forwarding the data necessary to this report each year. I know you join me in thanking them for this careful effort.

Sincerely,  
S/John R. Atwood  
Commissioner

Was read and with accompanying report ordered placed on file.

At this point, Representative Diamond of Bangor was appointed to act as Speaker pro tem and Speaker Martin took his seat on the floor.

The House was called to order by the Speaker pro tem.

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

ORDERS

On motion of Speaker MARTIN of Eagle Lake, the following House Resolution:

Tuesday, May 12, 1987

HOUSE RESOLUTION RELATING TO THE DISCIPLINE, CENSURE OR EXPULSION OF REPRESENTATIVE DONALD F. SPROUL OF AUGUSTA BY THE HOUSE

WHEREAS, Representative Donald F. Sproul of Augusta has been convicted in the Superior Court of the Class D offense of tampering with an absentee ballot; and

WHEREAS, under the Constitution of Maine, Article 4, Part 3, Section 4, the House of Representatives has the authority to punish or expel its members; now, therefore, be it

RESOLVED: That due notice be given to Representative Donald F. Sproul of Augusta and that the House Committee on Elections conduct an investigation and report to the House of Representatives its recommendations concerning discipline, censure or expulsion of Representative Donald F. Sproul for causes as follows:

FIRST: That Representative Donald F. Sproul, on the 13th, 14th and 15th days of October, 1986, did intentionally tamper with the absentee ballots of absentee voters Anna Ouellette, Lionel J. Blanchette and Marguerite C. Kendall, all of Augusta, Maine, by intentionally altering their absentee ballot votes for an improper purpose, in violation of the laws of this State;

SECOND: That Representative Donald F. Sproul criminally altered these ballots to improperly cast additional votes for himself in his election to this House, for his sole personal gain and to improperly gain his seat in this House;

THIRD: That Representative Donald F. Sproul has been tried and convicted by a jury of his peers of the Class D crime of intentionally altering absentee ballots, a misdemeanor under the laws of this State;

FOURTH: That Representative Donald F. Sproul has deliberately violated the sanctity of the ballot and election process, has deliberately deprived at least one citizen of her right to vote and has consistently and repeatedly refused to acknowledge his guilt; and

FIFTH: That Representative Donald F. Sproul has conducted himself and continues to conduct himself in a manner incompatible with his duty and responsibilities as a Member of this House and the high public trust incumbent in that office; and be it further

RESOLVED: That this resolution and the statement of causes contained in it shall be entered on the Journal of the House of Representatives and a copy of the same be signed by the Speaker of the House and served on Representative Donald F. Sproul by such person as the Speaker shall appoint for that purpose, who shall make that service upon his personal affidavit without delay.

Was read.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative MARTIN: Mr. Speaker, Members of the House: This is the start of my 23rd year, serving as a member of this legislature. The time that I have spent in this body has made me appreciate the institution, far greater than if I had never served. This marks this day as one of the toughest and one of the low points of my service. It is one of the duties that is incumbent upon me and one that I would prefer not having to do.

The Constitution of this State makes it clear that the legislature is responsible for the conduct of its own members. The Constitution makes it clear that, once the members of my party have nominated me and I have been duly elected by the entire House, that I, along with the President of the Senate, become Constitutional Officers of this State. With that responsibility goes things that I sometimes prefer not having to do. This certainly is one of them. But I have a job to do and I would not be doing my job if I failed to do nothing today.

The Constitution makes it clear and precedent has it that it is my responsibility, as the Speaker, to bring the matter to you. Once the process goes through, the matter will come back to each one of us to vote on the questions that are posed in this Order.

It is clear that it also must be done in a timely fashion. It is also clear that it ought to be done so that this institution does not lose public confidence of its citizens. Not one of us who sits in this body is higher than the institution. The institution is more important than any single one of us. The institution ought to endure forever if it is to continue as a democracy and a leader of the free world.

Let me try to answer some questions that have been posed by some of you. It is not an easy thing for anyone, it is a very difficult thing. It is not within my purview or my desire to hurt the family of Representative Sproul any more than what they have already gone through. But his decision not to resign was not within my purview and so the process has to go on. The institution has to be protected. Some have suggested to me that other cases in the past can be and ought to be looked at to determine whether or not there is a similarity. Let me tell all of you that, in the history of this state, there is no historical documentation of any comparable case of any matter involving the election of a legislator that was brought before the legislature. Some have suggested that cases in the past 20 or so years are comparable -- let me explain to you the difference. There is a question of ethics and there is a question of how we get to this institution, the legislature. In fact, there have been transgressions of ethics in the past. As a matter of fact, I sat on such an Ethics Committee as a member of leadership before the law was changed. However, this one involves the election process, the very way by which you and I get to this body.

