

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Fourteenth Legislature

OF THE

State Of Maine

VOLUME I

FIRST REGULAR SESSION

December 7, 1988 to May 10, 1989

**ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
44th Legislative Day
Thursday, April 13, 1989**

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

Prayer by Reverend Charles Bray, West Falmouth Baptist Church.

The Journal of Wednesday, April 12, 1989, was read and approved.

Quorum call was held.

PAPERS FROM THE SENATE

Bill "An Act to Limit the Sunday Closing Law" (S.P. 436) (L.D. 1153)

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

Was referred to the Committee on Business Legislation in concurrence.

Bill "An Act to Establish the Maine Solid Waste Authority" (EMERGENCY) (S.P. 432) (L.D. 1143)

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

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

Bill "An Act to Amend the Adult Protective Services Act" (S.P. 435) (L.D. 1152)

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 Common Law Collateral Source Rule in Medical Professional Liability Cases" (S.P. 434) (L.D. 1151)

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

Was referred to the Committee on Judiciary in concurrence.

Bill "An Act to Strengthen Financial Disclosure Laws and to Prohibit the Acceptance of Honoraria" (S.P. 437) (L.D. 1154)

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

Was referred to the Committee on Legal Affairs in concurrence.

Unanimous Ought Not To Pass

Report of the Committee on Agriculture reporting "Ought Not to Pass" on Bill "An Act to Allow Dogs to be Vaccinated for Rabies by a Veterinarian in Another State" (S.P. 241) (L.D. 571)

Report of the Committee on Energy and Natural Resources reporting "Ought Not to Pass" on Bill "An Act to Increase the Aggregate Area Allowed for 5-acre and 10-acre Lots in the Site Location of Development Laws' Subdivision Provisions" (S.P. 341) (L.D. 911)

Report of the Committee on Transportation reporting "Ought Not to Pass" on Bill "An Act Regarding Abandoned Vehicles" (S.P. 176) (L.D. 333)

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

Non-Concurrent Matter

Bill "An Act to Require the Use of Carry-out Bags that Can Be Recycled" (H.P. 790) (L.D. 1102) which was referred to the Committee on Energy and Natural Resources in the House on April 11, 1989.

Came from the Senate referred to the Committee on Business Legislation in non-concurrence.

On motion of Representative Michaud of East Millinocket, the House voted to Insist.

Non-Concurrent Matter

Bill "An Act to Reduce Administrative Burdens on County Jails" (H.P. 783) (L.D. 1095) which was referred to the Committee on Judiciary in the House on April 11, 1989.

Came from the Senate referred to the Joint Select Committee on Corrections in non-concurrence.

On motion of Representative Gwadosky of Fairfield, tabled pending further consideration and later today assigned.

Non-Concurrent Matter

Bill "An Act to Mandate that Ingredients be Listed on Labels of Liquor Bottles Sold at State Liquor Stores" (H.P. 806) (L.D. 1118) which was referred to the Committee on Legal Affairs in the House on April 11, 1989.

Came from the Senate referred to the Committee on Business Legislation in non-concurrence.

On motion of Representative Mayo of Thomaston, tabled pending further consideration and later today assigned.

Non-Concurrent Matter

Bill "An Act to Establish a Demonstration Project in York County to Provide a System of Resources for Children in Need" (H.P. 695) (L.D. 947) on the which the House insisted on its former action whereby the Bill was referred to the Committee on Human Resources in the House on April 10, 1989.

Came from the Senate referred to the Committee on Appropriations and Financial Affairs in non-concurrence.

The House voted to recede and concur.

**PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE**

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

Agriculture

Bill "An Act to Amend the Laws Concerning Certain Fund Raising Events" (H.P. 839) (L.D. 1171) (Presented by Representative HANLEY of Paris) (Cosponsored by Representative TARDY of Palmyra, Representative WHITCOMB of Waldo and Representative NUTTING of Leeds)

Bill "An Act to Provide Final Price Disclosure to Potato Growers" (H.P. 841) (L.D. 1173) (Presented by Representative TARDY of Palmyra)

Bill "An Act to Adapt the Maine Milk Pool Law to Potential Changes in Milk Pricing" (H.P. 844) (L.D. 1176) (Presented by Representative NUTTING of Leeds) (Cosponsored by Representative PARENT of Benton, Representative TARDY of Palmyra and Representative BURKE of Vassalboro)

Ordered Printed.

Sent up for Concurrence.

Appropriations and Financial Affairs

Bill "An Act to Ensure Payment of Reasonable Costs of Operating Community-based Facilities for the Mentally Retarded" (EMERGENCY) (H.P. 840) (L.D. 1172) (Presented by Representative CARROLL of Gray) (Cosponsored by Speaker MARTIN of Eagle Lake, Senator TITCOMB of Cumberland and Representative FOSTER of Ellsworth)

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$6,000,000 for the Development and Implementation of Solid Waste Site Acquisition" (H.P. 854) (L.D. 1186) (Presented by Representative DEXTER of Kingfield) (Cosponsored by Representative RIDLEY of Shapleigh and Representative STEVENS of Sabattus)

Resolve, to Create a Demonstration Project to Provide for a Transitional Housing Program for Pregnant Teenagers and Teenaged Parents (H.P. 852) (L.D. 1184) (Presented by Representative MELENDY of Rockland) (Cosponsored by Representative CARROLL of Gray, Representative MCGOWAN of Canaan and Senator TITCOMB of Cumberland)

Ordered Printed.

Sent up for Concurrence.

Banking and Insurance

Bill "An Act to Amend the Law Relating to Property Insurance" (H.P. 858) (L.D. 1190) (Presented by Representative GARLAND of Bangor) (Cosponsored by Senator TWITCHELL of Oxford and Representative CURRAN of Westbrook) (Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 24.)

Ordered Printed.

Sent up for Concurrence.

Joint Select Committee on Corrections

Bill "An Act to Transfer Jurisdiction over County Jails from County Government to the Department of Corrections" (H.P. 857) (L.D. 1189) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsored by Representative CARTER of Winslow, Representative McHENRY of Madawaska and Senator BERUBE of Androscoggin)

Ordered Printed.

