

# MAINE STATE LEGISLATURE

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

**VOLUME III**

**FIRST CONFIRMATION SESSION**

August 21, 1987  
Index

**FIRST SPECIAL SESSION**

October 9, 1987 to October 10, 1987  
Index

**SECOND SPECIAL SESSION**

October 21, 1987 to November 20, 1987  
Index

**SECOND REGULAR SESSION**

January 6, 1988 to March 24, 1988

Reference Library shall receive such number of copies as may be required.

Which was READ and PASSED.  
Sent down for concurrence.

Senate at Ease  
Senate called to order by the President.

Senator CLARK of Cumberland was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

Senator CLARK of Cumberland was granted unanimous consent to address the Senate off the Record.

Senator PERKINS of Hancock was granted unanimous consent to address the Senate off the Record.

Senator ERWIN of Oxford was granted unanimous consent to address the Senate on the Record.

Senator ERWIN: Thank you Mr. President. Mr. President, when the Senate adjourns today I request that we do so in memory of the Honorable Kenneth C. Brown. Ken served in the 108th and 109th Legislatures as the representative from Mexico in the seat that Representative Francis Perry now has. Ken was a quiet, soft spoken, dedicated individual that served his community and state well and will be long remembered by his many friends. Thank you.

On motion by Senator ERWIN of Oxford, ADJOURNED, in memory of the Honorable Kenneth C. Brown, until Thursday, January 7, 1988, at 10:00 in the morning.

ONE HUNDRED AND THIRTEENTH MAINE LEGISLATURE  
SECOND REGULAR SESSION  
2nd Legislative Day  
Thursday, January 7, 1988

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

Prayer by Reverend Russell Chase, Methodist Minister (Retired), North Vassalboro.

The Journal of Wednesday, January 6, 1988, was read and approved.

Quorum call was held.

At this point, Representatives Hepburn of Skowhegan, Nadeau of Lewiston, and Bragg of Sidney were added to the Roll.

SENATE PAPERS

The following Joint Order: (S.P. 722)

ORDERED, the House concurring, that there be prepared, after adjournment of the present session, by the Legislative Information Officer, a Register of all the Bills and Resolves considered by both branches of the Legislature, showing the history and final disposition of each Bill and Resolve and that there be printed 400 copies of the same. The Legislative Information Officer shall mail a copy of the Register to each member and Officer of the Legislature and the State Law and Legislative Reference Library shall receive such number of copies as may be required.

Came from the Senate, read and passed.  
Was read and passed in concurrence.

COMMUNICATIONS

The following Communication: (S.P. 715)

The Senate of Maine  
Augusta

December 30, 1987

The Honorable Charles P. Pray  
President of the Senate  
113th Legislature  
The Honorable John L. Martin  
Speaker of the House  
113th Legislature

Dear Mr. President and Mr. Speaker:

Please be advised that today four bills were received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees and ordered printed on December 30, 1987 as follows:

Judiciary

Bill "An Act to Clarify the Standard of Proof in Prelitigation Screening Panels" (Emergency) (S.P. 711) (L.D. 1941) (Presented by Senator BRANNIGAN of Cumberland) (Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Clarify the Immunity Provisions Affecting Professional Review and Professional Competence Committees" (S.P. 713) (L.D. 1943) (Presented by Senator BRANNIGAN of Cumberland) (Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26)

Bill "An Act Clarifying the Authority of Superior Court Justices to Sit in District Court" (S.P. 714) (L.D. 1944) (Presented by Senator GAUVREAU of Androscoggin) (Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26)

Business Legislation

Bill "An Act Providing for a Reason in Notices of

LEGISLATIVE RECORD - HOUSE, JANUARY 7, 1988

Eviction for Cause in Mobile Home Parks" (S.P. 712) (L.D. 1942) (Presented by Senator BALDACCI of Penobscot) (Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26)

Sincerely,  
S/Joy J. O'Brien  
Secretary of the Senate  
S/Edwin H. Pert  
Clerk of the House

Came from the Senate, read and ordered placed on file.

Was read and ordered placed on file in concurrence.

The following Communication: (S.P. 719)  
The Senate of Maine  
Augusta  
December 31, 1987

The Honorable Charles P. Pray  
President of the Senate  
113th Legislature  
The Honorable John L. Martin  
Speaker of the House  
113th Legislature

Dear Mr. President and Mr. Speaker:

Please be advised that today three bills were received by the Secretary of the Senate.

Pursuant to the provisions of Joint Rule 14, these bills were referred to the Joint Standing Committees and ordered printed on December 31, 1987 as follows:

Aging, Retirement and Veterans

Bill "An Act to Remove Discriminating Language from a Section of the Maine Retirement Laws" (Emergency) (S.P. 717) (L.D. 1946) (Presented by President PRAY of Penobscot) (Cosponsored by Senator PERKINS of Hancock, Speaker MARTIN of Eagle Lake) (Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Correct Inequities in the Maine State Retirement System" (S.P. 718) (L.D. 1947) (Presented by Senator CLARK of Cumberland) (Cosponsored by: Speaker MARTIN of Eagle Lake, Representative DIAMOND of Bangor, Representative HICKEY of Augusta) (Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26)

Transportation

Bill "An Act Concerning the Use of Flashing Lights on School Buses" (S.P. 716) (L.D. 1945) (Presented by Senator DOW of Kennebec) (Cosponsored by: Representative WEYMOUTH of West Gardiner) (Approved for Introduction by a Majority of the Legislative Council pursuant to Joint Rule 26)

Sincerely,  
S/Joy J. O'Brien  
Secretary of the Senate  
S/Edwin H. Pert  
Clerk of the House

Came from the Senate, read and ordered placed on file.

Was read and ordered placed on file in concurrence.

