

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

Senator PEARSON: Thank you Mr. President. I would like to pose a question to anyone who might care to answer. What are we doing in this Bill? Are we announcing that child support payments will be required of people who have reached their majority and beyond?

Senate at Ease
Senate called to order by the President.

THE PRESIDENT: The Chair recognizes the Senator from Penobscot, Senator Pearson.

Senator PEARSON: Thank you Mr. President. Mr. President, men and women of the Senate. Like a lot of other people in here, I have phone calls from time to time and this was called into me and I wanted to ask the question. Apparently, what this Bill does is allows the collection of child support until the child reaches the age of nineteen or has completed school. I don't have any problems with that. It is also a prospective thing so that if a divorce has already taken place, it doesn't effect those, but it does effect future divorces. It sounds like a pretty good idea to me.

Which was PASSED TO BE ENACTED and having been signed by the President, was presented by the Secretary to the Governor for his approval.

The Chair laid before the Senate the Tabled and Specially Assigned matter: (5/16/89)

Emergency

An Act to Make Allocations from the Maine Nuclear Emergency Planning Fund for the Fiscal Years Ending June 30, 1990, and June 30, 1991

H.P. 365 L.D. 496
(C "A" H-126; S "A"
S-88)

Tabled - May 15, 1989, by Senator CLARK of Cumberland.

Pending - ENACTMENT

(In House, May 11, 1989, PASSED TO BE ENACTED.)

(In Senate, May 5, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-126) AND SENATE AMENDMENT "A" (S-88).)

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending ENACTMENT.

Off Record Remarks

THE PRESIDENT: The Chair at this time would like to congratulate the Senator from Cumberland, Senator Titcomb, who is a new grandmother. The Chair would note that Senator Titcomb's grandson missed the birthdays of the Senator from York, Senator Hobbins and the Senator from Androscoggin, Senator Whitmore by one day. The Chair extends to the two of them a happy birthday wish.

On motion by Senator HOBBS of York and Senator WHITMORE of Androscoggin, ADJOURNED until Thursday, May 18, 1989, at 9:00 in the morning.

ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
65th Legislative Day
Thursday, May 18, 1989

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

Prayer by Reverend David Kelly, Hermon Baptist Church.

The Journal of Wednesday, May 17, 1989, was read and approved.

Quorum call was held.

PAPERS FROM THE SENATE

Unanimous Ought Not To Pass

Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act to Amend the Laws Related to Games of Chance" (S.P. 439) (L.D. 1192)

Report of the Committee on Education reporting "Ought Not to Pass" on Bill "An Act Concerning School Attendance Policies" (S.P. 226) (L.D. 542)

Report of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act to Define the Burden of Proof in Workers' Compensation Claims" (S.P. 345) (L.D. 915)

Report of the Committee on State and Local Government reporting "Ought Not to Pass" on Bill "An Act Concerning Political Activities by Retiring State Employees" (S.P. 349) (L.D. 926)

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

Unanimous Leave to Withdraw

Report of the Committee on Legal Affairs reporting "Leave to Withdraw" on Bill "An Act Relating to Credit Terms for Retail Liquor Licenses" (S.P. 243) (L.D. 573)

Report of the Committee on Business Legislation reporting "Leave to Withdraw" on Bill "An Act to Amend the Motor Vehicle Laws Relating to Dealers' Established Places of Business" (S.P. 293) (L.D. 766)

Report of the Committee on Business Legislation reporting "Leave to Withdraw" on Bill "An Act to Allow All Candidates for an Electrician's License to Take the Examination Immediately Upon Completing Their Education" (S.P. 380) (L.D. 1016)

Report of the Committee on Transportation reporting "Leave to Withdraw" on Bill "An Act Concerning Wide Loads" (S.P. 477) (L.D. 1275)

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

Refer to the Committee on
Appropriations and Financial Affairs

Report of the Committee on Human Resources on Bill "An Act to Provide Adult Day Care Through Long-term Care Facilities and Other Community Sites" (S.P. 110) (L.D. 165) reporting that it be referred to the Committee on Appropriations and Financial Affairs.

Came from the Senate with the report read and accepted and the bill referred to the Committee on Appropriations and Financial Affairs.

Report was read and accepted and the Bill referred to the Committee on Appropriations and Financial Affairs in concurrence.

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:

Fisheries and Wildlife

Bill "An Act to Create a Game Sanctuary at Beaver Cove in Moosehead Lake" (H.P. 1206) (L.D. 1676) (Presented by Representative GOULD of Greenville) (Cosponsored by Representative JACQUES of Waterville and President PRAY of Penobscot) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.

Sent up for Concurrence.

Appropriations and Financial Affairs

Bill "An Act to Authorize a Bond Issue in the Amount of \$5,000,000 to Provide Funds for the Development of Affordable Housing" (H.P. 1204) (L.D. 1674) (Presented by Representative OLIVER of Portland) (Cosponsored by Senator ANDREWS of Cumberland, Representative HEESCHEN of Wilton and Senator BRANNIGAN of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

(The Committee on Housing and Economic Development had been suggested.)

On motion of Representative Nadeau of Lewiston, was referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

Utilities

Bill "An Act to Protect the Megunticook Watershed for the People of Lincolnville by Creating the Lincolnville Water District" (H.P. 1205) (L.D. 1675) (Presented by Representative WHITCOMB of Waldo) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.

Sent up for Concurrence.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative SMITH from the Committee on Fisheries and Wildlife on Bill "An Act to Require Big Game Hunters to Obtain Written Permission Before Hunting on Private Property" (H.P. 1004) (L.D. 1402) reporting "Ought Not to Pass"

Representative CARTER from the Committee on Appropriations and Financial Affairs on Bill "An Act to Fund the Law Enforcement and Search and Rescue Activities of the Department of Marine Resources" (H.P. 717) (L.D. 986) reporting "Ought Not to Pass"

Representative CASHMAN from the Committee on Taxation on Bill "An Act Concerning Collection of Excise Taxes from Unorganized Territories" (H.P. 575) (L.D. 779) reporting "Ought Not to Pass"

Representative PRIEST from the Committee on Legal Affairs on Bill "An Act to Provide for the Suspension of Drivers' Licenses Resulting from Conviction for Drug-related Offenses" (H.P. 742) (L.D. 1025) reporting "Ought Not to Pass"

Representative JALBERT from the Committee on Legal Affairs on Bill "An Act to Allow Municipalities to Remove Nonvoter Names from Voting Lists" (H.P. 916) (L.D. 1282) reporting "Ought Not to Pass"

Representative TARDY from the Committee on Agriculture on Bill "An Act to Revise the Law Concerning Agricultural Land and Adjacent

Development" (H.P. 819) (L.D. 1147) reporting "Ought Not to Pass"

Representative TARDY from the Committee on Agriculture on Bill "An Act to Prevent Improper Delegation of Eminent Domain Powers and Unjust Taking of Property" (H.P. 635) (L.D. 869) reporting "Ought Not to Pass"

Representative TARDY from the Committee on Agriculture on Bill "An Act Regarding Oxen, Ponies and Draft Horses in Competitions" (H.P. 524) (L.D. 709) 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 PARADIS from the Committee on Judiciary on Bill "An Act to Amend the Maine Bail Code with Respect to Mandatory Training as a Condition of Appointment of Bail Commissioners" (EMERGENCY) (H.P. 1079) (L.D. 1501) reporting "Leave to Withdraw"

Representative PARADIS from the Committee on Judiciary on Bill "An Act Concerning Liability with Respect to Sports Officials" (H.P. 764) (L.D. 1068) reporting "Leave to Withdraw"

Representative CASHMAN from the Committee on Taxation on Bill "An Act to Provide an Extension of the Filing Date for Tree Growth or Farm and Open Space Programs When a Municipality Undertakes a Revaluation of Property" (H.P. 1028) (L.D. 1434) reporting "Leave to Withdraw"

Representative CASHMAN from the Committee on Taxation on Bill "An Act Concerning the Timing of Implementation of Local Property Tax Valuations" (EMERGENCY) (H.P. 995) (L.D. 1384) reporting "Leave to Withdraw"

Representative LAPOINTE from the Committee on Legal Affairs on Bill "An Act to Provide for Forfeiture of Altered Radar Detectors and to Make Possession a Civil Violation" (H.P. 797) (L.D. 1109) reporting "Leave to Withdraw"

Representative LAPOINTE from the Committee on Legal Affairs on Bill "An Act to Clarify the Position and Authority of Inspectors and Fire Investigators in the Office of State Fire Marshal" (H.P. 211) (L.D. 291) reporting "Leave to Withdraw"

Representative MELENDY from the Committee on Housing and Economic Development on Bill "An Act to Include Moderate-income Households Within the Housing Opportunities for Maine Program" (H.P. 260) (L.D. 372) reporting "Leave to Withdraw"

Representative GRAHAM from the Committee on Housing and Economic Development on Bill "An Act to Encourage and Support the Development of Affordable Housing Opportunities by Nonprofit Developers" (H.P. 723) (L.D. 992) reporting "Leave to Withdraw"

Representative BELL from the Committee on Housing and Economic Development on Bill "An Act to End Homelessness in Maine" (H.P. 337) (L.D. 456) reporting "Leave to Withdraw"

Representative ALLEN from the Committee on Banking and Insurance on Bill "An Act Concerning Unfair Trade Practices in the Automobile Insurance Industry" (H.P. 309) (L.D. 423) reporting "Leave to Withdraw"

Representative JOSEPH from the Committee on Banking and Insurance on Bill "An Act Concerning Automobile Insurance" (H.P. 621) (L.D. 844) reporting "Leave to Withdraw"

Representative HANDY from the Committee on Education on Bill "An Act to Create a Coalition Drug

Education Program" (H.P. 856) (L.D. 1188) reporting "Leave to Withdraw"

Representative NORTON from the Committee on Education on Bill "An Act to Provide Reimbursement to Municipalities for Most Costs of Special Education" (H.P. 740) (L.D. 1023) reporting "Leave to Withdraw"

Representative PARADIS from the Committee on Judiciary on Bill "An Act to Amend the Public Drinking Law to Remove the Warning Requirement" (H.P. 458) (L.D. 623) 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 Joint Select Committee on Corrections

Representative JOSEPH from the Committee on State and Local Government on Bill "An Act to Clarify How State Reimbursement to Counties for Housing State Prisoners May Be Spent" (H.P. 324) (L.D. 440) reporting that it be referred to the Joint Select Committee on Corrections.

Report was read and accepted and the Bill referred to the Joint Select Committee on Corrections and sent up for concurrence.

Divided Report

Majority Report of the Committee on State and Local Government reporting "Ought Not to Pass" on Bill "An Act Relating to Legislation of an Emergency Nature Introduced in the 2nd Regular Session or any Special Session" (H.P. 637) (L.D. 871)

Signed:

Senators: ESTY of Cumberland
BERUBE of Androscoggin
CARPENTER of York

Representatives: JOSEPH of Waterville
LARRIVEE of Gorham
HEESCHEN of Wilton
DAGGETT of Augusta
ROTONDI of Athens

Minority report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-210) on same Bill.

Signed:

Representatives: WENTWORTH of Wells
BEGLEY of Waldoboro
HANLEY of Paris
McCORMICK of Rockport

Reports were read.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Joseph. Representative JOSEPH: Mr. Speaker, I move that the House accept the Majority "Ought Not to Pass" Report.

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

Representative GARLAND: Mr. Speaker, Ladies and Gentlemen of the House: I rise today as the sponsor of this legislation. I submitted this bill because I believe the Legislative Council accepts too many after deadline requests. I believe this makes a farce of our present cloture date. I believe this legislation will make the Legislative Council more discriminating on what they accept.

I urge you to vote against the present motion and accept the Minority Report.

I would 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 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. 31

YEA - Adams, Aliberti, Allen, Anthony, Bell, Boutillier, Brewer, Burke, Carroll, D.; Carter, Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Conley, Constantine, Cote, Crowley, Daggett, Dore, Dutremble, L.; Erwin, P.; Farnsworth, Gould, R. A.; Graham, Gurney, Gwadosky, Hale, Handy, Heeschen, Hickey, Hogle, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, LaPointe, Larrivee, Lawrence, Lisnik, Luther, Mahany, Manning, Marston, Martin, H.; Mayo, McGowan, McKeen, McSweeney, Melendy, Michaud, Mills, Mitchell, Nadeau, G. G.; Nadeau, G. R.; Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pederson, Pineau, Plourde, Priest, Rand, Richard, Richards, Ridley, Rolde, Rotondi, Rydell, Sheltra, Simpson, Skoglund, Smith, Stevens, P.; Strout, D.; Swazey, Tamaro, Tardy, Townsend, Tracy, Walker, The Speaker.

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

ABSENT - Duffy, Higgins, Moholland, Pouliot, Ruhlin, Whitcomb.

Yes, 91; No, 53; Absent, 6; Vacant, 1; Paired, 0; Excused, 0.

91 having voted in the affirmative and 53 in the negative with 6 being absent and 1 vacant, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

Divided Report

Majority Report of the Committee on Human Resources reporting "Ought Not to Pass" on Bill "An Act to Amend the Laws Concerning Smoking in Public Buildings" (H.P. 439) (L.D. 604)

Signed:

Senators: GAUVREAU of Androscoggin
TITCOMB of Cumberland
RANDALL of Washington
MANNING of Portland
ROLDE of York
BOUTILIER of Lewiston
CLARK of Brunswick
BURKE of Vassalboro
PEDERSON of Bangor
DELLERT of Gardiner
CATHCART of Orono
HEPBURN of Skowhegan

Minority report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-202) on same Bill.

Signed:

Representative: PENDLETON of Scarborough

Reports were read.

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

Representative MANNING: Mr. Speaker, I move that the House accept the Majority "Ought Not to Pass" Report.

Mr. Speaker, Ladies and Gentlemen of the House: This particular legislation, if enacted, would repeal portions of the Smoking in Public Buildings Law that we passed here the last legislative session. We, as the majority, felt that it was working well and that we do not want to tamper with it at this particular time.

I will note that my seatmate will explain her views and I will sit down and let her explain those.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Pendleton.

Representative PENDLETON: Mr. Speaker, Men and Women of the House: I strongly urge you to vote against the motion on the floor. I feel I must explain my reason for supporting the Minority Report.

I represent all of the people in my district, not just the non-smokers. I believe in giving my people, all of my people, all taxpayers, a choice. Those who choose to smoke should be allowed to smoke in public buildings. Please vote no on this motion.

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

Representative HALE: Mr. Speaker, Men and Women of the House: I rise before you today to speak on reinstating designated smoking areas in public buildings. These buildings are owned and paid for by taxpayers and should be used by all taxpayers. We have before us an issue that involves "rights" -- the rights of people to choose.

I think you are all aware that any insidious erosion of the rights of people should be stopped. This is insidious, it came before us two years ago, not to State and Local Government, but to Human Resources as part of Title 22. This deals with buildings, it does not deal with the impact of smoking. This is not an issue of "you smoke, I smoke, you don't smoke, I don't smoke" -- this is an issue of, should a person be given the right to have a designated smoking area? The concerns of the people that do not smoke and who do not want to be around it have been addressed.

I think that we as legislators must remember that we represent people, all people. We also must remember the Bill of Rights. Our guarantees are there for all of us.

If you have been reading some of the letters to the editors, I would like to quote from one. I am going to use the preemption law for firearms because it was so direct and to the point. It says, "Every citizen should remember Patrick Henry's words 'Guard with jealous attention the public liberties, suspect everyone who approaches that jewel.'" That is what we are doing today ladies and gentlemen. We are guarding the public liberties and we should protect that precious jewel.

I ask you to vote against the pending motion on the floor.

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 Van Buren, Representative Martin.

Representative MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I guess you all know where I stand on this bill but I just received in my mail this morning a letter from some employees of the Department of Human Services and signed by 22 people. It says: "Being employees of the Maine State Department of Human Services in Caribou, we are being subjected to moving into a new state building and have been notified that smoking will not be allowed in the building whatsoever. While we are concerned with the rights of non-smokers, we are equally concerned with the rights of smokers."

I will reiterate what Representative Hale said, we are talking about rights and in particular the right to smoke in designated areas in government buildings as we do now.