Sent up for Concurrence.

Education

Bill "An Act to Improve the Delivery of Higher Education Finances in Maine" (EMERGENCY) (H.P. 837) (L.D. 1169) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsored by Representative SMALL of Bath, Senator GILL of Cumberland and Senator PEARSON of Penobscot)

Bill "An Act to Create a Coalition Drug Education Program" (H.P. 856) (L.D. 1188) (Presented by Representative RICHARDS of Hampden) (Cosponsored by Senator GILL of Cumberland, Representative FOSS of Yarmouth and Senator PEARSON of Penobscot) (Submitted by the Department of Educational and Cultural Services pursuant to Joint Rule 24.)

Ordered Printed.

Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act to Reinstate Certain Preexisting Development Applications" (H.P. 850) (L.D. 1182) (Presented by Representative ROLDE of York)

Bill "An Act to Amend the Overboard Discharge Laws" (H.P. 855) (L.D. 1187) (Presented by Representative COLES of Harpswell) (Cosponsored by Senator CLARK of Cumberland, Representative SKOGLUND of St. George and Representative BREWER of Boothbay Harbor)

Ordered Printed.

Sent up for Concurrence.

Human Resources

Bill "An Act to Amend the Family Planning Services Act" (H.P. 846) (L.D. 1178) (Presented by Representative CLARK of Brunswick) (Cosponsored by Representative PINES of Limestone, Representative HEPBURN of Skowhegan and Senator BRANNIGAN of Cumberland)

Bill "An Act to Promote Clean Air in Beano Halls" (H.P. 848) (L.D. 1180) (Presented by Representative MELENDY of Rockland) (Cosponsored by Representative COTE of Auburn and Representative DELLERT of Gardiner)

Ordered Printed.

Sent up for Concurrence.

Judiciary

Bill "An Act to Describe the Division of Southern Cumberland of the 9th Maine District Court" (H.P. 843) (L.D. 1175) (Presented by Representative GREENLAW of Standish) (Cosponsored by Representative CONLEY of Portland, Representative SIMPSON of Casco and Senator TITCOMB of Cumberland)

Bill "An Act Concerning the Rights of a Father to Bring a Paternity Action" (H.P. 847) (L.D. 1179) (Presented by Representative RICHARDS of Hampden) (Cosponsored by Senator GAUVREAU of Androscoggin, Senator EMERSON of Penobscot and Representative BURKE of Vassalboro)

Bill "An Act to Increase the Number of Superior Court Justices and District Court Judges" (H.P. 849) (L.D. 1181) (Presented by Representative CONLEY of Portland) (Cosponsored by Representative MacBRIDE of Presque Isle, Representative HASTINGS of Fryeburg and Senator HOBBS of York)

Ordered Printed.

Sent up for Concurrence.

Later Today Assigned

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require the State to Pay Property Taxes on State-owned Property (H.P. 851) (L.D. 1183) (Presented by Representative DAGGETT of Augusta) (Cosponsored by Senator BUSTIN of Kennebec, Representative PEDERSON of Bangor and Representative FARNSWORTH of Hallowell)

(The Committee on State and Local Government had been suggested.)

On motion of Representative Swazey of Bucksport, tabled pending reference and later today assigned.

Taxation

Bill "An Act to Facilitate State Income Tax Withholding from Ordered Civil Service Annuities" (H.P. 838) (L.D. 1170) (Presented by Representative MANNING of Portland) (Cosponsored by Representative DAGGETT of Augusta and Representative CROWLEY of Stockton Springs)

Bill "An Act to Amend the Assessing Procedure" (H.P. 845) (L.D. 1177) (Presented by Representative REED of Falmouth)

Bill "An Act to Stabilize Property Taxes of People 65 Years of Age or Older" (H.P. 853) (L.D. 1185) (Presented by Representative NADEAU of Saco) (Cosponsored by Representative HOGLUND of Portland, Representative PEDERSON of Bangor and Senator GAUVREAU of Androscoggin)

Ordered Printed.
Sent up for Concurrence.

Transportation

Bill "An Act to Provide Disabled Veterans with Free Drivers' Licenses" (H.P. 842) (L.D. 1174) (Presented by Representative LAPOINTE of Auburn) (Cosponsored by Representative TRACY of Rome, Senator TWITCHELL of Oxford and Representative HICKEY of Augusta)

Ordered Printed.
Sent up for Concurrence.

ORDERS

On motion of Representative KETOVER of Portland, the following Joint Resolution: (H.P. 860) (Cosponsors: Speaker MARTIN of Eagle Lake and President PRAY of Penobscot)

JOINT RESOLUTION COMMEMORATING YOM HASHOAH, THE "DAYS OF REMEMBRANCE" OF THOSE WHO SUFFERED AS VICTIMS OF NAZISM

WHEREAS, 44 years ago, 6 million Jews were murdered in the Nazi Holocaust as part of a systematic program of genocide and millions of other people suffered as victims of Nazism; and

WHEREAS, the people of the State of Maine should always remember the atrocities committed by the Nazis so that such horrors are never repeated; and

WHEREAS, the people of the State of Maine should continually rededicate themselves to the principle of equal justice for all people, remain eternally vigilant against all tyranny and recognize that bigotry provides a breeding ground for tyranny to flourish; and

WHEREAS, May 2, 1989, has been designated internationally as a Day of Remembrance of Victims of the Nazi Holocaust, known as Yom Hashoah; and

WHEREAS, the national community pursuant to an Act of Congress will be commemorating the week of April 30th through May 7th as the "Days of Remembrance" of the victims of the Nazi Holocaust; and

WHEREAS, it is appropriate for the people of the State of Maine to join in this international commemoration; now, therefore, be it

RESOLVED: That We, the Members of the 114th Legislature of the State of Maine now assembled in the First Regular Session, on behalf of the people we represent, pause in solemn memory of the victims of the Holocaust, and urge one and all to recommit themselves to the lessons of the Holocaust through this international week of commemoration and express our common desires to continually strive to overcome prejudice and inhumanity through education, vigilance and resistance; and be it further

RESOLVED: That suitable copies of this Resolution, duly authenticated by the Secretary of State, be transmitted to the United States Holocaust Memorial Council in Washington, D.C., on behalf of the people of the State of Maine.