The following Communication: (S.P. 720)  
STATE OF MAINE  
COMMITTEE ON STATE AND LOCAL GOVERNMENT  
STATE HOUSE STATION 115  
AUGUSTA, MAINE 04333  
December 7, 1987

Senator Charles P. Pray  
Chairman  
Legislative Council

Maine State Legislature  
State House Station 3  
Augusta, Maine 04333  
Dear Chairman Pray:

Enclosed is the final report of the Committee to Study Reimbursement for State Mandates. In conjunction with this report, the Committee has submitted to the Revisor of Statutes the following legislation and proposed changes in the joint rules:

- An Act Concerning State Mandates to Local Government
- Joint Rule 5-A - Mandate Legislation

In addition to its own legislation, the Committee is supporting the following legislation that it is believed will be placed before the Legislature by other sponsors during the coming session:

- Property tax reduction through increased revenue sharing
- Reactivation of the State's Commission on Intergovernmental Relations
- Greater and earlier two-way communication in the rule-making process

The Committee trusts that the Council will find this report of value and welcomes questions or comments concerning it.

Sincerely yours,  
S/Sen. John L. Tuttle  
S/Rep. Donnell P. Carroll  
Chairmen of the Committee  
on State and Local Government

Came from the Senate, read and with accompanying papers ordered placed on file.

Was read and with accompanying papers ordered placed on file in concurrence.

The following Communication: (S.P. 721)  
COMMITTEE ON BUSINESS LEGISLATION  
STATE HOUSE STATION 115  
AUGUSTA, MAINE 04333  
December 28, 1987

Senator Charles P. Pray, Chairman  
Legislative Council  
State House  
Augusta, Maine 04333  
Dear Senator Pray:

The Joint Standing Committee on Business Legislation is pleased to submit the attached report of our study of The Uniformed Unclaimed Property Act pursuant to the order of the Legislative Council. We hope you find this report a useful tool in our efforts to update the Maine law according to the recommendations of the National Conference while retaining provisions especially suitable for Maine.

Sincerely,  
S/Sen. John Baldacci, Chair S/Rep. Carol Allen, Chair  
Came from the Senate, read and with accompanying papers ordered placed on file.

Was read and with accompanying papers ordered placed on file in concurrence.

The following Communication: (S.P. 725)  
STATE OF MAINE  
OFFICE OF POLICY AND LEGAL ANALYSIS  
STATE HOUSE STATION 13  
AUGUSTA, MAINE 04333  
December 11, 1987

TO: President Pray  
Chair, Legislative Council  
FROM: Tim Glidden, Legislative Analyst  
SUBJECT: Draft Report of the Commission on Outdoor Recreation

As required pursuant to P&SL 1987, c.68, the Commission on Outdoor Recreation is submitting its

draft report for your review by the statutory deadline of December 15th (see attached). The Commission anticipates no problems in meeting the January 15, 1988 deadline for submission of its final report.

Please note that one table and the recommended legislation is not included in this report. I expect to be able to forward drafts of this material to you under separate cover by December 17th.

Please contact me with any questions.

Came from the Senate, read and with accompanying papers ordered placed on file.

Was read and with accompanying papers ordered placed on file in concurrence.

PETITIONS, BILLS AND RESOLVES  
REQUIRING REFERENCE

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

Agriculture

Bill "An Act to Provide for Retail Inspection of Potatoes" (H.P. 1447) (L.D. 1958) (Presented by Representative MAHANY of Easton) (Cosponsors: Representatives TARDY of Palmyra, PINES of Limestone and PARADIS of Frenchville) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Ordered Printed.

Sent up for Concurrence.

Appropriations and Financial Affairs

Bill "An Act to Allow the Interest Earned on the Stripper Well Fund to be used by Nonprofit Groups for Emergency Conservation Projects" (H.P. 1443) (L.D. 1954) (Presented by Representative LISNIK of Presque Isle) (Cosponsors: Representatives MATTHEWS of Caribou, ANDERSON of Woodland and Senator COLLINS of Aroostook) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Ordered Printed.

Sent up for Concurrence.

TABLED AND ASSIGNED

Bill "An Act to Insure Payment of Reasonable Costs of Operating Boarding Care Facilities" (Emergency) (H.P. 1472) (L.D. 1983) (Presented by Representative CARROLL of Gray) (Cosponsors: Representatives MANNING of Portland, NADEAU of Lewiston, and Senator BUSTIN of Kennebec) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(The Committee on Appropriations and Financial Affairs was suggested).

On motion of Representative Carter of Winslow, tabled pending reference and specially assigned for Tuesday, January 12, 1988.

Appropriations and Financial Affairs

RESOLVE, to Protect Against Property Tax Losses Resulting from Transfers Under Provisions of Certain Land Trust Transfers (H.P. 1445) (L.D. 1956) (Presented by Representative ROTONDI of Athens) (Cosponsor: Senator WEBSTER of Franklin) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Ordered Printed.

Sent up for Concurrence.

Banking and Insurance

Bill "An Act to Clarify the Volume Fee Provision of the Maine Consumer Credit Code" (Emergency) (H.P. 1468) (L.D. 1979) (Presented by Representative WEBSTER of Cape Elizabeth) (Cosponsors: Senator THERIAULT of Aroostook, Representatives REED of Falmouth and TARDY of Palmyra) (Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 24)

Ordered Printed.

Sent up for Concurrence.

Business Legislation

RESOLVE, to Increase the Supply of Reimbursable Mental Health Professionals (H.P. 1453) (L.D. 1964) (Presented by Representative DIAMOND of Bangor) (Cosponsors: President PRAY of Penobscot, Senator PERKINS of Hancock and Representative ALLEN of Washington) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Ordered Printed.

Sent up for Concurrence.

