

# MAINE STATE LEGISLATURE

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

**VOLUME II**

**FIRST REGULAR SESSION**

May 10, 1989 to June 14, 1989

Bill "An Act to Improve Services for Maine's Mentally Ill" (Emergency)

S.P. 586 L.D. 1648

(In Senate, May 11, 1989, referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.)

On further motion by same Senator, referred to the Committee on HUMAN RESOURCES and ORDERED PRINTED.

Sent down for concurrence.

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Off Record Remarks

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On motion by Senator DUTREMBLE of York, ADJOURNED until Monday, May 15, 1989, at 9:00 in the morning.

**ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE  
FIRST REGULAR SESSION  
62nd Legislative Day  
Monday, May 15, 1989**

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

Prayer by Reverend Cathy Howe, Livermore United Methodist Church.

National Anthem by Winthrop High School Band.

The Journal of Friday, May 12, 1989, was read and approved.

Quorum call was held.

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**PAPERS FROM THE SENATE**

Bill "An Act To Protect Maine Businesses against Workers' Compensation Insurer Rate Gouging" (S.P. 590) (L.D. 1652)

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

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

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Bill "An Act to Improve Services for Maine's Mentally Ill" (EMERGENCY) (S.P. 586) (L.D. 1648)

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

(The Committee on Reference of Bills had suggested reference to the Committee on Appropriations and Financial Affairs.)

Was referred to the Committee on Human Resources in concurrence.

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Bill "An Act to Clarify Negotiability of Recruitment and Retention Adjustments" (EMERGENCY) (S.P. 589) (L.D. 1651)

Came from the Senate, referred to the Committee on State and Local Government and Ordered Printed.

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

Was referred to the Committee on State and Local Government in concurrence.

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**Non-Concurrent Matter**

Bill "An Act to Increase the Office of Advocacy" (H.P. 1177) (L.D. 1632) which was referred to the Committee on Appropriations and Financial Affairs in the House on May 11, 1989.

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

On motion of Representative Carter of Winslow, the House voted to Insist.

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**Non-Concurrent Matter**

An Act to Make Changes to the Human Resource Development Council in Order to Conform with the United States Economic Dislocation and Worker Adjustment Assistance Act of 1988 (Emergency) (S.P. 101) (L.D. 120) (C. "A" S-84) which was passed to be enacted in the House on May 11, 1989.

Came from the Senate failing of passage to be enacted in non-concurrence.

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

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**COMMUNICATIONS**

The following Communication:  
DEPARTMENT OF LABOR

P.O. BOX 309  
AUGUSTA, MAINE 04330

May 12, 1989  
The Honorable John L. Martin  
Speaker of the House  
Maine House of Representatives  
State House Station #2  
Augusta, ME 04333

Dear Speaker Martin:

Pursuant to Public Law chapter 25, I am pleased to submit this report on program operations of the Maine Training Initiative (MTI), covering the period of July 1, 1987 to March 1, 1989.

The report is divided into three parts. Part I is an overview of the program; Part II is a review of program results; and Part III is a discussion of training programs and services available in Maine's three Service Delivery Areas.

The Job Training community is proud to report that, thanks to the State-funded MTI, services have been provided to over 2,900 additional Maine people during the first twenty months of operation, a significant expansion of training to Maine residents. If you have any questions regarding the information contained in this report, please do not hesitate to contact me.

Sincerely,  
S/John Fitzsimmons  
Commissioner

Was read and with accompanying report ordered placed on file.

**PETITIONS, BILLS AND RESOLVES  
REQUIRING REFERENCE**

The following Bills 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:

**Human Resources**

Bill "An Act to Provide for an Interim Superintendent for the Augusta Mental Health Institute" (EMERGENCY) (H.P. 1193) (L.D. 1660) (Presented by Representative PENDLETON of Scarborough)

Ordered Printed.

Sent up for Concurrence.

**Judiciary**

Bill "An Act to Facilitate District Court Judicial Administration" (H.P. 1192) (L.D. 1659) (Presented by Representative PARADIS of Augusta) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.

Sent up for Concurrence.

**ORDERS**

On motion of Representative McSWEENEY of Old Orchard Beach, the following Order:

ORDERED, that Representative Nathaniel J. Crowley, Sr., of Stockton Springs be excused April 25 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Mary E. Small of Bath be excused April 25 for legislative business.

AND BE IT FURTHER ORDERED, that Representative John M. Nutting of Leeds be excused May 8 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Peggy A. Pendleton of Scarborough be excused May 8 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Peter Hastings of Fryeburg be excused May 9 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative John S. McCormick, Jr., of Rockport be excused May 10, 11 and 12 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Ernest C. Greenlaw of Standish be excused May 10, 11 and 12 for legislative business.

AND BE IT FURTHER ORDERED, that Representative B. Carolyn T. Mahany of Easton be excused May 10, 11 and 12 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Neil Rolde of York be excused May 11 and 12 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Barbara E. Strout of Windham be excused May 11 and 12 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Everett O. Pederson of Bangor be excused May 11 and 12 for legislative business.

AND BE IT FURTHER ORDERED, that Representative James Mitchell of Freeport be excused May 11 and 12 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Charles R. Priest of Brunswick be excused May 15 for legislative business.

AND BE IT FURTHER ORDERED, that Representative Nason S. Graham of Houlton be excused May 15 for legislative business.

AND BE IT FURTHER ORDERED, that Representative George A. Townsend of Eastport be excused May 15 for personal reasons.

Was read and passed.

**REPORTS OF COMMITTEES**

**Unanimous Ought Not to Pass**

Representative LORD from the Committee on Energy and Natural Resources on Bill "An Act to Revise the Traffic Movement Standards under the Site Location of Development Laws" (H.P. 418) (L.D. 583) reporting "Ought Not to Pass"

Representative MICHAUD from the Committee on Energy and Natural Resources on Bill "An Act to Replace the Large Lot Exceptions Under the Site Location of Development Law with a Low-density Exception" (H.P. 502) (L.D. 682) 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 HICKEY from the Committee on Aging, Retirement and Veterans on Resolve, Reestablishing the Maine Information Commission on Agent Orange and Radiation (EMERGENCY) (H.P. 44) (L.D. 55) reporting "Leave to Withdraw"

Representative SHELTRA from the Committee on Business Legislation on Bill "An Act to Add Consistency to the Retail Sales Law" (H.P. 862) (L.D. 1201) reporting "Leave to Withdraw"

Representative SHELTRA from the Committee on Business Legislation on Bill "An Act to Allow Retail Stores to Remain Open on Sundays" (H.P. 897) (L.D. 1254) reporting "Leave to Withdraw"

Representative STEVENS from the Committee on Business Legislation on Bill "An Act Regarding the Handling Fee for Returnable Beverage Containers" (H.P. 726) (L.D. 1003) reporting "Leave to Withdraw"

Representative GRAHAM from the Committee on Business Legislation on Bill "An Act to Require

Deposits on Liquor Bottles" (H.P. 361) (L.D. 492) reporting "Leave to Withdraw"

Representative ALLEN from the Committee on Business Legislation on Bill "An Act to Allow Sunday Retail Sales from Memorial Day to Labor Day" (H.P. 422) (L.D. 587) reporting "Leave to Withdraw"

Representative McKEEN from the Committee on Labor on Bill "An Act Concerning Workers' Compensation Discontinuance Forms" (H.P. 348) (L.D. 467) reporting "Leave to Withdraw"

Representative JOSEPH from the Committee on State and Local Government on Bill "An Act to Place in the Unclassified Service the Utility Technical Analyst and Utility Accountant II Positions at the Public Utilities Commission" (H.P. 719) (L.D. 988) reporting "Leave to Withdraw"

Representative JOSEPH from the Committee on State and Local Government on Bill "An Act to Establish the Position of County Administrator for Androscoggin County" (H.P. 50) (L.D. 71) reporting "Leave to Withdraw"

Representative JOSEPH from the Committee on State and Local Government on Bill "An Act to Preserve Maine's Part-time Citizen Legislature by Making the Legislative Process More Efficient and Less Costly to Maine Taxpayers" (H.P. 159) (L.D. 224) reporting "Leave to Withdraw"

Representative JOSEPH from the Committee on State and Local Government on Bill "An Act to Correct Errors in the County and Municipal Law Recodification" (EMERGENCY) (H.P. 156) (L.D. 208) reporting "Leave to Withdraw"

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

**Refer to the Committee on Legal Affairs**

Representative McHENRY from the Committee on Labor on Bill "An Act to Allow Employers to Collect a Service Charge for Debt Collection from Employees" (H.P. 1103) (L.D. 1536) reporting that it be referred to the Committee on Legal Affairs.

Report was read and accepted and the Bill referred to the Committee on Legal Affairs and sent up for concurrence.

**Ought to Pass Pursuant to Joint Order (H.P. 9)**

Representative JOSEPH from the Committee on State and Local Government on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Aroostook County for the Year 1989 (EMERGENCY) (H.P. 1194) (L.D. 1661) reporting "Ought to Pass" - Pursuant to Joint Order (H.P. 9)

Report was read and accepted, the Bill read once.

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

**CONSENT CALENDAR**

**First Day**

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

(S.P. 47) (L.D. 14) Bill "An Act to Allow Insurers to Underwrite Mass Marketed Property and Casualty Insurance Plans" Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (S-105)

(H.P. 965) (L.D. 1343) Bill "An Act Concerning Fishing Licenses for Developmentally Disabled Persons" Committee on Fisheries and Wildlife

reporting "Ought to Pass" as amended by Committee Amendment "A" (H-182)

(H.P. 213) (L.D. 293) Bill "An Act Relating to Agricultural Awareness" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-185)

There being no objections, the above items were ordered to appear on the Consent Calendar of Tuesday, May 16, 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. 468) (L.D. 633) Bill "An Act to Assist Agricultural Producers to Locate and Train Workers"

(H.P. 736) (L.D. 1013) Bill "An Act to Implement an Ozone Control Strategy for the State" (C. "A" H-176)

(S.P. 394) (L.D. 1039) Bill "An Act to Fund and Implement Reclassifications and Collective Agreements with Maine Maritime Academy Employees Represented by the Maine State Employees Association"

(S.P. 292) (L.D. 765) Bill "An Act to Meet the Increased Need for Crisis Intervention and Community Education Services Provided by Rape Crisis Centers in Maine" (C. "A" S-97)

(S.P. 179) (L.D. 336) Bill "An Act to Extend the Reporting Deadline of the Commission to Implement the Computerization of Criminal History Record Information" (EMERGENCY) (C. "A" S-101)

(S.P. 440) (L.D. 1193) Bill "An Act Relating to Historic and Archaeological Preservation" (C. "A" S-102)

(S.P. 330) (L.D. 867) Bill "An Act to Facilitate the Disclosure of Information in Medical Support Recoupment and Child Support Cases" (C. "A" S-103)

(S.P. 100) (L.D. 119) Bill "An Act Relating to State Personnel Administration" (C. "A" S-104)

(H.P. 463) (L.D. 628) Bill "An Act to Recognize Outstanding Local Commitment to Education" (C. "A" H-177)

(H.P. 662) (L.D. 904) Bill "An Act to Improve the Dental Care of Maine Citizens" (C. "A" H-178)

(H.P. 554) (L.D. 752) Bill "An Act to Provide Funds for Dioxin Testing" (C. "A" H-179)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were Passed to be Engrossed or 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.