Was read.

On motion of Representative Gwadosky of Fairfield, tabled Unassigned pending adoption.

At Ease to Gong)

The House was called to order by the Speaker.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative ROTONDI from the Committee on Fisheries and Wildlife on Bill "An Act to Allow Holders of Maine Hunting Licenses to Hunt on Sunday during Hunting Season" (H.P. 218) (L.D. 298) reporting "Ought Not to Pass"

Representative DUFFY from the Committee on Fisheries and Wildlife on Bill "An Act to Require that Residents Have at Least the Same Chances of Receiving Doe Permits as Nonresidents" (H.P. 331) (L.D. 450) reporting "Ought Not to Pass"

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

Unanimous Leave to Withdraw

Representative TRACY from the Committee on Fisheries and Wildlife on Bill "An Act to Amend the Muzzle-loading Hunting Season" (H.P. 516) (L.D. 701) reporting "Leave to Withdraw"

Representative FARREN from the Committee on Fisheries and Wildlife on Bill "An Act to Provide that Money Collected from Snowmobile Registration Fees be Returned to Registered Snowmobile Clubs" (H.P. 147) (L.D. 199) reporting "Leave to Withdraw"

Representative MCHENRY from the Committee on Labor on Bill "An Act to Establish Preapprenticeship Programs" (H.P. 479) (L.D. 659) reporting "Leave to Withdraw"

Representative RAND from the Committee on Labor on Bill "An Act to Prevent Apprenticeship Instructors from Being Disqualified for Unemployment Compensation" (H.P. 447) (L.D. 612) reporting "Leave to Withdraw"

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

Divided Report

Tabled and Assigned

Majority Report of the Committee on State and Local Government reporting "Ought Not to Pass" on RESOLUTION, Proposing an Amendment to the Constitution of Maine Requiring Successful Gubernatorial Candidates to Receive More than 50 Percent of the Votes Duly Cast (H.P. 233) (L.D. 317)

Signed:

Senators: BERUBE of Androscoggin
CARPENTER of York

Representatives: ESTY of Cumberland
BEGLEY of Waldo

LARRIVEE of Gorham
WENTWORTH of Wells
DAGGETT of Augusta
ROTONDI of Athens
McCORMICK of Rockport

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

Signed:

Representatives: HEESCHEN of Wilton
JOSEPH of Waterville
CAHILL of Mattawamkeag

Reports were read.

On motion of Representative Gwadosky of Fairfield, tabled pending acceptance of either report and specially assigned for Tuesday, April 18, 1989.

CONSENT CALENDAR

First Day

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

(H.P. 394) (L.D. 525) Bill "An Act to Facilitate Conversion of the Maine State Retirement System Records to an Automated System" Committee on Aging, Retirement and Veterans reporting "Ought to Pass" as amended by Committee Amendment "A" (H-64)

(S.P. 233) (L.D. 563) Bill "An Act to Amend the Occupational License Disqualification Law" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-38)

There being no objections, the above items were ordered to appear on the Consent Calendar of Tuesday, April 18, 1989 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. 373) (L.D. 504) Bill "An Act Relating to Civil Penal Damages to be Awarded in Cases of Unlawful Discrimination"

(H.P. 278) (L.D. 390) Bill "An Act Converting Baring Plantation into the Town of Baring" (C. "A" H-62)

(S.P. 117) (L.D. 183) Bill "An Act to Ensure Coordinated Investigations of Complaints Regarding Special Education" (C. "A" S-36)

(S.P. 140) (L.D. 260) Bill "An Act Concerning Seafood Market Development" (C. "A" S-34)

(S.P. 167) (L.D. 324) Bill "An Act to Prohibit Persons Who have Violated the Animal Cruelty Laws from Participating in Pulling Events" (C. "A" S-35)

(S.P. 223) (L.D. 539) Bill "An Act to Make Technical Changes to Provisions Related to the Probation and Parole and Intensive Supervision Program Functions" (C. "A" S-37)

(H.P. 384) (L.D. 515) Bill "An Act Concerning the Regulatory Treatment of Consumer-owned Electric Utilities"

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

SECOND READER

As Amended

Later Today Assigned

Bill "An Act to Further Define the Responsibilities of the Maine Milk Commission to Ensure a Supply of Milk to the Consumers of Maine" (H.P. 452) (L.D. 617) (C. "A" H-59)

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

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be engrossed as amended and later today assigned.

PASSED TO BE ENACTED

Emergency Measure

An Act to Make Minor Changes in the Motor Vehicle Laws (S.P. 75) (L.D. 65) (S. "A" S-29 and H. "A" H-53 to C. "A" S-23)

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. 121 voted in favor of the same and 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Provide Credit for Braille Courses (H.P. 104) (L.D. 141) (C. "A" H-44)

An Act to Provide that Medical Information in the Files of the Maine State Retirement System is not Public Information (H.P. 263) (L.D. 375) (C. "A" H-42)

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.

ORDERS OF THE DAY

TABLED AND TODAY ASSIGNED

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

An Act Relating to the Dig-safe Law (Emergency) (H.P. 432) (L.D. 597) (C. "A" H-37)

TABLED - April 12, 1989 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

On motion of Representative Gwadosky of Fairfield, retabled pending passage to be enacted and later today assigned.

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

HOUSE DIVIDED REPORT - Majority (12) "Ought Not to Pass" - Minority (1) - "Ought to Pass" - Committee on Taxation on Bill "An Act to Protect Confidentiality of Private Business Transactions" (H.P. 235) (L.D. 347)

TABLED - April 12, 1989 by Representative CASHMAN of Old Town.

PENDING - Motion of same Representative to accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker, Ladies and Gentlemen of the House: I stand today to urge that this body not approve the Majority Report but instead to accept the Minority Report.

I approach this subject with no illusions, I would say, considering the weight of the Divided Report. However, I think it is important for this body to recognize what is at stake.