If you would take the Order in your hands so I can tell you the reason why it is drafted the way it is because I think that is important. The first charge, this clause sets out the basic factual charges of ballot tampering, it follows the language of the original criminal indictment, it focuses on the original facts and provides the legislature the basis for reaching an independent determination of what actually occurred. The legislature has the authority and the responsibility to make this independent determination. It may use the standards and procedures that it determines to be appropriate and is not confined to the court's determination.

Second clause -- this clause sets out the charge that Representative Sproul's actions were taken for

his sole personal gain to improperly gain his seat in the House. It focuses on the fraud in his election, whether or not those acts were also criminal and it focuses on that these acts were done knowingly by the Representative for the purpose of gaining his own election.

Third -- this clause sets out the conviction. It's focus is the simple fact of a criminal conviction of a misdemeanor.

Fourth -- this clause sets out Representative Sproul's continued refusal to acknowledge guilt of his act. It focuses on the continued transgression and wrongful refusal to accept responsibility for those acts that continues to this day and reflects on the Representative's suitability to retain his seat.

Fifth -- this clause sets out Representative Sproul's failure to meet the standards of conduct and trust that are the duties of a legislator, whether or not he was convicted, whether or not he committed a criminal crime, whether or not he technically violated election laws -- his actions since October are not acceptable as a legislator.

That basically explains the Order and the reason why it is drafted the way it is in order to meet the constitutional test.

The issue before this body, quite honestly, is not guilt or innocence -- that has been established in the courts by an impartial jury of citizens who heard the evidence. They made their judgment on guilt after having considered both the prosecution and the defense arguments.

The issue for the House is not a simple one but it has to consider whether one is convicted or not, whether Representative Sproul's continued presence as a member hampers our ability to maintain public confidence and whether or not a cloud is brought upon this House, which taints every single member of this body.

Whatever was done by Representative Sproul, whatever he thought, whatever his motivation -- he did not consider, for a moment, the impact upon the institution of the legislature. What was done was done, basically, for personal gain -- to gain access to the this body. It is an act which this legislature should not have to pay the price for. Representative Sproul now must be held accountable.

The Order before you spells out two ways in which the committee may act. It may recommend censure, it may recommend expulsion -- that would be within the purview of the committee. It will make its recommendations and this body will deal with it.

Some have said to me (some of my friends) "Why would you ask for the possibility of expulsion when it appears, based on statements made by Republican leadership, that the votes are not there for expulsion?" Let me tell you that this is not a partisan issue, it is an issue of protecting the institution. As I said earlier, none of us ought to be sacrificed. None of us ought to be protected, however, simply to destroy the institution. The institution is more important than any one of us, this legislature is more important than any one of us, for the future of this state and of this country.

A person said to me, "Why not do nothing?" I said, "And abrogate my constitutional responsibility?" I will have fulfilled part of my constitutional obligation after this Order is presented to you and I have terminated my remarks.

The next constitutional responsibility will be when the committee returns with its decision. At that point, I, like each one of you, will have to cast my vote on the issue of whether or not any action ought to be taken by this body. Each one of you will cast your vote based on your conscience and

based on the determination of what you perceive to be right. It should not be based on a personal or political consideration because that is not the role that we will find ourselves in.

I admit that it is not a pleasant task, it is one that I wish I could have avoided, it is one that I prayed we could avoid, but the decision was otherwise. So, I must fulfill my constitutional responsibility.

Let me talk to you now about what will take place if this Order passes. Let me tell you that there is no historical basis in this state on which to proceed. Since no legislator in the state's history has ever been convicted of a crime involving the election process, we are in effect establishing precedent by whatever method we will use. We have, however, researched what other states have done when these types of things have happened. What we have found is a process following the Order by referring to a committee and that the committee will then establish rules with which to proceed, hold whatever hearings it so chooses, makes its recommendations to the full legislature, the body to which it is referred becomes a committee of the whole at which point the member then responds under oath to any questions. After the questioning period is completed, the House then reverts to its original state and then a vote is taken. That vote is then recorded on the records of the Journal. This is the process that has been used in the United States Congress and is also is the process used in other states.

It is my personal desire that the matter be dealt with as quickly as possible in order to eliminate any suspicion of delay but, at the same time, do it in a deliberate manner to make sure that the process we establish will be a process that will last forever.

Mr. Speaker, Members of the House: In closing, again let me make a statement that I made earlier -- I would rather not be doing this. I personally have no desire to inflict pain on Representative Spoul or his family any more than they have already suffered. I know full-well that it will take from the precious time that we have left in this session to do our business. I know that it is something which some of you would rather not have to vote on but I feel that I have to fulfill the responsibility of my office. I am doing that now and then it will be your conscience and your vote which will make the final determination.

Mr. Speaker, I would be more than happy to respond to any questions by members, if they have any at this time.

The SPEAKER PRO TEM: 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, I agree with the Speaker that this is a most serious matter. I, too, love this institution but I, too, also love the Constitution of this State -- especially Article 1, Section 6A.