**ENACTOR**

**Later Today Assigned**

An Act to Improve the Cost-of-living Adjustment Under the Maine State Retirement System (H.P. 538) (L.D. 735) (C. "A" H-140)

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

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

(At Ease to Gong)

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:

Resolve, to Grant a Temporary Psychologist's License to Bruce W. Webb (EMERGENCY) (H.P. 1189) (L.D. 1656)

(Committee on Business Legislation suggested.)

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

PENDING - Reference.

On motion of Representative Allen of Washington, was referred to the Committee on Business Legislation, ordered printed and sent up for concurrence.

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

HOUSE DIVIDED REPORT - Majority (9) "Ought Not to Pass" - Minority (3) "Ought to Pass" - Committee on State and Local Government on Bill "An Act to Establish a Reporting Mechanism for Legislators Attending Educational Conferences" (H.P. 734) (L.D. 1011)

TABLED - May 12, 1989 by Representative JOSEPH of Waterville.

PENDING - Motion of the 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, Men and Women of the House: I stand before the body today to urge you to vote against the pending motion and accept the Minority "Ought to Pass" Report. I do this for several reasons, a few of which I will try to outline before you this morning.

This legislation, which is a novel approach to a problem that many of us recognize is before this body and that is the phenomenal growth in the budget of legislative travel. In the last 10 years, the budget has increased by 700 percent, going from \$30,000 to \$225,000 for travel expense for the House of Representatives. This is an expense that the Maine taxpayers are paying for and all this legislation seeks to do is to establish some accountability. I think you could easily call it "the good government bill."

I ask first that you make no mistake about the fact that I do not, in any way, intend to condemn legislative travel as a whole. I think travel is a very educational and important part of being a legislator, as long as travel is for education and not for the fun of it. I will hasten to add that I have traveled twice on legislative trips and found it (1) to be somewhat educational but it was very apparent to me that it was also very much of a social activity for those who travel frequently. I don't necessarily condemn that. I personally have not asked to make return trips because I didn't feel that the agenda in my particular area of legislative activity was important enough to warrant my taking time off from my work even if the trip was for free.

It is interesting that this subject has come up at this time as many of you are just returning from Washington and no doubt feel that you have benefited from that activity.

All this legislation asks is that you record that benefit, that you tell the Maine people the educational value of that expenditure of taxpayers money.

When I testified before the committee, the Chairman of the Committee suggested that the bill was unnecessary. I understood that, also agreeing saying

that many of Maine's programs are advanced beyond other states. I think that is good to hear and from what I saw in the limited amount of travel that I did, that could well be the case in a number of areas. Yet, this same Representative said that she took numerous trips each year and so it comes to my mind that, if Maine has advanced programs, if Maine is ahead of other states in a number of areas, why is it necessary to continue to go back again and again to reverify that fact? So, all I am asking is, if you want to travel at the taxpayers expense, that you just write a one page summary as to the value of that travel, who it was that you met, what was the purpose of the meeting. It seems to me that with legislative travel there is always a hint (it is rumored in the halls) that it is a junket. As it is now, there is a suggestion that maybe it isn't always worthwhile. I think legislators come back and perhaps they tend to over-exaggerate what it is that is accomplished or not accomplished with discussions about going to 5 star restaurants and having a great time and that sort of thing. I don't condemn that necessarily, all I am asking is that, if you are going to partake of these kinds of activities and stay in expensive hotels, that you tell the Maine taxpayers what it is that was accomplished. It is fairly straightforward, particularly in lieu of the fact that that is a budget that is increasing each year, increasing at a rapid rate.

As I mentioned, I have had numerous reactions to this piece of legislation and many members of this body from both parties have come up to me privately and said that it was a great idea. As to how far we will go today, I think there is some suggestion, but it seems to me it is worthy of discussion.

This bill only requires a signed statement that would be published annually by Sally Diamond's office to explain where we went, what it was that we accomplished and to make that information available for those of us who are not able to travel and who cannot get away from work or for other reasons cannot journey to some very interesting and worthwhile conferences. I ask, therefore, that this body reject the motion before us and to vote to accept the Minority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Bailey.

Representative BAILEY: Mr. Speaker, Ladies and Gentlemen of the House: I like to make a few comments in regard to this L.D. As I review the content and as a former school administrator, I found some educational value in this bill. I think that we all agree that research is necessary to our survival because of the many issues we deal with on a daily basis. I saw this bill as an attempt to create a valuable resource in a variety of subjects. This was not an attempt to require each traveler to write a book report (as one newspaper suggested) but to make available information that can be used as we deal with some of the complicated issues that come before us.

If some sort of written summary is not acceptable, then certainly a list of conferences and seminars and the person or persons attending could be assembled and made available in the Law Library or a central location. Any member of the House who wants more information in a particular field could check the list, identify the attendee of a particular conference, and set up an appointment to discuss a topic of interest. This works both in the private and public sector and perhaps we could investigate the possibilities in this body.

The SPEAKER: The Chair recognizes the Representative from Rockport, Representative McCormick.

Representative MCCORMICK: Mr. Speaker, Ladies and Gentlemen of the House: I speak in favor of this bill and ask you to reject the "Ought Not to Pass" motion. Having just returned from one of these conferences, I found it very informative and helpful and the information that I received, I think, would be very helpful to this body. I received a great deal of helpful information but unless this information is dispensed to the rest of this body, then the taxpayers' money is being wasted. I urge you to reject the "Ought Not to Pass" motion and go for the approval of this bill.

The SPEAKER: The Chair recognizes the Representative from Lisbon, Representative Jalbert.

Representative JALBERT: Mr. Speaker, Men and Women of the House: This is, in my opinion, not a good bill. This is going against "containing the cost of operation of the government." I believe there is another bill that will be presented which will attempt to shorten the session in order to save money. As many of you people know, and I will repeat again, I was a bureaucrat for 30 years. I saw duplication of papers. When I first went to work for DOT, every week you had to turn in a work report, detailing what you did every day. It ended up that they had boxes and files and files and files of work reports. That was, in my opinion, demeaning. After awhile, one of the Commissioner's came along and said, "What is this foolishness?" So they dispensed with it and they said, each one of you people take these boxes home with your reports. I had reports that dated back 15 to 20 years. I was lucky in a way because I used it for the next few years to start a fire in the fireplace.

This, in my opinion, is demeaning to each and every member of this House. As far as what I do in the House with my vote, I am answerable only to my constituents and no one else in this House. As far as going on a seminar or trip, I am answerable to the Speaker for having given me that trip and also I am answerable to my constituents if I benefited from this trip.

Look at this bill -- it says "the Report should give the name of the legislator" -- well if they don't know who I am in this House by now, something is wrong. I know that I am the quiet, unassuming kind of person. It also says, "the legislative committee of which you are a member" -- everybody knows what that is. "The date and location and sponsor of the conference" -- before we go to any conference, we receive a whole packet that tells us exactly what will be taken up, which committees are going to meet, who will be the speakers. I don't have to tell anybody that I listened to Jack Anderson two years ago in Wilmington and what I learned from that and also what I heard from the lawyers that were in on the Baby Jane case. The thing is, you have to put faith in your colleagues that they will go to the conference and have made up their minds that they will learn from it. If we say, we want you to come back and tell me exactly what you did -- well, I will tell you exactly what I and other members did -- I went and had some good meals at night, some of the members one Sunday afternoon, I believe it was, went and played golf (I think the foursome was made up of two Democrats and two Republicans so you can't say it was partisan on that one, I am not going to tell you who won) but there is no need for this. They say they have got \$3600 here to implement this -- do you realize the amount of paperwork (and we are trying to save paper and waste, trying to prevent solid waste

again). The government has said, recycle everything we have -- you will end up year after year with a pile of papers which will end up in Sally's office. She will have to catalogue those because it says in there "they must be indexed" -- how is it to be indexed? Is it to be on what you did or didn't do? If any member of the committee, Chairman, or the Speaker wishes, he can instruct any member that goes on a conference that I would like to have a report on what transpired for the benefit of others. I did it two years ago when I went on a conference to Washington, which benefited the Committee on Aging, Veterans and Retirement. I gave them a report on it. I felt that this was personal on my part, voluntary. It is up to each individual. I have enough trust in my colleagues in this House to know that when you go on a conference, you will do it for the benefit of the State of Maine.

The SPEAKER: The Chair recognizes the Representative from Paris, Representative Hanley.

Representative HANLEY: Mr. Speaker, Men and Women of the House: I feel compelled to rise this morning, I was on the Minority "Ought to Pass" Report on this bill. I was going to remain in my seat but I feel compelled because of the comments by the good Representative from Lisbon, Representative Jalbert. I, unlike most people in this House, have not had an opportunity to attend any trips to learn various aspects that aren't attainable within the State of Maine.

I guess I would like the opportunity to learn from those Representatives who have gone on seminars and who have listened to the speakers to gain this wealth of information and have them share that with me. It is very tough, as Representative Jalbert pointed out, to keep this wealth of paper in control. I think if we vote against the pending motion this morning and vote for the "Ought to Pass" Report that we can amend this and reconcile the fears of Representative Jalbert as far as all the amount of paper work that we would pass on in order to have beneficial aspects of the trip to be shared with other members of this body. For that reason, I would ask that you vote against the pending motion so we can accept the Minority "Ought to Pass" Report. Mr. Speaker, I request a roll call.

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

Representative JOSEPH: Mr. Speaker, Men and Women of the House: I urge you to vote for the "Ought Not to Pass" Report. The majority of this particular committee feels strongly that there is no need for this bill. Many of us in our professional and private lives feel that it is essential to meet with other legislators and other experts in their fields at different meetings and we do not feel the need to have to write a report explaining all of those things that we have seen.

Maine is a leader as far as legislation is concerned. Maine is a leader in environmental issues, with our growth management laws, labor issues, medical leave law and OUI laws. I could go on and on and on.

The kind of legislative trips and conferences that we are talking about I feel are very valuable to help all of us to develop these new and progressive laws. We feel, as teachers go to workshops, as business people go to seminars, that those trips are valuable and presently in our own Law Library, there are national conferences that a state legislator takes on all seminars of their annual meeting.

We do feel that this legislation is redundant, it serves no purpose whatsoever and I ask you to vote for the "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 Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker, Ladies and Gentlemen of the House: Not to carry this debate any longer except I ask that, when you vote, to remember who is paying for these trips, it is the Maine taxpayers. I ask when you vote to establish a sense of accountability. I understand the Representative from Lisbon's concern about the cost and the duplication of paper but I also ask you to consider that the cost of implementing this legislation is far less than the annual increase in the legislative travel budget. We have a budget that is increasing at a very rapid rate and yet, we have a mechanism that is entirely voluntary and cloaked in secrecy at times of reporting. Many legislators, when we had the hearing before State and Local Government, said that they voluntarily filed reports or made out summaries of their travel as I had done. I think that is an indication of the interest in this subject area and yet, where did those reports go? Maybe they shared them with their particular committee but what about the rest of the legislature? Do we assume that no one else in the legislature has a concern about the subjects discussed at the meetings?

All I ask is that when you cast your vote, you remember who pays for these trips and how we can best disseminate the information that we gather.