This legislature passed in the last session a law that now allows personal real estate transactions in effect to become public information. This allows these transactions to be published in the newspapers. Those of us who oppose this law, those of us who feel that this law should be repealed, feel that Maine citizens are entitled to some confidentiality and privacy in their real estate transactions. Maine people, I think, consider their land and their homes a very private and personal belonging and, when they decide to sell, they deserve the right to be able to do that without having that selling price revealed to everybody in town or, for that matter, everyone in the area of circulation of the local newspaper.

The arguments in favor of this law are advanced by a special interest. If there could be a textbook example of how a lobby or a lobbying group has been effective in passing a piece of legislation that benefits one particular segment of society or one particular interest group, this would be it. If you

had had a chance to participate in the hearing on the repeal of this piece of legislation — frankly, most of us wouldn't have had a chance because the room was full of appraisers and real estate agents who wanted to defend this law. This is their law. Make no mistake that this is of extreme benefit to them. I don't deny that at all. What we argue, in urging you to repeal this law, is that Maine people, those who do not necessarily make a living selling and in their transactions of real estate, deserve an opportunity to have those transactions remain a confidential matter. We would argue that, yes, the information is necessary for tax assessment, the disclosure has been available for some period of time but, no, it does not need to be public information. These are private transactions.

A piece of land and a home is quite likely to be the major asset that many Maine people have. They do not have an opportunity (most people) to make extended amounts of money from other transactions. This is the one thing, quite likely, in the lifetime of a person that they will be selling of great value. If they make the decision to sell, we think they ought to be able to do that and not have it published in the newspaper.

I would urge you to vote against the motion before us and to accept the Minority Report.

The SPEAKER: The Chair recognizes the Representative from Old Town, Representative Cashman.

Representative CASHMAN: Mr. Speaker, Men and Women of the House: For those of you who were here last session, you probably remember this debate very well. It was in the 113th Legislature that we passed the law that allowed assessors to give out this information. Prior to that law being passed two years ago, this information was kept confidential. At that time, we were the only state in the Union that kept that information confidential. I agree with Representative Whitcomb that confidentiality and privacy is important to Maine people but I don't think we are unique in that, I think that is something that is cherished by anybody in America. But what the overall good of the bill that we passed two years ago has done, I think has outweighed that. I think that that has been the case for 49 other states and that is why we were the only state that still kept the information confidential.

I would again agree with Representative Whitcomb that it has benefited one segment of society but I disagree with who it is. I think it has benefited consumers because what it has done, it has allowed assessors, first of all, to be able to sit down with a taxpayer who has just had their property reassessed and show them where he or she got the information, what information they used in order to arrive at that assessment. A taxpayer has a right to know, I think, how the assessor arrived at the valuation on their home. If they come in and complain to the assessor because they feel their tax is too high, they have a right to know how that figure was arrived at. Prior to our passing this law two years ago, that information was not available to them.

I also think that home buyers in a particular area of this state have a right to an appraisal and they have a right to an appraisal that includes all the information necessary to arrive at a fair and accurate figure for the house that they are buying. The market for financing homes has changed so dramatically in the last 10 years that appraisals now are absolutely essential in order for the banks to sell the mortgages that they are making on the secondary mortgage money. If the information of comparable sales data is not available to an assessor or an appraiser of property, then they are providing

you with an incomplete appraisal. I don't think that is fair to home buyers.

The bill we passed two years ago was a good bill. It has worked well, it has benefited the consumers of this state, this bill would repeal it. The overwhelming report of the Taxation Committee, 12 to 1, bipartisan, indicates that the committee feels that the bill we passed two years ago is working very well.

I hope that the House will go along with the Majority Report and reject this bill.

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

Representative STEVENS: Mr. Speaker, Men and Women of the House: I rise to speak against the motion by my good friend, Representative Cashman. For those of you who are blessed or cursed with the institutional memory of this bill from two years ago, I see you smiling, because it was one battle with 8 roll calls, four amendments and ended up being one vote away from amending this bill two years ago. It is a very controversial issue. It is not routine, "business as usual" as would be suggested by the Taxation Committee.

When this bill was argued two years ago, people with good intentions sincerely believed that this information would never rise to the level of public interest that it would be printed in the newspaper. They said, "Don't be silly, Pat, you are using irrational, emotional arguments. They are not going to print this in the newspapers, nobody cares." I invite you to pick up this paper that I distributed today and look at the Bangor Daily News. I don't fault the Bangor Daily News for printing this information, it is public. The state has said, this is important information, it should be published. Perhaps the Bangor Daily News is obligated to print it, it is so important. I don't dispute their right, they have every right to do so.

If you look at this, the best you can say about the printing in the Bangor Daily News is that it is random. Even in this paper dated September 14th, if you will look at the front, you will see that the prices are listed for some properties, the first properties. At the end of the column, you will see that the prices are not listed. Now, you get up in the morning and you sold your house a couple of weeks ago and you pull the paper out and you see in the paper that the price you sold your property for is listed — your confidentiality for that private contract has been breached. How do you feel? How would you feel? How would your constituents feel, your family feel? Is it anybody's business to know? Maybe you are blessed, maybe you are one of those people that is on the bottom of the column where they don't print the price. Why didn't they print it? I don't know, the reporter didn't have time to find out the information. I don't know what the reason is — they have every right to print anything they want but it is an unfair application of this law. It does rise to the level of public interest. Have any of you seen this, the Declaration of Value? This is what every taxpayer, every person, the newspaper, gets to go to the town assessor's office and look at. This is a private tax matter here. It has always been confidential in the State of Maine. In 1976, they made it confidential. Prior to that, we had what they called tax stamps. Some of you people who have been around awhile may remember the tax stamps that you put on the back of the deeds. Those 48 states that Representative Cashman speaks of that already have this form of disclosure — you know what a lot of them have? They have the same system Maine had — the old tax stamps where you put them on the

back of the deed. You could buy extras, you can buy less where there is no affirmative oath that what you say is true. They were an inaccurate way of assessing the value of property, they were discarded in Maine. So when you hear that all these other states have some form of disclosure, I invite you to ask the Taxation Committee what form of disclosure they have. Look at the New England states that have the old real estate transfer tax stamps on the back. Maybe Maine should go back to that and copy Rhode Island, if that works so well. I resent the argument that other states have it without asking the question -- in what form do they have it?