To continue quoting from the letter that I was reading from, it says, "We urge you to seriously consider voting yes on L.D. 604. We would also appreciate anything that you can do and would hope to have a response from you informing us of your position on this issue. Any support you can offer us would be greatly appreciated. We and our fellow coworkers, smokers as well as non-smokers will be awaiting your response." You can imagine what my response is going to be. That was signed by 22 people and they will be called today.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I think we did a good job when we put into law designated smoking areas. I think everyone has a right, they have a right to sit in a restaurant where there is no smoke, they have a right to enter into a public building where there is no smoke but I believe that we will have gone too far if we abandon it completely. I think we will go against the rights of some of the people. I think we have made a class of second-class citizens and I don't think it is fair. I don't think that is right. I don't think that was what our Bill of Rights was all about. We are all first-class citizens and I would hope that you would support the Minority "Ought to Pass" Report so we can give back rights and we can keep designated areas in all buildings, not just a few.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: People are talking today about rights -- for those of you who are new to this building, I would like to take you back to a few years ago when I was a freshman sitting in the back row. When the Speaker indicated that we were at ease, it took about 6 seconds for the gentlemen in the back row to light up. Where was that smoke going? We know by the surgeon general's report and by many other reports that secondhand smoke is as bad as someone smoking themselves. That is one of the reasons why we decided a few years ago, the legislators in the 113th Legislature, to ban smoking in public buildings.

When you look around at most of your town halls and the good Representative from Sanford has told me that she has problems with those -- where in most of the town halls is there going to be a designated smoking area for the public? I know that I have been in a few of the town halls throughout this state and they are lucky if they have enough room for their employees, let alone designated smoking areas for the public. If the public is going to be in there for a long period of time, it would seem to me that the best thing for them to do would be to go outside and smoke. I don't understand where (in small buildings

and small town halls throughout the state) you are going to find room for a designated smoking area.

In this particular building, we have made arrangements for the legislature and we have made arrangements for the staff (downstairs on the first floor) for smoking. But, I remember the days when you could walk from here to the rotunda and see a cloud of smoke. That is one of the reasons we decided to put the "no smoking" in. I think it is cleaner, I think it is safer. If my memory serves me right, two years ago when we were debating this bill, the good Representative from Thomaston went out to take a phone call and on his way back, he got burned by one of the lobbyists. He came back in and reported it. That is one of the reasons why we don't have smoking in public buildings.

We talk about rights -- you know I am not against smokers, many of the smokers will go along with somebody who says "Please don't smoke in my area" but there are people who won't go along with that. There are people who are affected by smoke, one of whom is a veteran reporter in this particular institution, the reporter from Lewiston, Ed MacDonald. Ed talks about covering a public meeting and on his way home that particular night, he went off the road because of the stench in his clothing. He is affected that much. There are people like that throughout the state who are affected by smoking. I know there are people who don't believe that but I wish you would take the time sometime and talk to Mr. MacDonald about this.

I think the bill has worked well. I haven't heard any complaints from my community and I have a fairly large city hall, probably the largest city hall in the state. It is probably as large as this particular building. The citizens in my community haven't complained. It is just not allowed inside.

I can remember going to my own city council meetings where you could hardly stand it. You could hardly stand going outside because at one time they decided they wouldn't have smoking inside so they went outside to smoke. People are affected by smoke, they are affected in ways that a lot of us don't realize. If you could have gone upstairs and listened to the people testify in the last three or four years, you might understand.

On a final note, in reference to the 22 people in Human Services, I also get the same calls from the Human Services Department wanting more money. Where am I going to put the money? Am I going to put the money in the Medicaid program where hundreds and hundreds of people (who are on the program) suffer from emphysema and other lung-related diseases? Or am I going to put it into ventilation? The Governor's Commissioner on Public Administration said, if this bill went into effect, it would be very costly in state-run buildings. I think we ought to think about that, especially since we don't have much money left in the till.

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

Representative ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: I think that this might not be just a rights issue but it also might be considered a safety issue. Years ago, when Boise Cascade was Oxford Paper Company (and I know that is not a public building but this is an example of what might happen) absolutely no smoking was allowed. Now the smokers found a place to smoke and it didn't matter where it was but they would smoke so they had a rash of fires. This is something that I would like to have you think about when you are voting on this issue.

I am going to vote with the Minority Report.

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

Representative HALE: Mr. Speaker, Ladies and Gentlemen of the House: I will address a few remarks made by my esteemed seatmate. I can't go back as far as my seatmate but we did make an effort to clean up the air so he would not be permeated while we were in session. Since then, we have tried to protect my seatmate also.

I am not speaking just for my town and my town hall. I am speaking for all the public buildings in the State of Maine from local, county to state buildings. Many small town halls do not have their records within the facility. You go down the road and up a side road and there it is in a home. I do not expect to have the town clerks or the tax assessors residences regulated but I do feel that we have addressed the concerns of the people of the State of Maine so they do have a smoke-free area to go to. Now we ask that there be a designated area reinstated for the people who smoke in order to protect those that don't but also to protect the rights of the smokers.

The SPEAKER: The Chair recognizes the Representative from the Penobscot Nation, Representative Attean.

Representative ATTEAN: Mr. Speaker, Ladies and Gentlemen of the House: It is not often that I rise from my seat to debate an issue. However, I feel very strongly about this issue, not just because I am a smoker, which I am, but because I believe in rights of people, all people, smokers and non-smokers. I believe that we are gradually eroding the rights of our citizens. We are denying them free choice.

This bill is not asking for restitution of smoking in every area in buildings, it is simply asking for a designated area. We need not worry about walking through the halls of the House and being assaulted by secondhand smoke. Only if you choose to enter the designated smoking area will you face that.

I believe the rights of people, all the people, the taxpayers, the people who support the state buildings, county buildings, and local buildings should be recognized as well as the rights of the non-smokers. Yes, smoking is bad for you, I am the first one to acknowledge that. If the state and the federal government acknowledges that, why don't we simply ban smoking completely and outlaw tobacco? While we are outlawing tobacco, we might as well outlaw everything else that is bad for the citizens of this nation, acid rain, industrial pollution, chlorofluorocarbons, why not go all the way and ban everything that is bad for the people?

I would ask that you support the Minority "Ought to Pass" Report.

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

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

Is there is fiscal note?

The SPEAKER: The Chair would advise the Representative that Committee Amendment "A" does add a fiscal note to the bill.

The SPEAKER: The Chair recognizes the Representative from Wilton, Representative Heechen.

Representative HEECHEN: Mr. Speaker, Men and Women of the House: I am one of those people who are quite sensitive to smoke, perhaps not to the extent as Mr. MacDonald. I found that in practice designated smoking areas does not translate into smoke-free environment for the building as a whole. It may be a "no smoking" area but it is a not a no smoke area.

This building is a case in point. Since the establishment of the designated smoking area down behind the Samantha Smith display, that lower part of the House, gradually, increasingly spreading throughout the building, has been very polluted air. I find it extremely difficult to breathe down in the Samantha Smith lobby and since one of my committee rooms is the Housing and Economic Development room, we have to be very careful how the windows are adjusted and how the door is adjusted. There has been a steady deterioration in the atmosphere in this building and it is spreading throughout the building.

I also wonder if those people who go outside respecting the no smoking environment of inside realize that most of the air that comes into this building comes in through the lower levels and when you go outside and stand beside the door, almost all of that smoke comes back into the building.

In summary, I don't think the no smoking area does not translate into a smoke-free environment for the rest of us.

The SPEAKER: The Chair recognizes the Representative from Vassalboro, Representative Burke.

Representative BURKE: Mr. Speaker, Men and Women of the House: We as legislators are in fact protecting the rights of all the public. A number of speakers have said that already.

As a nurse with some medical understanding, I am fully aware that people who smoke can live and thrive in smokeless environments. However, there are many people and many of our constituents who cannot live in a smoke-filled environment. Because Maine is still a rural state with many small town halls, many of our public buildings are, in fact, just one room with small partitions separating the working areas and there is no feasible way to segregate the smokers from the non-smokers or to keep the smoke in one place. To install smoke filters creates a financial burden on the smaller municipalities making taxpayers, (again our constituents) pay higher taxes.

So, to protect the rights of all our citizens, we still allow smokers to smoke but not in areas that are open to the public. Unfortunately, many of our buildings are completely open to the public.

I urge you to support the Majority "Ought Not to Pass" Report.

The SPEAKER: The pending question before the House is the motion of the Representative from Portland, Representative Manning, 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. 32

YEA - Adams, Aikman, Aliberti, Allen, Anderson, Anthony, Ault, Bailey, Boutilier, Brewer, Burke, Butland, Carroll, D.; Carter, Cathcart, Clark, H.; Clark, M.; Constantine, Crowley, Curran, Daggett, Dellert, Dexter, Donald, Dore, Farnsworth, Foss, Foster, Garland, Graham, Greenlaw, Gwadosky, Handy, Hanley, Hastings, Heeschen, Hepburn, Hickey, Hoglund, Holt, Hutchins, Jacques, Ketover, Larrivee, Lawrence, Libby, Lisnik, Luther, MacBride, Manning, Marsano, Marsh, Marston, Mayo, McCormick, McGowan, McKeen, McPherson, Melendy, Merrill, Mitchell, Nadeau, G. G.; Nadeau, G. R.; Nutting, O'Dea, O'Gara, Oliver, Paradis, E.; Paradis, J.; Paradis, P.; Parent, Pederson, Pines, Plourde, Priest, Reed, Richard, Richards, Rolde, Rydell, Seavey, Simpson, Small, Stevens, P.; Stevenson, Strout, B.; Swazey, Tracy, Tupper, Webster, M..

NAY - Begley, Bell, Carroll, J.; Cashman, Chonko, Conley, Cote, Dipietro, Dutremble, L.; Erwin, P.; Farnum, Farren, Gould, R. A.; Gurney, Hale, Hichborn, Hussey, Jackson, Jalbert, Joseph, Kilkelly, LaPointe,

Lebowitz, Look, Lord, Macomber, Mahany, Martin, H.; McHenry, McSweeney, Michaud, Mills, Murphy, Norton, Paul, Pendleton, Pineau, Rand, Ridley, Rotondi, Sheltra, Sherburne, Skoglund, Smith, Stevens, A.; Strout, D.; Tamaro, Tardy, Telow, Townsend, Walker, Wentworth.

ABSENT - Coles, Duffy, Higgins, Moholland, Pouliot, Ruhlín, Whitcomb, The Speaker.

Yes, 90; No, 52; Absent, 8; Vacant, 1; Paired, 0; Excused, 0.

90 having voted in the affirmative and 52 in the negative with 8 being absent and 1 vacant, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

Divided Report
Later Today Assigned

Majority Report of the Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-211) on Bill "An Act to Prevent Discrimination" (H.P. 413) (L.D. 556)

Signed:

Senators: GAUVREAU of Androscoggin

Representatives: HOBBS of York

PARADIS of Augusta

CONLEY of Portland

HASTINGS of Fryeburg

ANTHONY of South Portland

FARNSWORTH of Hallowell

STEVENS of Bangor

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

Signed:

Senator: HOLLOWAY of Lincoln

Representatives: RICHARDS of Hampden

HANLEY of Paris

MacBRIDE of Presque Isle

COTE of Auburn

Reports were read.

Representative Paradis of Augusta moved that the House accept the Majority "Ought to Pass" Report.

On further motion of the same Representative, tabled pending his motion and later today assigned.

CONSENT CALENDAR

First Day

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

(H.P. 270) (L.D. 382) Bill "An Act to Mandate Notification of Emergency Medical Services Personnel at Risk for Transmission of Communicable Diseases" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-213)

(H.P. 936) (L.D. 1304) Bill "An Act to Promote Energy Conservation and Load Management by Electric Utilities" Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-212)

(H.P. 607) (L.D. 831) Bill "An Act to Expand the Retired Senior Volunteer Programs, Foster Grandparent Programs and Senior Companion Program" Committee on Appropriations and Financial Affairs reporting "Ought to Pass"

(S.P. 245) (L.D. 575) Bill "An Act to Amend the Records Management Laws" Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-113)

(S.P. 260) (L.D. 650) Bill "An Act to Provide for the Merger of Bargaining Units Represented by a Single Bargaining Agent under the Municipal Employees Labor Relations Law" Committee on Labor reporting

"Ought to Pass" as amended by Committee Amendment "A" (S-112)

(S.P. 265) (L.D. 655) Bill "An Act to Establish a Temporary Water Management Resources Board" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-96)

(H.P. 754) (L.D. 1058) Bill "An Act Concerning Trailer Dealer Licensing" Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-218)

(H.P. 793) (L.D. 1105) Bill "An Act to Make Certain Motor Vehicle Laws Applicable to All-terrain Vehicles" Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-219)

(H.P. 477) (L.D. 657) Bill "An Act to Discourage the Theft of Blueberries" Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-220)

(H.P. 212) (L.D. 292) Bill "An Act to Establish Harness Racing and Fair Dates for Multiple Years" Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-221)

(H.P. 783) (L.D. 1095) Bill "An Act to Reduce Administrative Burdens on County Jails" Joint Select Committee on Corrections reporting "Ought to Pass"

(H.P. 817) (L.D. 1145) Bill "An Act to Authorize the Detention in County Jails of Adults for Offenses Committed as Juveniles" Joint Select Committee on Corrections reporting "Ought to Pass"

There being no objections, the above items were ordered to appear on the Consent Calendar of Friday, May 19, 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. 1101) (L.D. 1534) Bill "An Act to Amend the Law Incorporating the Milo Water District"

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

(H.P. 189) (L.D. 254) Bill "An Act to Amend the Revised Maine Securities Act and Related Statutes" (C. "A" H-198)

On motion of Representative Rydell of Brunswick, was removed from the Consent Calendar, Second Day.

Subsequently, the Committee Report was read and accepted, the Bill read once.

Committee Amendment "A" (H-198) was read by the Clerk.

On motion of Representative Rydell of Brunswick, tabled pending adoption of Committee Amendment "A" and specially assigned for Friday, May 19, 1989.

(H.P. 691) (L.D. 943) Bill "An Act to Provide Needed Services Identified by the Task Force on Incapacitated and Dependent Adults, and Required by the United States Omnibus Budget Reconciliation Act of 1988" (C. "A" H-199)

(H.P. 176) (L.D. 241) Bill "An Act to Prohibit Smoking in Enclosed Areas on Ferries" (C. "A" H-200)

(H.P. 303) (L.D. 415) Bill "An Act to Amend the Child and Family Services and Child Protection Act and the Law Governing Shelters for Children" (C. "A" H-201)

(H.P. 746) (L.D. 1029) Bill "An Act to Transfer the Licensing Function from the Bureau of Mental Health to the Department of Mental Health and Mental Retardation"

(H.P. 601) (L.D. 825) Bill "An Act Relating to the Sale of Fraternal Life Benefit Certificates and Life Insurance by Funeral Directors and Cemetery Corporations"

(H.P. 254) (L.D. 366) Bill "An Act to Allow Municipalities to Withhold Business Licenses under Some Circumstances" (C. "A" H-203)

(H.P. 287) (L.D. 399) Bill "An Act to Require 5 Commissioners in York County" (C. "A" H-204)

(H.P. 370) (L.D. 501) Bill "An Act to Encourage Development and Use of Private Community Corrections Programs" (C. "A" H-207)

(H.P. 378) (L.D. 509) Resolve, Authorizing the Supreme Judicial Court Plan and Design Commission to Accept Gifts (C. "A" H-208)

(H.P. 788) (L.D. 1100) Bill "An Act to Increase the Compensation for Part-time Deputy Sheriffs" (C. "A" H-209)

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

**ENACTOR
Emergency Measure
Tabled and Assigned**

An Act to Establish a Process for the Deorganization of Municipalities and Plantations (H.P. 223) (L.D. 303) (C. "A" H-167)

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 specially assigned for Friday, May 19, 1989.

**FINALLY PASSED
Emergency Measure**

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Aroostook County for the Year 1989 (H.P. 1194) (L.D. 1661)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 118 voted in favor of the same and 3 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Allow Insurers to Underwrite Mass Marketed Property and Casualty Insurance Plans (S.P. 47) (L.D. 14) (C. "A" S-105)

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 (S.P. 101) (L.D. 120) (C. "A" S-84 and H. "A" H-187)

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

**ENACTOR
Later Today Assigned**

An Act to Clarify the Laws Relating to Marriage (H.P. 676) (L.D. 925) (C. "A" H-162)

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.

ENACTOR

Tabled and Assigned

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

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 specially assigned for Friday, May 19, 1989.

ORDERS OF THE DAY UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment yesterday, has preference in the Orders of the Day and continues with such preference until disposed of as provided by Rule 24.

The Chair laid before the House the first item of Unfinished Business:

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 17, 1989 (Till Later Today) by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Engrossed.

On motion of Representative Gwadosky of Fairfield, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-164) was adopted.

Representative Skoglund of St. George offered House Amendment "A" (H-214) to Committee Amendment "A" (H-164) and moved its adoption.

House Amendment "A" (H-214) to Committee Amendment "A" (H-164) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from St. George, Representative Skoglund.

Representative SKOGLUND: Mr. Speaker, Ladies and Gentlemen of the House: This has been on our calendar almost as long as the Dig-Safe Law was on our calendar and I think it is as little understood by many people as the Dig-Safe Law was.