Education

Bill "An Act to Provide for Identification and Application to Appropriate Accounts of School Reimbursement Funds" (H.P. 1452) (L.D. 1963) (Presented by Representative RIDLEY of Shapleigh) (Cosponsors: Representatives LORD of Waterboro and LAWRENCE of Parsonsfield) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Repeal the Commissioner of Educational and Cultural Services' Access to Employee Records for Certification of Educational Personnel" (H.P. 1455) (L.D. 1966) (Presented by Representative BOST of Orono) (Cosponsors: Senator ESTES of York, Representatives MATTHEWS of Caribou and GOULD of Greenville) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Clarify the Method of Computing Unusual Enrollment Adjustments" (H.P. 1469) (L.D. 1980) (Presented by Representative SMALL of Bath) (Cosponsors: Senators ESTES of York, RANDALL of Washington, and Representative O'GARA of Westbrook) (Submitted by the Department of Educational and Cultural Services pursuant to Joint Rule 24)

Ordered Printed.

Sent up for Concurrence.

Fisheries and Wildlife

Bill "An Act to Amend the Framework Within which the Commissioner of Inland Fisheries and Wildlife May Establish Deer Hunting Seasons" (H.P. 1459) (L.D. 1970) (Presented by Representative GREENLAW of Standish) (Cosponsors: Senator USHER of Cumberland, Representatives FARREN of Cherryfield, and JACQUES of Waterville) (Submitted by the Department of Inland Fisheries and Wildlife pursuant to Joint Rule 24)

Ordered Printed.

Sent up for Concurrence.

Human Resources

Bill "An Act to Add the Commissioner of Public Safety to the Alcohol and Drug Abuse Planning Committee" (H.P. 1461) (L.D. 1972) (Presented by Representative STROUT of Corinth) (Cosponsors: Senator GOULD of Waldo, Representatives ANTHONY of

South Portland and ROTONDI of Athens) (Submitted by the Department of Public Safety pursuant to Joint Rule 24)

Ordered Printed.  
Sent up for Concurrence.

Judiciary

Bill "An Act to Permit Sharing of Confidential Information between Criminal Justice Agencies at all Governmental Levels" (H.P. 1467) (L.D. 1978) (Presented by Representative TAYLOR of Camden) (Cosponsors: Senator WHITMORE of Androscoggin, Representatives STROUT of Windham and MELENDY of Rockland) (Submitted by the Department of Corrections pursuant to Joint Rule 24)

(The Committee on Human Resources was suggested).

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

Human Resources

Bill "An Act to Exempt from Labeling Requirements Goods Produced Under Certification issued by the United States Department of Justice Pursuant to the Prison Industries Enhancement Act" (H.P. 1471) (L.D. 1982) (Presented by Representative TAYLOR of Camden) (Cosponsors: Senator GILL of Cumberland, Representatives ANTHONY of South Portland and MANNING of Portland) (Submitted by the Department of Corrections pursuant to Joint Rule 24)

Ordered Printed.  
Sent up for Concurrence.

Judiciary

Bill "An Act to Authorize the Use of Electronic Recording of Nonjury Superior Court Proceedings" (H.P. 1444) (L.D. 1955) (Presented by Representative PARADIS of Augusta) (Cosponsors: Senators BLACK of Cumberland and BRANNIGAN of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Provide for a Record of the Facility Designated for Confinement in Criminal Cases" (H.P. 1457) (L.D. 1968) (Presented by Representative FOSS of Yarmouth) (Cosponsors: Senators MATTHEWS of Kennebec, GOULD of Waldo and Representative RYDELL of Brunswick) (Submitted by the Department of Corrections pursuant to Joint Rule 24)

Bill "An Act to Authorize a Probation Officer to Bring an Ex Parte Motion to Change the Conditions of Probation" (H.P. 1460) (L.D. 1971) (Presented by Representative KIMBALL of Buxton) (Cosponsors: Representatives STROUT of Windham, THISTLE of Dover-Foxcroft, and Senator DILLENBACK of Cumberland) (Submitted by the Department of Corrections pursuant to Joint Rule 24)

Bill "An Act to Amend the Law Pertaining to Commitment of a Juvenile to the Department of Corrections" (H.P. 1464) (L.D. 1975) (Presented by Representative STROUT of Windham) (Cosponsors: Representatives TAYLOR of Camden, CARROLL of Gray, and Senator GOULD of Waldo) (Submitted by the Department of Corrections pursuant to Joint Rule 24)

Ordered Printed.  
Sent up for Concurrence.

Labor

Bill "An Act to Ensure Family Medical Leave in the State" (H.P. 1473) (L.D. 1984) (Presented by Representative CLARK of Brunswick) (Cosponsors:

Speaker MARTIN of Eagle Lake, Senator CLARK of Cumberland, and Representative ZIRNKILTON of Mount Desert) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Ordered Printed.  
Sent up for Concurrence.

TABLED AND ASSIGNED

Bill "An Act Concerning High Speed Chases" (H.P. 1450) (L.D. 1961) (Presented by Representative McGOWAN of Canaan) (Cosponsors: Speaker MARTIN of Eagle Lake, Representatives CHONKO of Topsham and DEXTER of Kingfield) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

(The Committee on Legal Affairs was suggested).

On motion of Representative Diamond of Bangor, tabled pending reference and specially assigned for Tuesday, January 12, 1988.

Marine Resources

Bill "An Act to Provide Protection from Molestation to Fixed Fishing Gear" (H.P. 1458) (L.D. 1969) (Presented by Representative RICE of Stonington) (Cosponsors: Senator ESTES of York, Representatives LOOK of Jonesboro and SALSBURY of Bar Harbor) (Submitted by the Department of Marine Resources pursuant to Joint Rule 24)

Bill "An Act to Strengthen Boating Safety Enforcement" (H.P. 1463) (L.D. 1974) (Presented by Representative RICE of Stonington) (Cosponsors: Senators TUTTLE of York, CAHILL of Sagadahoc, and Representative CROWLEY of Stockton Springs) (Submitted by the Department of Marine Resources pursuant to Joint Rule 24)

Bill "An Act Concerning the Volunteer Marine Patrol Program" (H.P. 1465) (L.D. 1976) (Presented by Representative SALSBURY of Bar Harbor) (Cosponsors: Senator TUTTLE of York, Representatives RICE of Stonington and LOOK of Jonesboro) (Submitted by the Department of Marine Resources pursuant to Joint Rule 24)

Ordered Printed.  
Sent up for Concurrence.