Maine also had a disclosure law, they had it for years and it was the real estate stamps. They had it before this bill was passed because the information was disclosed to those that had a need to know. It was the municipal and state tax assessor's who have to fairly set the value. We had a disclosure law prior to this, perhaps we were included in those 48 states so be a critical listener, understand exactly what is being said and whether or not it really applies to our situation.

Look at this stamp right here -- #10, you bought some property, perhaps you sold it to your ex-wife or to your child, perhaps you are a young couple who can't meet the payments and you have deeded the property back to the bank in order to avoid a foreclosure -- that happens to people, you know. It happens to our families, to our constituents and right here on line #10, if for any reason, that property is transferred for less than the market value, you have to disclose exactly why. You have to disclose if it is a forced sale, an interfamily sale, a corporate sale, a gift or an exchange. If that is the business of the people of the State of Maine, I ask you ladies and gentlemen -- please today, do a balancing test -- you put the gain on one side and you put the loss on the other. I don't deny that there has been a gain, perhaps real estate appraisers are cheaper, perhaps they are quicker, perhaps they are more efficient but it doesn't come free. It comes at a loss that Maine people value. They value their privacy. They have a long tradition of keeping their noses out of other peoples business unless there is a compelling public reason to put their nose into other peoples business.

The state says right here, it is the state's business. Not only is it the state's business but everybody elses business. I can understand that it is the state's business, the tax assessor has to know, I understand that, I accept that, but it is not everybody elses right to know. The gain and the loss are not balanced.

You have lost a precious thing to take away peoples private contract rights and make them published in the paper. How would you like it if your private contract rights -- to sell potatoes or to sell fabric or to sell your services, whatever, were printed in the paper? Does it rise to the level of public need? Balance it out. As policy makers, we have to balance the loss and the gains.

I urge you today to see if it is worthwhile. The appraisers are honest, they are well-intentioned people, I don't doubt that but it is routine for them to know the prices of houses, it is not the most important contract in their lives, they don't care. They were asked at the public hearing, have your prices gone down -- it was said right on this floor by a member in this body today -- prices will go down and it will be cheaper for the poor young couple -- and we asked them, have your prices gone down? They gave the time-honored answer that you freshmen may not have heard but you will hear lots of times during

your tenure here, our prices have not gone down but they have not gone up as much. Doesn't that make you smile and laugh and mad at the same time? How do you measure your benefit when you give an answer like that? How do you put it on the scale and measure your benefit against your loss? I urge you to defeat Representative Cashman's motion.

The SPEAKER: The Chair recognizes the Representative from Shapleigh, Representative Ridley.

Representative RIDLEY: Mr. Speaker, Ladies and Gentlemen of the House: We are debating this bill again, the same as we did in the last session. I opposed disclosure then and I do now. I will try not to go over the same reasons.

First off, I don't think these figures on the declaratory papers are those valued figures. I was an assessor for quite a number of years in a small town and you would be surprised at the number of these papers that come in, knowing the property and the situation, you could see that they were not valued figures. There might be extenuating circumstances that someone else coming in from the outside would not notice or not realize that they were. As mentioned by the previous speaker, there is a place on the form that you fill out, if it is sold for less than market value, you put in why. Who is going to determine what the market value is? That is a debatable question.

As far as one of the other previous speakers, it is a help for the assessors to look at these papers to determine valuation especially when they are trying to explain to an irate taxpayer that he is being much over-valued.

I would just like to point out that my greatest success in trying to settle disputes in valuation on property in town is to go to the valuation book and pick out similar and like property and compare their valuation with those. I think one of the most important things in valuation is to be sure that you measure everybody with the same yardstick, not going in with what the latest sale would have been. I think this probably has attributed as much as anything to the property tax problem we have in some of the rural areas. We have people coming in from a high income area such as the larger cities, doctors and lawyers buying property, paying possibly ten times what it is worth and yet, someone in town with a like and similar piece of property, has to bear the same valuation that this other property was bought at at inflated values. Measuring everybody with the same yardstick is what they use if they have someone that protests their taxes and it goes to the county commissioners, they have a hearing on it. I have sat on many of them, when they come over, that is the first thing they do. They want to be shown similar and like property and compare the values in the valuation book. This seems to be what they go by rather than the actual figures of an individual piece of property.

You have an arms-length agreement which we often refer to which is a willing buyer and a willing seller. This might not necessarily reflect the true value of the property. I think that what someone sells their property for really is nobody's business but their own. This is one area where I think we are treading into our own private lives just a little bit too much. I don't see any really worthwhile reason for doing it because there are so many flaws, some of which I have just pointed out. I would hope very much that you would go along with the Minority Report on this bill.

(Off Record Remarks)

At this point, the House recessed for the purpose of joining in "Welcome Back Day" ceremonies.

(After Recess)

The House was called to order by the Speaker.

On motion of Representative Macomber of South Portland,
Recessed until five o'clock in the afternoon.

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

The House was called to order by the Speaker.

The Chair laid before the House the following matter which was being debated at the time of recess:

HOUSE DIVIDED REPORT - Majority (12) "Ought Not to Pass" - Minority (1) - "Ought to Pass" - Committee on Taxation on Bill "An Act to Protect Confidentiality of Private Business Transactions" (H.P. 235) (L.D. 347)

TABLED - April 12, 1989 by Representative CASHMAN of Old Town.

PENDING - Motion of same Representative to accept the Majority "Ought Not to Pass" Report.

Representative Stevens of Bangor requested a roll call on acceptance of the Majority "Ought Not to Pass" Report.

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

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

The SPEAKER: The pending question before the House is the motion of the Representative from Old Town, Representative Cashman that the House accept the Majority "Ought Not to Pass" Report.

The Chair recognizes the Representative from Thomaston, Representative Mayo.

Representative MAYO: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with the Representative from Orono, Representative Cathcart. If she were present and voting, she would be voting nay; I would be voting yea.

The SPEAKER: The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Mr. Speaker, I request permission to pair my vote with the Representative from Gray, Representative Carroll. If he were present and voting, he would be voting yea; I would be voting nay.