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

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

I am interested in knowing who is going to check on these forms and verify them if that is going to be necessary? If 15 people go on one of these trips, do 15 reports get passed in and passed out to us as a body? How does the public get this information? Does this require each branch of the government to do the same? Could we expect written reports from anyone who makes any type of trip on the state's time?

The SPEAKER: The Representative from Portland, Representative Rand, has posed a series of questions through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker, Ladies and Gentlemen of the House: I will attempt to answer the questions as I remember them. The legislation proposes that a booklet be prepared much in the form that we receive other legislative reports, that it be an annual compilation and that they would be made available to legislators, to the press, to the general public annually so we would not receive them on our desks as we receive things each day.

The question was asked if this bill would be extended to other branches of government and if someone wishes to amend the bill in that form, I would be very willing to accept that amendment. First, we have to pass the bill. That was not my particular initiative so if someone else has an interest in that regard, I would be very willing to talk to them.

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

Representative ALIBERTI: Mr. Speaker, Ladies and Gentlemen of the House: Very, very briefly. I have been privileged to attend for the past three years a major conference and there these tapes were available so this is a duplicate kind of role that you are asking us to take. One year, these tapes were purchased by the office, the whole set of these tapes were made available to anyone who wanted them, and I, too, purchased some tapes that I was interested in. So I think this is very unnecessary at this time as did the very, very worthy editorial director of the Portland Press Herald.

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

The Chair recognizes the Representative from Milo, Representative Hussey.

Representative HUSSEY: Mr. Speaker, pursuant to House Rule 7, I wish to pair my vote with the Representative from Wiscasset, Representative Kilkelly. If she were present and voting, she would be voting yea; I would be voting nay.

The SPEAKER: The pending question before the House is the motion of the Representative from Waterville, Representative Joseph, 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. 25

YEA - Adams, Aliberti, Allen, Anthony, Bell, Boutilier, Brewer, Burke, Carroll, D.; Carter, Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Conley, Constantine, Cote, Crowley, Daggett, Dipietro, Dore, Dutremble, L.; Erwin, P.; Farnsworth, Gould, R. A.; Greenlaw, Gwadosky, Hale, Handy, Heeschen, Hickey, Hoggland, Holt, Jacques, Jalbert, Joseph, Ketover, LaPointe, Larrivee, Lawrence, Lisnik, Lord, Luther, Macomber, Mahany, Manning, Marston, Martin, H.; Mayo, McGowan, McHenry, McKeen, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Nadeau, G. G.; Nadeau, G. R.; Norton, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pederson, Pineau, Pouliot, Priest, Rand, Richard, Ridley, Rolde, Rotondi, Rydell, Sheltra, Simpson, Skoglund, Stevens, P.; Strout, D.; Swazey, Tammaro, Tardy, Telow, Tracy, Walker, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, Begley, Butland, Carroll, J.; Curran, Dellert, Dexter, Donald, Farnum, Farren, Foss, Foster, Garland, Hanley, Hastings, Hepburn, Hichborn, Higgins, Hutchins, Jackson, Lebowitz, Libby, Look, MacBride, Marsano, Marsh, McCormick, McPherson, Merrill, Murphy, Nutting, Paradis, E.; Parent, Pendleton, Pines, Plourde, Reed, Richards, Seavey, Sherburne, Small, Smith, Stevens, A.; Stevenson, Strout, B.; Tupper, Webster, M.; Wentworth, Whitcomb.

ABSENT - Duffy, Graham, Gurney, Ruhlin, Townsend.

PAIRED - Hussey, Kilkelly.

Yes, 91; No, 52; Absent, 5; Vacant, 1; Paired, 2; Excused, 0.

91 having voted in the affirmative and 52 in the negative with 5 being absent, 2 paired, and 1 vacant, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

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

HOUSE DIVIDED REPORT - Majority (8) "Ought to Pass" as amended by Committee Amendment "A" (H-175) - Minority (4) "Ought Not to Pass" - Committee on State



and Local Government on RESOLUTION, Proposing Amendments to the Constitution of Maine to Provide for the Popular Election of the Attorney General and the Secretary of State (H.P. 525) (L.D. 710)  
 TABLED - May 12, 1989 by Representative JOSEPH of Waterville:

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

The SPEAKER: The Chair recognizes the Representative from Kennebunkport, Representative Seavey.

Representative SEAVEY: Mr. Speaker, Men and Women of the House: I urge you to reject the motion that is presently before us, which is the acceptance of the Minority Report so we can then vote for the Majority "Ought to Pass" Report.

Before I speak to you on the merits of the bill, I want to thank the committee for a strong bipartisan show on the merits of this legislation. It would have been very easy for this committee to simply dismiss this bill outright without any particular forethought but simply as a minority Republican initiative. It is much more than that, it is a reform measure, it is a good government bill, it is a peoples bill.

What this measure would do is to put out to the people a Constitutional Amendment and that is important to remember because this bill would only become law or this change would only result if the people of the State of Maine supported it. What this proposed amendment would do is to make the Attorney General and Secretary of State elected in the same manner as we now do for the Governor and that is to say by all of the people of the State of Maine. It would change their terms of offices from two years to four years and they would both be elected in a non-gubernatorial year.

The reason we have not done this in the past, I can't really say. The reason we probably won't do it this year either, I can't really say. Is it that in this legislature there is a lack of confidence in the choices that the people of the State of Maine make? Is it that we believe that the citizenry as a whole now puts into office — is there something wrong with those people? I hope not, I hope that is not our intention. The voters in this state are better educated, they are more informed, they are more politically involved than ever before in our history, certainly more so than they were with the inception of our current system. I think what happens now is that this legislature sort of expoused the arrogance of the situation by saying that the legislators judgment, the legislatures judgment is better than that of the citizenry.

For the legislature to approve or to elect a Secretary of State and Attorney General, I don't see where it has any relevance to our particular system of checks and balances as we now know it. I think you would have the same amount of checks and balances perhaps if they were elected by the people.

These positions, Secretary of State and Attorney General, are important positions, very, very important. They are not mere agents of the legislature but they are agents that are top-flight administrators for two branches of our government that affect peoples lives, more perhaps than any other levels of our government bureaucracy.

This bill is really not an indictment of any particular person or personality whatsoever but it is an indictment of the process. I think what happens is that these positions presently are a reward, not for public service, but for party service. It is not even a stepping stone for future political office. Except for Congressman Brennan, I can only think of

Ken Curtis in the last 25 years that has been elected for a statewide office by the process of a stepping stone, having served in a constitutional office. More often, it is has been reported in the press that it is really a dumping ground for losers but again, that is not necessarily a problem, it is just that I think if we open up the process, let the people decide, I see no harm in that and I think only benefits can come of it.

The other problem we have with this bill is that the people themselves cannot initiate the change. It is a problem with the process, not a problem of the bill, the bill is a solution to it. The people themselves cannot initiate a change and in our Constitution, the only way a constitutional amendment can take effect, is to be initiated by the legislature and sent out to the people to vote on. The people can't petition as they can for a statutory change, the people can't petition the legislature to change the constitution and that is a problem. So, effectively you have shut out the people from voting on this.

I am not sure why we ever put that in our Constitution. Perhaps it was a fear of mob rule early on when we first became a state in 1820 but I don't think that fear of mob rule still exists today. One of the foundations of our democracy rests on belief that the pillars in our government and our society is the people themselves. They are the ones that know right and wrong and they should have the voice in this say.

I urge you to vote no on the pending motion.

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

Representative HALE: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. I urge you to vote yes on this issue before us. The people have spoken, the people have elected us, the members of the legislature, to vote on their behalf. I am sure that we can handle that; otherwise they wouldn't think we were smart enough to be here and we wouldn't.

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

Representative JOSEPH: Mr. Speaker, Men and Women of the House: This dialogue is healthy and I ask you to support the Minority "Ought Not to Pass" Report.

Based on the fact that in 1820, the Joint Session of the Senators and Representatives elected the Secretary of State and in 1856, that was then changed as far as the Attorney General. He was then included in being elected by the Joint Session of the Senators and Representatives. In 1820, the Governor nominated the Attorney General with the advice and the consent of the Executive Council. At that time, the Attorney General was seen as a judicial officer. We feel, on the Minority Report, that we presently have heard strong arguments to change the rich history and the tradition of this great State of Maine. We have fine people who have served in both of these positions and it is very interesting to note that, of the last 6 Attorneys General, four were Republicans and two were Democrats. We also feel very strongly that this would politicize these offices even further than what has been suggested today.

We feel in four year terms these people would be continually running for office. We also feel that there is no public outcry to change the system as it is today. At the public hearing, on April 19th, there were no proponents besides the sponsor and there were no opponents; therefore, we believe that as we look at those fine persons who have served us in these offices starting with 1961, Mr. Paul

McDonald of Coopers Mills; Ken Curtis of Cape Elizabeth in 1965; Joseph Edgar of Farmingdale in 1967; Mark Gartley of Greenville in 1975; Rodney Quinn in 1979 and presently Bill Diamond. We feel all of these people have been responsible and good candidates for the Secretary of State's office. As we look at the Attorneys General, as I recently mentioned, in 1964, the Honorable Richard Dubord from Waterville; in 1967, the Honorable James Erwin of York; in 1972, the Honorable John Lund of Augusta; in 1975, the Honorable Joseph Brennan of Portland and in 1979, the Honorable Richard Cohen of Augusta and in 1981, the present Attorney General, James E. Tierney of Lisbon Falls. We feel, again, that Maine is well-served with the system that is presently in place and I ask you to support the Minority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Wentworth.

Representative WENTWORTH: Mr. Speaker, Men and Women of the House: I ask you to join with Representative Seavey and vote against the Minority Report. We did debate it well and the majority have voted "Ought to Pass" so let's vote against the Minority Report so that we may accept the Majority Report.

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

Representative HEPBURN: Mr. Speaker, Men and Women of the House: Just a couple of quick points, folks. This is a very, very common method of electing constitutional officers, statewide. Forty-three states pick their Attorney General at the polls as this constitutional amendment would have us do. Thirty-six states pick their Secretary of State in the same manner so I think it would put us into the mainstream and provide for a better method of selection of these individuals.

Mr. Speaker, I would request a roll call.

The SPEAKER: The Chair recognizes the Representative from York, Representative Rolde.

Representative ROLDE: Mr. Speaker, I would like to pose a question through the Chair to the proponents of this.

It costs about a million dollars to run for office statewide -- what would it cost to run for these offices?

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

The Chair recognizes the Representative from Paris, Representative Hanley.

Representative HANLEY: Mr. Speaker, Men and Women of the House: Probably the same amount as it costs for them to run currently for their constitutional office.

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

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

My question is, given that request for the amount of cost for selection, I wonder whether or not those who speak as a proponent of this legislation would be kind enough to share their feelings of the practical effect of having the chief law enforcement officer of the State, the Attorney General, out soliciting funds from special interest groups and having to represent those in a question of court later on.

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

The Chair recognizes the Representative from Kennebunkport, Representative Seavey.

Representative SEAVEY: Mr. Speaker, Ladies and Gentlemen of the House: I would answer that question but I would put it in reverse and say this, the reverse is happening now. It is interesting that the chief law enforcement officer is turning around and contributing to the campaigns of certain legislators so just the opposite is happening to a certain extent. But that is an interesting point.