I remained in my office last night until eight-thirty. I arrived here at the State House this morning at 6:00 a.m. so that if a copy of this Order was available there would be a chance to review that copy before the House made this very serious decision. I received a copy of that Order minutes before coming into this chamber. I had raised concerns or objections then, both to the Speaker, members of Democratic leadership, and to the Speaker's Counsel, John Hull.

I looked at the charges, first through fifth, one by one. In the first, the Order lays out an investigation for charges that are no longer before the Court, which smacks of a fishing expedition. I

am not equipped, in terms of not being a lawyer or someone who professes to practice the law, of the question of double jeopardy, because two of those allegations, and there is no reference made to -- was indicted or was charged -- there is no footnote indicating that, there is no clarifying language, so there were indictments on two of those three, but no convictions. Part of the seriousness of what we address today that, if the House in terms of establishing precedent, does so based on allegations for civil or criminal charges, that have not even reached, looking ahead to the future, in a particular incident that could occur or not occur, the first level of the judicial process, that this process could be initiated. Civil or criminal, and then who would determine what would be the standard or the litmus test in terms of dealing with that.

Charges two and four are redundant of one and three. They appear to be flushing out the Resolution. The third charge contains an error in the third line -- "Intentionally altering absentee ballots" should be singular.

The Speaker had indicated also that there is a third choice that would be available to that committee in terms of censor or expel. It could also be the determination in terms of due process that that committee does not want to hear an allegation that is alive and active before the courts. So there is a third option.

Article 1, Section 6A reads, "No person shall be deprived of life, liberty or property without due process of law, nor be denied equal protection of the laws, nor be denied the enjoyment of his civil rights, or being discriminated against in the exercise thereof."

Now, as a single member of this House, I have no objections to Article 3 redrafted, in terms of the typo, being referred to that committee. For that committee to make a determination to censor, expel, or decide that it is premature to become involved in the process. That's the only issue that should be before that committee and they would recommend back to the House. The others deal with allegations, two of those allegations being thrown out, the others are editorial comment. So the only one that technically, at least in the opinion of this one Representative speaking only for himself, is that charge three and it is the only one properly before this House. If the Speaker can correct the typo in this Resolution and amend it to include only Article 3, then I would be more than happy to vote to refer that to committee.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative MARTIN: Mr. Speaker, Members of the House: To respond to the question posed by Representative Murphy -- to do so would be to destroy the right of this body to act and then this committee would have no power to act. I have already explained that to Representative Murphy in my office, he is fully aware of that. Let me very quickly run through the article for you.

First, "Whereas, he has been convicted of a absentee ballot." That is correct and "sentenced on that charge."

Item two -- In fact, there were three individual ballots for which indictments were returned. That is correct in statement number one. In number three, if Representative Murphy of Kennebunk would read it carefully, it is absolutely and truthfully correct that he was tried and convicted by a jury of his peers for altering absentee ballots -- two. The jury found Representative Sproul guilty of two. Subsequent to that, upon a directed verdict, the Monday following the decision by the jury on Friday,

the judge set aside the second violation, which it is now my understanding that the state is going to cross-file on that appeal against the judge's decision. So that fact is correct.

Finally, there is a difference between a citizen of this state and a member of this body. Let no one in this body ever forget that you and I have been elected to uphold the law, to follow the Constitution of this State, and to deprive no one of their rights, that we have a far greater responsibility than a member of the individual public. We have a far greater responsibility to make sure that our conduct does not become unbecoming serving as a member of this body. Let me also make it clear that it is the rights of the citizens of this state that we need to protect. Let us not forget that whether it be one, two or three, that the issue remains the same. If I had wanted to do what Representative Murphy suggests, I would have also included the twenty other ballots which were under question for the same violation. I did not because that is a matter for the committee to review. To remove from them the power of the first clause would deny them the right to look at the remaining ballots that were not allowed to be investigated, for whatever reason.

The issue here is very simple, men and women. Did Representative Sproul change one ballot or one hundred, or did he not? And, in the result of that, did Representative Sproul bring dishonor to this body to a point where he should no longer be a member of this body? I respect his constitutional rights and he, at any point, may continue that, all the way to the Supreme Court of the United States. But, men and women of this House, it is a different issue when you and I sit in this body. That is the issue before you and not a pleasant one at that.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House: The Speaker had indicated earlier that there is no precedent, that we have looked elsewhere, to other states, or possibly the U.S. House of Representatives for a procedure to follow. I have indicated to him, as I indicated on the Record just a few minutes ago, that that issue contained within that one section or charge, it is the opinion of this one Representative, that that is the sole issue before us. There are no rules in terms of this being proper or improper before us because it has never been done before. By your actions ladies and gentlemen, you will establish the precedent. There is one remaining charge. That charge is before the courts. That committee ought to have the opportunity to recommend back to this House censor, expulsion, or it's premature -- let's wait until the courts make their final decision.