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

Representative JOSEPH: Mr. Speaker, I request permission to pair my vote with the Representative from Lewiston, Representative Boutilier. If he were present and voting, he would be voting yea; I would be voting nay.

The SPEAKER: The pending question before the House is the motion of the Representative from Old Town, Representative Cashman that the House accept

the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 5

YEA - Adams, Aliberti, Allen, Ault, Bell, Burke, Butland, Carter, Cashman, Chonko, Constantine, Curran, Daggett, Dellert, Dipietro, Donald, Duffy, Dutremble, L.; Erwin, P.; Graham, Greenlaw, Gwadosky, Hale, Handy, Heeschen, Hepburn, Hichborn, Hickey, Higgins, Hutchins, Jacques, Ketover, Kilkelly, LaPointe, Larrivee, Lawrence, Libby, Lisnik, Luther, Mahany, Manning, Marsano, Marsh, Martin, H.; McCormick, McGowan, McSweeney, Melendy, Michaud, Mills, Murphy, Nadeau, G. R.; Norton, Oliver, Paradis, E.; Paradis, J.; Paul, Pederson, Pendleton, Plourde, Pouliot, Rand, Reed, Richard, Rolde, Rydell, Seavey, Sheltra, Simpson, Skoglund, Small, Smith, Swazey, Tammaro, Tardy, Walker, The Speaker.

NAY - Aikman, Anderson, Bailey, Begley, Brewer, Cahill, T.; Carroll, J.; Dexter, Farnum, Farren, Garland, Gould, R. A.; Hoglund, Hussey, Jalbert, Lebowitz, Look, Macomber, McHenry, McPherson, Merrill, Moholland, Nutting, O'Dea, O'Gara, Parent, Pineau, Pines, Richards, Ridley, Rotondi, Sherburne, Stevens, A.; Stevens, P.; Stevenson, Strout, B.; Strout, D.; Telow, Townsend, Tracy, Tupper, Wentworth, Whitcomb.

ABSENT - Anthony, Clark, M.; Coles, Conley, Cote, Crowley, Dore, Farnsworth, Foss, Foster, Gurney, Hanley, Hastings, Holt, Jackson, Lord, MacBride, Marston, McKeen, Mitchell, Nadeau, G. G.; Paradis, P.; Priest, Ruhlin, Webster, M.

PAIRED - Boutilier, Carroll, D.; Cathcart, Clark, H.; Joseph, Mayo.

Yes, 77; No, 43; Absent, 25; Paired, 6; Excused, 0.

77 having voted in the affirmative and 43 in the negative with 25 being absent and 6 paired, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

(At Ease)

The House was called to order by the Speaker.

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

HOUSE DIVIDED REPORT - Majority (10) "Ought to Pass" as amended by Committee Amendment "A" (H-51) - Minority (3) - "Ought Not to Pass" - Committee on Business Legislation on Bill "An Act Relating to Confidentiality of Investigative Records of Boards and Commissions" (H.P. 232) (L.D. 316)

TABLED - April 12, 1989 by Representative GWADOSKY of Fairfield.

PENDING - Motion of Representative ALLEN of Washington to accept the Majority "Ought to Pass" as amended Report.

Subsequently, the Majority "Ought to Pass" Report as amended was accepted, the Bill read once.

Committee Amendment "A" (H-51) was read by the Clerk and adopted and the Bill assigned for second reading Tuesday, April 18, 1989.

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

An Act to Amend the Medical Health Security Act to Include Podiatrists and Dentists (S.P. 190) (L.D. 417) (C. "A" S-26)

TABLED - April 12, 1989 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

Subsequently, was passed to be enacted, signed by the Speaker and sent to the Senate.

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

Bill "An Act to Authorize the Detention in County Jails of Adults for Offenses Committed as Juveniles" (H.P. 817) (L.D. 1145)

(Committee on Judiciary suggested.)

TABLED - April 12, 1989 by Representative MAYO of Thomaston.

PENDING - Reference.

Subsequently, was referred to the Joint Select Committee on Corrections, ordered printed and sent up for concurrence.

The Chair laid before the House the following matter: Bill "An Act to Reduce Administrative Burdens on County Jails" (H.P. 783) (L.D. 1095) which was referred to the Committee on Judiciary in the House on April 11, 1989. (Came from the Senate referred to the Joint Select Committee on Corrections in non-concurrence), which was tabled earlier in the day and later today assigned pending further consideration.

Subsequently, the House voted to recede and concur.

The Chair laid before the House the following matter: Bill "An Act to Mandate that Ingredients be Listed on Labels of Liquor Bottles Sold at State Liquor Stores" (H.P. 806) (L.D. 1118) which was referred to the Committee on Legal Affairs in the House on April 11, 1989, (Came from the Senate referred to the Committee on Business Legislation in non-concurrence), which was tabled earlier in the day and later today assigned pending further consideration.

Subsequently, the House voted to recede and concur.

The Chair laid before the House the following matter: RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require the State to Pay Property Taxes on State-owned Property (H.P. 851) (L.D. 1183) (Committee on State and Local Government had been suggested.) which was tabled earlier in the day and later today assigned pending reference.

On motion of Representative Gwadlosky of Fairfield, tabled pending reference and later today assigned.

The Chair laid before the House the following matter: Bill "An Act to Further Define the Responsibilities of the Maine Milk Commission to Ensure a Supply of Milk to the Consumers of Maine" (H.P. 452) (L.D. 617) (C. "A" H-59) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

On motion of Representative Rotondi of Athens, the House reconsidered its action whereby Committee Amendment "A" was adopted.

The same Representative offered House Amendment "A" (H-66) to Committee Amendment "A" (H-59) and moved its adoption.

House Amendment "A" (H-66) to Committee Amendment "A" (H-59) was read by the Clerk.

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

Representative ROTONDI: Mr. Speaker, Ladies and Gentlemen of the House: This amendment basically does what the original bill did, L.D. 617 when I introduced it at the hearing a few weeks ago. It ensures that distributors of milk make regular deliveries of milk to retail outlets, schools, hospitals, nursing homes and restaurants who are on regular delivery routes.