Some people have asked me why I have taken the unusual action of amending or attempting to amend a Resolve that comes from the Education Committee with a unanimous "Ought to Pass" Report. Well, this was an unusual Resolve. The Resolve that I am attempting to amend had two parts. The first part would have set up committees under the Department of Education and Cultural Services to study or contract with other appropriate agencies or institutions for the following: they would first study school boards to see what extent sexist, racist language, depictions including ethnic and cultural stereotypes are used in public school books and the historical accuracy for public textbooks. Would the textbooks reflect current knowledge in the field and would it reflect if the textbooks in use are of appropriate quality that are used in public schools? That was the first part. We would set up a textbook study.

The second part was to study school libraries -- to what extent the library media staff services are available for local school systems. This does not deal with content of the material in the library, it

simply deals with the availability of material. I have no quarrel with the survey of school libraries but I find the first part of this Resolve extremely frightening.

Of course, the intent of the sponsors of this Resolve had good intentions in studying school books but I would like to think the intent of every bill and resolve here has good intent. We have got to look beyond intent and see what the possible outcomes can be.

Not too many years ago, we school teachers were told, you are going to give your children a little test set up by the State Department of Education. This little state assessment test is designed only to measure growth within your school. Scores of these assessment tests will not be published. Assessment tests will not compare one school with another. The test was given, the scores were compiled by the State Department of Education and you know what happened? The State Department of Education lost control of the information it had gathered and now, even though it was not the intent of the Department of Education, school assessment scores are used by most people to judge the quality of local education. The intent was different than the result.

How many times I have heard people here say, "Well, I know that bill didn't do exactly as I had intended it to but the intent was good." You have to look at the results rather than the intent of this.

I think if a study were made of school textbooks, there would be objectionable materials found. There is no doubt that there is information in school textbooks that some of us would find objectionable. But the answer is not censorship, the answer is leaving that up to local school officials and individual teachers.

I think if this report were made, there would be a large number of people who would demand censorship. There are fanatics out there, both to the far right and to the far left and the middle is filled in with a good sprinkling of run-of-the-mill kooks. We would have no trouble filling committees to study textbooks.

One of the inconveniences of living in a free society is that we occasionally have to listen to language that we find offensive. We have to listen to ideas that are distasteful and we occasionally have to listen to just plain foolishness longer than we would like to. But that is the price of living in a free society.

I shall spare you the story of Pandora's box, I shall spare you the can of worms, but I will give you a new proverb that I haven't heard here yet. The proverb says, "Misfortunes always come in through a door left open for us." If we allow a state study of school textbooks for whatever reasons, misfortunes will enter. There is no question about it. We are told and the commandment is, "Thou shall not permit the state to meddle with the content of schoolbooks or any books." All history tell us that. Legislative precedence tells us "Thou shall not meddle with the content of books." The legislature has always had the authority to do it but have never sed it. Your common sense tells you "Thou shall not permit the state to meddle with the content of books."

I ask that you accept my amendment.

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

Representative HANDY: Mr. Speaker, I move indefinite postponement of House Amendment "A".

Mr. Speaker, Members of the House: I brought this bill before the Education Committee as its sponsor along with Representative Cathcart and Representative Burke. We brought this bill before

the Education Committee for a number of reasons. One reason is that we all are aware that there are textbooks with copyright dates that, for the most part, are 1980 or earlier. Certainly there are exceptions to that. We also feel that there are betrayals in a number of textbooks that are stereotypical.

A lot has been said about aspirations of young people in our society and those in our educational system in wanting them to aspire to go further, wanting them to go into careers that are traditionally a male for example or traditionally female. In many of the textbooks, you will find portrayals of physicians or doctors that are 100 percent men. There are many women who are capable doctors.

By perpetuating the myth that only males can succeed in various professions or only females can succeed in various professions, only Blacks can excel in various professions, only people of particular ethnic background can succeed in various professions, is just a myth. All people should be afforded the opportunity to succeed in our society regardless of ethnic background, regardless of their gender.

We see this important aspect that the Education Committee worked out dealing with textbooks as well as the survey of our school libraries as very important. The other aspect to this is to survey, simply survey, not make any judgments about what should be in schools but to survey the extent of these stereotypes in school libraries and in the textbooks which are used in our schools and then come back, not only to analyze that information but to build a case for additional state funds to infuse into our school system monies for textbooks and monies for school libraries.

I hope that you go along with the motion to indefinitely postpone Representative Skoglund's amendment.

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

Representative GOULD: Mr. Speaker, Ladies and Gentlemen of the House: It is really kind of tough to get up and oppose a 13 to 0 Resolve, especially when I served on that committee myself and I have great admiration and respect for those people. It reminds me a little bit of when your wife comes home with a new hat and asks you how you like it and you hate it -- you had better be very careful in what you say or you will end up eating supper with the dog.

However, this Resolve in the part that states that we are going to check the historical accuracy of books -- what is historical accuracy? Who feels that they can sit down and read a textbook and come out with a consensus as to what is historical accuracy? Is Oliver North a hero or is Oliver North a villain? I think everybody in this room probably has their own opinion as to whether he is a hero or a villain but who could say for certain without all the information available which probably never will be as to what is historically accurate or not? I think when we start talking about historical accuracy of textbooks, we should be very careful. In fact, we shouldn't do it, we should stay right away from it.

I was a history teacher for 15 years and how are textbooks ordered? In my school system and the four school systems that I taught in, I will tell you how they were ordered. When we needed to have new textbooks for history, Dick Gould as a history teacher, sat down, reviewed the various textbooks that were available to purchase and talking with other people that he knew had expertise in it, he chose the textbook which he thought would thus meet the needs of his students. I didn't always get the

new textbooks, which leads me to another point of why I am opposed to this Resolve. I didn't always get the new textbooks because textbooks are extremely expensive and school boards say, we have other priorities, especially with all the new state mandates, we have other priorities that we must take care of at this time.

The last point that I would like to make is this, why bother to do a study with 700 volunteers, which really begins to cause questions in my mind -- but why bother to do a study unless you wish to accomplish something with that study? It would be like going out and buying a new car and studying it in my yard and say, that is nice looking but I am not going to do anything with it. A study must do something and when you start studying something for historical accuracy, the road to saying this is not good, this is not accurate, is very easy to follow.

I hope I used a little tact and I hope I don't have to eat supper with the dog tonight but I hope that you will vote against the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the Representative from the Penobscot Nation, Representative Attean.

Representative ATTEAN: Mr. Speaker, Ladies and Gentlemen of the House: I stand and ask you to please defeat the pending motion of indefinite postponement of House Amendment "A" because House Amendment "A" deletes from Committee Amendment "A" the study of school books and the extent to which sexist, racist language and depictions including ethnic and cultural stereotypes and studies the historical accuracy of textbooks. Ladies and gentlemen of the House, I submit to you that if this Resolve were to become state law, it is the first step on the road of state sanction censorship.

Many people in this state, particularly those of which the good Representative from St. George spoke, would rush to become part of this committee of 700. With 700 people studying textbooks in this state, you would have 700 different versions of what is right, what is wrong, what is sexist, what is racism.

This Resolve, as written, does not say who makes the final judgment on those determinations. I would ask you to think about this committee of 700 -- it would be like asking the proverbial committee of three blind men to examine an elephant, you would have those varying opinions.

From my point of view, being a member of an ethnic minority within the state, there are gross errors in our history books concerning American Indians but the answer is not to censor them out of the history books. The answer is to educate all of our educators who are able to stop these inaccuracies, who may then teach their students how to recognize something for what it is.

As a woman, there are many references in school books and textbooks and history books putting women down, subordinating them into the historical roles that women were kept. The answer is not to take them out of the books, not to censor the school books, the answer is to make people aware that this is happening, this has happened and to educate them not to let it happen again.

The Resolve calls for reporting back to the legislature by December 1, 1990 -- what happens then? If we had these 700 opinions of what is racist, sexist, stereotyping, what is right, what is wrong -- what happens then? Are we expected to make the judgment of that or is someone going to make that judgment for us?

Ladies and gentlemen, I would ask you to defeat the pending motion of indefinite postponement so we may go on to adopt House Amendment "A".

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: About 10 or 15 years ago, my hometown bestowed on me one of the greatest honors that I could ever have, they built a new middle school and they named the library in my honor. That is really something that I am proud of and I think I may be the only one in this body who has had a library named after him or her.

Over the years, each year, the good Mrs. and I have put some money aside to buy certain books to be placed in that library and I am very proud of it and I hate to think that some bureaucrat (again, I will repeat myself, you have heard it so many times, I was a bureaucrat for many years, I know just exactly how it works, all the good parts and the bad parts) will come down there and start taking books out of the John Jalbert Library because I will tell you something, they are going to know who John Jalbert is. I am a kind, quiet man (at times) but my ancestry I believe has a little bit of Indian in it and I am going to go on the warpath.

Representative Tracy of Rome requested a roll call.

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

Representative OLIVER: Mr. Speaker, Ladies and Gentlemen of the House: This is a very important bill for me because I have worked all my adult life in civil rights. This bill, in no way, is a censorship bill, I could not vote for a censorship bill.

Almost 20 years ago, I remember working out in Nevada and there was an Indian school, the Steward Indian School, and we were working with young Indian students. One of the students, an Apache, a very creative young man, and I am sure he has achieved a lot in his own life, brought up a situation to me that, at the Indian school, taught by all white teachers, the textbook was teaching the fact that Columbus discovered America. I think that illustrates my point more than anything else -- that here was an Indian school with Indian students, where you are trying to encourage the aspirations of those students and the textbook is telling them that Columbus discovered America. To change that situation, not to mandate it, it took a committee of local citizens to point that out to the bureaucracy within the Indian Bureau that this was discrimination in stereotyping in a very blatant way and that it had to be changed.

This is an aspiration bill and I think that Representative Handy brought that out. The study shows that aspirations of youngsters can be negatively impacted by stereotyping textbooks. I think one of the important factors that maybe was missed here is that this bill does not mandate a statewide standard. It does not compromise local control of educational units as they retain the control of the buying of textbooks. This legislation helps the local units in identifying blatant or subtle stereotyping in the textbooks and whether our textbooks reflect current knowledge in the field and are of high quality.

I have two teenagers and all of you who know what happened for example in the scientific field, information with the computer and our new knowledge has sped us rapidly into another area. At the same time, some of our textbooks reflect what is now really inaccurate information.

What is wrong with a committee of citizens from Maine telling the local school systems that a textbook printed in 1975 is inaccurate, scientific information that is being given to our children. The school board and local units still have the complete control to decide whether they want to do away with the textbooks so this is not a matter of local control. Local control is still in effect. There are subtle and blatant stereotyping information in some of our textbooks, certainly not the majority of them, and that there is inaccurate information in certain fields that should be corrected with updated textbooks.

Another added service added to our local educational units, again with no statewide standards or mandates, is a look at the quality of public school library services, including the library media staff available to local school systems, students and faculty and whether school library collections including print, non-print materials and data bases are sufficient to support school curricular with current high quality resources which are adequately brought in scope and the extent of library services available to public school libraries through community libraries.

The important thing here is that we heard a lot of testimony, this is a unanimous vote of a committee that has rural/urban representation, it has Catholic and Protestant, you can say that it has conservative and liberal and women and men and they voted unanimously after hearing a lot of testimony from librarians, from school teachers, and citizens that they would like this study to be done. Hundreds of volunteers have committed themselves to volunteer help with this project including the League of Women Voters, the Maine Educational Media Association and the Maine Library Association.

I think this is a very important bill. In the Education Committee, we are dealing with aspirations, we are dealing with an extremely high dropout rate in our schools and this is an enhancement bill. Nowhere does it mandate or tells local school systems what textbooks to use, what textbooks to buy, it is a service to those school systems to know that possibly they are using a textbook from 1975 or 1980 that has incorrect information in it due to the explosion of new knowledge in science.

I urge defeat of this amendment.

The SPEAKER: The Chair recognizes the Representative from Stockton Springs, Representative Crowley.

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: I think Representative Handy and Representative Oliver have said it all. We worked hard on this bill and we believe that it is an excellent bill. I do admire and respect Representative Skoglund and Representative Gould and I am sure the John Jalbert Library and the JFK Library will not be hurt over this bill. I would agree with them if this bill were a censorship or if it were going to interfere with local control and so would every member of my committee. We may even find from this study why Johnny can't read, it seems to be a great problem in the United States. There is going to be 700 people looking at the books and these are people looking at only the library books and most of them will be librarians. Goodness knows, they would be the last people to censor anything. Local control has nothing to do with buying textbooks and the last sentence of a letter I got, the State Librarian said, "We do not see the intent of such a textbook study to be one of censorship."

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

Representative ALIBERTI: Mr. Speaker, I would like to pose a question through the Chair. First, I would like to thank you for allowing me to speak. I often forget to take that respect of the Speaker and I apologize for that.

I pose my question this way -- to establish a historical fact, you must have at least two or three independent sources, independent sources that agree on that fact. Just think of that. The question is, are you going to take out of the history books Sherman's March to the Sea because there is no sea and because Sherman's March constituted of several different marches -- which is Sherman's March? That in itself is the question -- would you take that out of the history books because it is not an historical fact?

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

The Chair recognizes the Representative from Lewiston, Representative Handy.

Representative HANDY: Mr. Speaker, Members of the House: I am pleased to respond to my good colleague from Lewiston, Representative Aliberti. First of all, I know that I have some family members to the South and they still think they won the Civil War. However, no one will be making any decisions about what will be pulled from any textbook. What the Education Committee envisions is that, on that particular aspect, that researchers from the University of Maine would do the study in such a way as any study or research is done, which is in an unbiased fashion with all the prescribed criteria and rules that go along with scientific research.

The SPEAKER: The Chair recognizes the Representative from Vassalboro, Representative Burke.

Representative BURKE: Mr. Speaker, Ladies and Gentlemen of the House: Although Representative Skoglund spared us the story of Pandora's box, I however wish to tell you a quick story.

I am the mother of two young boys and because I encourage their educational prowess, I often seek out supplementary books for them. One such book that I bought for my son had a science section and this section was trying to establish the categorization of the human species as mammals. The sentence that I have since repeated multiple times read, "Man, as a mammal, nurses his young." The problem with such statements and statements like that is that it indicates to children that women are both non-existent and unimportant. Many races make similar statements. Depictions of the bad guys often portray such people with a Semitic nose and gendering in our young, the early seeds of anti-Semitism. Blacks and people of color are grossly underrepresented and depicted in stereotypical ways.

I urge you to indefinitely postpone this amendment.

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

Representative GOULD: Mr. Speaker, Ladies and Gentlemen of the House: I briefly wish to answer one question that the Representative from Portland asked. He asked, "What is wrong with the state going in and telling local schools what the condition of their textbooks are?" If you don't know the answer to that, then I guess I could never tell you.

The SPEAKER: The Chair recognizes the Representative from Winthrop, Representative Norton.

Representative NORTON: Mr. Speaker, Men and Women of the House: I have been interested in the debate and many good points have been made, many of the same ones that were made within our committee. I felt moved beforehand to jot down a few lines on this

one because it is, indeed, a narrow path one walks between freedom and some kind of suppression.

In addressing L.D. 478, our committee spent much time and I wrote these remarks down. Maine schools are responsible for educating students who will spend most of their lives in the 21st Century. Are Maine students prepared to find, evaluate, analyze, synthesize and communicate the data necessary to function in this rapid, changing world? The center of the learning world is going to become more the library in a modern society than a textbook anyway, not that I don't think you should assess both capabilities. I think you will find the library studs for education in this state woefully weak, woefully underused and woefully understaffed. Therefore, you have to ask the question, will Maine students have access to the information they need? Quality libraries and textbooks in Maine schools will ensure that the answer to this question is, yes. At this time, we do not know whether our students are anywhere near equal access to quality library and textbook resources and services, which will prepare them for that future.

This bill is important because it will determine the quality and availability of school library services statewide. This is only a survey, a survey of what is available and what is lacking so legislators as well as local school boards will have the necessary information for planning future school library and textbooks, services and expenses.

The Maine Educational Assessment Test results shows access to books and information resources influences reading scores. Therefore, school library resources to Maine children are of invaluable importance to the quality of education these students receive.

Lastly, this survey will look at all aspects of school libraries. It will also look at all of the textbooks and put them in one place, mostly for local usage. I think the state has compelling interest but I think locals will get a look at some interesting facts as well.

I want to tell you one story about a fact that happened to me when I was teaching school. I was teaching from an outdated science book, it was well after World War II and we had a drawing in this science book on monoplanes and biplanes. At that time, a jet from Dow Field went by the school, broke the sound barrier and took three windows out of the room. I collected that book in a wastebasket which nearly cost me my job. I believe that outdated textbooks is an issue and I don't believe the state can solve it but I believe the state can assist locals in recognizing the need. I urge you to support the indefinite postponement of the amendment.

The SPEAKER: The Chair recognizes the Representative from Houlton, Representative Graham.