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

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

During the debate, the Representative from Kennebunkport, Representative Seavey, commented that one of the important reasons for this legislation is that individuals in this state currently do not have the opportunity to submit an amendment to the constitution via the route of citizens initiative. Last week, a bill sponsored by Representative Hepburn was on the floor for debate, that was a bill that I am sure Representative Seavey is familiar with because he is a seatmate of Representative Hepburn, and my understanding is, if my memory serves me right, that bill went under the hammer "Ought Not to Pass" and I wonder if either Representative Seavey or Representative Hepburn (the sponsor of that important legislation) would like to share with members of this body why it is they chose not to fight for that very important piece of legislation?

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

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

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

The SPEAKER: The pending question before the House is the motion of the Representative from Waterville, Representative Joseph, that the House accept the Minority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 26

YEA - Adams, Aliberti, Allen, Anthony, Bell, Boutilier, Brewer, Burke, Carroll, D.; Carter, Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Conley, Constantine, Cote, Crowley, Daggett, Dipietro, Dore, Farnsworth, Gould, R. A.; Gwadosky, Hale, Handy, Hastings, Heeschen, Hickey, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, LaPointe, Lawrence, Lisnik, Luther, Macomber, Mahany, Manning, Marsh, Marston, Martin, H.; Mayo, McGowan, McHenry, McKeen, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Nadeau, G. G.; Nadeau, G. R.; O'Dea, O'Gara, Oliver, Paradis, E.; Paradis, J.; Paradis, P.; Paul, Pederson, Pineau, Plourde, Pouliot, Priest, Rand, Richard, Ridley, Rolde, Rydell, Sheltra, Simpson, Skoglund, Smith, Stevens, P.; Strout, D.; Swazey, Tammaro, Tardy, Tracy, Walker, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, Begley, Butland, Carroll, J.; Curran, Dellert, Dexter, Donald, Dutremble, L.; Erwin, P.; Farnum, Farren, Foss, Foster, Garland, Greenlaw, Hanley, Hepburn, Hichborn, Higgins, Hutchins, Jackson, Larrivee, Lebowitz, Libby, Look, Lord, MacBride, Marsano, McCormick, McPherson, Merrill, Murphy, Norton, Nutting, Parent, Pendleton, Pines, Reed, Richards,

Rotondi, Seavey, Sherburne, Small, Stevens, A.; Stevenson, Strout, B.; Telow, Tupper, Webster, M.; Wentworth, Whitcomb.

ABSENT - Duffy, Graham, Gurney, Kilkelly, Ruhlin, Townsend.

Yes, 89; No, 55; Absent, 6; Vacant, 1; Paired, 0; Excused, 0.

89 having voted in the affirmative and 55 in the negative with 6 being absent and 1 vacant, the Minority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

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

An Act to Facilitate Treatment of Abused and Neglected Children (H.P. 745) (L.D. 1028) (C. "A" H-138)

TABLED - May 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 specially assigned for Tuesday, May 16, 1989.

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

Resolve, Requiring the Department of Educational and Cultural Services to Study Textbooks in Schools and School Libraries of the State (EMERGENCY) (H.P. 358) (L.D. 478) (C. "A" H-164)

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

PENDING - Passage to be Engrossed.

On motion of Representative Gwadosky of Fairfield, retabled pending passage to be engrossed and specially assigned for Tuesday, May 16, 1989.

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

An Act to Increase the Age Limit for Child Support (H.P. 119) (L.D. 156) (C. "A" H-139)

TABLED - May 12, 1989 by Representative ALLEN of Washington.

PENDING - Passage to be Enacted.

The SPEAKER: The Chair recognizes the Representative from Washington, Representative Allen.

Representative ALLEN: Mr. Speaker, I move that L.D. 156 and all its accompanying papers be indefinitely postponed.

Mr. Speaker, Men and Women of the House: As you are all well aware, current law provides that both men and women shall provide child support for their children until they reach the age of 18. This law attempts to make a change in that standard and does so in an uneven and unfair manner. Parents, whether they be married, divorced, separated, never married, whatever, living apart, have a legal obligation in statute at this time that is applied evenly. All of their children are due support from them regardless of their marital status until that child turns 18. Now that has been a standard that has been used in this state for many years. It is a standard that applies to all children, regardless of their parents' marital status -- age 18 is the age where we are legally, not morally, but legally bound to support our children.

This bill attempts to obliterate that particular provision. The sponsors of the bill, proponents of the bill, say that it is necessary in order to keep 18 year olds from dropping out of school on their 18th birthday because they have to go to work to help

support the family or, in some cases, a single parent no longer has the financial assets to support that child. The assumption is that absent parents suddenly don't care if the kid finishes school or not and they are going to cut off support. I don't think that that is right and I think that is a false assumption. One of the reasons I believe that is, I went to the Department of Education and asked them how often this phenomenon occurs. Unfortunately, the Department of Education has never nor does not have any plans to ever monitor how many 18 year olds drop out of school simply and purely for the fact that one or both parents either refuses to support them or are unable to support them. What the Department of Education does know is that a lot of kids drop out of school in order to supplement the family income and that occurs whether the parents are married, divorced, separated or whatever. Oftentimes, these youngsters continue their education by taking continuing education courses and getting their GED's.

The way this bill is drafted, those kids who drop out of school at age 16 or perhaps 17 in order to supplement their family income and get their GED's, are excluded from continuing support as this bill would suggest. This bill says that "support shall continue for kids who, (by the way, are now adults at age 18). Title 1 says in statute very clearly "once you are 18, you adjudged by law to be an adult." This bill would allow what they call child support, which is actually adult support for those young adults who remain in school and that is the argument on behalf of the bill. That may be a laudable argument but statistics are not available to verify that. As a matter of fact, the only statistics available from the Department of Education say that the smallest group, two to three percent of all high school students, to drop out of school are 12th graders. Most of the kids that are dropping out of school drop out of school prior to the 12th grade and they do so for any number of reasons. Another statistic that the Department of Education does not have is whether these come from traditional whole families where parents are currently married or whether they come from families that were never married or divorced or separated or whatever. There is no way to determine why these kids are dropping out of school at least from the parents' marital background.

This bill would suggest that those kids who remain in high school -- now you could be involved in a home schooling program that is approved by the state and still be excluded from this bill or you could be an 18 year old who is living in a divorced family with a custodial parent, and at age 18, you could say, "Hey, I'm an adult, I want to live on my own and I am going to get an apartment and get myself through high school." That is a real commendable role and a lot of kids do that. As a matter of fact, I am a parent of one who did. The bill would still require the absent parent to continue child support to the custodial parent who, by the way, is no longer custodial because the child has turned 18 and moved out of the house so there is no requirement that that 18 year old remain at the home of the custodial parent. So, you have an absent parent providing child support for a child who is now an adult who no longer lives with the custodial parent and that, in my mind, is absurd. At the very least, if you are going to require that the adult remain in school, you should also require that they reside with the custodial parent but that is not the case in this bill.

What is the most glaring and outrageous section of this bill was an attempt by the committee to

compromise between those members of the committee who thought it was a good idea and those that didn't. This bill only assists 18 year olds who are still in school if their parents become divorced after January 1, 1990 so if it is a good idea to help kids stay in school beyond their 18th birthday and I don't think there is anyone who can argue that that is not a good idea, it would seem to me that, as a public policy decision, we make that decision and say that that is a good idea for all kids. It really ought not to depend on their parents marital status. That has absolutely nothing to do with it.

The idea of grandfathering is not a bad idea, we use it on occasions, we have for political reasons, for compromise reasons. But frankly, the idea of keeping kids in school past their 18th birthday is a good public policy decision, (and I think it is), then it ought to be an idea that applies evenly to all kids and it really ought not matter what their parents financial status is. I feel very strongly about that and that is why I bring this issue before you today.

The other concern I have is that, in practical application, though this bill purports to affect all children in all families, that is not the case in my mind. The law requires that we do provide support until age 18 -- the practical effect is, the only people who go to court to talk about that issue, are people who are divorced or separated. Married couples hardly ever find themselves in court faced with any kind of support order. That is not the real world. If you are getting divorced or if you are in a separation situation, you find yourself in court and that happens. As a matter of fact, having been through this situation, I happen to know that it is absent parents, parents who no longer live with the children, who are bound by support orders to support. So, the practical effect to this bill is only on absent parents. That is the practical effect of the bill. The proponents would say, "Oh, but it affects married people." Again, you don't end up in court for support issues if you're married. That doesn't happen. This bill doesn't allow that to happen either. As a matter of fact, what it says is, let's take a somewhat hypothetical situation -- my 18 year old moves out of the house (as he did) and decides he wants to finish high school on his own, which was very commendable and a lot of kids are choosing this option because it is available to them because we say they are adults at age 18. They move out of the house and they know there is a mechanism in the law to get some support until they get out of high school and that mechanism is go to DHS. And DHS on its own motion can have a hearing at the Department of Human Services, not in a court situation but in the Department of Human Services, and they can decide that married parents have a financial obligation to support kids after they have left the home after they have turned 18 years old. This bill gives DHS that authority. I don't think that is right, I don't think that is fair. Support questions ought to be answered while children are children and they should not be answered by DHS. I ought to have an opportunity to appear in court. This does not provide me that opportunity. I do have a hearing, folks, but it is in front of DHS. DHS supports this bill. My guess is that my chances in front of DHS trying to explain that I really don't need to support this kid, even though he is in high school, their argument is going to be, the legislature made it really clear. We have the authority to make sure you do in fact support your child whether they are living at home or not.

I want to stress one thing, I am talking about parents' legal obligation here. I am not talking about their moral obligation. As parents, we all want our kids to succeed and, as parents, we want to give them as much financial and emotional and moral support as we possibly can. This sets a new standard and it is one that I think is inappropriate because it discriminates against kids and it is unfair. In my mind, it is not even a way that can be justified. Kids are discriminated against -- one group of kids can get the support while another group of kids (and I use this term loosely, young adults would probably be a more appropriate term to use) can't, simply based on their parents' marital status and when they happened to get divorced. I believe that is inappropriate.

I feel very strongly that we ought to do whatever we can to make sure kids stay in school. The fact is we don't have the information to show that this in fact is a problem. Kids are dropping out of school for a whole host of reasons. This bill fails to address that issue because, unless you are divorced prior to January 1, 1990, it doesn't affect the children of those marriages at all. For all intensive purposes, married couples are also excluded from this legal obligation and I don't think that is fair. I think if it is good public policy, it ought to be done across the board for all young adults and not pick and choose which ones are covered.

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

Representative PARADIS: Mr. Speaker, Men and Women of the House: I hope that you will vote against the motion of the good Representative from Washington, who would like to kill this bill before us this morning. It is a unanimous committee report from the Committee on Judiciary. I think you will all subscribe to the fact that if, all 13 members of our committee can agree, that there certainly had to be compromise and conciliation and cooperation in order to get that fact established.

I believe that we have answered about 90 percent of the concerns of the good Representative from Washington who attended several committee work sessions on this bill notwithstanding the fact that the good Representative was not a cosponsor of the bill but was deeply interested in the subject matter.