The reason that this bill came this session is because, this summer, a major milk distributor refused to deliver less than \$50 of milk in value per delivery to each store. The stores, mostly Mom and Pop stores, couldn't absorb the flow of milk that was demanded by the distributor and the distributor discontinued the service and delivery. This affected stores in my district in Bingham, Moscow, Caratunk, West Forks, Jackson and Moose River. When the stores don't get milk in that district, the general public doesn't get milk either. Depending on where they live, they are 30 to 90 miles away from a Shop and Save store.

I hope that you will vote to adopt this amendment.

The SPEAKER: The Chair recognizes the Representative from Palmyra, Representative Tardy.

Representative TARDY: Mr. Speaker, Men and Women of the House: I move that House Amendment "A" to Committee Amendment "A" be indefinitely postponed.

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

Representative HØGLUND: Mr. Speaker, Men and Women of the House: I agree with Representative Rotondi on this. I think what she is trying to do is -- milk delivery trucks that are going on the way on one route go by small stores and they ought to deliver. What is happening is your small Mom and Pop stores are being cut off and they cannot serve a commodity to the consumer. What Representative Rotondi is trying to do is ask that, if the milk truck is going by the store, can they please stop and make deliveries? I ask you to vote against Representative Tardy's motion.

The SPEAKER: The Chair recognizes the Representative from Palmyra, Representative Tardy.

Representative TARDY: Mr. Speaker, Men and Women of the House: This bill was considered by the Agriculture Committee and we came out with an amended bill that would provide that, if a dealer decided to discontinue a route, that he would have to give the customers on that route 30 days notice of this discontinuance, which would enable these customers to find another source of milk. What this amendment does is give the Maine Milk Commission the ability to mandate that that dealer discontinue to service a route that that dealer has determined is not profitable for him. It is just not in the scheme of milk pricing that we have and is a far broader issue than can be dealt with by this one amendment. This is why the committee rejected the concept.

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

Representative HØGLUND: Mr. Speaker, Ladies and Gentlemen of the House: I disagree with Representative Tardy because what he is saying that small stores right now can be shut off by the milk companies. What the first amendment does is allow them to have carte blanche by saying, "You have a 30 day notice and you are totally shut off." The state is making that a law. Okay, 30 days, you are totally shut off. By allowing Representative Rotondi's amendment to go on, you are allowing small stores to negotiate that they can possibly continue service and if not, at least go to the Maine Milk Commission and

have a hearing. I think that is a fairer way. Again, I urge you to vote against Representative Tardy's motion.

The SPEAKER: The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: I do not wish to extend the debate on milk at this time of night or any time for that matter but I feel that I must stand and rise in support of the motion from the Chairman of the Joint Standing Committee on Agriculture. I think the amendment, although we worked hard and sympathized with the intent of the sponsor of the bill, Representative Rotondi, I think the amended version that the committee came out with was the best that we felt we could do in the line of addressing the problem without forcing or attempting to force businesses to make decisions beyond their economic means. I urge that you support the motion of the Committee Chairman to indefinitely postpone the amendment before us.

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

Representative RAND: Men and Women of the House: You are probably wondering why I am standing here speaking on this bill. I do support Representative Rotondi's amendment because I have been told that the reason the committee voted the way it did on her bill was because the Milk Commission specifies that the milk that has to be available be wholesome milk. It is my understanding that the committee felt that powdered milk was as wholesome as whole milk; therefore, the requirements were met. I don't think you will find one pediatrician in this state or in the United States or possibly in the world who would agree that powdered milk is a wholesome form of milk for children, at least up to the age of 2. I personally would say that with my years in health care, it should be to the age of 5.

What we are doing here is denying, if we accept Representative Tardy's suggestion, not so much the Mom and Pop stores from selling the product, we are denying people who live in rural areas the opportunity to purchase the necessary, wholesome product for their children. We will be removing whole milk from their children's diets. I don't think that is called for. I think the simple amendment as proposed by Representative Rotondi would at least give people a chance. Please vote for her amendment.

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

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

When you have a small dealer who is not producing as much as maybe he should be, does the milk truck pick his milk up or does he discontinue picking the milk up?

The Representative from Island Falls, Representative Smith, has posed a question through the Chair to Representative Nutting, who may respond if he so desires.

The Chair recognizes that Representative.

Representative NUTTING: Mr. Speaker, Ladies and Gentlemen of the House: My fellow Representative from Island Falls, Representative Smith posed a question and used the word "dealer" but I think the way he worded the question though, he really meant the small farmer and does his milk still get picked up? Yes, a dairy will pick up a small farmer's milk but he will charge you twice what he does to pick a large farmer's milk.

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

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House: It seems that it wasn't too long ago that we had the large dealers or dairies (I can't remember what you call them) but they were trying to squeeze out the small ones. We had a small one in Houlton, Houlton Farm's Dairy, and my concern then was, if one dairy was going to serve the area, they would then say to the small stores, "Get some space, we are going to stop once a week." At the present time and at that time, they were being served three times a week, I believe, maybe more than necessary but they were getting service. My concern was then that they would be losing the service if one dairy was serving the whole area. It looks to me now that they have no competition in the area that we are talking about and that is what is happening. It seems to me, if they want an area, they should be servicing all the stores.

The SPEAKER: The Chair recognizes the Representative from Limestone, Representative Pines.

Representative PINES: Men and Women of the House: To clarify the powdered milk situation, the committee definitely with all our dairy farmers down there, don't consider powdered milk wholesome milk. That question was raised by me at the meeting and no one agreed with me on powdered milk. In no way does the Agriculture Committee consider powdered milk wholesome milk. I think if the sponsors of the bill had been at the work session, they would have known that, in no way, did the Agriculture Committee consider that. I raised the question, "Is powdered milk wholesome?" There was no answer given.

The SPEAKER: The Chair recognizes the Representative from Dexter, Representative Sherburne.

Representative SHERBURNE: Mr. Speaker, Ladies and Gentlemen of the House: When we had this bill in committee, the committee worked hard to get a reasonable solution. It is pretty hard to force a dealer to deliver milk at a loss. Our Committee Amendment gave 30 days notice that that dealer did have to deliver milk for 30 days and, during that 30 day period, certainly the dealer, somebody in the community, could come to an agreement and a price. The Commission sets a minimum price but they don't set a maximum price. Certainly somebody in these communities and the dealer could provide a supply of milk with a 30 day notice.