Representative GRAHAM: Mr. Speaker, Ladies and Gentlemen of the House: It is with a little bit of trepidation that I rise for the first time to speak but it is apparent to me that in the attempts of Representatives Oliver and Norton to discount Representative Skoglund's arguments that they have actually supported it. Representative Oliver told us about how they had to change a textbook at an Indian school because it was outdated, the process did work at the local level. Representative Norton would have you believe that biplanes are outdated but they are still used to spray our fields. That information is not obsolete, it simply needs updating.

I believe that it is the responsibility of the local school boards to decide, not us.

The SPEAKER: The Chair recognizes the Representative from St. George, Representative Skoglund.

Representative SKOGLUND: Mr. Speaker, Men and Women of the House: I think Mr. Norton's story illustrates how qualified our own teachers are to judge their own textbooks. That was prompt and decisive action.

Concerning support in the Committee for this bill, remember this bill is in two distinct parts, one was textbooks, the other is library. My amendment leaves the library study alone. I had a call from a librarian, the librarian had appeared in committee in support of this bill but when she saw the final copy of the bill as it came out, she said "They can't do this, this textbook foolishness is censorship." I assured her that I would attempt to amend that to eliminate textbook censorship and leave the library study intact. Remember, my amendment would leave that library study intact.

We have got to fight against discrimination, which appears in textbooks, in conversation, wherever it appears. Discrimination, stereotyping is subtle but I want to warn you again, censorship is subtle. There are many ways, many different names by which it can be called, but it is censorship nevertheless. It is time for us to stand up and be counted. I urge you to vote on the pending motion to indefinitely postpone.

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 Handy of Lewiston that House Amendment "A" (H-214) to Committee Amendment "A" (H-164) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 33

YEA - Aikman, Allen, Anthony, Ault, Burke, Carroll, D.; Cashman, Cathcart, Chonko, Clark, M.; Conley, Cote, Crowley, Daggett, Farnsworth, Gwadosky, Handy, Heesch, Heglund, Joseph, Kilkelly, Lawrence, Manning, Mayo, McKeen, Mills, Mitchell, Norton, O'Dea, O'Gara, Oliver, Paradis, J.; Pederson, Pineau, Priest, Rand, Richard, Rotondi, Rydell, Sherburne, Simpson, Stevenson, Tardy.

NAY - Adams, Aliberti, Anderson, Bailey, Begley, Bell, Boutillier, Brewer, Butland, Carroll, J.; Clark, H.; Coles, Constantine, Curran, Dellert, Dexter, Dipietro, Donald, Dore, Dutremble, L.; Erwin, P.; Farnum, Farren, Foss, Foster, Garland, Gould, R. A.; Graham, Greenlaw, Gurney, Hale, Hanley, Hastings, Hepburn, Hichborn, Hickey, Holt, Hussey, Hutchins, Jackson, Jacques, Jalbert, Ketover, LaPointe, Larrivee, Lebowitz, Libby, Lisnik, Look, Lord, Luther, MacBride, Macomber, Mahany, Marsano, Marsh, Marston, Martin, H.; McCormick, McGowan, McHenry, McPherson, McSweeney, Melendy, Merrill, Michaud, Murphy, Nutting, Paradis, E.; Paradis, P.; Parent, Paul, Pendleton, Pines, Plourde, Reed, Richards, Ridley, Rolde, Seavey, Sheltra, Skoglund, Small, Smith, Stevens, A.; Stevens, P.; Strout, B.; Strout, D.; Swazey, Tamaro, Telow, Townsend, Tracy, Tupper, Walker, Webster, M.; Wentworth, Whitcomb, The Speaker.

ABSENT - Carter, Duffy, Higgins, Moholland, Nadeau, G. G.; Nadeau, G. R.; Pouliot, Ruhlin.

Yes, 43; No, 99; Absent, 8; Vacant, 1; Paired, 0; Excused, 0.

43 having voted in the affirmative and 99 in the negative with 8 being absent and 1 vacant, the motion to indefinitely postpone did not prevail.

Subsequently, House Amendment "A" to Committee Amendment "A" was adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

Representative Handy of Lewiston moved that L.D. 478 and all its accompanying papers be indefinitely postponed.

Representative McGowan of Canaan requested a Division.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative Handy of Lewiston that L.D. 478 and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

106 having voted in the affirmative and 22 in the negative, the motion to indefinitely postpone L.D. 478 and all accompanying papers did prevail.

(At Ease)

The House was called to order by the Speaker.

TABLED AND TODAY ASSIGNED

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

An Act to Regain Full Use of Maine's Waters Through the Establishment of Color Standards (H.P. 533) (L.D. 718) (C. "A" H-102)

TABLED - May 17, 1989 by Representative GWADOSKY of Fairfield.

PENDING - Reconsideration (Returned by the Governor without his approval)

On motion of Representative Gwadosky of Fairfield, retabled pending reconsideration and later today assigned.

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

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

TABLED - May 17, 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 Friday, May 19, 1989.

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

An Act Concerning Teacher Employment (H.P. 486) (L.D. 666) (C. "A" H-163)

TABLED - May 17, 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 Friday, May 19, 1989.

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

An Act Relating to the Disclosure of Information Concerning Used Motor Vehicles at the Time of Sale or Transfer (H.P. 903) (L.D. 1260) (C. "A" H-165)
 TABLED - May 17, 1989 by Representative ALLEN of Washington.

PENDING - Passage to be Enacted.

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

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

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

TABLED - May 17, 1989 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

On motion of Representative Paradis of Augusta, under suspension of the rules, the House reconsidered its action whereby L.D. 1028 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-138) was adopted.

The same Representative offered House Amendment "A" (H-216) to Committee Amendment "A" (H-138) and moved its adoption.

House Amendment "A" to Committee Amendment "A" was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

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

BILL HELD

Bill "An Act to Provide Disabled Veterans with Free Drivers' Licenses" (H.P. 842) (L.D. 1174)

- In House, Passed to be Engrossed as Amended by Committee Amendment "A" (H-197).

HELD at the Request of Representative GWADOSKY of Fairfield.

On motion of Representative Gwadosky of Fairfield, the House reconsidered its action whereby L.D. 1174 was passed to be engrossed.

On further motion of the same Representative, tabled pending passage to be engrossed and later today assigned.

(At Ease)

The House was called to order by the Speaker.

At this point, the rules were suspended for the purpose of removing jackets for the remainder of today's session.

The Chair laid before the House the following matter: Majority Report of the Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-211) on Bill "An Act to Prevent Discrimination" (H.P. 413) (L.D. 556) and Minority report of the same Committee reporting "Ought Not to Pass" on same Bill which was tabled earlier in the day and later today assigned pending the motion of Representative Paradis of Augusta that the House accept the Majority "Ought to Pass" Report.

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

Representative CONLEY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to speak in favor of the Majority Report, which I am a member of the majority that sent this to this body. As I was thinking of my remarks today, I couldn't help but think back to probably about ten years ago when I was still in college and my father was a member of the other body. It was about this time of year and I was sitting around the kitchen table with one of my younger siblings (one of the 12), he was about 15 at the time and my mother, who like many of the spouses, (both men and women of the members of this body) was playing her very favorite role of administrative assistant to my father -- fielding numerous calls from his constituents. Of course, he was not around to have to answer. It was about the third call which came in about this bill (very similar to the one that is before us now) and my brother being a very nosy 15 year old, listening in on these phone calls, could tell that my mother was in defense of my father's fairly unpopular position at the time that we ought to pass a gay rights bill and she was explaining why he was in favor of this. So, my 15 year old brother looks over at my mother after the third call, probably upset about the interference with our discussion about the Red Sox who were in first place or thereabout at this time of year as they always are, and he said to my mother, "Ma, why does Dad want to give all these rights to these gay people?" My mother looked at my brother and said, "Donny, you are wrong about that, he doesn't want to give all these rights to these gay people. He wants to give them the very same rights which you and I have." With that my brother said, "Oh" and we went back to talking about the Red Sox. As simple as that, she summed up what this bill has always been about and what it is about today, a very simple bill to extend the same rights that you and I enjoy as citizens of this great state, to people who don't enjoy the same rights.

You know, thinking back again on the history of this bill, things have not always been so easy. When a member of this body, who was a sponsor of this legislation and is now deceased, Representative Laurence Connolly, used to bring this bill up for public hearing and debate in this chamber, it was not so popular. At the first hearing on this bill, there were about ten people in favor of the bill, very courageous gay people who came to express their desires and needs for this legislation and there were probably about 250 people who were there in opposition to it, largely coming in from small conservative churches in the southern and central part of this state. In 12 short years, which is exactly when this bill was first introduced -- I think it may have been passed once in the Senate, it may have been passed once in the House, always defeated but always, through time and understanding most importantly, people coming to understand what this piece of legislation is all about. It is now before us today.

At the public hearing on this matter, which was held probably three weeks ago, to show you how times have changed, people who spoke in support of this legislation were the Attorney General of this state, the Executive Director of the Maine Human Rights Commission, the Portland Police Chief, Michael Chitwood, a Roman Catholic priest, other members of the clergy including a retired Episcopalian Bishop, as well as many other concerned citizens. And, as opposed to the first hearing on this bill, there were, instead of 250 opponents, about ten opponents.

Myself being the prime sponsor of this bill, from a time when people who sponsored this bill or spoke in favor of it were called gutsy, are now at a point where I feel like I am honored to sponsor this piece of legislation.

The arguments in favor of this bill are well-known, people here have heard them all. If you look at a packet of material that has been passed out by myself and some of the other sponsors, which includes an editorial in support from the KJ, an editorial in support from the Sunday Telegram by Jim Brunelle, and some fact sheets about some of the incidents of discrimination which gays have been subjected to across this state, the case is well-documented for the need for this bill. The problem is real, the need is great, the solution is simple and it is here before us today. The arguments against are rooted in fear and ignorance. What we have here is the need for something which my mother recognized 12 years ago, something so simple, just to extend to these people the same rights which we have, the right to a job, the right to a roof over their heads and the right to participate in our economic system.

We in this state, in this body in particular, have a great record in the area of civil rights as we were one of the first states to speak out strongly against slavery in the 1860's and before. We now have one of the strongest human rights acts in the country. We believe that discrimination in any form cannot be tolerated and the problems of discrimination in the area against gays cannot be disputed. From the testimony at our hearing, which I wish everyone in here could have had the benefit of, there was testimony of incidents of violence all the way down to people claiming that they were not allowed to check into the inn. It runs the gamut. I say it is time that we take this badge of discrimination which has been hung on members of the gay community and put it into the shadows of history along with the same badges of discrimination which we have hung on Jews, Blacks and women in this society. It is time for us to realize that there are many things in life which we may neither understand nor have the ability to change but which, because of our great belief in individual freedom, we have the obligation to protect.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative MacBride.

Representative MACBRIDE: Mr. Speaker, I move that this bill and all its accompanying papers be indefinitely postponed and I request a roll call.

Mr. Speaker, Ladies and Gentlemen of the House: The issue which we are all debating today is a most emotional one as we all know, as well as being a most controversial one, both for those of us in this chamber and for our constituents at home. So, it is important that we examine this issue carefully before we vote. Those in favor of this bill ask you to extend to all citizens regardless of sexual preference or orientation the same civil rights protection now guaranteed to all citizens of Maine on the basis of race, color, religion, sex, age, national origin and physical or mental handicap. Ladies and gentlemen, all of us regardless of our life-styles or sexual orientation have these rights today.

I was interested this week to read in the Legislative Record the passage of the act that created the Human Rights Commission and the Human Rights Act in this legislature. The Bill was introduced in the Legislature on May 11, 1971 and went through many changes from "Ought to Pass",

"Ought Not to Pass", and indefinitely postpone many, many times. Finally on June 24, 1971, it was passed into law. It must have been a proud day for all of those involved. This was most important legislation and we can all be proud that our legislature and legislators had the understanding and felt the necessity to assure civil rights protection to all the people of Maine. It was a carefully drafted piece of legislation, drafted to protect all people but it did not include any special interests, any special life-styles, any special preferences, just protection for us all, for you and me and for all of the people of Maine. It guarantees civil rights protection regardless of race, not any one particular race, but people of all races. It guarantees protection to citizens regardless of color, not just those who are Black or those who are white, but all colors, ladies and gentlemen.

It lists religion, not those who are Catholic or those who are Protestant or Jewish or Baptist or Methodist but all religions. If it had selected one special religion, none of us would have been happy if ours had not been listed.

Age is another criteria, not protection only for babies or youths or elderly, but all ages from birth to death, just age.

National origin, no matter where you came from, it could have listed hundreds of places, but it did not, just any national origin.

The last criteria was physical and mental handicap. It did not prevent discrimination just against paraplegics or those in wheelchairs, not someone with mental depression or schizophrenia, but all people who have a mental handicap or a physical handicap.

Our civil rights laws have been written for us all. The law does not say it is protecting the poor or the rich or the homeless, it just deals in general categories of all people. If you give preferential treatment to one life-style, then there will be many excluded.

According to the definition of sexual orientation which the bill would have you include, sexual orientation means having a preference of heterosexuality, homosexuality, bisexuality, having a history of that preference or being identified with that preference. This intrusion would be a marked change in our Human Rights Act.

I do not think anyone should be discriminated against in life and in the various areas of pursuit of life as long as they are not harming anyone else of course. If people are discriminated against, then our laws should be better enforced to protect them. We have our Constitution of which we are all so proud, in which our freedoms are carefully guaranteed. Among them it states, "No state shall deprive any person of life, liberty or property without the process of law, nor deny to any person within its jurisdiction the equal protection of the laws."

In addition, we have our Human Rights Commission, our Human Rights Act.

Last year, we passed into law our Harassment Act, which we are amending again this year. We pass laws every day for the protection of all of us.

Ladies and gentlemen, the people of Maine strongly support these laws on our books today. I hope we will not change that carefully crafted legislation to add a special life-style that many of the citizens of Maine do not support.

I hope you will vote to indefinitely postpone this bill.

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

Representative OLIVER: Mr. Speaker, Ladies and Gentlemen of the House: It's very rare that I would rise twice in one day, but this is an issue that deeply affects my neighborhood in Portland. I had an incident that happened about four weeks ago, I was not at home but my teenage daughter and son were. Two members of the gay community who live next door in an apartment building, (wonderful friends of my family) quite an accomplished musician and people who enhance the community, were harassed. I was not home. Two car loads of very tough characters pulled up while my children were sitting on the doorstep, proceeded to get out and to dramatically harass these people. They physically got up on the porch where they were sitting and yelled obscenities. When I came home, I had a long talk with my son and daughter about discrimination and what it means -- they were visibly shook. When any type of discrimination is allowed, it comes right home to your own neighborhood.

First of all, I would like to say that I do rise in support of this legislation in the honor of someone who I have very deep respect for, the State Representative who held this seat before me and served in this House for 16 years, Larry Connolly. He was a real champion of people's rights and was the first one to introduce this legislation. So, I do stand in his honor in making this statement.

This legislation is another milestone that discrimination in all forms has no place in a Democratic society. This road traveled by our people towards a more just and fair society has been a long and difficult one. Before you vote today, I would hope that you would all look back in our not too distant past and remember that we had hundreds of marchers who had sheets on in Portland. They were called the Ku Klux Klan, marching against those of the Jewish and Catholic faith and also of our minorities. We had signs in Portland and other cities in Maine not too many years ago because people still remember where on store windows it said, "No Irish Need Apply." And well we remember in our state the over and sometimes subtle discrimination against our French population, even to the point of criticizing them in school systems for speaking the beautiful language that they knew how to speak. And, the long struggle of women to gain the rights in the courts to get equal pay for equal work. They were all milestones. We are not there yet, but we have achieved a lot. A truly great society is a tolerant society, above all else it recognizes the differences within its people.

What we are talking about is a group of citizens in our state who pay their taxes, who have jobs, who enhance our community and now are asking us for equal protection under the law. Only in great fairness would I ask you to consider your vote today, not whether you have to reflect to local prejudices within your community, but whether you have expansion of heart to say that in this truly great state, this very tolerant state, we can move another milestone today. I urge passage of this bill.

The SPEAKER: The Chair recognizes the Representative from Mexico, Representative Luther.

Representative LUTHER: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of L.D. 556 and ask you to prevent discrimination. I urge you not to vote to indefinitely postpone.

I am persuaded to support this bill by this argument -- the question is not, is homosexuality admirable, but is discrimination tolerable? I find it a strange advocacy to be for discrimination. My duty as a legislator is neither to condone nor condemn any person's life-style but to lend my

support to legislation which furthers good government in Maine.

This is not a personal preference issue. I personally prefer a polite society where everyone behaves as if they were sexually neutral. There are some things about people I really don't want to know. First on my list is how anyone chooses to clean his nose in the morning and second is his sexual preference. Indeed, I long for the days when everybody was uptight. I stand to be counted, not on sexual preference, but on discrimination. L.D. 556 deals with justice and an insistence on human dignity. It affirms every person's right to be treated as a full citizen under the law. It affirms this right without regard to sexual preference. It is honorable that we pass this legislation and it is time that we pass this legislation.