Most of what she said about the support from the Department of Human Services is absolutely true, they support wholeheartedly. Mr. Colburn Jackson came before our committee, he came to the work sessions, and supported, not only the concept but the amendment to the bill.

The bill before the body is actually the amendment because we have taken so many concerns that the entire gist of the effort is Committee Amendment "A" to the bill. Let me just briefly read you the Statement of Fact of the new Committee Amendment. "This Amendment retains the original intent of the bill but replaces the text of the bill". The state has a very strong interest in encouraging completion of high school. Children of divorced parents may not be able to finish high school because of financial consideration. This amendment is intended to help those high school students who reach the age of 18 before graduation by extending parental support in all situations.

Section II of the Amendment authorizes the court to order child support past the age of 18 when the parents are living apart.

Section I amends the general provisions concerning desertion and non-support to authorize the court to order child support past the age of 18.

Section III of the amendment clarifies that non-payment of support past the age of 18 ordered by the court or by the Department of Human Services through an administrative order creates a debt which the department can enforce.

Section IV and V extend that parental obligation to all parents who owe a debt to the Department of Human Services because public assistance has paid for the benefit of the child or because the department has agreed to provide enforcement services.

Section VI allows the courts to order child support past the age of 18 in the case of judicial separation.

Section VII intends the obligation of divorced parents to support their children past the age of 18. The obligation of support past 18 will continue until the son or daughter graduates, withdraws or is expelled from high school or reaches the age of 19, whichever occurs first.

These changes will apply only to divorce and other court orders or administrative orders issued after January 1, 1990. The reason that we did not retroactively impose this type of stipulation is that you can well imagine the difficulties that would ensure if all of the divorce and separation orders that have been negotiated in good faith, up until the time this bill would be enacted by the Legislature and signed by the Governor, the havoc that would be created of having to go to court to reopen orders that have already been negotiated in good faith. What the sponsor of the bill is asking us to do is to say that henceforward and in the future beginning January 1, 1990, next year, that we implement this type of consideration so that those that get into the pipeline can begin to benefit from the effects of the bill.

It isn't the Department of Education, ladies and gentlemen of the House, that is really interested in this bill. I think they have more than they can deal with this legislative session before the Education Committee. The bill deals with the hardships that are imposed on single parent families who want to see their son or daughter continue through high school because that son or daughter reaches the age of 18 in December of their graduation year. This bill seeks to help that process.

I don't believe that a mother is going to say to her son or daughter, "Dad is no longer able to pay for you because he doesn't have to, I hope that you will quit school and go to work at Whipper's Pizza parlor part-time or full-time or get another type of a job because we just can't make ends meet." I think what the single parent does, and usually it is the mother that says, "We will survive, we will make do, we are going to continue, I want you to stay in school, you know more than I do the need for that high school diploma today." I don't think, if you look at dropout statistics, I really don't think that is telling us the picture that we really want to look at. The picture we want to look at is the hardship that is imposed on that family when that family loses its source of income during that graduation year. It makes a modest attempt to say, let's continue that up until the child reaches 19 years of age, that is so important, I think, today.

Now, why does the Department of Human Services agree to this? Because they can do two things, after 1990 for those decrees that do have it in there, they can seek to recover the money that they have to pay either through non-payment of spousal obligation when the parent just says — perhaps it is the father most of the time — I am just not going to pay for it anymore. They can seek to recover additional monies. If you look, it has a positive fiscal note

of \$54,420 in both fiscal years. It has a positive note because of the fact that they now can recover and they can recover when General Assistance money has been paid and there is a hardship that has been imposed.

We worked an awful long time on the bill at the very beginning of April. We sought to accommodate most of the concerns that the sponsors of the bill brought before us and those that were interested in the bill. That is the way the process works. We appreciated the input and concerns brought to the committee by the good Representative from Washington. Those were heard in good faith. Those were agreed upon in good faith and acted upon.

I cannot believe that the bill that we have before us this morning is anywhere near as detrimental to the State of Maine as the good Representative would lead us to believe. I think it is a very big improvement on the status quo that we have right now for all of us to agree. As the Representative from Fryeburg would say, the rainbow coalition of the Judiciary Committee for all of us to agree on this bill, I think, really shows that there is a real issue out there as to whether or not families — and we are going to see more of it in the future as we make the graduation requirement a little bit more difficult and we seek to have a better education form in our high schools — we are going to see that we might have several more 18 year olds in their senior year. I don't think that is an altogether unexpected phenomenon for this legislature to consider and we ought to make it possible for that family not to have a greater hardship to bear, especially the single parent families when that young man or young woman is in the senior year and they are looking forward to graduation and all of a sudden they have to get a part-time job, additional to what they have or that the mother has to get some other means of support.

I hope that you will vote against the motion of the good Representative from Washington so that we can enact this bill, finally, send it to the Governor because I think he agrees with us, otherwise I don't think the Department would have supported the bill the way they did.

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

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

I am not sure whether or not this bill would help the young person who wants to finish high school but needs to go to school past 18 who has felt it necessary to leave a home situation that is untenable for her or him?

The SPEAKER: Representative Holt of Bath has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Washington, Representative Allen.

Representative ALLEN: Mr. Speaker, Men and Women of the House: The answer would depend. If the child who then becomes an adult at age 18 and leaves the home because it is an untenable situation, if that child goes to work and enrolls in a GED course, they are not helped by this bill. If that child leaves the home and remains in a regular high school program, not an alternative program but a regular high school program, they are helped by this bill. So, the answer is yes for some of those kids who leave an untenable situation, the answer is no for some of the kids who leave an untenable situation.

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

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: To answer briefly the concerns of the good Representative from Bath, if in a divorce decree that the parent has stated that he or she will continue to help and it has been agreed upon, then yes it will help that person even though that young man or young woman is not living at home. The concern is that that person must be enrolled in a full-time secondary school accredited in the State of Maine and not going to school part-time and using that as a justification to have the support continued. If the young man or woman wants to go to high school, yes, it will help. If the person says, I want to live alone and I just want to go to school two nights a week, no, it will not because that is not the intent of the bill. It is to make that person stay in school full-time to continue his or her high school education.

The SPEAKER: The Chair recognizes the Representative from Washington, Representative Allen.

Representative ALLEN: Mr. Speaker, Men and Women of the House: In response to a couple of comments made by the previous speaker, let me say that I don't think this bill is going to be a detriment to this state and I have never attempted to say that. As a matter of fact, I was asked to cosponsor this bill because I have been a single parent and I have been through the divorce courts and I have been through mediation and I have been through that whole host of personal experiences and it was the belief that I might be sympathetic to this. Despite all of that, I didn't feel that the bill was applying evenly to all kids and that is what really prompted my opposition to the bill.

I just wanted to answer one other thing. The January 1, 1990 deadline that they said, everybody has got to be divorced after that in order to help out kids in these now divorced situations and that was picked in order to accommodate some concerns of people on the committee who felt that people would go back to court and open up the previous divorce decrees and those kinds of things -- let me tell you folks, when you go into court and get a divorce, that divorce is ongoing. You can go back to court at any time to reopen that divorce for any reason you want. You can negotiate in good faith during your mediation session, which is a very trying and emotional thing, at least from my own personal experience, agree to all sorts of things and then in a couple of years, your financial situation changes or the needs of the family changes, whatever, you can simply go to a lawyer, go back to court and reopen that divorce and you can do that yearly, monthly, every other year, every three years, you can do it as often as you want. The one thing that prevents you from doing that is you can't afford to do it, so by passing this bill, if there are kids that are really in need of this, there is in my mind no reason to shut that opportunity off from them because there might be these parents who want to go back and open up their divorce agreements that were negotiated in good faith. That is a joke, you can already do that. If I were a parent and I felt that this was absolutely necessary to help my child finish his or her education, let me tell you, I would hire a lawyer and I would reopen that divorce because it would mean that much. So, individual parents are going to make those individual decisions. Those young adults who are in most need in this state are kids whose families are already receiving AFDC. They already receive AFDC until they complete high school, that is a department policy and that is not going to change, so the young adults in the most need are currently

already being assisted and will continue to be assisted.

Naturally, DHS supports this bill because it gives an opportunity for them to take those parents back into court, amend the order -- they have that right by the way, parents don't, but DHS by this bill is going to have that right. They can amend that order and then continue to have those debts accrue. As you all know, DHS is engaged in the practice of collecting child support. I was a member of the Judiciary when we hammered out the child support act. The federal government has imposed certain restrictions on us and we follow all of those. Maine has an excellent reputation of collecting child support. But anyone who thinks that method and what we have right now is a perfect system is, in my opinion, wrong. It needs some help, it needs some improvement. I think before we go tampering in this manner with the way DHS is currently supporting youngsters in this state, collecting arrearages, we ought to put our priorities first, those who are young children who absolutely need that support, that is where DHS's efforts ought to be, not on this hypothetical need of these young adults who are trying to finish school, I think that is inappropriate.

To sum up, I don't think this is going to be a detriment to the state, that is ludicrous. I think it is fundamentally unfair and it absolutely violates the fundamental fairness doctrine and it is for that reason that I ask you to indefinitely postpone this bill.

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

Representative HøGLUND: Mr. Speaker, Men and Women of the House: There was a question on who has got legal responsibility. If you look under Title 22, Section 4319, children who are receiving General Assistance and decide that they do not want to pay or reciprocate that back, the law states that he could be 18, 30 or 35, 40, the law states that the parents are responsible to receive the General Assistance back. The city of Westbrook right now has a single parent in the courtrooms trying to recover the General Assistance of her 33 year old son. So, the legal responsibility is at question.

I am a sponsor of this bill and it is not hypothetical. I sponsored it because I have constituents in public housing, I have constituents who are divorced, this will not help them however, but it will help the children of tomorrow. This was designed to help children who are dependent on their parent or parents for support. What I was looking for is that the children who turn 18 at the end of their junior year or the beginning of their senior year to have that support payment to allow them to graduate.

I believe the good Representative from Washington indicated that this is all hypothetical and has a lot of flaws, I would have thought that she would have come in with an amendment to make it better with all her points. Unfortunately, she didn't do that. I disagree with her today, I think she is wrong. The law right now states that, if you are divorced you are only supporting that child until they are 18, we are just altering it and that you, the parent, have responsibilities of helping that child finish high school. We have early K, children will be starting that and some will be asked to go in that before kindergarten, therefore, they are going to be graduating at 18 and a half or possibly 19 years old. Is that fair that we ask them to do that and then not help them on the other end?

I hope you will vote against the motion to indefinitely postpone and opt to pass the unanimous "Ought to Pass" Report.

Mr. Speaker, I request 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 Chair recognizes the Representative from Rockland, Representative Melendy.

Representative MELENDY: Mr. Speaker, Men and Women of the House: I would just like to share with you a situation that happened to one of my constituents. I am a cosponsor of this bill because of that very problem.

I have a lady who had to raise three sons by herself. She is living in housing where she gets assistance. When her son was a senior, he turned 18, very early in his senior year, and in order for him to be able to earn money for graduation clothing, for school ring and so forth so that he could be like the other kids, he had to move out of the house because, if he were to work, they would have had to include his income with the mother's income and she would have not been able to afford to live in her own home because he was doing this to be able to get himself ahead. So, what happens, this boy went off into a little camp in the woods, got a little kerosene stove and had to stay there during some pretty cold months. I really think that this is something that needs to pass. I would urge you to support the unanimous committee report.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative Allen of Washington that L.D. 156 and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 27

YEA - Allen, Cathcart, Clark, M.; Gould, R. A.; Higgins, Holt, Marston, McHenry, McKeen, Parent, Priest, Sheltra, Strout, B.; Tamaro, Tracy.