State and Local Government

Bill "An Act to Increase the Indebtedness of Frye Island Municipal Corporation" (H.P. 1454) (L.D. 1965) (Presented by Representative GREENLAW of Standish) (Cosponsor: Senator BLACK of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Amend the Rules of Construction to Permit Use of Gender-Neutral Language in Maine Statutes" (H.P. 1449) (L.D. 1960) (Presented by Representative DIAMOND of Bangor) (Cosponsors: Senators PERKINS of Hancock, CLARK of Cumberland and Representative FOSTER of Ellsworth) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Ordered Printed.  
Sent up for Concurrence.

Taxation

Bill "An Act Concerning the Taxation of Lottery Winnings" (H.P. 1448) (L.D. 1959) (Presented by Representative TRACY of Rome) (Cosponsors: Senator DOW of Kennebec and Representative GOULD of Greenville) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Provide a Sales Tax Exemption for Charitable Suppliers of Medical Equipment" (H.P. 1451) (L.D. 1962) (Presented by Representative ROTONDI of Athens) (Cosponsor: Senator WEBSTER of Franklin) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Replace the Sales Tax with an Excise Tax on Jet Fuel Used by Turbine-Powered Aircraft Providing Commercial Air Service in Maine" (H.P. 1470) (L.D. 1981) (Presented by Representative DIAMOND of Bangor) (Cosponsors: Representatives DUFFY of Bangor, HOGLUND of Portland, and Senator GILL of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Ordered Printed.  
Sent up for Concurrence.

Transportation

Bill "An Act to Adequately Compensate Municipal Agents for Activities Undertaken on Behalf of the State in the Registration of Motor Vehicles" (H.P. 1446) (L.D. 1957) (Presented by Representative GOULD of Greenville) (Cosponsors: Representatives STROUT of Corinth, Senators EMERSON of Penobscot and DOW of Kennebec) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Bill "An Act to Control Vehicle Speeds on Public Easements" (H.P. 1462) (L.D. 1973) (Presented by Representative STROUT of Corinth) (Cosponsors: Senator THERIAULT of Aroostook, Representatives SALSBUURY of Bar Harbor and MILLS of Bethel) (Submitted by the Department of Transportation pursuant to Joint Rule 24)

Bill "An Act Concerning Recertification of Handicap in the Motor Vehicle Registration Laws" (H.P. 1466) (L.D. 1977) (Presented by Representative RACINE of Biddeford) (Cosponsors: Representatives GWADOSKY of Fairfield and MILLS of Bethel) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Ordered Printed.  
Sent up for Concurrence.

Utilities

Bill "An Act to Clarify the Status of Meetings and Records of the Public Utilities Commission Under the Freedom of Access Law" (H.P. 1456) (L.D. 1967) (Presented by Representative RICHARD of Madison) (Cosponsors: Senator ERWIN of Oxford and Representative WILLEY of Hampden) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26)

Ordered Printed.  
Sent up for Concurrence.

ORDERS

On motion of Representative KETOVER of Portland, the following Joint Resolution: (H.P. 1474) (Cosponsors: President PRAY of Penobscot, Representatives CLARK of Millinocket and JALBERT of Lisbon)

JOINT RESOLUTION ENCOURAGING MUNICIPALITIES TO FLY PRISONER-OF-WAR AND MISSING IN ACTION FLAGS

WHEREAS, the whereabouts of many American military personnel who served in the Vietnam War are still unknown; and

WHEREAS, these veterans served their country with distinction and deserve our deepest gratitude; and

WHEREAS, at times Vietnam veterans have not received appropriate recognition for their services

and memory of their service can fade with the passing of time; and

WHEREAS, the unknown status of Prisoners-of-War and Missing-in-Action personnel is a continuing source of sorrow to their families; and

WHEREAS, the current government of Vietnam needs to be reminded of the continuing concern of the American people with these missing veterans; now, therefore, be it

RESOLVED: That We, the Members of the 113th Legislature, do hereby respectfully encourage the elected and appointed officials of the municipalities of the State to display flags commemorating Americans who continue to be unaccounted for from the Vietnam War and who are generally referred to as Prisoners-of-War and Missing-in-Action; and be it further

RESOLVED: That, organizations interested in the plight of these veterans are hereby encouraged to provide suitable flags to municipal governments to be displayed by them; and be it further

RESOLVED: That, the municipal governments are encouraged to make use of the flags provided by private organizations and to purchase flags with municipal funds when they are not otherwise available; and be it further

RESOLVED: That, suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to municipal officials of this State and to appropriate veterans organizations.

Was read and adopted and sent up for concurrence.

(At Ease)

The House was called to order by the Speaker.

ORDERS OF THE DAY

TABLED AND TODAY ASSIGNED

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

JOINT ORDER - Relative to Joint Rule 5-A - Mandate Legislation (H.P. 1442)

In House, Read on January 6, 1988.

TABLED - January 6, 1988 by Representative DIAMOND of Bangor

PENDING - Passage.

Subsequently, the Joint Order received passage in concurrence.

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

SENATE PAPER

The following Joint Order (S.P. 723)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, January 12, 1988, at 10 o'clock in the morning.

Came from the Senate, read and passed.

Was read and passed in concurrence.

(Off Record Remarks)

(At Ease to Gong)

The House was called to order by the Speaker.

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. 756)

ORDERED, the House concurring, that Bill "An Act to Encourage Prompt and Peaceful Settlements of Labor Disputes" (H.P. 1415) (L.D. 1919), be recalled from the Governor's Desk to the Senate.

Came from the Senate, read and passed.

Was read.

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

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I move the indefinite postponement of this Order.