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

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: The heart of the opposition to this bill, as I hear it -- I heard it at the public hearing from Jasper Wyman, I heard it today from the good Representative from Presque Isle, my good friend Mary MacBride -- the heart of the opposition is the notion that by extending the Human Rights Act to persons of a different sexual orientation that we are somehow endorsing that life-style.

Quoting from Mr. Wyman in his letter to the editor as well as the testimony before us, the comment was, "We believe that passage of this bill would be tantamount to a legislative stamp of approval upon the orientation and conduct of homosexuality and we believe such approval would be wrong." Ladies and gentlemen that is a fallacy, that is a terrible fallacy and I would like to try to expose why I believe that is so. I do not endorse in any way the life-style of an Arabian Sheik nor do I endorse that of a native of the Punjab or for that matter an Italian mafioso, but I don't hesitate for a moment in agreeing with our Human Rights Act prohibition of discrimination on account of race or ancestry or national origin. You do not have to endorse what you are saying cannot be grounds for discrimination. I cannot, in good conscience, endorse the life-style or conduct of various religious groups. The Amish customs of raising their children leave me rather cold. The practices of many Mennonite groups, to say nothing of those of various Muslim sects will never gain either my approval or my support, yet I will defend their right to choose to be a practicing Muslim or Mennonite or Hutterite or Mormon or whatever and we have incorporated that into the Maine Human Rights Act. In short, there is a very basic distinction between prohibiting discrimination on the basis of religion or endorsing a set of religious beliefs or giving them in any sense a legislative stamp of approval. In like manner, I suggest to you there is no endorsement here of a gay life-style, that is not what is being asked of you today any more than this bill is an endorsement of a heterosexual life-style.

I would point out that this bill prohibits discrimination on account of heterosexuality as well as homosexuality or bisexuality.

All that is asked of you here today is, if Congressman Barney Frank or the former actor Rock Hudson came to Maine, do we give our stamp of approval on discriminating against either of them in their seeking public accommodations or housing or going into a restaurant? If Gertrude Stein or Holly Neer or Walt Whitman were growing up in Maine today,

would it be all right to discriminate against them in terms of educational opportunities or the extension of credit? If William Tilden, Lily Tomlin or supposing it was Cole Porter growing up in Maine today or they came here, would it be right to discriminate against them in housing and be able to say, "No, I will not grant you housing opportunities because you are gay." Ladies and gentlemen, that does not sit well with me, I hope that it does not sit well with you.

I would urge you not to look upon this with any sense of an endorsement of Tilden's life-style or Tennessee Williams life-style but rather of their dignity as a human being, their entitlement to be free from discrimination. That is a different thing.

I hope that you will join me in defeating the motion for indefinitely postponement of this bill.

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

Representative ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I have never before spoken on this issue. I have just sat in my seat and quietly cast my vote against discrimination. Today, I would like to make several points. One of them that every society in the history of the world has had to deal with is the problem of homosexuality and every society deals with it in a different manner. There are some societies that I have read about, extremely warlike, perhaps macho societies such as Polynesians or the Plains Indians in America, the Sioux comes to mind particularly, that found a societal way to accept homosexuality and make it part of their society openly. There are societal attitudes such as the one that we have that is derived from a different type of society. We get many of our attitudes towards homosexuality from the Bible. The Bible is essentially the story of a Bedouin tribe from the Arabian desert called the Habiru in which we get the name Hebrew and that society, because of its particular situation, found that homosexuality was intolerable. So, the idea was to drive them underground, to establish death sentences where people would be stoned to death for committing homosexuality. That attitude has permeated our society and we are now in the process of coming to grips with what our former attitude was and what our new conditions in society have brought us to.

We also feel by allowing homosexuality to come out of its underground that we are somehow threatening our society.

Another question I would like to address has been raised by opponents and that is the question of choice, that these people accept this life-style by choice. I don't know whether that is true or not and I am not sure that science has really determined whether that is true or not but, even if it is, I would like to look at that particular philosophical argument and argue against it in this fashion. For example, one of my daughters has chosen to become a member of the Baptist Church. I would hate to see her discriminated against because of that choice. If that somehow seems farfetched, let me remind you that for many years in the history of this state, Baptists were persecuted because of their religion. In fact, Maine became a state partly because of that reason because of discrimination that Baptists were experiencing in Massachusetts, which was dominated by another religion. The genius of American society is that it evolves under the law, we change our attitudes. We have changed our attitude toward religion and we have, in many ways, perhaps not enough, changed our attitude towards people who are of a different skin color than ours and we have

milestones in our history as we come to that change. One of those was brought home to me the other day when we stood in tribute to a member of this body, the Passamaquoddy Representative, Representative Nicholas, and the Speaker reminded us of the time when we had to pass an Order through here to allow our Indian Representatives to be seated. I happened to have been the Majority Leader at that time, I stood in that corner and pushed hard for that Order to be passed. It was one of the prouder moments of my life. So, I hope today that we can pass another milestone in the evolution of our history in the state.

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

Representative RAND: Mr. Speaker, Members of the House: I rise today as a proud cosponsor of this legislation. I would like to point out a few of the facts about it.

This legislation deals with sexual orientation only, not sexual life-styles or sexual practices. If the state has a compelling interest in the sexual practices between consenting adults, and I, for one, do not believe that we have, then we would have to consider the actions of heterosexuals as well. It is quite possible that some of these practices could and would raise an eyebrow or two among some of our more conservative people but that is not the task before us today. Our job is to decide whether all of our law-abiding citizens are entitled to equal justice under Maine law. Opponents keep saying that we are already equal under the law and that this law is not necessary. I truly wish this were the case. Unfortunately, prejudice does exist and probably always will. We have recognized this sad fact and we have enacted the Human Rights Act. This law provides protection for many minorities but one group has been refused this protection for no reason other than their sexual orientation. Because this protection has not been extended to include gay people, gays have a fear of having their bosses or landlords find out about them. This keeps homosexuals from accessing police protection when they are verbally harassed and physically abused. It is at this point that our gay citizens are shut out of the system. No law protects them from being evicted solely because their landlords find out they are gay. No law protects them from being fired solely because their boss has discovered they are gay. Other minorities are free to seek justice under the law without fear of this type of retribution. Our gay citizens cannot. It is wrong to subject our people to this injustice. It is wrong to leave some people of our society in limbo, unsure where to go for justice when they are mistreated solely because of their sexual orientation.

I urge this body to do the just thing, the morally right thing today. Stand behind the words "Freedom and justice for all" and open the doors to all of Maine's law-abiding citizens.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative O'Gara.

Representative O'GARA: Mr. Speaker, Ladies and Gentlemen of the House: Reverend Kelly asked this morning that we act in the spirit of well-being for all our citizens. I ask you as you consider this, will this legislation go against that spirit? My answer and I hope that it is yours also is, no, but on the other hand, will this legislation improve the well-being of some of our citizens? I submit to you that the answer is yes.

I hope that you will bear with me because my testimony today, unlike the other years I have testified on this bill, sometimes as a sponsor,

centers around a very personal incident in my life. I must use that this day and I would ask that you please listen to me carefully.

Last March, a man I had known for 34 years was brutally beaten and shot to death. The murderer admitted the killing and said that it was done because (and only because) of his hatred for homosexuals and that, if he hadn't been caught, he would do it again. The victim was 52 years old, one of seven children, kind, loving, generous, hardworking and liked and respected by most everyone who really knew him, including many of his heterosexual friends, family members and coworkers. The victim, in fact, had been married at one time, had a daughter and, in fact, has a grandson. They, along with his former wife, were at the funeral sharing in the grief that the extremely large crowd, mostly heterosexual, were feeling. About the victim, he was a homosexual and there was no denying that but why? Who really knows why one child out of seven becomes a homosexual especially when the father and the other boys are all the way we expect, the way boys are meant to be. You know -- at funerals people say things like "It was God's will." Or in answer to the question of "why", the answer is, "Only God knows." People who believe in God say those things and yet, in this matter, they would have you believe that they know exactly what God thinks about all of this. Well, I am a believer in God as well and I think I am a strong believer but I don't know how God feels about homosexuals but I do know that he talks far more frequently against prejudice and fear and violence and hatred and intolerance than he does about homosexuality. I will challenge anyone who continues to hide behind God as an excuse to vote against this measure to dispute that statement.

This is not an endorsement of a life-style, it is about discrimination. Discrimination is out there, violence is out there and you and I in this place today can do something about it.

I was at the hearing about the murder that I described earlier and I watched the video of the murderer's confession while I sat with members of the victim's family. I was sitting at the time within arm's length of the murderer as he chatted and laughed with his mother. I remember how loving and caring and attentive the victim had always been to his mother, right up to the time of his death. The murderer showed no remorse, no sorrow and no real indication that he was worried that anything was going to happen to him. It seemed to me that he was surprised that anyone cared about what had happened to a homosexual, never mind that his victim had done more good for people in his now abruptly ended life than this person ever could or would do. There was no expression of concern on his face or in his statement that he thought anyone cared that a homosexual had been so violently killed. Mr. Speaker and my fellow Representatives, I ask you to see this bill for what it is, a bill to prohibit discrimination. It does not condone a life-style that has been clearly stated by all.

Now, let me tell you why this violent act was so significant to me. The victim was my brother-in-law, his sister is my wife of 33 years. She loved him dearly and was closer to him than all of her brothers. She did not condone nor even fully understand his life-style but she saw in him, as I did, much more about him to love, respect and appreciate. As I have gone through all of this with her and as we wait even now for the final decision as to the sentence in this case, my strong convictions that prejudice and hatred and discrimination are

wrong and, like a dreadful cancer in our society, have become all the more intense.

Recently, the most visible opponent of the bill said, "Perhaps I have misread the public sentiment on this issue but I don't think it will have any impact on the legislature. I think it will be defeated as it has been in the past." Can that really be true? Can it be that he can just write us off that easily? Can we really ignore what the public is saying? My wife has lost a beloved brother for one reason and one reason only, because he was homosexual. In recent years, in fact in the five years since I have been here, five men have lost their lives for one reason and one reason only, because they were homosexuals. It is clear that violence toward homosexuals is not diminishing but is growing. It must be stopped. You can take the first step. My wife will never again share her brother's happy, gentle, love of life.

I ask each of you to support this legislation that will at least begin the move to end this type of discrimination that can ultimately lead to the end of such a sad conclusion.

A letter was just passed out to you, a letter to Representative Cathcart from Dr. Suzanne Estler, the Director of Equal Opportunity at the University. In the letter she speaks about the experience of the University since they have added reference to sexual orientation in their non-discrimination policy one and a half years ago. I hope you will read the entire letter but please let me call your attention to specific sentences. I am quoting from her letter, "It appears to have helped produce a more positive, secure and respectful working and studying environment for employees and students at the University." Also this sentence, "The policy has made a clear statement that the University is committed to a positive environment for all its constituents."

I ask you, ladies and gentlemen and Mr. Speaker, should the legislature be any less positive in its statement? There are those who will tell you that this bill will not ensure an end to the kind of violence I have just described and there are those who will say that this bill will not bring my wife's brother back and to both statements I say, unfortunately, sadly, yes, but it will guarantee rights that this group does not now have.

Finally, in a recent survey that was in the paper, one gentleman who described himself as a conservative Republican said that he did not like homosexuals. He also said that he didn't like what they do but he did feel that they should not be discriminated against at all. In my judgment, that is what this bill is all about. Discrimination is wrong, no matter what.

I ask you, sincerely, to defeat this motion to indefinitely postpone. Look into your hearts. I have been so moved, not by a large number but three of our fellow legislators, who have told me in my discussions with them lately, that although they had strongly stated over the years that they did not know and had never met a homosexual person, have now come to realize the fact that, not only do they know some homosexuals but they are members of their families and friends they have known for years and that they have respected. Now I hope and pray that they are struggling with themselves today knowing the kind of people they are and ask themselves, how can I vote against them? I urge you to defeat this motion and support this bill.

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

Representative KETOVER: Mr. Speaker, Ladies and Gentlemen of the House: I personally would raise the request that the good Representative from Presque Isle withdraw her motion to indefinitely postpone because she feels so strongly, because she opposes so strongly discrimination. Let us today vote for the rights of one of those groups that have demonstrated a need for this bill. I urge you to support the bill for all the reasons you have heard today.

I can personally tell you what it is like to be discriminated against. My ancestors have been for generations. It is a hurt that you can never take away.

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

Representative HOLT: Mr. Speaker, Men and Women of the House: The arguments that I have heard against this bill remind of me of the late, late country lawyer Senator Sam Ervin of North Carolina. Sometime in the early 60's, I sat in the gallery in Washington and heard members of Congress read from the Bible -- endlessly. They were filibustering against the Civil Rights Act. They thought we didn't need the Act, they thought it was unnecessary and that it singled Blacks out for special treatment. But Black folks and some others of us knew, indeed, that some people were singled out for special treatment, the special treatment of discrimination, that they had to endure. That kind of discrimination breeds and fosters violence. It was way past time that that was passed. We had to put a righteous "no more" into our laws to be true to our principles. We knew we couldn't end prejudice but we knew we could stop discrimination and we did it. At the time, I felt distress and dislike for people like Senator Sam Ervin as I sat in the gallery feeling ashamed for my country, not of my country, but for my country those many years ago. As time went by, I grew to like and admire that man and I found out that he was a kindly good person. I rode over in the tunnel once from the office buildings to the Capitol with him and got a chance to get to know him a little. I realized later that he had at that time a blank spot in his human understanding. I remember Senator Sam Ervin today because some of my colleagues in this honorable body believe that the bill before us is unnecessary and because I have a gay son, I have reason to know it is necessary. Some of you who plan to vote against this bill, I know to be good, kindly people and I like you very much because I have come to know you as I did not know Senator Sam Ervin a long time ago in Washington.

Most of us don't anymore what it is like to be homosexual than Senator Sam knew about what it was like to be Black. Some of us say that the people we represent don't like that life-style but one does not choose to be gay anymore than we choose to be White, Black, Brown or Red. It is a fact of life, not a life-style. I venture to say that most life-styles of gay people are very like everyone elses. Gay people who say they chose to be gay chose to be true to their nature. They are God given natures, if you will, but because of prejudice, many people are pressed into human relations uncomfortable to them. Their choice was not to pretend any longer. Think how we who are heterosexual would feel if, because of prejudice, we were pressed into human relations, sexual relations, with people of the same sex or were pressed to pretend that we were gay. Now, what repels most of us, homo or hetero, is the abuse of sex and the abuse of sex is among us all whenever sexuality is hurtful to others. Yet there are some people who still want to deny homosexuals pleasure

and happiness of physical, sexual closeness and the relief of sexual tension which it brings.

Once I said to my son, "Sexuality is solely for the purpose of procreation" and he replied, "Mother, that is cruel." He was right. Some of us live a life of abstinence, freely chosen or not, but most of us do not.

I hope that we will purge ourselves of that kind of self-righteousness as we vote today. These things have needed to be said in this chamber but however that may be, we are not voting on sexuality today, ours or anybody elses, we are voting on civil rights. Civil rights. Thus, our votes today must not reflect what we see only in our imaginations or because of incidents of sexual abuse we know about. Most sexual abuse is committed by heterosexuals. We must not defeat this bill for reasons such as those. Our people sent us here, not to vote on such flimsy reasons, they sent us here to vote for good reasons. We must not vote on the basis of our prejudices or anyone elses prejudices, the hatreds of a few nor the religious beliefs of some.

It has been said that some members can't vote for this bill because they represent so many people in their districts who are woodsman or truck drivers -- what a babe-in-the-woods idea that is. Many a hearty, masculine looking person who used to be able to drive logs as well as he can drive a truck today is gay. Even if every truck driver in the state were heterosexual, that would be no good reason to vote against this bill. Violence against minorities, based on prejudice, is growing. We have a duty to strengthen our resolve against discrimination. As we continue to do our jobs here and our job is to make life better for all of our people.

I humbly and respectfully and with great affection ask the minority of the Judiciary Committee who voted "Ought Not to Pass" and others to exercise their right to change their mind here today and help us all to do justice. This bill ought to pass for its time has come.