Representative Rotondi of Athens requested a roll call.

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

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

The SPEAKER: The pending question before the House is the motion of the Representative from Palmyra, Representative Tardy, that House Amendment "A" to Committee Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 6

YEA - Aikman, Aliberti, Anderson, Ault, Bailey, Begley, Bell, Boutilier, Butland, Carroll, J.; Cashman, Clark, H.; Crowley, Dellert, Dexter, Dipietro, Donald, Farnum, Farren, Foss, Garland, Gould, R. A.; Graham, Greenlaw, Gwadosky, Hastings, Hepburn, Hickey, Higgins, Hussey, Hutchins, Jalbert,

Lebowitz, Libby, Lisnik, MacBride, Macomber, Manning, Marsano, Marsh, Mayo, McCormick, McPherson, Merrill, Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, E.; Parent, Paul, Pendleton, Pines, Pouliot, Priest, Reed, Richards, Ridley, Ruhlin, Seavey, Sherburne, Small, Stevens, A.; Stevenson, Strout, B.; Swazey, Tammaro, Tardy, Telow, Townsend, Tracy, Walker, Wentworth, Whitcomb.

NAY - Adams, Allen, Anthony, Brewer, Burke, Cahill, T.; Carter, Chonko, Clark, M.; Conley, Constantine, Cote, Curran, Daggett, Duffy, Dutremble, L.; Erwin, P.; Farnsworth, Foster, Gurney, Hale, Handy, Heesch, Hichborn, Hوجلund, Jacques, Joseph, Ketover, Kilkelly, LaPointe, Larrivee, Lawrence, Look, Luther, Mahany, Martin, H.; McGowan, McHenry, McSweeney, Melendy, Michaud, Mills, Moholland, Murphy, Nadeau, G. R.; Paradis, J.; Paradis, P.; Pederson, Pineau, Plourde, Rand, Richard, Rolde, Rotondi, Rydell, Sheltra, Simpson, Skوجلund, Smith, Stevens, P.; Tupper, The Speaker.

ABSENT - Carroll, D.; Cathcart, Coles, Dore, Hanley, Holt, Jackson, Lord, Marston, McKeen, Mitchell, Nadeau, G. G.; Strout, D.; Webster, M.

Yes, 75; No, 62; Absent, 14; Paired, 0; Excused, 0.

75 having voted in the affirmative and 62 in the negative with 14 being absent, the motion did prevail.

Subsequently, Committee Amendment "A" was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" and sent up for concurrence.

The Chair laid before the House the following matter: An Act Relating to the Dig-safe Law (Emergency) (H.P. 432) (L.D. 597) (C. "A" H-37) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Gwadosky of Fairfield, retabled pending passage to be enacted and specially assigned for Tuesday, April 18, 1989.

The Chair laid before the House the following matter: RESOLUTION, Proposing an Amendment to the Constitution of Maine to Require the State to Pay Property Taxes on State-owned Property (H.P. 851) (L.D. 1183) (Committee on State and Local Government suggested) which was tabled earlier in the day and later today assigned pending reference.

On motion of Representative Mayo of Thomaston, retabled pending reference and specially assigned for Tuesday, April 18, 1989.

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. 438)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, April 18, 1989, at 9 o'clock in the morning.

Came from the Senate, read and passed.

Was read and passed in concurrence.

The **SPEAKER**: The Chair wishes to apologize to members of the Judiciary Committee who were in a hearing this afternoon and thought that the second bell was a call to order rather than a Roll Call. So, they missed the roll call and therefore the Record should so indicate.

(Off Record Remarks)

SPECIAL SENTIMENT CALENDAR

On motion of Representative Higgins of Scarborough, the House reconsidered its action whereby (HLS 354) was passed.

Recognizing:

the hard work and dedicated efforts of Rosa Prime, who is retiring after years of public service in State Government. Public service extended to Rosa's home where she has been active in many service organizations including the International Heifer Project, the Windsor Historical Society and the Windsor Fair Association. Rosa and her husband also routinely opened their Roseledge Farm to area school children for tours of the family's farm. Rosa truly exemplifies the generous spirit of Maine and its citizens; (HLS 354) by Representative HIGGINS of Scarborough. (Cosponsors: Representative WEBSTER of Cape Elizabeth, Representative PARADIS of Old Town, Speaker MARTIN of Eagle Lake)

The **SPEAKER**: The Chair recognizes the Representative from Scarborough, Representative Higgins.

Representative HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I think it is only fitting that today "Welcome Back Day" would also be the next to the last day for Rosa Prime serving here in the State House. She has been here certainly a lot longer than I have and probably a lot longer than she would like to remember or would like to admit to. She has touched the lives of so many people who have been through this Legislature, mine when I first came here and served on the Appropriations Committee, and many others before and after that.

She is just simply one of the most wonderful, lovely, genuine people that I have ever met in my entire life. She is one of those people who you would like to admit was related to you in some way. Unfortunately she is not but she is just that sort of person. I know that I speak for all members of my party and the other side of the aisle as well when I say that we will miss you very much, you have been a dedicated servant to the State of Maine. You take a lot of history with you and that is unfortunate but I hope and I know that she will have many healthy and what I know will be an active retirement. So, we wish her well in any new endeavors that she might have.

The Order was passed and sent up for concurrence.

By unanimous consent was ordered sent forthwith to the Senate.

Representative Gwadosky of Fairfield moved that the House reconsider its action whereby Bill "An Act to Strengthen Financial Disclosure Laws and to Prohibit the Acceptance of Honoraria" (S.P. 437) (L.D. 1154) was referred to the Joint Standing Committee on Legal Affairs.

On further motion of the same Representative, tabled pending his motion to reconsider and specially assigned for Tuesday, April 18, 1989.

(Off Record Remarks)

On motion of Representative Cote of Auburn, Adjourned until Tuesday, April 18, 1989, at nine o'clock in the morning, pursuant to Joint order (S.P. 438).