The Democrats met this morning and the Republicans met this morning, we have met separately, and the Committee on Labor has met together, Democrats and Republicans. We have discussed different ways by which we could come to an agreement with the Governor's Office. We called up the Governor and had the good Speaker go down to the Governor's Office, offer different options and it is obvious to us that the options that we have offered were not acceptable to the Governor. The options that the Governor offered were not acceptable to us so therefore that is why I am moving indefinite postponement of this Order. I do hope that you will vote with me.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Willey.

Representative WILLEY: Mr. Speaker, Ladies and Gentlemen of the House: We have been meeting for the last couple of hours on this issue as to whether to allow the bill to be returned to us or not. We haven't reached a consensus.

I do, however, hope that you will reject the motion for indefinite postponement and accept and require this bill to come back to us. We have tried very hard, I think, to resolve this matter.

It is my understanding that the Governor has offered language changes to this bill that you could accept which appear to be unacceptable to the Majority Party so for that reason, we haven't been able to reach a concurrence in the Labor Committee. I think this is unfortunate because I would like very much to see this thing resolved by some means other than political means. It was created by politics and I guess it is going to have to be resolved by politics. I think that is an unfortunate way for it to be. It seems to me, since this is an important matter, since the bill never had a public hearing, until any language changes could be effected, that this is the proper way to do it. If we can't do that, then at least I hope you will reject the motion and would bring the bill back to the House so that we can do something about it that wouldn't be as disruptive as it apparently is going to be at this stage.

As I understand it, the way the bill is written now, the Governor feels that he has no alternative except to veto the bill and we will be in here in a day or two debating that. I sincerely hope that this debate here today will simply have to do with the recall motion rather than debating the bill itself.

The SPEAKER: The Chair recognizes the Representative from Brewer, Representative Ruhlin.

Representative RUHLIN: Mr. Speaker, Ladies and Gentlemen of the House: When I first heard of this Order this morning, I was very much inclined to go along with the Governor's request. However, there are some questions concerning the constitutionality and the availability of the knowledge concerning that constitutionality that the Governor is concerned with.

In a discussion with the Attorney General's Office, we were informed that a formal advisory from that office has been available to the Governor and to this legislature since sometime in July or August. In any event, it has been available for months. That advisory opinion would not change in this case because we are dealing with federal preemptive law. When you deal with that, the ultimate decision maker is going to be the Supreme Court of the United State, not the Supreme Court of the State of Maine.

Now, what would happen if this House asked the Supreme Court of the State of Maine for a solemn occasion, their opinion, in all likelihood would not vary from that of the Attorney General because if the final decision is going to be made -- as I said is going to be made in the Federal Court System -- and I think that being the case it would take two or three years to get a federal answer.

The Governor has had available to him, since this legislature passed this legislation, the option of asking for an additional opinion from the Attorney General, a solemn occasion of the Supreme Court of the State of Maine -- and I just want to point out to you that the House would have that occasion, the right to make a solemn occasion all by itself, the Senate has the right to make a solemn occasion all by itself and, the Governor, separately, has the right to declare a solemn occasion. He did not do so and now he is asking this House to recall this bill, ask for that solemn occasion which can only be at the state level, which will be very similar, I believe, to what the Attorney General's advisory opinion is.

Recognizing that by recalling it, we would receive no additional constitutional knowledge (in all likelihood) -- we said, would you, if we did recall it, and we did go through this constitutional understanding, would you then sign it? The Governor said, "I would if you change a couple words in it using primary line of business."

Well, if you take -- and I am not going to use a name -- if you take a well-known organization involved in strikebreakings that is well known in this state of ours and recognize that they also do regular maintenance, they had in my area a major job with a major company actually doing regular maintenance, and not involved in strikebreaking at all. If we were to take and insert the words "primary business" we are then forcing the burden of proof on the state and on the labor organization. I say the law should exist in such a way that the burden of proof should be on those who would be involved in hurting the negotiating process in the State of Maine by involving themselves with strikebreaking.

I ask, therefore, with this information in mind, information I might add the Senate did not have available to them when they voted to accept this Order -- with that in mind, they now having that information, I would ask that you vote with the chairman of the Labor Committee, and the unanimous report of the Democrats in that committee to vote for the defeat of the Order and support the motion of the Representative from Madawaska.

Mr. Speaker, I ask for the yeas and nays.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative Hepburn.

Representative HEPBURN: Mr. Speaker, Ladies and Gentlemen of the House: I really think we have an opportunity here and I don't want to see us lose it. The members of the House, both Republicans and Democrats, members of the Senate on both sides of the aisle, and the Governor, philosophically are not far away on the issue of what we should be doing with replacement workers. I think if we vote yes on this



recall, we can bring it back, we can talk about this process for a couple of more days and deal with language and get this bill through, passed, and done in good constitutional form. Just to throw this thing back to the Governor now and expect a final decision, black or white, on L.D. 1919 by tomorrow night, just isn't the way to go. We have an opportunity to come together to get a good bill and I think we should take it.

I would ask that you vote yes and work with us next week on this.

The SPEAKER: The Chair recognizes the Representative from Jay, Representative Bickford.

Representative BICKFORD: Mr. Speaker and Members of the House: I have been asked by many of my constituents, "Does logic and reason prevail in Augusta or are political games played?" It is my hope today that logic and reason will prevail, that we will recall L.D. 1919 because we are so close to helping the working people of the State of Maine in reaching a compromise. Isn't that what we are all here for, to reach a consensus and a compromise, by both Republicans and Democrats?

The SPEAKER: The Chair recognizes the Representative from Mt. Desert, Representative Zirkilton.

Representative ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: As many of you are aware, this is the second of the strikebreaker bills that we have dealt with. The first, of course, was vetoed and the second one we have before us today. As I recall, being a member of the Labor Committee, most of our discussions have been based on the premise that people wanted to do away with professional strikebreaking firms. I don't think there is going to be a whole lot of argument against that here in this chamber today or in any area of the State of Maine. People don't want professional strikebreaking firms doing away with the jobs of Maine people.