NAY - Adams, Aikman, Aliberti, Anderson, Anthony, Ault, Bailey, Begley, Bell, Boutilier, Brewer, Burke, Butland, Carroll, D.; Carroll, J.; Carter, Cashman, Chonko, Clark, H.; Cotes, Conley, Constantine, Cote, Crowley, Curran, Daggett, Dellert, Dexter, Dipietro, Donald, Dore, Dutremble, L.; Erwin, P.; Farnsworth, Farnum, Farren, Foss, Foster, Garland, Greenlaw, Gwadosky, Hale, Handy, Hanley, Hastings, Heeschen, Hepburn, Hichborn, Hickey, Hوجلund, Hussey, Hutchins, Jacques, Jalbert, Joseph, Ketover, LaPointe, Larrivee, Lawrence, Lebowitz, Libby, Lisnik, Look, Lord, Luther, MacBride, Macomber, Mahany, Manning, Marsh, Martin, H.; Mayo, McCormick, McGowan, McPherson, McSweeney, Melendy, Merrill, Michaud, Mills, Mitchell, Moholland, Murphy, Nadeau, G. G.; Nadeau, G. R.; Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, E.; Paradis, J.; Paradis, P.; Paul, Pederson, Pendleton, Pineau, Pines, Plourde, Pouliot, Rand, Reed, Richard, Richards, Ridley, Rolde, Rotondi, Rydell, Seavey, Sherburne, Simpson, Skوجلund, Small, Smith, Stevens, A.; Stevens, P.; Stevenson, Strout, D.; Swazey, Tardy, Telow, Tupper, Walker, Webster, M.; Wentworth.

ABSENT - Duffy, Graham, Gurney, Jackson, Kilkelly, Marsano, Ruhlin, Townsend, Whitcomb, The Speaker.

Yes, 15; No, 125; Absent, 10; Vacant, 1; Paired, 0; Excused, 0.

15 having voted in the affirmative, 125 in the negative, 10 being absent and 1 vacant, the motion to indefinitely postpone did not prevail.

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

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

An Act to Require Parental Consent to a Minor's Abortion (H.P. 457) (L.D. 622) (C. "A" H-127)

TABLED - May 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 eighth tabled and today assigned matter:

HOUSE DIVIDED REPORT - Majority (9) "Ought Not to Pass" - Minority (3) "Ought to Pass" - Committee on State and Local Government on Bill "An Act to Reduce the Expense of the Legislative Process by Shortening the Length of Legislative Sessions" (H.P. 317) (L.D. 433)

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

PENDING - Acceptance of Either Report.

Representative Joseph of Waterville moved that the House accept the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Paris, Representative Hanley.

Representative HANLEY: Mr. Speaker, Men and Women of the House: I will only take three and a half minutes of your time this morning. The reason I will take that long is I feel very strongly about this bill. Oftentimes, we rely on the report of the committee before we even read through a bill or make a decision. For that reason, I would just like to state what this bill will do and the intentions behind it.

This bill will do two things. The first thing this bill will do is it will move cloture date up to the first Tuesday after the first Monday in December. This will allow you exactly one month from the point where you have been elected to submit bills to the Revisor of Statutes Office. I feel this is a very good move in the fact that it will put us on notice that we have a month to generate that legislation that we feel very strongly should be in front of this body. The issues that you campaigned on when you went door to door, when you talked to your constituents, will be fresh in your mind. For that reason, I feel very strongly that this would be a good move.

This would then allow this legislative body to hit the beach running during the first part of January. I don't think it is incumbent upon me to recount what happened during January and February of this year. What I will tell you is, on February 22nd of this year, there were 346 bills printed. Eight years ago to the day, there were 962 bills printed. Let me repeat that please, this year on the 22nd of February, there were 346 bills printed. Eight years ago, there were 962 bills printed. This is at the end of February, ladies and gentlemen, and you wonder -- for those of us who have to travel over an hour up here, it just becomes ludicrous for us to spend a half an hour in this body and yet it takes me two and



a half hours to drive back and forth to maintain a business to enable me to represent my people so I can remain in the legislature.

If we were to move up cloture date to the first Tuesday after the first Monday in December, then I feel very strongly that the second part of my bill could be enforced. That would be to set a statutory adjournment date of the third Wednesday in April for the first session, unlike the third Wednesday in June as we now operate under, and the first Wednesday in March for the second session.

I ask you today, ladies and gentlemen, that the two months that we spend up here -- and you have all sat in your seats, you all noticed what went on, that if we took those two months and had bills before us, had bills to work on in the morning, have hearings in the afternoon and -- I commend the Speaker publicly on the scheduling that he has set forth for us as soon as we had enough bills to work on. I feel this has been a very effective schedule and one that, if enforced, we could be out of here by the third Wednesday in April.

A lot of people have said there is a lot to be done as far as constituent work and whatever that would keep our time going. Parkinson's Law states that all work expands to fill the time allowed. Personally speaking, I do the majority of my constituent work at home. Then you can meet, not just on the phone, but you can meet face to face with these people and find out exactly what their problems are.

There are five points I would like to go into before I sit down. The first is the question of a statutory adjournment date. Some people have said, what effect can this have, this statutory adjournment date? It is only worth as much as the paper it is written on because this body can overturn and overrule any statutory adjournment date by a vote of this body. What this statutory adjournment date does is serve as a good faith effort on the part of this body, the leadership, and so on to try to stick to that date. If you run for elected office and you are under the assumption that you will be able to get back to your full-time job by the end of April and not be here until the end of June, I think that would have quite a difference.

The second point is the history on fooling around on statutory adjournment date or fooling around with the scheduling of the legislature -- in the 107th Legislature, that was when they determined to go with the 100 day and 50 day periods, 100 days for the first session and 50 days for the second.

For those of you who were around in the 112th, it was then changed to a date certain.

I would like to read at this time what the good Majority Leader said as he spoke on the floor of the House. It was a very extensive debate. For those of you who have only been around for the 113th and now the 114th Legislature, for those of you who were around in the 112th, it was a very extensive debate that went on in switching from the 150 to a statutory date certain. Just one word from the good Representative from Fairfield, Representative Gwadosky, who stated, "We believe this change would allow for greater flexibility and hopefully for greater efficiency." I would ask the good Representative to stick with his thoughts at that time, it has given us more flexibility but I would encourage him to go along with me this morning for greater efficiency.

The third point is that this bill would allow this legislature to be more accessible to individuals. In 1986, the Maine State Compensation Commission said that we are at the crossroads of a

part-time and full-time legislature. This was three years ago, ladies and gentlemen. 1986 is when they said we are at the crossroad of a part-time and full-time. Those of you who have gone out and tried to recruit candidates for your party to serve as an elected official have probably run into the question as far as how much time does this take and is this time well spent? At this point in time, I would have to say that the first session we spend six months up here and the time, no, it isn't well spent.

The fourth point is cost savings. This is just a very basic cost savings that was put together by the Office of Fiscal and Policy Analysis. For fiscal year 1990, there would be \$241,000 saved. In fiscal year 1991, there would be \$418,000. These expenses are the committee clerks, the legislative expenses, the per diem and chamber staff. There are a lot of other peripheral costs that would also be abated by such a measure but right now it stands that fiscal year 1990 would be almost a quarter of a million dollars and for fiscal year 1991 it would be almost a half million dollars.

The final point, and I think it is a very important one, is the public perception. I have an editorial from the Lewiston Sun Journal from 10/16/88. The caption was, "Wanted Leaders" and one of the paragraphs states, "At the state level, legislators must struggle long regular sessions, special sessions, committee work, special study commissions along with their professional and family obligations. Streamlining legislative procedures and shortening regular sessions are absolutely essential to encouraging qualified people to serve in the law making body."

Finally, I sent out a questionnaire, as most of you did in this body, to my constituents. I had over 400 respond, over 10 percent response. I asked them the question, were they happy with the schedule of the session now or did they feel that, to shorten the session and to enable more input and more participation by those people who wouldn't have such a time commitment, 83 percent were in favor of that. For that reason, I stand before you, ask you to vote against the pending motion so we can accept the Minority "Ought to Pass" Report.

Mr. Speaker, I request a roll call.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: I didn't plan on getting involved in these good government bills coming up but there has been some things said here today that kind of force me to get up. You know, I don't know about most of you but I was a little perturbed when I heard that we did nothing down here in January and February. I happen to sit on two very responsive and responsible committees and let me clue you in, we did do a lot in January and February. We were meeting with all our bureau directors, we were meeting with our commissioners, we were following up on legislation that we had passed last year that required them to get back to us and report on the progress or regress, whatever the case may be, having to do with that legislation. I was here most every day, all day long, and I was doing something to represent my people back home. I was more than a little upset to read that we were doing nothing down here, that we were spending a half an hour and then we were all going home. That is not the case. I had people call my apartment looking for me and they eventually called my parents looking for me and said, "We thought he would be around because the legislature is doing nothing today." My mother was



quick to point out, "Well, maybe some of the legislature is doing nothing but my son is down there and he has been down there almost every day in January and February." I am sorry, but that is what I thought our job was, I thought that was what our responsibility was and that is what we are getting paid for.

Let me ask you if this phrase is familiar? "I am presenting this L.D. to you today because one of my constituents asked me to bring it forth to the Legislature." Does that sound vaguely familiar to the members of this House? How many times do you hear that phrase in a legislative session?

Now, I know all these great ideas that we come up with weren't coming out of our little brains, that some of the people in the district that you represent asked you to put this legislation in. Will cutting the time that we serve here benefit those people? If you want to make the legislative process act faster, there is one very simple thing that you can do and that is when somebody brings a bill that you know isn't going to pass, that you know hasn't a chance of passing, that costs way too much money, sit down and explain to them -- if you insist that I put this bill in, I will put it in, but you should know it is not going to pass, it doesn't have a chance of passing, it costs a lot of money and we have dealt with it 15 times before. So, I would ask you, if you want to save taxpayers dollars, if you want to save legislative time, then don't force me to put this bill in. I do that and it works very well. But, the nature of the beast being such as it is, you all want to look good for your people back home, we all want to do what they want us to do, we put 2,500 bills in and, ladies and gentlemen of the House, you are not going to deal with those 2,500 bills responsibly by cutting down the time.

If you really want to do something about wasted time, I would ask that we take the attendance of every public hearing, of every work session, of every member of both bodies and publish that in the press that are concerned about efficiency and show the people who was here doing their work and who was not. You want to speed up the process -- if everybody was in the committee during the public hearings so you didn't have to repeat everything 50 times as they came in and our for whatever reasons, if everybody was here during the work sessions so you could work those bills and kick them out, like I am proud to say that Energy and Natural Resources and Fisheries and Wildlife Committees have done, you would speed this process up by leaps and bounds and you would not do any injustice to your people. You want to speed it up, be here, do your job. You ran for it, you got elected to it, you get paid for it, show up, you will speed the process up, you don't need to come up with some idea like this.