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

Representative CLARK: Mr. Speaker, Men and Women of the House: I would like to return to the history lesson that the good woman from Presque Isle, Representative MacBride, started with when she made the motion to indefinitely postpone. I would like to embellish that history lesson somewhat and ask you to come to the opposite conclusion. Representative MacBride talked about the fact that in 1971 the members of this body chose to put into law what we all believed was right and that is, we ought to have a Human Rights Amendment to our Constitution. When that original amendment was drafted, I think those drafters really did believe that everyone would be given human rights because of the language of that bill. Over the years, sadly, we have found out that that language in and of itself was not enough. All of the categories Representative MacBride told you are protected under the Human Rights Amendment have been added over the years. They have been added because, over the years, we have come to realize that, while we would like to believe that all persons are in fact protected from discrimination, that we need to highlight the fact that for certain reasons or for certain categories of persons, we need to remind the people of this state that discrimination is not acceptable. It is in fact true that now you cannot be discriminated against based on age, that means whether you are too young or too old. It means that you cannot be discriminated against based on religion, that means whether you are a Roman Catholic, a Unitarian or a Baptist, that too was

added to the Human Rights Amendment as was race, sex, ethnic origin, those things didn't happen in 1971.

What we are being asked today to do is merely to acknowledge the fact that there is another category of people that, unfortunately, we have to add to the list the reasons why we cannot discriminate in this state, just like we had to add that we cannot discriminate based on physical or mental handicap, but we now find it necessary to say to people, you cannot discriminate based on sexual orientation.

Again, we are not being asked to say you can't discriminate against gays and lesbians or against heterosexuals, we are merely being asked to say that that is not an acceptable category. We cannot say that that category doesn't count. We cannot say it is okay because you are not in a protective category. All of us, ladies and gentlemen, fall into one of those categories that are protected by the Human Rights Amendment. I ask you today to consider adding, as we have done over the years, another group of people who have to come us and told us that they need this protection, that they cannot get or keep a job because of some employers, that they cannot find housing, that they cannot go into a restaurant and eat or go into accommodations and find a place to sleep. That is what we are being asked to do today -- just as we said over the years, to discriminate on the basis of race, ethnic origin, the basis of religion, is not acceptable to us. We are also now saying that it is not acceptable to discriminate on another basis, this is strictly a discrimination bill. This gives the people in the Human Rights Commission the ability to move forward to protect all of us against future discrimination.

The SPEAKER: The Chair recognizes the Representative from Fryeburg, Representative Hastings.

Representative HASTINGS: Mr. Speaker, Ladies and Gentlemen of the House: I am perplexed myself that I rise to speak on such topics which are so uncommon to the lunch counters of my town. Yet, as a majority signer of this report, I feel moved to speak to you because the issue, to me, is clearly one of fairness for those who seek jobs, credit and housing. I do not defend anyone's particular pleasures or styles for that is one's conscience that has to bear the burdens of those. Nor do I seek to influence your beliefs of what is either right or wrong, for those you have probably nurtured throughout your life and it would be difficult here to sway you to change those beliefs. Neither do I stand to convince you to like a person whose habits are alien to your own because those people we often find have chemistry different than our own and therefore, we just don't like certain people. Rather, I ask you to be fair and open to the sincere needs of others.

Today we address a bill which only is to correct a discrimination which has developed to a small class of people, one that affords jobs, credit and housing to all.

As a child, I was afraid of the dark and my father taught me to turn on the lights and look around the room and then turn them off. That way I would know what was in the room and be less frightened of walking through it. Later I learned to do this from memory and not having to see the room before I walked through it. Rooms which are strange still frighten me until consciously I can remember the lessons of my youth.

Today you are asked to walk in the dark, some of you in rooms in which you are familiar, others of you in rooms which you have never seen. Yet, it is only the degree of strangeness which separates all of us. Some of us have had frank and friendly communications with gay people in our families, in our work, in our

communities. Others of us have led cloistered lives and have had no personal communication, exchanged no thoughts, had no interchange with gay people. I am sorry for it is best that we learn through experience when we can shed our ignorance, only then can we develop and grow in casting away our prejudices as human beings. So today, each of us is to be asked to look at the fairness of the bill before us -- the right to live without discrimination in one's job, one's credit and one's housing.

I believe as a people we have become enlightened by our times, by our development as a community, and it is a challenge to our conscience to forever develop new ideas and goals. Some may prove false and discourage us but one which can make you most proud and fulfilled is when you help another person. It is never money, fame or even reputation which offers a completeness of one's self, rather it is the laugh of a friend, the joy of a child, the tears of someone who is hurting whom we help, which gives us warmth and fulfillment.

Years ago, I read a book called "Dawn Without Darkness" by Father Anthony T. Padavano. It inspired my life to follow new ideals greater than those which I have a reasonable expectation to even closely fulfill, yet I try. One of those quotes remains with me which I wish to share. Though written particularly for my faith, it speaks to all of us whatever creed we profess. It is, "We shall become Christians when we are joyful because so many people are in love rather than because so many people are affluent. We shall become Christians when we learn to make music in poetry, to make love in peace, to make Jesus human and to make ourselves as human as he was. We shall become Christians when the sight of the sea makes us dance more joyously than the sight or the purchase of a new car. We shall become Christians when we allow Jesus to speak to us by his values as well as by his words. We shall become Christians on that morning when we laugh and sing for the right reasons and when we weep, not because we have lost something, but because we have been given so much."

Ladies and gentlemen, we have been the chosen few by all of Maine citizens. Are we not strong and wise enough to allow every outcast human being their rights to clothing, shelter and work? I ask you to cast away your fears of darkness, to vote against the motion to indefinitely postpone, to adopt the Majority Report of this committee so that all those people may have jobs, credit and housing, which we take for granted in our lives.

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

Representative BOUTILIER: Mr. Speaker, Men and Women of the House: There are a few issues which I think it is not always appropriate just to vote but it is appropriate to say something and I will make my comments very brief.

I think this issue is very commonsensical to me to not be among those who would say to someone else, you don't have the right to buy a car on credit, you don't have the right to live where you would like to live or you don't have the right to choose your own vocation.

I would end my short statement on the Record by saying, when we allow for you and I to be judges of others, we also allow for others to be judges of us. For that reason, I would urge you to vote no on the pending motion.

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

Representative HANDY: Mr. Speaker and Members of the House: I would like to briefly talk to you members today about a couple of issues that really haven't been touched upon that enter directly into this debate and into the crux of this issue.

The first is that of perceptions. I don't know what it is like to be gay and I don't know what it is like to be discriminated against because of my sexual orientation but I do know what it is like to be discriminated against based on what someone else perceives my sexual orientation to be, that has indeed happened to me. Because a person is of slight build, may prefer ballet over baseball or prefer theater or poetry or music, the performing arts and maybe not all that adept at the sport of the day, those individuals too would be protected by this legislation. To take that a step further, if I were to attempt to rent an apartment and that renter believed me to be gay, could deny me that accommodation under the existing law. I don't think that is right, I don't think that is fair. That is point number one.

This will protect those individuals who are not gay as well against the perceptions of those who would discriminate against individuals who are gay.

The other point is that of children. Many of us have pictures on our desk as I do myself of our children, my daughter. Alexis is three years old. My wife and I are expecting another child in July. I do not know if Alexis will be a lesbian, I don't know if my next child will be gay or lesbian, but believe me, if they are discriminated against, I will fight for my child just as every one of you will fight for your children and their rights to live in a society free of prejudices and free of discrimination.

Today, as we prepare to vote on this issue, I know a lot of us will be thinking of Larry Connolly who was a person who first introduced this legislation in the Maine House of Representatives. Some of us may be thinking of that former President of the Senate, Gerard Conley, Sr., who was a champion of Human Rights in the Maine Legislature. Others, of course, will be thinking of our own personal situations, and some other individuals who we admire and maybe look to for guidance. We will be thinking about our respective God, I am sure. I will certainly be thinking of the children, my daughter, and those children all around the world, all around the State of Maine to come, who may be the victims of discrimination. I couldn't urge you more strongly to support this bill and defeat the motion before us.

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 MacBride of Presque Isle that L.D. 556 and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 34

YEA - Aikman, Anderson, Bailey, Begley, Carroll, J.; Carter, Cashman, Clark, H.; Cote, Curran, Dexter, Duffy, Dutremble, L.; Erwin, P.; Farnum, Farren, Foss, Foster, Garland, Gould, R. A.; Greenlaw, Gurney, Hanley, Hepburn, Hichborn, Hussey, Hutchins, Jackson, Jacques, LaPointe, Lebowitz, Libby, Lisnik, Look, Lord, MacBride, Macomber, Marsano, Marsh, Marston, Martin, H.; McGowan, McHenry, McPherson,

Merrill, Michaud, Murphy, Paradis, E.; Parent, Pines, Reed, Richard, Richards, Ridley, Rotondi, Sherburne, Smith, Stevens, A.; Stevenson, Strout, B.; Strout, D.; Tardy, Telow, Tupper, Webster, M.; Wentworth, Whitcomb.

NAY - Adams, Aliberti, Allen, Anthony, Bell, Boutilier, Brewer, Burke, Butland, Carroll, D.; Cathcart, Chonko, Clark, M.; Coles, Conley, Constantine, Crowley, Daggett, Dellert, Dipietro, Donald, Dore, Farnsworth, Graham, Gwadosky, Handy, Hastings, Heeschen, Hickey, Hoglund, Holt, Joseph, Ketover, Kilkelly, Larrivee, Lawrence, Luther, Mahany, Manning, Mayo, McKeen, McSweeney, Mills, Mitchell, Nadeau, G. R.; Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pederson, Pendleton, Pineau, Plourde, Pouliot, Priest, Rand, Rolde, Ruhlin, Rydell, Seavey, Sheltra, Simpson, Skoglund, Stevens, P.; Swazey, Tammaro, Townsend, Tracy, Walker.

ABSENT - Ault, Hale, Higgins, Jalbert, McCormick, Melendy, Moholland, Nadeau, G. G.; Small, The Speaker. Yes, 67; No, 73; Absent, 10; Vacant, 1; Paired, 0; Excused, 0.

67 having voted in the affirmative, 73 in the negative, with 10 being absent and 1 vacant, the motion to indefinitely postpone did not prevail.

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

Committee Amendment "A" (H-211) was read by the Clerk and adopted and the Bill assigned for second reading Friday, May 19, 1989.

At this point, Representative Gwadosky of Fairfield was appointed to act as Speaker pro tem.

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

The Chair laid before the House the following matter: An Act to Regain Full Use of Maine's Waters Through the Establishment of Color Standards (H.P. 533) (L.D. 718) (C. "A" H-102) which was tabled earlier in the day and later today assigned pending reconsideration.

The SPEAKER PRO TEM: The Chair recognize the Representative from East Millinocket, Representative Michaud.

Representative MICHAUD: Mr. Speaker, Men and Women of the House: I hope today that you will vote to override the Governor's veto. The committee spent a lot of time on this very important environmental issue. I think what the majority of the committee and what this legislature had sent down to the Governor is a very reasonable proposal. I will remind this body -- basically what we did if you don't have it in front of you -- we set into statute a 20 and 40 color unit standard for paper companies to meet their water quality. We also put a time frame in the bill of July 1, 1992. The reason why we chose that time frame is that EPA requires the paper companies to clean up the dioxin. I believe the deadline to do that is October 31, 1991 so we gave them an additional time frame in which they would have to comply initially with the odor and color standards.

There has been talk that we really are not certain whether or not these standards are accurate and we gave them an additional three years to compensate for that. Well, that is incorrect, I feel confident that these 20/40 color unit standards can be met. We heard testimony from the paper companies

and, in the spirit of compromise, we weakened the bill that Representative Nutting had put forth. And should there be some glitch or whatever, we gave them an additional three years until July 1, 1995 where the Commissioner may extend that time frame.

They say in the Governor's veto message that these are arbitrary standards. They are not arbitrary standards, they are standards that were mentioned in the Department of Environmental Protection report which they had done last October. The 20/40 color unit standards are standards that can be seen by the general public if those standards are met by the paper companies, so they are not arbitrary standards.

The paper company's NCASI Report done 15 years ago talked about those same standards. In the message, it says we are radically departing from the manner which we established the Environmental Protection Program, that is far from being accurate. The legislature, and in particular the water quality laws, sets the standards. There is a bill which should be back for enactment later this week or early next week where the legislature sets the classification standards on certain rivers in this state. The Department of Environmental Protection can implement rules and regulations to implement those standards but it is this body that sets those standards. It is the air quality standards. It is not the department that sets those standards, it's the legislature that sets those standards. Here again, we passed this bill earlier this year where we had set standards for the department to implement rules and regulations on those standards.

If you look at the next to the last paragraph on the Governor's message -- I don't know why he vetoed the bill because basically what he is saying is, he is going to ask the Department of Environmental Protection to implement regulations to implement the standards proposed in L.D. 718. That is that 20/40 color unit standards -- he is going to ask the department to establish regulations to implement those. That is what that bill does. He also goes on to say, if they don't like it, then they could bring back a different standard. Well, ladies and gentlemen of the House, the bill does that. We set the standards, the 20/40 color unit standards, and we put a time frame in the bill which the commissioner can report back, but should for some unknown reason they are unreasonable, (which I doubt very much that they are) then the legislature can change those standards at that time.

I think this is a real good piece of legislation. I think the debate that we had a few weeks ago on this -- it was talked about that we are requiring individual homeowners especially along the coast that are polluting on overboard discharge, we are requiring them to clean up their act and, if we are requiring individual homeowners to clean up, we should require the paper companies to clean up their act.

This is a reasonable proposal. I hope you will go along with me in voting to override the Governor's veto.

I was reading the editorial in the Waterville Morning Sentinel from a gentleman in Oakland and it jogged my memory on the fish and game open water fishing regulations. They have a warning on there -- this is something that I suppose we can all be proud of in Maine -- it says, "Warning, the Department of Human Services recommends pregnant women and nursing mothers to avoid eating fish from the following rivers, the Androscoggin River and the Kennebec River below Skowhegan." Now, that is something for the State of Maine to be proud of, putting warnings in

regulation booklets. So, I hope that you will go along with me in voting to override the veto.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Kingfield, Representative Dexter.

Representative DEXTER: Mr. Speaker, Men and Women of the House: I find myself in a rather awkward position because we all seek the same goal. It isn't too often that you see me get up against my good House Chair, but I suppose he has a right to be wrong once in a while, same as the rest of us.

This bill, if it does nothing else, will serve as a catalyst. What we need to do is to have a plan of action, (I used "study" the last time and that is the wrong terminology), plan of action and there is a difference. What we have got here is a level of perception. 20 color units was promulgated down south and what it means is, if you have ten people standing on a river bank, five of them are able to tell when you have reached 20 color units, five will not be able to.

Now, what we are doing here is jumping into the water (so to speak) not knowing what we are going to do, whether we can even swim or not. Also, you are going to solve a problem by creating another problem. The only way you can clear this up right at the moment is end of pipe which would create more sludge, which would create another problem.

As far as I know, color is not a health problem. Once again, your municipal sewage overflow, storm drainage -- you can't eliminate foam completely. On the way home, after the rain, there is a little stream in New Vineyard and for three days it was covered with foam. So, there are just too many things here that we don't understand.

At the present time, the companies have signed an agreement to fund this plan of action and I think that is the way we should go.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Westbrook, Representative Curran.

Representative CURRAN: Mr. Speaker, Men and Women of the House: Like so many of you, I had to promise back home that I would strike a reasonable balance between environmental matters and the practicality of earning a living and allowing the economy to flourish. I campaigned on that in two elections.

The last time this bill was on the floor, I voted for it but this time, I am going to vote against it and I ask you to do the same thing because now I know more about it. It surely is not as pure and simple as it appears on the surface to be. At the very least, among other things, it's premature. We should be glad, I think, that we have another shot at it here today and a chance to correct our first mistake in passing it.

Now, like some of you here, I live in a paper making city, Westbrook, and we are proud of it, we make good paper, that company employs a lot of people and they are proud of that company and they are proud of their environmental cleanup record, both management and the rank and file and all of us that don't work for the mill.

We have a mill that sits on a river that runs right through the middle of town from Sebago Lake to the sea. I have canoed on the upside of that river. As a matter of fact, I have canoed on the upside of that river, my wife and I, with Representative O'Gara and his wife and I can tell you that if you do that, you will find a sparkling clean and beautiful river. I have walked the banks of the river below the mill and below the mill is a clean and beautiful river. I don't presume to speak for those people but I assume that Bill O'Gara and Elden McKeen and Gary Reed and the others in our neighborhoods have promised those

people, as I have, that we will keep that river clean. Nobody here has any more dedicated promise to their people about that than we do.

Now, above the town, before the water goes through the mill, the natural color of this clear and beautiful river fluctuates at times to as high as 150 units of color and nobody notices it or if they do, nobody complains about it. It is in its natural state and the mill has not yet touched it nor the municipality of Westbrook.

This bill, which I recommend to you to defeat, would have no single mill increase the color of the river that it discharges into more than 20 units above the natural which we know fluctuates as high as 150 units.

I must ask you here if that is not somewhat disproportionate and what is 20 units above the natural? The requirements that you find in this bill have been adopted by no other state at such stringent levels.