As I indicated on the Record, I would vote for that Order, if this Order here today is defeated, that reconstructed Order could very easily be before us tomorrow and be sent to committee. We only have 23 or 24 days remaining in this session. I think it is important that when we set this process, this procedure in place, that it be done properly.

When the Representative from Eagle Lake spoke the first time, there was a sentence where I saw heads jerk back throughout this chamber. His comment was "It's not a matter of guilt or innocence." Well ladies and gentlemen, with this process that we initiate, we will become a court, and we will make a determination, and it had best be addressed to the question of innocence or guilt.

This Order, as drafted, is a fishing expedition. I cannot vote for that today, but I pledge my support for one that is properly drafted, that deals with the

sole remaining issue, the one allegation still before the courts.

This is a very serious matter. The gentleman from Eagle Lake has made reference to the state, possibly making a decision in terms of appealing a judge's decision. But the judge that day had made reference to the state not meeting minimum standards to bring a case to trial. If we, as a body today, refer this Order to committee -- does that also mean, if this is going to be a broad and far-reaching fishing expedition, does that committee, that individual that has been charged, can explore on the Record and under oath the background as to the bringing of the allegations and decisions that were made on whether to bring this to trial.

Later in this session, the whole question of absentee ballots, which are a problem statewide, even selectmen races in Eagle Lake, we will be able to correct that. But this Order, as drafted, is improper. When it is brought before us in a proper form, laying out the parameters correctly for that committee, then I can vote for it.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative MARTIN: Mr. Speaker, when the vote is taken, I request it be taken by the yeas and nays.

The SPEAKER PRO TEM: 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 PRO TEM: The pending question before the House is adoption of the Resolution presented by the SPEAKER MARTIN of Eagle Lake. Those in favor will vote yes; those opposed will vote no.

At this point, Speaker Martin resumed the Chair.

The House was called to Order by the Speaker.

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

Representative SPROUL: Mr. Speaker, Men and Women of the House: I ask permission of the House to be excused from this vote.

The SPEAKER: The Chair will grant that request.

The SPEAKER: The Chair recognizes the Representative from Corinth, Representative Strout.

Representative STROUT: Mr. Speaker, Men and Women of the House: I would like to pose a question to the Speaker.

Since a committee of seven has been appointed to act on this, would it be proper for those members to ask to be excused from voting on this since we are going to be dealing with this at some future time.

The SPEAKER: The Chair would answer in the negative. The Chair would respond that this merely brings the matter to the committee. However, the Chair will grant members individually on that committee the right to be excused if they wish to be excused.

The SPEAKER: The Chair recognizes the Representative from Corinth, Representative Strout.

Representative STROUT: Mr. Speaker: As I am one of those people who are going to be dealing with this

issue and appointed to that committee, I would ask today to be excused from voting on this Order.

The SPEAKER: The Chair would grant that request.

The Chair recognizes the Representative from Lewiston, Representative Telow.

Representative TELOW: Mr. Speaker: Since I am in the same position as the previous speaker, I would also like to be excused.

The SPEAKER: The Chair will grant that request.

The Chair recognizes the Representative from Madawaska, Representative McHenry.

Representative MCHENRY: Mr. Speaker, I also would like to be excused from voting.

The SPEAKER: The Chair will grant that request.

The SPEAKER: The pending question before the House is adoption of the Resolution presented by the Representative from Eagle Lake. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 50

YEA - Aliberti, Allen, Anthony, Baker, Bost, Brown, Carroll, Cashman, Chonko, Clark, H.; Clark, M.; Coles, Conley, Cote, Crowley, Diamond, Dore, Duffy, Dutremble, L.; Erwin, P.; Gould, R. A.; Gurney, Gwadosky, Hale, Handy, Hickey, Hوجلund, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, Lacroix, LaPointe, Lisnik, Macomber, Manning, Martin, H.; Mayo, McGowan, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Nadeau, G. R.; Nutting, O'Gara, Paradis, J.; Paradis, P.; Paul, Perry, Pouliot, Priest, Racine, Rand, Richard, Ridley, Rolde, Rotondi, Rydell, Sheltra, Simpson, Smith, Soucy, Stevens, P.; Swazey, Tammaro, Tardy, Thistle, Tracy, Vose, Warren, The Speaker.

NAY - Anderson, Armstrong, Begley, Bickford, Bott, Bragg, Callahan, Curran, Davis, Dellert, Dexter, Farnum, Farren, Foss, Foster, Garland, Greenlaw, Hanley, Harper, Hepburn, Hichborn, Higgins, Holloway, Jackson, Kimball, Lawrence, Lebowitz, Look, Lord, MacBride, Marsano, Matthews, K.; McPherson, Murphy, E.; Murphy, T.; Nicholson, Norton, Paradis, E.; Parent, Pines, Reed, Rice, Salsbury, Seavey, Sherburne, Small, Stevens, A.; Stevenson, Strout, B.; Taylor, Tupper, Webster, M.; Wentworth, Weymouth, Whitcomb, Willey, Zirkilton.