The SPEAKER: The Chair recognizes the Representative from Paris, Representative Hanley.

Representative HANLEY: Mr. Speaker, Men and Women of the House: I am glad the good Representative from Waterville, Representative Jacques finds so much humor in this, I really appreciate that. The fact is that we, as Representatives, represent our people, represent the will and the desires of our people. If our people are unhappy with the system the way it is, it is incumbent upon those of us who have those constituents to do something about it. Ours is not to just go with the status quo to keep things as they are and to just keep on muddying along.

What the good Representative from Waterville neglected to mention was the number of bills that had been presented. Eight years ago, there were almost

1,000, this year there was only 300, a little over 300. How in the world can you be doing all this work when the number of bills isn't even close to the number it was eight years ago?

As the good Speaker has indicated to us, the number of bills we deal with haven't changed all that much in a ten year period.

I would also like to point out that this is a bipartisan bill. There is another cosponsor on this bill who is from the other party. I am sure Representative Jacques remembers this individual who was a member of his party who he served with and that was Representative Dan Warren from Scarborough -- he sent a letter out to a lot of us, dissatisfied with the way the system was running. I would just like to take a quote from the letter that he wrote. He addressed it, "Dear Friends: The reason for my decision not to run is simple, the Maine Legislature has become a full-time body when it is in session, for all practical purposes. When I was elected four years ago, this was not the case. During the first few months of the session each year, January, February and March, a legislator might have been required to be at the State House two or three days a week and perhaps a couple of afternoons as well for hearings on bills. This has all changed and this creates a problem for many citizen legislators." That is the purpose behind this bill, to enable, not make this a professional body. I think we have a proud heritage of a citizens legislature. Citizens legislature means that you have a job outside of here so you can afford to run and come up here. That is what a citizens legislature is and that is the reason this bill is before you today. With the merits that it has, this bill should be passed. This bill is supported by the people of our state.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: I do not find this humorous in any form. I assure you that I am fully aware of what my responsibilities are in serving this legislature. I am serving my 6th term. I owned a grocery store for some of those terms and it was only through the hard work and cooperation of my family members that I was able to continue to serve down here. But, when I ran for office and took the oath in front of all of you, past and present, I did so to do my job. I was never under the illusion that I would be here two days a week and be able to practice law three days a week or run my store three days a week. I made the commitment that, for at least six months, I would be here in Augusta five days a week. Those that have served on Fisheries and Wildlife in the past will remember sometimes it was six and seven days a week if we had to because that was our job. I don't think it is humorous. I ran for the legislature to serve my people. And, Representative Hanley, the people in my district are very satisfied with the service they have received from this Representative in the last 12 years. If they came to me and said change the process and shorten it out, I would ask them why. I am going to explain as I have explained to the members of this House the problems that we go under and most of the time they are very satisfied with the attempts that I have made to make the best use of our time.

Now, I spend long days here because I have to spend long days here. We had 40 bills, almost 40 bills dealing with solid waste issues in Energy and Natural Resources. That wasn't a problem eight years ago. It used to be we knew the issues on that committee by heart because they came back over and

over again. Well, you have medical waste now, you have solid waste, you have ozone, you have polystyrene, you have styrofoam with CFC's, the issues are becoming more and more complex because our world is becoming more and more complex. Whether we like it or not, the State of Maine is going into the 90's and we are going fast. Growth management was never a problem, subdivisions were never a major problem. Big large developers buying up large tracts of land and doing what they wanted to was never a problem. The pressures on our natural resources, both the live ones and the inanimate ones, were never a serious problem, but it is now. People should be prepared that, if you run for the legislature, I appreciate the fact that you have got another job but boy you have got a job right here and it is one heck of a job. If you can't make that commitment, stay home.

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

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

The SPEAKER: The pending question before the House is the motion of Representative Joseph of Waterville 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. 28

YEA - Adams, Aliberti, Allen, Anthony, Bell, Boutilier, Brewer, Burke, Carroll, D.; Carroll, J.; Carter, Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Conley, Constantine, Cote, Crowley, Curran, Daggett, Dexter, Dipietro, Dore, Dutremble, L.; Erwin, P.; Farnsworth, Farnum, Gould, R. A.; Greenlaw, Gwadosky, Hale, Handy, Heeschen, Hitchborn, Hickey, Hogle, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, LaPointe, Larrivee, Lawrence, Lebowitz, Lisnik, Look, Lord, Luther, Macomber, Mahany, Manning, Marston, Martin, H.; Mayo, McGowan, McHenry, McKeen, McSweeney, Melendy, Merrill, Michaud, Mills, Mitchell, Moholland, Murphy, Nadeau, G. G.; Nadeau, G. R.; Norton, O'Dea, O'Gara, Oliver, Paradis, E.; Paradis, J.; Paradis, P.; Parent, Paul, Pederson, Pineau, Plourde, Pouliot, Priest, Rand, Richard, Ridley, Rolde, Rotondi, Rydell, Sheltra, Simpson, Skoglund, Smith, Stevens, A.; Stevens, P.; Strout, B.; Strout, D.; Swazey, Tammaro, Tardy, Telow, Tracy, Tupper, Walker, Wentworth, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, Begley, Butland, Dellert, Donald, Farren, Foss, Foster, Garland, Hanley, Hastings, Hepburn, Higgins, Hutchins, Jackson, Libby, MacBride, Marsano, Marsh, McCormick, McPherson, Nutting, Pendleton, Pines, Reed, Richards, Seavey, Sherburne, Small, Stevenson, Webster, M.; Whitcomb.

ABSENT - Duffy, Graham, Gurney, Kilkelly, Ruhlin, Townsend.

Yes, 109; No, 35; Absent, 6; Vacant, 1; Paired, 0; Excused, 0.

109 having voted in the affirmative, 35 in the negative, with 6 absent and 1 vacant, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

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

HOUSE ORDER relative to Propounding Questions to the Justices of the Supreme Judicial Court.

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

PENDING - Passage.

Representative Carter of Winslow offered House Amendment "A" (H-186) and moved its adoption.

House Amendment "A" (H-186) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, I would like to pose a question through the Chair to Representative Carter of Winslow.

Could Representative Carter please explain or just give a description of House Amendment "A"?

The SPEAKER: Representative Gwadosky of Fairfield has posed a question through the Chair to Representative Carter of Winslow who may respond if he so desires.

The Chair recognizes that Representative.

Representative CARTER: Mr. Speaker, Ladies and Gentlemen of the House: In answer to my good friend, Representative Gwadosky of Fairfield, I would be pleased to try and explain the contents of the new document that is before you.

Very simply, the Majority Report of the Judiciary Committee that is before this body changes the intent of the original document from a parental consent bill to an informed consent bill. In so doing -- and this House has heard me to allude to it several times before -- I believe that it raises several major constitutional questions. The questions now are in the form of four questions, they are much more precise than they were in the original order, along with the fact that an additional question is being posed to the Supreme Judicial Court.

The first and second questions deal with constitutional objectives along with the separation of church and state.

Question three revolves around whether it is unduly burdensome for teenagers involved in this process or not.

The fourth question raises the issue of whether passage of this bill would in fact create a violation of the First and Fourteenth Amendment for a youngster who is involved in the process of being forced to undergo an abortion by the courts.

While I am on my feet Mr. Speaker, if this body chooses to allow the Majority Report to become law without the benefit of the Supreme Court ruling, we could all be contributing to the creation of a tremendous problem and turmoil among the many organizations that now provide different types of services for many of our youngsters caught up in this process. Some of those organizations could be such organizations as Birthline, some could be St. Andre's, many that now serve under the dioceses of the Bureau of Social Services. Because of the complexity of the question, I think it is imperative upon us that before we pass any legislation that we know that might be unconstitutional that we seek the opinion and guidance of the State Supreme Court. I would hope that this body would go along and support this Order.

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

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

Members of this body, I do not believe that there is a need for our Supreme Judicial Court to review this question, basically for two reasons. Number one, less restrictive measures than the one before the body have been reviewed by the courts and found to be constitutional. Number two, an opinion from

our Law Court, if it came back saying that this proposal were constitutional, would in no way bind a federal court which is exactly where this issue would go. That federal court which has been used in the past would be the body which would make the decision regarding constitutionality of our proposal. The very group which is seeking a review by our court, if our court said this proposal was constitutional, would be in the federal court the very next day. In essence, the purpose of this Order is to kill the bill which our committee worked so hard on and which this body has overwhelmingly approved.

If this question were to go to the Law Court, the court is bound in no fashion to come back with an answer to us as to whether or not they will even review the issue until after we have adjourned and the bill which we have will then die. The very young women which we have sought to help with this proposal will be left where they are today, the status quo, no guidance whatsoever. For all those reasons, I ask this body to vote against the Order.

I ask for a roll call, Mr. Speaker.

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 Fryeburg, Representative Hastings.

Representative HASTINGS: Mr. Speaker, Men and Women of the House: I join with my brother of the Judiciary, Representative Conley, in asking that this body indefinitely postpone the amendment and I would hope afterwards the motion for solemn occasion as well.

I spent the weekend studying and thinking about solemn occasion. It is probably something that only a freshman legislator would bother themselves to do because it is a crazy area to look at. I want you to know though that the Supreme Court, even by our own statutes, the revised statutes annotated, and there are specific instances cited, accepted solemn occasions only five times and refused them 14 times. Well, that is about a 350 batting average -- for baseball that would be pretty good and perhaps tonight the Democrats would hope that would be their team average when they play the Republicans, but I think today, if you were a betting man, that would be terrible odds.

You have to understand that the court generally refuses solemn occasions. Why does it do so? First of all, it has no precedential value, meaning that if this matter comes back to them again, it means absolutely nothing to them. Whatever they decided in their opinion of justices to this body is out the window, you can't even talk about it.

Secondly, the court is in its busiest season right now. It has back-to-back terms.

Thirdly, this matter is primarily a federal issue and opinions of justices generally only review those of our state constitution and our state statute. If you will look at the amendment, you will see that they are attacking the federal cases, not the state cases. The one instance where the abortion law was struck down in Maine, it was attacked, not in state court but in federal court. So, it is very improbable that this matter will even be accepted by the Supreme Court.

But then, why the amendment, why the motion for solemn occasion? Consider if you will, what has gone

on in the past. We have had in this body as well as in the other body a motion to indefinitely postpone the Majority Report. That doesn't look to me like they are interested in an opinion of the justices. Secondly, they have attacked the bill on the matter of germaneness. Again, that doesn't look to me as if they are considering this bill in a favorable light. And lastly, even their own amendment, item 4, asks questions which goes to the very issue of the Minority Report, that is, a courts right to order an abortion for a minor to save her life. This is in the Minority Report as well as the Majority Report. So again, why the motion? It is simply to delay with the idea that delay will kill the bill, will prevent its passage. Think of that, the person who leaves this opposition to the Majority Report without this is quoted as saying that this Majority Report ought to be killed. Isn't that an interesting choice of words? Killed -- for someone who is for pro-life? That was what was stated in a newspaper.

I suggest to you that the very purpose of this motion and the amendment to it is simply to prevent any passage by this House of the Majority Report even though that Majority Report gives safe haven of information to the minor who seeks help in deciding whether or not to have an abortion.