The only change between the first bill and this bill, as has been pointed out to you before, is the language of the ordinary course of business in terms of how we define what a company is, as far as their strikebreaking activities.

It is my understanding that the Governor has proposed to the Speaker and to the President that he would accept language which used the "primary" course of business or something of that nature. That in itself, the fact that the Governor has proposed that to these people and the fact that the language being proposed by Representative Joseph and others is so close, it is clearly indicative of the fact that we can come closer as we have demonstrated and we can come to a compromise of some sort.

If we don't, the option is pretty clear what would happen, it would either be vetoed or if in the event it manages to be passed despite the Governor's objections, we would be in for two years of litigation. The eventual decision being rendered, more than likely by the United States Supreme Court, which of course would be extremely costly to those who are involved in litigation including the people of the State of Maine who would perform that through the Attorney General's Office. The end result of that would be -- nobody would win. So, with a couple of days, if we reject the motion to indefinitely postpone this Order, bring this bill back, hammer out our disagreements and come to some sort of compromise, we can avoid all that.

More importantly, we can enact a bill that will prevent professional strikebreaking firms from performing their activities here in Maine. I think that is what we all want to do.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Willey.

Representative WILLEY: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to bring one other thing to your attention. In the instance of the opinion of the Attorney General, the letter that went out -- I don't have a copy of it, I did originally -- but the gentleman from the Attorney General's office this morning gave us this date, which was June 1987. The bill that we are having a controversy about wasn't even introduced until October 1987. So, the opinion really doesn't affect the bill that we are talking about.

Another thing that I would like to bring to your attention is that, if this solemn occasion was declared and it went to the courts to decide what must happen in this instance, that the Supreme Court would make that decision. A number of legal judges sitting on the bench would make this decision, not one individual in the Attorney General's Office as is with this case.

The gentleman did say this morning that, in their opinion, they could defend the bill, not that it was constitutional, in their opinion it was defensible, there were arguments for its defense, not that the thing may be constitutional. It seems to me we are taking a big chance on this in not agreeing and we have the opportunity to agree to language that would be agreeable to both sides. We haven't had the opportunity to do that, I think we should have the opportunity, and I urge you to vote no on this motion, simply because the motion is to indefinitely postpone, so we can continue with the bill.

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

Representative HALE: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to support the pending motion on the floor. This is the second time that this L.D. has been brought before this body. It did have a public hearing. This bill, if the language should be altered to "primary" rather than as in its present form "as ordinary course of business" would certainly preclude any company from being designated as professional strikebreakers. With the number of businesses within the State of Maine that would have to contribute to the volume of business for any given company within the United States, the percentage of volume contingent and chargeable to the State of Maine would in no way make them eligible as a "primary" business in Maine.

As far as a couple of days -- it certainly would not be a couple of days. Our Governor has had this bill since the Special Session. He knew what he wanted back then. Two days is going to do nothing for this bill but leave it in limbo. The time-frame has been told to you and at the very, very least, and only from the Maine Court, is two months, this is the information that your Labor Committee was given.

As far as defensible on the constitutionality, the Attorney General's Office, when he said defensible he does not mean on the State level, they are speaking on the federal level. There is always the chance that the vote may go anyway, we know that. We here today are asking you to go with the House Chair and the motion on the floor because of the importance and what it could mean to the future of the State of Maine and its workers.

As far as logic and reason -- that was mentioned too. Consensus and compromise -- any bill that comes out of a committee and reaches the floor has reached consensus, has had compromise, has been debated as this bill has been and has been passed in both houses.

I urge you to stay with your original decision and pass the motion on the floor.

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

Representative JOSEPH: Mr. Speaker, Men and Women of the House: I think it is important that you all know that in the spirit of compromise, which we tried to strike prior to coming to this body to vote this recall motion up or down, that we requested of the Governor that if we did recall this bill and if we did strike this compromise by recalling this bill, would he sign the bill? There was no commitment by the Governor. He did talk about changing the word "primary" business of that company who would be furnishing professional strikebreakers. However, the language in this bill says, "as a normal course of business." That language did pass legal muster when the bill was drafted.

You have heard examples of "primary" business. I just want to inform you that one company that is known to provide professional strikebreakers has received a million dollar contract in Bucksport to do some construction work. So, even though they are furnishing professional strikebreakers, not only in this state but in other states, they also are doing contract work. However, if we did include the words "primary business" we could not prosecute that case, it would be an impossible standard for us to meet.

We have tried to compromise. I urge your support of Representative McHenry's motion but I also want to assure you that this is responsible labor law.

I publicly want to request of the Chief Executive of this state to allow this bill to go into law and to state his objections, but let's have this bill tried and tested in court.

The SPEAKER: The Chair recognizes the Representative from Mt. Desert, Representative Zirkilton.

Representative ZIRNKILTON: Mr. Speaker, Ladies and Gentlemen of the House: The gentledady from Waterville has given you a situation where a firm, which allegedly engages in professional strikebreaking, now has a contract for maintenance work. The question is, what is that company's "primary" purpose of business? Is it to provide maintenance work or is it professional strikebreaking? This, of course, would decide whether or not this company was a professional strikebreaking operation and their "primary" purpose or not.

Let's not be under any illusions today of what is going to happen. We talk about doing what is right for the people of this state, for the people who are affected by the potential threat of strikebreaking firms -- if you kill this Order and force the Governor into a situation where he must act -- if I were a betting man, I would certainly bet that the Governor would veto the bill. If you do that, you have purposely, knowingly, put yourself and the people of this state, the working people of this state, in a situation where no bill will be enacted. Is that in the best interest of the people of this state? Maybe it builds up a little bit more for the political war chest, maybe it is one more anti-labor vote to take to the polls next November but it doesn't do anything right now to help the working men and women of this state who are potentially threatened by strikebreaking firms. If that is truly who you are concerned about, (and we all are) what is two more days, what is three more days, what is one more week, what is one more month of potential negotiations going to hurt? You have everything to gain and nothing to lose by negotiating.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: I am very very touched when I hear the concern that the previous Representative has for the working man -- it is very obvious to me what his New Years' resolution was.