ABSENT - Bailey, Boutilier, Carter, Hillock, Ingraham, Nadeau, G. G.; Reeves, Ruhlin, Scarpino, Stanley, Walker.

EXCUSED - McHenry, Sproul, Strout, D.; Telow.

Yes, 78; No, 57; Absent, 11; Paired, 0; Excused, 4; Vacant, 1

78 having voted in the affirmative and 57 in the negative with 11 absent, 4 excused and 1 vacant, the Resolution was adopted.

REPORTS OF COMMITTEES

Unanimous Leave to Withdraw

Representative FOSS from the Committee on Appropriations and Financial Affairs on Bill "An Act Making an Appropriation to Fund the Development of Employer Supported Day Care" (H.P. 225) (L.D. 293) reporting "Leave to Withdraw"

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

Divided Report

Majority Report of the Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-107) on Bill "An Act Regarding the Maine Agricultural Marketing and Bargaining Act of 1973" (H.P. 679) (L.D. 912)

Signed:

Senators: TWITCHELL of Oxford  
BLACK of Cumberland  
MATTHEWS of Kennebec  
Representatives: WHITCOMB of Waldo  
SHERBURNE of Dexter  
NUTTING of Leeds  
ALIBERTI of Lewiston  
HUSSEY of Milo  
MAHANY of Easton  
PINES of Limestone  
TARDY of Palmyra

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

Signed:  
Representatives: PARENT of Benton  
BRAGG of Sidney

Reports were read.

On motion of Representative Tardy of Palmyra, the Majority "Ought to Pass" Report was accepted and the bill read once.

Committee "A" (H-107) was read by the Clerk and adopted and the Bill assigned for second reading Wednesday, May 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. 367) (L.D. 1102) Bill "An Act to Provide Funding to Accelerate Collection of Geologic Information Relating to Hazardous Waste Disposal and Geologic Resources and Hazards Assessment" Committee on Appropriations and Financial Affairs reporting "Ought to Pass"

(H.P. 324) (L.D. 423) Bill "An Act to Establish Pilot Indigency Screening Units for Court-appointed Counsel" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-110)

(H.P. 92) (L.D. 101) Bill "An Act to Provide Funds for Respite Care" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-111)

(H.P. 756) (L.D. 1019) Bill "An Act to Develop a Pilot Community Reintegration Program for Youth Returning to their Homes from the Maine Youth Center" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-112)

(H.P. 487) (L.D. 654) Bill "An Act to Expand the Maine Conservation Corps" (Emergency) Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-116)

(H.P. 162) (L.D. 203) Bill "An Act to Continue Statewide Standards for the Identification and Management of Child Abuse and Neglect" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-115)

(H.P. 399) (L.D. 533) Bill "An Act to Amend the Powers of Certain Hospital Administrative Districts" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-118)

There being no objections, the above items were ordered to appear on the Consent Calendar of Wednesday, May 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:

(H.P. 930) (L.D. 1246) Bill "An Act Relating to Criminal Restraint under the Kidnapping and Restraint Laws"

(H.P. 944) (L.D. 1267) Bill "An Act to Continue the Agricultural Viability Program"

(S.P. 398) (L.D. 1217) Bill "An Act to Improve Court Security"

(H.P. 341) (L.D. 440) Bill "An Act Relating to Bail Commissioners" (C. "A" H-109)

(H.P. 682) (L.D. 923) Bill "An Act to Amend the Maine Tort Claims Act" (C. "A" H-108)

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was Passed to be Engrossed 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

Bill "An Act to Establish Maine Merchant Marine Day" (Emergency) (H.P. 1105) (L.D. 1497)

Bill "An Act Permitting Private Mediation for Divorcing Couples" (H.P. 1114) (L.D. 1508)

Bill "An Act to Provide Special License Plates and Decals for People with Hearing Impairments" (H.P. 1106) (L.D. 1498)

RESOLVE, Establishing the Special Commission to Study the Use of State Valuation in Allocation of State Funding Among Municipalities (Emergency) (H.P. 1115) (L.D. 1509)

Were reported by the Committee on Bills in the Second Reading, read the second time, Passed to be Engrossed, and sent up for concurrence.

As Amended

Bill "An Act to Allow the Maine Maritime Academy to Award an Associate of Science Degree in Yacht Operations and Boatyard Management" (H.P. 530) (L.D. 714) (H. "A" H-114 to C. "A" H-98)

Bill "An Act to Amend the Registration Laws Concerning Antique Motor Vehicles" (H.P. 439) (L.D. 592) (H. "A" H-113 to C. "A" H-100)

Were reported by the Committee on Bills in the Second Reading, read the second time, Passed to be Engrossed as amended and sent up for concurrence.