You must remember what the Majority Report attempts to do, it is simply to give safe haven of information to a minor. In most cases, that is already given by a parent. Whether in this one instance, when you have somebody such as throwaway kids, minors from fractured homes, minors who are unable to communicate or are abused, and it gives to those that same type of safe haven as best as they can get it other than by having to go to a court.

I work in courts all the time and you would think that I would be most favorable to a court acting as a substitute parent -- keep in mind that courts are as frightening to appear before for all of us regardless of age when we know nothing about it. How many of us are frightened by the dark? Unless you know what is there, you are frightened by the dark. A minor going to court is like being frightened by the dark.

I urge you to support the motion to indefinitely postpone because I believe it gives us the opportunity to act on a fair consensus report arrived at, as has many times been debated, by a consensus of opinion, to give safe haven to those poor kids who are faced with a frightening decision.

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

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

Mr. Speaker, my question is, whether the issue that is before us on this vote is the form of a request for a solemn occasion and only the notion of the form of that request, if there will be one?

The SPEAKER: The Chair would ask the Representative from South Portland if he would restate his question.

Representative ANTHONY: Mr. Speaker, my question is whether the motion is indefinite postponement of House Amendment "A" which goes to the question of the form of a request rather than whether or not there will be a request.

The SPEAKER: The pending question and the amendment that is pending deals with an amendment to the original request of the request of the courts. Whether or not the motion to indefinitely postpone prevails or not, the question of the courts is still before this body. The question before the body is on indefinite postponement of the amendment. If the motion to indefinitely postpone prevails, the

question before the courts is still present, that issue not having been decided.

The pending question is indefinite postponement of House Amendment "A."

The Chair recognizes the Representative from Winslow, Representative Carter.

Representative CARTER: Mr. Speaker, Ladies and Gentlemen of the House: Representative Hastings of Fryeburg would make light of the question by indicating that it is very simple for me to kill this bill. I would like the good gentleman to know that I have been in this body for many years and it doesn't bother me to kill bad legislation but he should not try to make light of the issue before us, which is quite serious.

While I am on my feet, I would like to let this body know that the issue before us is quite serious and when I first came to serve in this body, and I do every two years when I take my oath of office I swear to uphold the Constitution of this State and of this nation and I will never knowingly vote for a piece of legislation that could be unconstitutional. I never have and I don't believe I ever will.

What we have before us deals with a constitutional question. Part of the majority amendment from the Judiciary Committee indicates that there will be neutral counseling for one thing -- I repeat the word neutral counseling -- I ask any member of this body, how can you have neutral counseling if you exclude half of the service organizations of this state and require only the other group to provide this counseling and they themselves would be in conflict? Both views are not helped equally by both groups. Obviously, there is a split right down the middle here and I am intent on doing something just as much as you are but whatever we do, let's do it right. The only way that we can do it right is by having the benefit of the Supreme Court to make our decision by and I would hope that you would not vote to indefinitely postpone this amendment but to support the amendment as suggested by Representative Hastings.

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 Portland, Representative Conley, that House Amendment "A" (H-186) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 29

YEA - Adams, Aikman, Allen, Ault, Begley, Brewer, Burke, Butland, Carroll, D.; Cathcart, Chonko, Clark, M.; Coles, Conley, Constantine, Cote, Daggett, Donald, Dore, Erwin, P.; Farnsworth, Foss, Foster, Garland, Greenlaw, Gwadosky, Hale, Handy, Hanley, Hastings, Heeschen, Hogle, Holt, Joseph, Ketover, LaPointe, Larrivee, Lawrence, Libby, Lisnik, MacBride, Macomber, Mahany, Marsh, Marston, Mayo, McGowan, McKeen, McPherson, Melendy, Mills, Mitchell, Nadeau, G. G.; Nadeau, G. R.; Norton, O'Dea, Oliver, Pederson, Pendleton, Priest, Rand, Reed, Richards, Rolde, Rydell, Sherburne, Simpson, Skoglund, Small, Smith, Stevens, P.; Strout, B.; Swazey, Tracy, Tupper, Webster, M.

NAY - Aliberti, Anderson, Anthony, Bailey, Bell, Boutilier, Carroll, J.; Carter, Cashman, Clark, H.; Crowley, Curran, Dellert, Dexter, Dipietro,

Dutremble, L.; Farnum, Farren, Gould, R. A.; Hepburn, Hichborn, Hickey, Higgins, Hussey, Hutchins, Jackson, Jacques, Jalbert, Lebowitz, Look, Lord, Luther, Manning, Martin, H.; McCormick, McHenry, McSweeney, Merrill, Michaud, Moholland, Murphy, Nutting, O'Gara, Paradis, E.; Paradis, J.; Paradis, P.; Parent, Paul, Pineau, Pines, Plourde, Pouliot, Richard, Ridley, Rotondi, Seavey, Sheltra, Stevens, A.; Stevenson, Strout, D.; Tamaro, Tardy, Telow, Walker, Wentworth, The Speaker.

ABSENT - Duffy, Graham, Gurney, Kilkelly, Marsano, Ruhlin, Townsend, Whitcomb.

Yes, 76; No, 66; Absent, 8; Vacant, 1; Paired, 0; Excused, 0.

76 having voted in the affirmative and 66 in the negative with 8 being absent and 1 vacant, the motion did prevail.

Representative Anthony of South Portland requested a roll call on passage.

Representative Carter of Winslow withdrew House Order relative to Propounding Questions to the Justices of the Supreme Judicial Court.

The Chair laid before the House the following matter: An Act to Require Parental Consent to a Minor's Abortion (H.P. 457) (L.D. 622) (C. "A" H-127) which was tabled earlier in the day and later today assigned pending passage to be enacted.

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

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: Since I would not want to go on record as voting for this bill, I would request a roll call on enactment.

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 passage to be enacted.

The Chair recognizes the Representative from Palmyra, Representative Tardy.

Representative TARDY: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with Representative Kilkelly of Wiscasset. If she were present and voting, she would be voting yea; I would be voting nay.

The SPEAKER: The pending question before the House is passage to be enacted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 30

YEA - Adams, Aikman, Allen, Anthony, Ault, Begley, Boutilier, Brewer, Burke, Butland, Carroll, D.; Cathcart, Chonko, Clark, M.; Coles, Conley, Cote, Daggett, Dellert, Donald, Dore, Erwin, P.; Farnsworth, Foster, Garland, Gwadosky, Hale, Handy, Hanley, Hastings, Heeschen, Hepburn, Hogle, Holt, Joseph, Ketover, Larrivee, Lawrence, Libby, Lisnik, MacBride, Macomber, Mahany, Manning, Marsh, Marston, Mayo, McKeen, McPherson, McSweeney, Melendy, Mills, Mitchell, Nadeau, G. G.; Nadeau, G. R.; Norton, O'Dea, Oliver, Pederson, Priest, Rand, Richards, Rolde, Rydell, Simpson, Skoglund, Small, Smith, Stevens, P.; Stevenson, Swazey, Tracy, Tupper, Webster, M.

NAY - Aliberti, Anderson, Anthony, Bailey, Bell, Carroll, J.; Carter, Cashman, Clark, H.; Constantine, Crowley, Curran, Dexter, Dipietro, Dutremble, L.; Farnum,

Farren, Foss, Gould, R. A.; Greenlaw, Hichborn, Hickey, Higgins, Hussey, Hutchins, Jackson, Jacques, Jalbert, LaPointe, Lebowitz, Look, Lord, Luther, Martin, H.; McCormick, McGowan, McHenry, Merrill, Michaud, Moholland, Murphy, Nutting, O'Gara, Paradis, E.; Paradis, J.; Paradis, P.; Parent, Paul, Pendleton, Pineau, Pines, Plourde, Pouliot, Reed, Richard, Ridley, Rotondi, Seavey, Sheltra, Sherburne, Stevens, A.; Strout, B.; Strout, D.; Tamaro, Telow, Walker, Wentworth, The Speaker.

ABSENT - Duffy, Graham, Gurney, Marsano, Ruhlin, Townsend, Whitcomb.

PAIRED - Kilkelly, Tardy.

Yes, 74; No, 67; Absent, 7; Vacant, 1; Paired, 2; Excused, 0.

74 having voted in the affirmative and 67 in the negative with 7 being absent and 1 vacant, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The Chair laid before the House the following matter: An Act to Make Changes to the Human Resource Development Council in Order to Conform with the United States Economic Dislocation and Worker Adjustment Assistance Act of 1988 (Emergency) (S.P. 101) (L.D. 120) (C. "A" S-84) (passed to be enacted in the House on May 11, 1989) which was tabled earlier in the day and later today assigned pending further consideration.

On motion of the Representative from Madawaska, Representative McHenry, the House voted to recede from passage to be enacted.

The same Representative offered House Amendment "A" (H-187) and moved its adoption.

House Amendment "A" (H-187) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-84) and House Amendment "A" (H-187) in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter: An Act to Improve the Cost-of-living Adjustment Under the Maine State Retirement System (H.P. 538) (L.D. 735) (C. "A" H-140) 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, May 16, 1989.

(Off Record Remarks)

On motion of Representative Manning of Portland, Adjourned until Tuesday, May 16, 1989, at twelve o'clock noon.

STATE OF MAINE  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
FIRST REGULAR SESSION  
JOURNAL OF THE SENATE

In Senate Chamber  
Monday  
May 15, 1989

Senate called to Order by the President.

Prayer by Pastor Nolan Leavitt of the Advent Christian Church in Auburn.

PASTOR LEAVITT: Let us pray. Heavenly Father, I come to You this morning as Your child, one You have redeemed to Yourself at great cost. And again, I give You thanksgiving and praise for a beautiful day. I thank You for life, Lord, and a hope and a promise of a much greater life to come. I praise You for your mercy extended, mercy undeserved and unexpected.

Father, I ask that You wash us clean this day as we stand before You. You have said, "come let us reason together, though your sins be as scarlet they shall be as white as snow." Wash our thoughts, our hearts, our hands this day with water that reaches the very depths of our soul.

Father, I would intercede this day for these men and women gathered. I ask for wisdom on their behalf, knowing that the beginning of wisdom begins with You. I would ask that Your hand would guide them this day. Protect them, Lord, from harm's way and lead them beside still waters and guide them in paths of righteousness. Lord, quiet their hearts and bear their burden with them and for them. Some here perhaps are pressed down by the weight of life and the weight of strife. Bless their families, Lord, and their loved ones and keep them safe and ease the heartache and headache alike. Make them a blessing, Lord, first to You and to themselves and their loved ones, then, Lord, make them a blessing to this land and all who look to them this day. In Jesus' name. Amen.

Reading of the Journal of Friday, May 12, 1989.

PAPERS FROM THE HOUSE  
Non-concurrent Matter

Bill "An Act to Clarify Laws Pertaining to the Enforcement of Forestry Fire Control Laws"

H.P. 88 L.D. 123

(C "B" H-135)

In Senate, May 8, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-135), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-135) AS AMENDED BY HOUSE AMENDMENT "B" (H-180), thereto in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act Relating to Confidentiality of Investigative Records of Boards and Commissions"

H.P. 232 L.D. 316

(S "A" S-51 to C "A" H-51)

In House, April 18, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-51).

In Senate, April 24, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-51) AS