Men and women of the House, one year ago at this time, the Governor took the oath of office and his pledge was that he would lead and provide direction for this state. Well, I will submit to you that after just one year of studying and one year of waffling that the Governor has sat on that fence so long that the fence has grown attached to his backside. Today, Men and Women of the House, the Governor gets off the fence.

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 Kennebunk, Representative Murphy.

Representative MURPHY: Mr. Speaker, Men and Women of the House: It is ironic that this morning we have probably spent more time on this bill outside of this chamber than we did when that came through during the Special Session. There was no hearing, there was no attempt to establish a dialogue, it was done in closing hours and it was done for the sole intention of playing politics.

We don't find solutions here in Maine State Government until dialogue begins. We have a series of labor bills that might as well have an elastic on them because it appears as if the intent is to just shuttle them back and forth between the legislature and the Executive Branch. Somewhere here we are going to reach a point where the working people of this state are going to get used, no matter how much it hurts them.

We are all concerned. We heard the gentleman from Waterville and his comments in terms of the good Representative that had preceded him. Everyone, and there had best not be anyone in this chamber who thinks that someone in this chamber isn't concerned about the tragedy that is happening in Jay. We have contracts coming due throughout this state. Are we going to pass bills back and forth with elastics on them and let the tragedy of Jay move to other Maine communities while people are playing politics and posturing?

The Governor has offered to build a bridge -- it is a parliamentary procedure to keep a bill alive and establish dialogue. Now, are the members of this House interested in dialogue or are they interested in political posturing? He has offered a bridge, is it a one-way bridge or is it a two-way bridge? This is a simple parliamentary procedure to establish dialogue. Do you want to have dialogue or do you want to have the tragedy of Jay begin to spread to other communities as contracts come due?

Every Representative in this body cares deeply for Maine working people. Let's begin to do something positive to help them and not hurt them.

I urge you to reject the motion that is in front of us and let's begin to work together in a positive way to find that common ground and solve this problem and put the politics aside.

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

Representative JOSEPH: Mr. Speaker, Men and Women of the House: We are all interested in compromise. We are all interested in what is right.

I resent the remarks of Representative Murphy to say that we are posturing. I am tired of hearing publicly that we are ramming through legislation. I am tired of hearing that there was no public hearing on this bill. There was a public hearing and if I had my notes from that bill I could tell you the exact date but it was in March. We debated this bill eight times in the House and several times in the Senate. This bill then was changed by the words that the Governor objected to in the bill, through his speech on June 30th, his veto message, and he was consulted.

I, like any good attorney, (of which I am not) log every conversation that I have with most people on significant issues. I can tell you that I did meet three times with a representative of the Governor advising him what I was going to do. We neither agreed nor disagreed and we did discuss even the words "primary business." I went to the person who drafted this bill and we decided that as "a normal course of business" would cover those businesses and persons who now offer themselves as "professional strikebreakers" — this is not a political ploy. This is an issue that is recognized by both U.S. Senators as an issue that we should take some action on. Professional strikebreakers are intolerable. What we are seeking to do here is to pass a bill. We have passed that bill and now the question is, will that bill be recalled?

As for the time factor on November 20th, this bill was passed by this body and there has been time to deal with it. This bill was submitted to the Legislative Council in/on October 11th, it was defeated. It was resubmitted a week or so later, I can't give you the exact date, it was accepted. It is important to pass this bill, not only for the situation at hand, but for all other situations that may come up that are identical. We cannot tolerate this.

We now have a different philosophy, a different technique, in dealing with labor disputes. One side now has the tool of permanent, professional strikebreakers and the other side does not have another tool to deal with that. We are providing the workers of this state with a tool which would say that they may take this issue to the courts. The courts would decide whether or not professional strikebreakers are on-site at that particular industry. I want this to become law and, if the Governor would agree to sign this bill, we would do exactly as is requested of us by Representative Murphy.

The SPEAKER: The Chair recognizes the Representative from Bangor, Representative Diamond.

Representative DIAMOND: Mr. Speaker, Men and Women of the House: For those people who are visiting the State House for the first time and for members who are here for their first or second day of session, one would get the impression that bills are railroaded through here on a regular basis and that, if it weren't for the gentleman in the other corner and members of his caucus, the state would be a disaster, that we would be running rampant. Unfortunately for them, that is not the case and I hate to straighten the gentleman from Kennebunk out but I don't think in this particular instance that any member of his caucus can imply that they are the voice of reason because that is just not the case.

With the start of the session, we have been trying to get off on the right foot, we have been trying to acknowledge that, in spite of the fact this

is an election year, we are hoping to be working as harmoniously as possible in order to resolve a lot of the big issues that we are going to be facing. This issue probably is a good example of that. As you know, it was a very bitter fight that took place last year, both last spring as Representative Joseph just said and also last fall when we dealt with the issue again. Every member who served during 1987 is well aware of the issue, well aware of the arguments. The gentleman on the second floor is well aware of the issue and well aware of the arguments. We have debated it over and over, we could probably do it in our sleep.

It wasn't until early this morning that we got an indication that the Governor has some concerns with the bill that was passed last November other than the fact that his silence by not signing the bill carried it over several weeks longer than it should have. He approached the presiding officer of this body and suggested that the bill be recalled to this body so that further discussion could take place. His expressed concern was that the bill could be unconstitutional. It was a reasonable request based on that. So it came to us and we said, well, if he is concerned about the question of constitutionality, we can indeed bring it back and request a solemn occasion of the Supreme Court and that would clarify it. The assumption was if we got a favorable opinion as we already have from the Attorney General, then he would sign the bill (a reasonable assumption).