PASSED TO BE ENGROSSED

Bill "An Act Relating to Disclosures When Selling Used Cars" (S.P. 295) (L.D. 845) (C. "A" S-51)

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

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

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

What would happen if one individual sold his car to another individual -- what would be the procedure?

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

The Chair recognizes the Representative from Washington, Representative Allen.

Representative ALLEN: Mr. Speaker, Men and Women of the House: That individual currently is not affected by current law and would not be affected by the minor change in the current law.

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

Representative SHELTRA: Mr. Speaker, Men and Women of the House: The Representative from Washington was right yesterday when she made the statement that there is a fine attached to this bill. The fine is between \$100 to \$1000. I just can't visualize an unsuspecting, unassuming, and really uninformed, used car buyer going up to one of those white sharks who is an expert, knows all the ins and outs, being asked at that point in time to disclose everything that is wrong with that particular car. If you stop and think about it, this really is a bad bill. It's a lawyer's bill because, once the used car dealer disposes of this vehicle, and the new owner comes back to the used car dealer, the used car dealer is going to say, "Hey look, I've got it in writing right here. If you're going to sue anybody, why don't you sue the person that enacted the disclosure. They failed to do this or do that, etcetera."

I move indefinite postponement of this bill and all accompanying papers.

I will again make that motion today and I plead that you would vote for the indefinite postponement of this bill and I will ask for a roll call.

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

Representative RACINE: Mr. Speaker, Men and Women of the House: I would like to clarify a point which I made yesterday and I insisted, quite thoroughly, that there was no penalty involved if the seller failed to execute the statement and/or provided erroneous information. Either at the public hearing or work session, one of the used car salesman got up and made that statement. I verified this with the representative of the Attorney General's office that was present at that particular meeting. I don't remember if it was the original public hearing or the work session. She remembered a statement was made by someone that there was no penalty involved in this particular transaction and she, at that time, indicated that she was unaware that there would be a penalty and she did not make any statements or comments. Based on that, that is why I took that position, and I made a note in my records that there would be no penalty. However, since there is a penalty, I find that this bill is more repulsive to me now than it was yesterday, because the penalty, as was indicated by Representative Sheltra, is a minimum of \$100 to \$1000 fine. If we pass this bill, we are subjecting all sellers that fail to properly disclose any unknown mechanical defect, a penalty.

I certainly hope that you will support the pending motion which is to indefinitely postpone this bill.

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

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

If I were to sell a used car, would I have the same exemption as a used car dealer has, by selling it and signing "as is" and not defining what faults I may or may not know?

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

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 Chair recognizes the Representative from Washington, Representative Allen.

Representative ALLEN: Mr. Speaker, Men and Women of the House: I believe this issue was thoroughly debated yesterday and thoroughly explained yesterday. We are only making a very minor change in current law. Some of you, in fact, spoke to me after the debate and I explained to you that what your objections were, were with current law. This does not change current law with regards to disclosure. If you sell a car to a used car dealer, you still have to inform him of what problems may have occurred with the car while you owned it.

I urge you to vote against the indefinite postponement and vote with the majority of the committee. We are just making minor changes. We are not debating whether or not there should be disclosure. Current law requires that.

The SPEAKER: The pending question before the House is the motion of the Representative from Brunswick, Representative Sheltra, that L.D. 845 and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 51

YEA - Armstrong, Bott, Bragg, Brown, Chonko, Dexter, Duffy, Dutremble, L.; Farnum, Foster, Gould, R. A.; Hale, Hanley, Harper, Hepburn, Jackson, Jalbert, LaPointe, Lord, Marsano, Martin, H.; Mayo, McHenry, Moholland, Murphy, E.; Nicholson, Norton, Paradis, P.; Parent, Paul, Perry, Pouliot, Racine, Rice, Richard, Ridley, Sheltra, Sherburne, Smith, Soucy, Stevenson, Strout, B.; Tamaro, Taylor, Wentworth, Weymouth, Zirkilton.

NAY - Aliberti, Allen, Anderson, Anthony, Baker, Begley, Bickford, Bost, Callahan, Carroll, Cashman, Clark, H.; Clark, M.; Coles, Conley, Cote, Curran, Davis, Diamond, Dore, Erwin, P.; Farren, Foss, Garland, Greenlaw, Gurney, Gwadosky, Handy, Hichborn, Hickey, Higgins, Hoglund, Holloway, Holt, Hussey, Jacques, Joseph, Ketover, Kilkelly, Kimball, Lacroix, Lawrence, Lebowitz, Lisnik, MacBride, Macomber, Mahany, Manning, Matthews, K.; McGowan, McPherson, McSweeney, Melendy, Michaud, Mills, Mitchell, Murphy, T.; Nadeau, G. R.; Nutting, O'Gara, Paradis, E.; Paradis, J.; Pines, Priest, Rand, Reed, Rolde, Rotondi, Rydell, Salsbury, Seavey, Simpson, Small, Sproul, Stevens, A.; Stevens, P.; Strout, D.; Swazey, Tardy, Telow, Thistle, Tracy, Tupper, Vose, Warren, Webster, M.; Whitcomb.