One of the particular problems on the Presumpscot, which incidentally, is shared by Georgia Pacific on the St. Croix too, is that the rivers are so small. In addition to its prematurity, this bill penalizes us simply by the law of proportion. This bill now is particularly onerous to us in Westbrook. We know that the DEP's definition of color, at least in this context, is the color of tea. We know then that we are talking about the chemical substance lignin which is the color of tea and very weak tea at that. We know, too, that lignin decomposes very slowly and at least in Westbrook's case, which is eight miles from the sea, that decomposes long after it flows through the river and leaves its mouth. We know that this is not an environmental problem, that is what I wish to convince you of, it is only an aesthetic one if it is indeed that in very severe proportions. We know this, that there is nothing toxic about that weak tea color. We know that to bleach out that harmless color that we have been talking about would double or perhaps even triple the sludge production and you know what a problem is, I think. We predict that it would cost each mill with a craft process between \$20 million and \$50 million to convert and even then perhaps we would find that other more severe problems would have been ignored while we chase this will of the wisp.

I surely do not want to confess to all of those people back home in Westbrook and Falmouth and especially for the rank and file of workers in the mills that we have weakened the job prospects in seven craft mills in the State of Maine and that we have monkeyed with their economic and social well-being unnecessarily and perhaps until we find out differently, irresponsibly. I would rather tell them that we have acted responsibly once we found that we had made the error that we did on the last vote and that we regrouped to rely on the promise of more informed legislation next session after we have had a chance to analyze the real problems and see how they should be more properly addressed. So, I ask you to please defeat this bill.

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

Representative JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: The people of Maine won one but it didn't last very long. Some people have said that we have done this in haste without the facts, without being able to articulate our needs and desires, that odor, color and foam is an aesthetic problem and that's all.

I am going to read you some excerpts from memos from the Governor to the Commissioner from the

Commissioner to the Governor and his council. First of all, color retards sunlight transmission and may interfere with photosynthesis, thereby reducing the productivity of the aquatic community; (2) natural stream color is altered, thus detracting from the visual appeal and recreational value of the receiving waters, which is a concern for those who want to develop jobs based on clean rivers; (3) very important to you, please I ask you to pay attention to this, color has effects upon downstream municipal and industrial water users, such as higher water treatment cost and difficulties in water treatment; (4) color bodies complex with metal ions, such as iron or copper, forming tar-like residues which remove the metals from the stock available to stream organisms for normal metabolism, and the complexes can have direct inhibiting effects on some of the lower scale of organisms in the aquatic community.

After having public hearings across the state, Commissioner Marriott wrote a memo to Governor McKernan saying that it was clear after four public hearings, which 400 people attended, that the Androscoggin and Kennebec Rivers were not clean enough and the public, up until this time, did not realize that we were not doing anything to continue the process of cleaning up our rivers. In his memo, the Commissioner suggested to the Governor that there were two methods to clean up the rivers of the State of Maine. The first method is not what we are talking about here today but it is, indeed, important. It is suggested that storm water separation which all of our communities are guilty of doing would contribute to cleaning up the rivers. The dirtiest and the worst are the Kennebec, Androscoggin, Presumpscot and St. Croix. The time frame suggested was 6 to 10 years, the cost to the state would be \$50 to \$75 million over those 10 years, the additional cost to the communities would be \$50 to \$75 million and the benefits would be the elimination of storm water overflows and untreated sewage to our rivers.

For the first suggestion, the Governor has proposed a bond issue to start this process and I commend the Governor for that. There is no question that the towns need help, we (the state) helped them put the storm drains into the rivers and we have got to pay for that sin and I think everybody is prepared to do that.

The second suggestion was a program of additional treatment in Maine's pulp and paper industry. Now this memo is dated November 25, 1987, just to show that this is not something we did in three or four short weeks. Time frame -- 6-10 years; cost to the industry with today's technology -- \$2 to \$4 million capital cost per mill and \$1 to \$2 million operational costs per year; benefits -- elimination of the foam, color, and scum which presently inhibits full recreational use of the state's major rivers.

In a letter dated January 12th to the Board of Environmental Protection Chairman, Chris Livesay from the Governor and he asked, "If at all possible, I would hope that the Board could be prepared to report its results should it agree to conduct this study by October, 1988 so that I may consider legislation to implement the findings." I can't commend the Governor for taking that step.

Recommendations that were obtained through the Freedom of Access Law because they weren't going to be given to us any other way, one deals with 175 tons of color per ton. The second requirement (just to show that 20 and 40 was not an arbitrary figure, that the majority of the committee picked out of the air) states "require that no individual discharge source increased the background river water color by more

than 20 color units and that all discharge sources in a drainage basin, in combination, may not increase the background water color by more than 40 color units. These limits should be attained by October 31, 1991." The bill that we voted on gave one more year to that. If I may continue, "Testimony provided by the paper industry at workshops shows that 90 percent of the population can see a river color increase of 40 color units. It is this increase in color that Maine people find objectionable and limits full use of our resources. With the installation of process changes and in-plant controls, Maine mills can achieve an individual color increase standard of 20 color units leaving room in most cases for growth in the pulp and paper industry on our waterways, while allowing full recreational use of our major rivers by the public. These limits may result in a reduced discharge of dioxin to our rivers because many process changes installed for color control also reduce dioxin formation. Legislation to implement this color limitation is presented in Appendix E."

Appendix E, Legislation To Implement Color Limitation, "Discharges to Class B waters shall not cause adverse impact to aquatic life in that the receiving waters shall be of sufficient quality to support all aquatic species indigenous to the receiving water without detrimental changes in the resident biological community. No single discharge, 20 and 40 again, Class C waters, same language, no single discharge - 20 and 40 again."

Subsection 5 of the proposed legislation, "Submit preliminary plans for compliance with the color standard on or before October 1, 1989." That is pretty close, ladies and gentlemen. To continue, "Initiate construction of facilities needed to comply with the color standard on or before October 1, 1990. Complete construction of facilities needed to comply with the color standard on or before October 1, 1991." We have given the companies involved until 1992 to come back with their recommendations in conjunction with the Department on whether or not they could reach those standards until 1992. We have put in a provision that lets the Commissioner waive 1992 to 1995 based on the financial and technological abilities to do it.

To Governor John McKernan from Dean Marriott, Subject: Costs to Paper Industry to Comply with Proposed Color, Odor and Foam -- Androscoggin River, James River, Boise Cascade and International. Color reduction are required in those mills 32 percent, 53 percent and 40 percent. St. Croix, Georgia Pacific, 65 percent; Presumpscot, S.D. Warren, 76 percent; Penobscot, Great Northern 0 percent; Lincoln Pulp and Paper, 0 percent; James River, Old Town, 18 percent; Kennebec River, S.D. Warren, Hinckley, 24 percent reduction.

Memo to the Governor from Commissioner Marriott: "Compliance with the proposed water quality standard may be attained by the pulp and paper industry via two avenues. The first, the control of dioxin, is already mandated to occur before June 1992 by the United States Environmental Protection Agency. Dioxin is generated in the bleaching sequence of the paper making process, as is about 50 percent of the color. Technologies used to control the generation of dioxin have also been shown to reduce color. In Maine, International Paper of Jay has recently completed process changes to reduce dioxin at a cost of \$10-\$20 million with an expected color reduction of 20 percent. The second avenue is to implement technologies exclusively for the control of color. If IP is to meet the proposed basin-wide color standard (no more than a 40 color unit increase caused by the discharges of all mills on a river), IP

will have to spend an additional \$10-\$15 million to control other sources of color in the mill. It is important to remember that the color reductions gained by controlling dioxin as required by EPA will not regain full use of Maine waters as desired by Lewiston-Auburn and other Maine communities. Both the control of combined sewer overflows through a state bond issue as proposed in our report, and additional color removal by the paper industry is needed. We feel that the proposed legislation time schedule outlined in my December 14, 1988 memo to you could be extended to 1995 (6 years) to equalize the yearly costs to the industry and allow time for the CSO program to be bonded and begin construction."

Memo to the Governor from Dean Marriott dated January 6, 1989: "At our meeting on Wednesday we talked briefly about color, odor and foam control strategy. You mentioned that you might want to call several paper company executives to discuss the situation. By coincidence, I met with John Nevin yesterday to discuss solid waste issues at IP. While we did not specifically discuss color control, John mentioned his company was planning to spend \$25 million within the next year or so to reduce dioxin. He talked about it in a very matter-of-fact manner. My point is, when the industry believes improvements are in their best interest, fairly substantial expenditures are not unusual."

It seems to me, men and women of the House, that a lot has happened in the last three weeks, jobs have been threatened, mills have threatened to shut down and pull out of the State of Maine but, if you look at the bill, what the bill does is establish 20 and 40 standards which are recommended in this report to base the studies (that are now called premature) on meeting the 20 and 40 standards.

Alaska has color standards, as was stated on the floor of the House, I believe of 5 and 75 or 5 and 50. Alaska -- the state that has more oil than they want.

The bill does not put anybody out of business. The bill does not force the mills to close down. The bill says we want you, the paper industry, to do your study, we are allowing the paper industry to do their study, to come back to the Commissioner who was assigned by statute to protect our resources. We have allowed the Commissioner to come back to us and make his recommendations on whether 20 and 40 are arbitrary, whether they can or cannot be met and the cost of meeting that. We put the provision in there that the deadline can be extended based on technological inadequacies and cost analysis. The committee put that in there -- until 1995. All it does is (by statute) put what the companies have promised us to do on their own. As I explained in the last debate, the reason we did that was we felt that, for once, the impetus should be on the company that is doing the polluting, not the people of having to drink the polluted water.

We gave our word that next session, after the study is done by industry, they would come forth, present their arguments to us and, if indeed, 20 or 40 was unrealistic, was incapable of being reached, the committee would accept the Commissioner's recommendations. But we will still allow the industry to do the study. I think that was a major concession on our part. The Commissioner said he didn't have the expertise to do the study but, in the same breath, he had the expertise to review the information to make recommendations. We took him on his word.

This is not something we entered into lightly, this is something that we agonized over long and hard but I have been around here long enough to know that

promise don't feed the bulldog. We have had a lot of promises.

The people of the State of Maine don't want the paper companies to clean the rivers up cleaner than they ever were before man came along. We would just like to have the rivers returned to the color they were before the companies starting dumping their trash in the rivers, that's all we want. Don't be confused by the background levels of color, ladies and gentlemen, as a brook trout fisherman, I can take you to some of the best brook trout fishing streams that are dark brown. That is caused by rotting and decaying vegetation and it is usually behind a beaver bog or beaver dam and is caused by tannic acid which is caused by the leaves. It is dark brown, it always will be dark brown until you break the beaver dam's and let the water flow through. I understand that but I should also point out that all you are going to catch in those beaver flowages is a big trout because the little trout cannot survive in those areas. The fish won't spawn in those areas and the small fish won't live in those areas. The big trout will because they can move around and get what little oxygen there is left in there in order to survive. I understand that that is background color. When you have a storm, it is dark brown color. What the committee is talking about (and don't be confused by that) is the color above and beyond the background color, the color above and beyond what the rivers were before we started making them filthy.

The alternative that was brought forth to our committee was an agreement that was agreed to between the Department of Environmental Protection and the pulp and paper industry, which is PIIIO. This is the agreement -- three pages and signed by our Commissioner Dean Marriott and by Jack Chinn, the Chairman of the Board for Paper Industry Information Office. This is the agreement, this is what we are basing the protection and the cleaning up of all the state's rivers and this is what the agreement says: "The Industry will prepare a listing of significant sources of color within each mill. The Industry will prepare a listing of in-plant treatment and control technologies reasonably available to that mill. The Industry agrees to prepare a listing of end of pipe treatment and control technologies reasonably available to reduce color in the effluent within each mill. The Industry agrees to provide an evaluation of quantifiable economic and environmental benefits of various ranges of color levels in waterbodies. The Industry agrees to evaluate the changes in color, both short and long term, which can be perceived by the users of Maine's river resource. The Industry shall be entitled to protect business information which is proprietary, confidential, or which embodies trade secrets. Any information deemed necessary to prepare the reports generated pursuant to this agreement is Confidential Information and shall not be included in any draft or final report." That is the alternative, men and women of the House.

It continues on, "Prior to beginning the studies, the Industry shall provide a scope of work for the study for review by the Department and interested persons by June 15, 1989. Such scope of work will be reviewed by the Department and any comments returned to the Industry within 15 days of submittal. The Industry agrees to complete the studies set forth in Paragraph 1 provided, however, that such time shall be extended to account for circumstances beyond the reasonable control of Industry, or by mutual agreement. The Industry agrees to provide a member to an advisory committee established by the Commissioner of the Department of Environmental Protection for the review of this. During the

pendency of this study, the Department agrees not to impose nor seek to impose any limits on the Industry with respect to color." That is the alternative offered our committee signed on March 24th at the public hearing on Representative Nutting's bill. Quite an alternative, isn't it? I think we would be far-removed to go back to our people and tell them, "Don't worry, be happy, the paper industry is studying the problem."

Men and women of the House, 20 and 40 was talked about 15 years ago. I asked Matt Scott, God love him, with 30 years experience in water, Bureau of DEP, Fish and Wildlife, if 20 and 40 were unreasonable standards to be set and to study and to be achieved. He said, "Paul, 20 and 40 is not unreasonable standards to be set and studied to see if they could be achieved." He is not even a member of my political party, I shouldn't trust him at all but I do. 30 years of experience and it took a lot of courage for that man to get up and speak and tell us honestly what he believes -- 20 and 40 fifteen years ago -- do you mean to tell me that, with today's technology and ability and the bright people that we have, that a standard that was talked about 15 years ago (and nothing was done) cannot be achieved today in 1989? We are really talking about 1992. The Industry is calling the shots.

We are not trying to put anybody out of business and we are not trying to shut down any mills. I have three brothers that work at S.D. Warren in Hinckley and Winslow and my Dad worked there for 40 years, a lot of my constituents work there -- you think I want to shut down the mills? This bill will not shut down the mills. It just asks the companies to do what they promised us they were going to do, no more and no less.

At this point, the Speaker resumed the Chair.

The House was called to order by the Speaker.

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

Representative DEXTER: Mr. Speaker, Men and Women of the House: I, too, know Matt Scott and I, too, will say that the companies have been a procrastinator. I didn't know what that word was until a few years ago when I had an insurance salesman call at the house and he called me a procrastinator and I asked my wife what it meant and he got out of the door one step ahead of me.

There is no question about it. This bill, as I said before, will be a catalyst. I had a good friend when I first came in here and he said, "You will run across situations like this and eventually we'll all get what we want."

I will read from Matt Scott's recommendations. On the third page, it says, "Have the paper industry of Maine support a project and research issued based on the existing data. The DEP needs to be involved or even funded for this project. That is ongoing now. Review and research have available technology for color reduction, then apply that technology to the problem, establish a standard of criteria as in Representative Nutting's bill." Now we all want the same thing, ladies and gentlemen, but let's make sure that we do have a good plan of action.

The SPEAKER: The Chair recognizes the Representative from Waterboro, Representative Lord.

Representative LORD: Mr. Speaker, Ladies and Gentlemen of the House: This morning I passed out to

you a graph of what has been happening to the Presumpscot River above the S.D. Warren Mill. You will notice on the left-hand side a 0 up to 240 — that is the color. On the bottom, you will notice the dates that these samples were taken. It has been stated that that was a good river. It has been a good river and you will notice that back in January 1, 1987, it was about 20. It goes along pretty well during the Winter, much below the 40 standard, but just as soon as we get the Spring runoff, it went up to 240, went back down again after the runoff and then we get some rain, it goes up and down. You will notice during the Summer months that it still stays below the 40. Come back into the Fall rains, it goes up again, back down in the Winter. Then up in the Spring, you will see it went sky high, way up above the 240 and then down again, like a yo-yo. The point is, mother nature plays a very big role in what the river looks like. I was given to understand and I can't tell you who but sometime during our talking, when they mentioned the river drive, a chemist told somebody or told the committee that it would take 100 years to clean up the effects on color of the sunken logs and pulp that is in the bottom of our rivers. They have been there since the log drives — it would take a hundred years to clean them up so that has an effect on the color of the river.

I would like to go back to Matt Scott's report. On the Androscoggin River when the river enters the State of Maine, the color is 47. When it gets to the Canton Bridge, it is 70, in Jay it is 129, in Livermore it is 110 and Lewiston is 67. This is all Matt's work. On the Kennebec River, Madison is 27, Skowhegan is 28, Shawmut is 47 and Benton/Winslow is 56. I don't know why it didn't go below at Augusta because I imagine it would go a lot higher than that. On the Penobscot River, the West Branch above the mill is 24, Millinocket is 36, Lincoln is 63, Mohawk is 69, Milford is 48, Orono is 93 and 55 in Hampden. It says in the law and I will quote "No person, firm or corporation discharging to Maine waters on the effective date of this subsection will be held in violation of any color standard in Class C waters before January 1, 1992." That means that every municipality, every business, large and small, any farmer, where there may be run off that goes in the river, above those 20/40 standards could be hauled into court.