The other body operated on that assumption. After they took that action, members wanted to make sure that that was indeed the case. As you all know, we can't assume too much around here, can't assume anything around here. This presiding officer called the Governor and expressed that concern. He asked him specifically if he would sign this bill if we got a favorable opinion from the Supreme Court and he said he couldn't make such a claim.

There were other concerns, concerns that weren't necessarily important to him when he expressed his concerns about the constitutionality, concerns that went right back to the issue debated last spring and fall. In light of that, the committee said, what is the sense of going through these charades again? We have already gone over these arguments and they have been rejected by the committee. This legislature spoke very strongly in passing this bill based on the very arguments that the Governor was presenting. Why bother to waste time and go to the expense of recalling the bill and asking the court to take up this issue? We tried to be as reasonable as possible. I think we were overly reasonable.

The implication that the Governor now has seen the light at the end of the tunnel doesn't wash with me at all. Rather, I think he is now feeling the heat.

Yesterday he met with four strikers from Jay, people who were employed by IP and, up until that time, he hadn't said a word to me or any other member of leadership that I know of expressing concern or willingness to reopen the issue. It was only when it became politically hot and politically dangerous that he decided to put the burden back on the legislature and the gentleman in the other corner is trying to do that. He is here today to cover the Governor's baggage, to carry that baggage in order to take the heat off the second floor and to put it up here. Well, I don't believe the members of this body need to be kicked around with that kind of debate. I think it is important that we reiterate the decision that we took last spring and last fall and say, no we are not going to recall the bill, we have philosophical differences with the gentleman on the

second floor and we are going to stick to our guns and he can stick to his and we will deal with the consequences.

Ladies and gentlemen, I think it is very important that we speak strongly today, that we go ahead and affirm the motion of the gentleman from Madawaska and let it be known where we stand on this issue. There are a lot of people in the state who are watching and they deserve to know how we feel.

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

Representative MCHENRY: Mr. Speaker, Men and Women of the House: I tried to be very brief in my first statements because I figured everybody wanted to get out of here as early as possible and I thought we would get a vote real quick but seeing where everybody wants to debate it, I think I ought to clarify a few things that have been said on the floor of the House.

The actual bill never had a hearing, that is correct, but the issue had a hearing. We had people all the way from Washington, D.C. appear before our committee. We did have a good hearing on this bill, it is not on this bill, but on the issue of strikebreakers, a very good hearing. It went on until seven o'clock at night.

As far as the Attorney General's opinion, that was rendered on a bill that was much more restrictive than this one. If I were in the shoes of the Governor, I would not want to appear political. I would say that I would let the bill go into law without my signature because I have grave reservations as to the constitutionality of it and it shall be challenged. Then nobody would get hurt and maybe the working people would be helped.

The SPEAKER: The Chair recognizes the Representative from Auburn, Representative Dore.

Representative DORE: Mr. Speaker, Men and Women of the House: I am not a prime mover behind this bill and I think you all know that. I do not stand to discuss the merits of this particular bill. I think you all know that I support it. I stand because I was deeply offended by the Minority Leader's suggestion that the Majority Party is fishing for vetoes during this session, it is provoking vetoes, it is fishing for vetoes. I think we are fishing for a piece of strikebreaker legislation that has some teeth in it and that the suggestions made by the Governor (for what he calls minor changes) would remove any teeth that a piece of strikebreaker legislation would have.

I am also going to tell you quite frankly that I am offended because I do not see, coming out of the Minority Party in this House, any bills dealing with this issue. For all the talk and deep concern about the poor people in Jay -- and many members of the Minority Party are willing to get up and say, the poor people in Jay -- with your collective IQ's up here and on the second floor, the talents that you have available to you, no piece of legislation has been written more creatively, more intelligently than anything that we have put forth. If you are so deeply concerned, where has your legislation been in the last year?

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

Representative ERWIN: Mr. Speaker, Men and Women of the House: I would like to respond to a comment made by the Representative from Kennebunk with regard to -- do we want this tragedy in Jay to spread throughout the rest of the state? The tragedy really started in the State of Maine at Rumford's Boise-Cascade, then to Jay, and of course it is spreading. It is spreading, not only throughout this

state, but throughout this country. It all started a few years ago with the air controllers being replaced.

I urge you to support the motion to indefinitely postpone.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of the Representative from Madawaska, Representative McHenry, that L.D. 1919 be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 185

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

NAY - Anderson, Bailey, Begley, Bickford, Bott, Curran, Dellert, Dexter, Farnum, Farren, Foss, Foster, Garland, Glidden, Greenlaw, Harper, Hepburn, Hichborn, Higgins, Holloway, Jackson, Lawrence, Look, Lord, MacBride, Marsano, Matthews, K.; McPherson, Murphy, E.; Murphy, T.; Nicholson, Norton, Paradis, E.; Parent, Pines, Reed, Salsbury, Scarpino, Sherburne, Small, Stanley, Stevens, A.; Stevenson, Strout, B.; Strout, D.; Taylor, Telow, Tupper, Wentworth, Whitcomb, Willey, Zirkilton.

ABSENT - Armstrong, Baker, Bragg, Callahan, Davis, Dutremble, L.; Hanley, Hillock, Kimball, LaPointe, Lebowitz, Martin, H.; Priest, Reeves, Rice, Seavey, Webster, M.; Weymouth.

Yes, 81; No, 52; Absent, 18; Paired, 0; Excused, 0.

81 having voted in the affirmative and 52 in the negative with 18 being absent, L.D. was indefinitely postponed in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

(Off Record Remarks)

On motion of Representative Perry of Mexico, Adjourned until Tuesday, January 12, 1988, at ten o'clock in the morning pursuant to Joint Order (S.P. 723) in memory of Kenneth C. Brown, a former member of the House of Representatives.