ABSENT - Bailey, Boutilier, Carter, Crowley, Dellert, Hillock, Ingraham, Look, Nadeau, G. G.; Reeves, Ruhlin, Scarpino, Stanley, Walker, Willey, The Speaker.

Yes, 47; No, 87; Absent, 16; Vacant, 1; Paired, 0; Excused, 0.

47 having voted in the affirmative and 87 in the negative with 16 absent and one vacant, the motion did not prevail.

Subsequently, was passed to be engrossed as amended in concurrence.

PASSED TO BE ENACTED  
Emergency Measure

An Act to Transfer the Maine Fire Training and Education Program from the Department of Educational and Cultural Services to the Maine Vocational-Technical Institute System (S.P. 251) (L.D. 700) (S. "A" S-53 to C. "A" S-40)

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. 120 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.

ENACTOR  
Emergency Measure  
TABLED AND ASSIGNED

An Act to Strengthen the Lobster Hatchery Program (H.P. 1055) (L.D. 1425)

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

On motion of Representative Mitchell of Freeport, tabled pending passage to be enacted and specially assigned for Wednesday, May 13, 1987.

PASSED TO BE ENACTED

An Act to Amend the Definition of Seasonal Under the Employment Security Law (H.P. 779) (L.D. 1051)

An Act to Amend the Charter of the Waterville Sewerage District (H.P. 416) (L.D. 550) (C. "A" H-88)

An Act to Restructure the Method of Appointment of Members of the Maine Land Use Regulation Commission (H.P. 813) (L.D. 1087) (C. "A" H-87)

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 SPEAKER: By unanimous consent, unless previous notice is given to the Clerk of the House or the Speaker of the House by some member of his or her intention, the Clerk is authorized today to send to the Senate, 30 minutes after the House recesses, all matters passed to be engrossed in concurrence and all matters that require Senate concurrence. After such matters have been sent to the Senate by the Clerk, no motion to reconsider will be allowed.

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

SENATE PAPER

The following Joint Order: (S.P. 504)

ORDERED, the House concurring, that Bill, "AN ACT to Clarify the Description of Crooked River in Cumberland County and to Extend Special Protection to Outstanding Rivers to the Crooked River," S.P. 38, L.D. 26, be recalled from the legislative files to the Senate.

Came from the Senate, read and passed.

Was read.

The SPEAKER: The Chair recognizes the Representative from East Millinocket, Representative Michaud.

Representative MICHAUD: Mr. Speaker, Men and Women of the House: I move indefinite postponement of the Order.

The Committee on Energy and Natural Resources dealt with this issue early in this session and we decided unanimously to give the sponsor a "Leave to Withdraw" because we did not want to deal with these rivers on a piecemeal basis. That is why I moved indefinite postponement.

Subsequently, on motion of Representative Michaud of East Millinocket, the Order was indefinitely postponed in non-concurrence and sent up for concurrence.

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

SENATE PAPER

Bill "An Act to Allocate the Proceeds of the Sale of General Fund Bonds for Construction and Renovation of Correctional Facilities" (Emergency) (S.P. 488) (L.D. 1470)

Came from the Senate, referred to the Joint Select Committee on Corrections and Ordered Printed.

Was referred to the Joint Select Committee on Corrections in concurrence.

(Off Record Remarks)

On motion of Representative Lord of Waterboro, Recessed until five o'clock in the afternoon.

(After Recess - 5:00 p.m.)

The House was called to order by the Speaker.

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

CONSENT CALENDAR

First Day

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

(H.P. 730) (L.D. 982) Bill "An Act to Regulate Discharges from Vehicular Holding Tanks" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-120)

There being no objection, the above item was ordered to appear on the Consent Calendar of Wednesday, May 13, 1987, under the listing of Second Day.

(H.P. 616) (L.D. 834) Bill "An Act Relating to the Appointment of Persons to Superintendent Positions Within the Department of Professional and Financial Regulation" (Emergency) Committee on State and Local Government reporting "Ought to Pass"

On objection of Representative Martin of Eagle Lake, was removed from Consent Calendar, Second Day.

The Committee Report was read and accepted and the bill read once.

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

By unanimous consent, ordered sent forthwith to the Senate.

SENATE PAPERS

Unanimous Leave to Withdraw

Report of the Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on Bill "An Act to Appropriate Funds for the Support of Musical Performances in this State" (S.P. 395) (L.D. 1214)

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

Ought to Pass in New Draft/New Title

Report of the Committee on Judiciary on Bill "An Act to Allow the Use of Electronic Recording in

District, Superior and Administrative Courts" (S.P. 189) (L.D. 516) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Allow the Use of Electronic Recording in Superior Court Cases in Limited Circumstances" (S.P. 494) (L.D. 1510).