It has been stated that we are going to have a bond issue to go ahead and clean up some of the messes that the municipalities are going to bring in but it is going to take a lot of money. We know it is going to take a lot of money. When we discussed this in the last debate, I think Representative Pouliot said that they are figuring on \$55 million in Lewiston. How about Auburn? How about some of these others? I don't know if Westbrook is putting stuff into the river but all of these are going to take effect and it is going to cost money. Some people say that I am overly concerned about loss of jobs, I don't want to see a single industry in this state go out or move out.

I would like to go back to 1950 down in the town of Sanford, they had the highest paying textile mill in the State of Maine and they got into trouble, labor, taxes, transportation and other things and everybody said, they won't go out of business, they won't move, they got too much of a capital investment here. Well folks, they moved out lock, stock and barrel. That town was a ghost town for years. They lost industry and it took many, many years to recuperate and I don't want this to happen. Maybe I am overly concerned but I am still overly concerned because I don't want this to happen. I think we need

a plan of action, it has got to be done. The paper companies or nobody else is getting off the hook.

Mother nature plays quite a role regarding this color. Our Little Ossipee Lake is brown, has been brown for years and years and years because of vegetation rotting in there. Some of the lakes in this state are brown because of the vegetating rot. It is not one issue alone, it is a lot of issues. I think we have got to work slowly, do a good job, but do it right and let's not have a loss of industry.

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

Representative POULIOT: Mr. Speaker, Ladies and Gentlemen of the House: I will try to be brief, I know it is warm and you all want to go have lunch.

According to the report given a few weeks ago by the Commission on Maine's Future, Maine people want the natural beauty of Maine preserved even it means that Maine's businesses might have to spend more money to help clean up the environment. You all remember the book that we received and it says, "The natural beauty of Maine should be preserved even it means spending more public money or interfering with private investment decisions." 81.1 percent of the people say, clean it up.

I would like to make a small point, I have to serve on my city council back home and for many of you who have never served in city government, if you ever want to get close to the people, serve city government. Let me tell you, it was a hot issue back home on what we call the KTI. There were a few articles in the paper that "Councilman Pouliot won't make a decision." I have always felt, having served here many years, that before you make a decision, you try to find out what the facts are or at least as much as you can. I went around checking with many people but I will tell you, I also went around and talked with a lot of people and, to my amazement, the people out there are not stupid. They know what this environment thing is all about. You are not going to fool them.

There were statements made about cleaning up this river. I have always had a theory that, "whoever pollutes should put up the loot."

The paper industries have made some good profits, we are not trying to hurt them but I think they should make an investment in those rivers. That river just doesn't belong to me. Many times you will hear people say, "It is not in my backyard, I don't have to fix it." I am going to tell you something, that is your river. It may be called the Androscoggin but it belongs to you. This is the State of Maine.

What I am really hoping for today and I know that my delegation stuck together and I hope that this delegation will stand firm again today. I am also hoping, after looking at the last roll call with 117 saying yes, there is a problem, we got to clean it up, Governor — how can you go back on it? How can you go back on the people out there? I know that it is tough, I have met with my Governor a few times and there were a few wishes and I told him, "I am sorry Governor but I just can't, you are wrong on this one."

I am hoping that you will stay with your vote today so that we can clean up this river, get started, don't put it off. The Governor should be the prime mover on environmental matters. His veto on this important bill is a sign of capitulation into the paper industry lobby.

The State of Maine and its towns and cities are making substantial commitments to continue the river cleanup job begun in the 1970's. The paper companies should be expected to contribute to cleaning up the rivers that they pollute. To me, that is only fair.

The funny part about it, coming up the Maine Turnpike this morning, I happened to see the sign that says "\$100 Fine for Littering." \$100 fine for taking this thing and throwing it out the window and yet here is a river that serves all the people, not just the people of Lewiston and Auburn, -- yes, it does affect my area and I think we have the right and we deserve the right -- I say that strongly deserve the right to have a clean river. I don't mean 1990 or the year 2000, they should start now.

Ladies and gentlemen of this House, I hope you stay with us today and override the Governor's veto.

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

Representative BAILEY: Mr. Speaker, Ladies and Gentlemen of the House: I will try to be brief also. I know it is late. There are a few points I would like to share with you.

I consider myself an environmentalist and I want clean rivers like the rest of you but I know we are not going to remedy decades of misuse with one bill or in one legislative session. It will take hard work, technical knowledge, teamwork and a well-designed plan to correct the present situation. We have made significant progress but there is a long way to go. We should proceed with caution so the solution doesn't create future problems as has been the case in the past. Is our primary mission appearance or removing the pollutants? Water containing chemicals can still pass the color test, as far as I can determine, depending upon the position in the river for the heavy metal settling to the bottom and so forth and sewage from the municipalities.

Passage of this legislation will not achieve the water quality that is desired. We will be passing a law to improve one part of the ecology without analysis of the impact of our actions. These are some questions that I thought would come across to us during the debate this morning but haven't as yet. What are the actual costs? What about pollution from waters out of state with the headwaters, for instance in New Hampshire -- once they come into the State of Maine, how do we do that testing? What about the sludge that is generated as we clean up the color? What if the desired results are not achieved? Do we start over deciding that we should tackle foam and odor now because color didn't achieve the objectives that we wanted to? If we come back in 1992 and decide that this was the wrong way to go, the standards were too high, what do we do then after a lot of money, time and effort has been spent? Who will absorb the cost? We all know the answer to that is that we do.

I have another concern that was alluded to briefly and I just want to bring it up because one of the areas that I have gained some information in since I have been in this House is economic development and the state of our economy in this state. One of the reasons that Maine has survived fairly well during economic down-turns is that we have a diversified economy. I have heard debate here in this House saying that we need good paying jobs and the manufacturers in this state are the ones that are, to my knowledge, paying the best hourly wages.

This one bill probably won't break a company or force a company to move out of the state but it is a continuation of adding to that year after year. I am not saying that we shouldn't clean up the rivers. As I said before, I think we need to. But, I also know that other states are actively recruiting manufacturers to move to their state with less environmental impacts, with less taxes and so forth. So, it is not like it used to be as far as whether

that manufacturing plant will move out of this state or not. We need to work in partnership to solve this and I believe that the paper companies, if they are the ones that are causing all of our problems, which I don't think they are, they certainly have caused some of them, but I think they will work in partnership and we can do this through research and make sure we are going in the right direction.

The SPEAKER: The Chair recognizes the Representative from Jonesboro, Representative Look.

Representative LOOK: Mr. Speaker, Men and Women of the House: In listening to the debate this morning, I find that there is still a great deal of information that is lacking. I question the wisdom of promoting such a proposal that does not have the sufficient, in-depth research behind it to justify the demands imposed by this bill at this time.

No one questions there are several water bodies in this state that need attention, the real questions are how much attention, on what degree of correction does each one need and where the points of correction are needed?

Secondly, what degree of correction will accomplish the desired results?

Thirdly, what will be the cost of this action? Cost not only of actual dollars spent but also cost of the impact that any stringent measures will have on the present activity along these waterways. How will the reduction of present uses where valuable earnings are involved be balanced by any non-existent activities which may or may not develop. There are many circumstances which need consideration before such drastic mandates without the background data are imposed. I am looking specifically at the present Georgia Pacific Mill in Baileyville on the St. Croix River. If these proposed mandates are enacted, this will create an immense fiscal burden on that industry as it will on all such industry but it will create an even greater, harsher and disastrous financial burden on that community and all of that eastern region. But more importantly, even after all of this, that river may never obtain the degree of clarity desired. Why? All the laws of this state and this nation cannot demand the same mandates on the usage of its Canadian shores. No my friends, we cannot control everyone, everywhere, there are limits. So, I appeal to your good judgment to realize that even the smallest streams do run colored even though there is no industry or man-made usage of their waters and shores.

I ask you to please support the position of the Governor and work toward a more sensible approach to this matter.

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

Representative STEVENS: Mr. Speaker, Men and Women of the House: First of all, let it go on record that I am for clean water in all of Maine's rivers. When the vote was taken April 27th on L.D. 718, I was one of the 113 to vote yes against 32 no's. There were more than enough House votes to override the veto on May 4, 1989 and again on May 10th as reported by the newspapers. May 11th, page one of the Lewiston Daily Sun had Mr. Carson, Executive Director of the National Resource Council of Maine, holding a jar as if he had swallowed a canary. To me, this photo doesn't look like river quality. This to me is overkill on L.D. 718, a very serious, serious piece of legislation that has already won more than enough support for passage. When the expression on Mr. Carson's face said to me that he had the Governor, not clean water, in his sights, I decided I would vote with the Governor not to override the veto.

The SPEAKER: The Chair recognizes the Representative from LaGrange, Representative Hichborn.

Representative HICHBORN: Mr. Speaker, Ladies and Gentlemen of the House: It is not easy for me to get up here and say that I am going to vote to override the Governor's veto. I admire, I respect the Governor, but that doesn't mean that I don't have the right to think for myself. It doesn't relieve me of the responsibility of voting as my constituents would have me do. I find it easier to vote as my constituents would have me do because I happen to believe that they are right.

I told you a little bit about some of the problems that they were having in the town of Howland as a result of the pollution in the Piscataquis River, which unfortunately nobody here seems to have heard about and don't seem to mention very often. During the past two and a half years, the people in the town of Howland and their town officials have contacted the Department of Environmental Protection, the Department of Human Resources and have kept the Governor's office advised from time to time of their problem. They have asked, they have begged, they have cried, they have threatened, they have tried to do everything they could to get help and they get practically nothing. It is true that water is being provided to them by the company that is the offender in their eyes, water that has been brought in now by the thousands of gallons over a period of nearly two years because it is cheaper to bring in the water than it is to correct the problem at the source. I realize that this is not necessarily a color problem but it is a pollution problem. I would emphasize that my people, my constituents, tell me that they don't care whether the color is yellow or brown or green or any other color but they are concerned about the contaminants or pollutants that give it the color.

Yet, after testing week by week by our own state Department of Human Services, we find that the pollution still continues two and a half years later. It so happens that one of the selectmen in the Town of Howland has some trailers near the river. During the flood season a year ago, a little gully washed out by one of the trailers. He hired a man with a truck to go get a load of gravel and dump it into the little gully. For that, he was fined \$500 and he had to take the gravel out. They wanted to know why he had to do that when the company can keep on contributing to the contamination of this water. I have no answer for him. I don't know what the answer is but you and I really do know what the answer is. We have double standards.

Somebody earlier said that misfortune comes through a door left open. That may be true, but if we continue to harbor that misfortune without trying to close the door, we are as guilty as the intruder himself.

Some of the objections that have been raised to this legislation that has been proposed (is the result of a study that was made at the request of the administration) is the cost. You talk about \$10 million, \$20 million, \$30 million, maybe \$50 million and you cry crocodile tears about those people but when the town of Howland has to commit itself as it has committed itself to an expenditure of several million dollars to get clean water from another town because there isn't a drop of unpolluted water in the town of Howland for their people to drink, nobody cries for them. They can't understand that. They have looked to Augusta for help and they haven't gotten that help. When the clean water bill comes up, they can't understand how anybody can say no, don't vote for it, oppose it. Then when it seems that we are getting crowded into a corner somebody

says, "Well, okay, we can write another bill and we can write a better bill and we will do a better bill, and we will come right up with it very soon." My people don't buy that. They have seen what it says in this message. Yes, we will have the study done but if it doesn't meet the requirements of DEP, we reserve the right to change that. The passage of another bill isn't going to mean much if you have that restriction on it. My people feel that this is a natural resource that is the peoples resource and the decision regarding that resource should be made by the people. You know as well as I do that the decisions for these corporations that are contributing to this problem are often made by corporate directors who are sitting around a table in Houston or San Francisco or Chicago or New York and may not even know where we are. All they see is the size of the check that they get when the dividends checks come in.

I noticed that the good gentleman from East Millinocket, Representative Michaud, is guilty of an omission. He read to you from the open water fishing regulations of 1988/89. I would like to add a little bit more to it. It says in here, "The Department of Human Services recommends that pregnant women and nursing mothers avoid eating fish from the following rivers:" and it didn't include this one, the Penobscot River below Lincoln. Now, the Penobscot River happens to divide my district but the people on both sides of the river are united in wanting clean rivers. We have recognized and they have recognized that this is not the answer to all the problems but it is a beginning. They know that for the past 15 years we have been studying this problem, we have been talking about the problem, just as the good gentleman indicated here a short time ago and we haven't started even yet.

If this bill is killed here today, it is very unlikely that there will be another bill along that will do any better job than this one.

There are people that have said that this is a political question. I think it is a political question, but I see nothing wrong with a political question because oftentimes it brings out the best on both sides. Sometimes it brings out the worst. But, if it is going to be political, let's admit it. What is going to be the political result in my area, — well, I will tell you what the result would be in my area, if the perception is the same at the next election as it is today, the replacement who takes my seat at that time will be a Democrat. If my perception is the same then as it is now, I shall very likely vote for that particular Representative.

The SPEAKER: After reconsideration, the pending question before the House is, shall this Bill An Act to Regain Full Use of Maine's Waters Through the Establishment of Color Standards (H.P. 533) (L.D. 718) (C. "A" H-102) become law notwithstanding the objections of the Governor? Pursuant to the Constitution, the vote will be taken by the yeas and nays. A two-thirds vote of the members present and voting is necessary. All those in favor of this Bill becoming law notwithstanding the objections of the Governor will vote yes; those opposed will vote no.

ROLL CALL NO. 35

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, Duffey, Dutremble, L.; Erwin, P.; Farnsworth, Gould, R. A.; Graham, Gurney, Hale, Handy, Heeschen, Hichborn, Hickey, Høglund, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, LaPointe, Larrivee, Lawrence, Lisnik, Luther,

Macomber, Mahany, Manning, Marston, Martin, H.; Mayo, McGowan, McHenry, McKeen, McSweeney, Melendy, Michaud, Mills, Mitchell, Nadeau, G. G.; Nadeau, G. R.; Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pederson, Pineau, Plourde, Pouliot, Priest, Rand, Richard, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Sheltra, Simpson, Skoglund, Smith, Stevens, P.; Swazey, Tardy, Telow, Townsend, Tracy, Walker, The Speaker.

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

ABSENT - Higgins, Moholland.
Yes, 95; No, 53; Absent, 2; Vacant, 1; Paired, 0; Excused, 0.

95 having voted in the affirmative, 53 in the negative, 2 absent, and 1 vacant, the Veto was sustained.

On motion of Representative Gwadosky of Fairfield, having voted on the prevailing side, the House reconsidered its action whereby the Veto was sustained.

The same Representative moved that L.D. 718 be tabled one legislative day.

Representative Marsano of Belfast requested a roll call vote on the motion to table.

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 Gwadosky of Fairfield that L.D. 718 be tabled one legislative day. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 36

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, Duffy, Dutremble, L.; Erwin, P.; Farnsworth, Gould, R. A.; Graham, Gurney, Gwadosky, Hale, Handy, Heeschen, Hichborn, Hickey, Hoglund, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, LaPointe, Larrivee, Lawrence, Lisnik, Luther, Macomber, Mahany, Manning, Marston, Martin, H.; Mayo, McGowan, McHenry, McKeen, McSweeney, Melendy, Michaud, Mills, Mitchell, Nadeau, G. G.; Nadeau, G. R.; Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pederson, Pineau, Plourde, Pouliot, Priest, Rand, Richard, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Sheltra, Simpson, Skoglund, Smith, Stevens, P.; Swazey, Tardy, Telow, Townsend, Tracy, Walker, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, Begley, Butland, Carroll, J.; Curran, Dellert, Dexter, Donald, Farnum, Foss, Foster, Garland, Greenlaw, Hanley, Hastings, Hepburn, Hutchins, Jackson, Lebowitz, Libby, Look, Lord, MacBride, Marsano, Marsh, McCormick, McPherson, Merrill, Murphy, Norton, Paradis, E.; Parent, Pendleton, Pines, Reed, Richards, Seavey, Sherburne, Small, Stevens, A.;

Stevenson, Strout, B.; Strout, D.; Tammaro, Tupper, Webster, M.; Wentworth.

ABSENT - Farren, Higgins, Holt, Moholland, Whitcomb.

Yes, 95; No, 50; Absent, 5; Vacant, 1; Paired, 0; Excused, 0.

95 having voted in the affirmative, 50 in the negative, with 5 being absent and 1 vacant, the motion to table one legislative day did prevail.

Subsequently, the Bill was tabled pending reconsideration (Returned by the Governor without his approval) and specially assigned for Friday, May 19, 1989.

(Off Record Remarks)

On motion of Representative Pineau of Jay, Adjourned until Friday, May 19, 1989, at twelve o'clock noon.