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 Wednesday, May 13, 1987.

Ought to Pass in New Draft/New Title

Report of the Committee on Judiciary on Bill "An Act to Extend the Trust Land Designation of the Penobscot Nation" (S.P. 173) (L.D. 488) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Extend the Time for Trust Land Designation" (S.P. 495) (L.D. 1511).

Came from the Senate, with the report read and accepted and the New Draft Passed to be Engrossed as amended by Senate Amendment "A" (S-60).

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

Senate Amendment "A" (S-60) was read by the Clerk and adopted and the New Draft assigned for second reading Wednesday, May 13, 1987.

Non-Concurrent Matter

RESOLVE, to Amend the Reporting Date of the Special Commission to Study Teacher Training in the University of Maine System (Emergency) (H.P. 870) (L.D. 1171) which was passed to be engrossed in the House on May 8, 1987.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-58) in non-concurrence.

The House voted to recede and concur.

REPORTS OF COMMITTEES

Unanimous Leave to Withdraw

Representative JACQUES from the Committee on Energy and Natural Resources on Bill "An Act to Require Municipal Permits for Commercial Landfills" (H.P. 699) (L.D. 940) reporting "Leave to Withdraw"

Representative HOLLOWAY from the Committee on Energy and Natural Resources on RESOLVE, to Encourage the Safe Disposal of Lead-acid Batteries (H.P. 867) (L.D. 1168) reporting "Leave to Withdraw"

Representative HOLLOWAY from the Committee on Energy and Natural Resources on Bill "An Act to Establish a Moratorium on Licensing, Development and Expansion of all Solid Waste Disposal Facilities, Landfills and Incinerators Pending the Development of a Comprehensive Solid Waste Management Plan for this State" (Emergency) (H.P. 983) (L.D. 1330) reporting "Leave to Withdraw"

Representative LAWRENCE from the Committee on Education on Bill "An Act to Allow On-site Educational Programs at Private Institutions" (H.P. 479) (L.D. 646) reporting "Leave to Withdraw"

Representative CURRAN from the Committee on Banking and Insurance on Bill "An Act to Provide Group Insurance" (H.P. 559) (L.D. 757) reporting "Leave to Withdraw"

Representative SIMPSON from the Committee on Banking and Insurance on Bill "An Act to Implement Civil Penalties for Passing Worthless Instruments" (H.P. 652) (L.D. 880) 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 Appropriations and Financial Affairs

Representative MANNING from the Committee on Human Resources on Bill "An Act to Establish the Community Agency Wage Parity Fund" (H.P. 911) (L.D. 1223) reporting that it be referred to the Committee on Appropriations and Financial Affairs.

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

The following items appearing on Supplement No. 6 were taken up out of order by unanimous consent:

REPORTS OF COMMITTEES

Unanimous Leave to Withdraw

Representative MARSANO from the Committee on Judiciary on Bill "An Act to Require Physical Contact Before a Dog Owner may be Liable for Damages Caused by his Dog" (H.P. 963) (L.D. 1292) reporting "Leave to Withdraw"

Representative MANNING from the Committee on Human Resources on Bill "An Act to Establish a Behavior Stabilization Program under the Mental Health and Retardation Law" (H.P. 497) (L.D. 667) reporting "Leave to Withdraw"

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

CONSENT CALENDAR

First Day

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

(H.P. 821) (L.D. 1112) Bill "An Act Relating to the Narcotics Laws" Committee on Judiciary reporting "Ought to Pass"

There being no objections, the above item was ordered to appear on the Consent Calendar of Wednesday, May 13, 1987, under the listing of Second Day.

ORDERS OF THE DAY

Tabled and Assigned

HELD BILL

Joint Order (S.P. 504) relative to Recalling Bill "An Act to Clarify the Description of Crooked River in Cumberland County and to Extend Special Protection to Outstanding Rivers to the Crooked River" (S.P. 38) (L.D. 26) from the Legislative Files to the Senate.

- In Senate, Read and Passed.

- In House, Indefinitely Postponed on May 12, 1987 in non-concurrence.

HELD at the Request of Representative GREENLAW of Standish

Representative Greenlaw of Standish moved that the House reconsider its action whereby S.P. 504 was indefinitely postponed.

On motion of the same Representative, tabled pending his motion to reconsider and specially assigned for Wednesday, May 13, 1987.

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

PASSED TO BE ENACTED

Emergency Measure

An Act Relating to the Appointment of Persons to Superintendent Positions Within the Department of

Professional and Financial Regulation (H.P. 616) (L.D. 834)

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. 117 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.

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

On motion of Representative Martin of Van Buren, Adjourned until Wednesday, May 13, 1987, at nine o'clock in the morning.