

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

**ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
66th Legislative Day
Friday, May 19, 1989**

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

Prayer by Reverend Bruce Meyer, Prince of Peace Lutheran Church, Augusta.

The Journal of Thursday, May 18, 1989, was read and approved.

Quorum call was held.

PAPERS FROM THE SENATE

Unanimous Ought Not To Pass

Report of the Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on Bill "An Act to Provide for Alternative Site Programs for Operating-under-the-influence Offenders" (S.P. 212) (L.D. 490)

Report of the Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on Bill "An Act to Provide Assistance to Businesses Adversely Affected by Snow Drought" (EMERGENCY) (S.P. 353) (L.D. 954)

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 Banking and Insurance reporting "Leave to Withdraw" on Bill "An Act to Provide Civil Penalties for Certain Unfair Trade Practices by Insurers" (S.P. 105) (L.D. 137)

Report of the Committee on Banking and Insurance reporting "Leave to Withdraw" on Bill "An Act to Curtail Any Expansion or New Mandated Health Insurance Programs Until an Assessment Has Been Made of Current Situation" (S.P. 184) (L.D. 341)

Report of the Committee on Banking and Insurance reporting "Leave to Withdraw" on Bill "An Act to Allow Organizations to Sell Insurance to a Limited Membership" (S.P. 478) (L.D. 1276)

Report of the Committee on Housing and Economic Development reporting "Leave to Withdraw" on Bill "An Act to Provide Local Educational Subsidies to Encourage the Development of Affordable Housing" (S.P. 470) (L.D. 1267)

Report of the Committee on Housing and Economic Development reporting "Leave to Withdraw" on Bill "An Act to Provide Housing for the Homeless" (S.P. 480) (L.D. 1301)

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act to Authorize the Supreme Judicial Court to Provide a Record of Court Proceedings" (S.P. 180) (L.D. 337)

Report of the Committee on Legal Affairs reporting "Leave to Withdraw" on Bill "An Act to Allow Notaries Public to Aid Absentee Voters Without a Separate Witness" (S.P. 405) (L.D. 1049)

Report of the Committee on Legal Affairs reporting "Leave to Withdraw" on Bill "An Act to Amend the Lottery Laws" (S.P. 427) (L.D. 1138)

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

Ought to Pass as Amended

Report of the Committee on Transportation reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-117) on Bill "An Act to Amend Department of Transportation Statutory Provisions

Pursuant to the Surface Transportation and Uniform Relocation Assistance Act of 1987 Enacted by the Congress of the United States" (EMERGENCY) (S.P. 375) (L.D. 999)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-117) and Senate Amendment "A" (S-125).

Report was read and accepted, the Bill read once. Committee Amendment "A" (S-117) was read by the Clerk and adopted.

Senate Amendment "A" (S-125) was read by the Clerk and adopted and the Bill assigned for second reading for Monday, May 22, 1989.

Divided Report

Majority Report of the Committee on Education reporting "Ought Not to Pass" on Bill "An Act to Allow Postponed High School Athletic Events to be Held on Sundays" (S.P. 291) (L.D. 764)

Signed:

Senators:

ESTES of York
BOST of Penobscot
GILL of Cumberland
O'GARA of Westbrook
SMALL of Bath
NORTON of Winthrop
O'DEA of Orono
CROWLEY of Stockton Springs
AULT of Wayne

Representatives:

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-123) on same Bill.

Signed:

Representatives:

OLIVER of Portland
PARADIS of Frenchville
KILKELLY of Wiscasset
HANDY of Lewiston

Came from the Senate with the Majority "Ought Not to Pass" Report read and accepted.

Reports were read.

On motion of Representative Crowley of Stockton Springs, the Majority "Ought Not to Pass" Report was accepted in concurrence.

Non-Concurrent Matter

An Act to Extend the Reporting Deadline of the Commission to Implement the Computerization of Criminal History Record Information (EMERGENCY) (S.P. 179) (L.D. 336) (C. "A" S-101) which was passed to be enacted in the House on May 17, 1989.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-101) as amended by Senate Amendment "A" (S-119) thereto.

Subsequently, the House voted to recede and concur.

COMMUNICATIONS

The following Communication:

DEPARTMENT OF PROFESSIONAL
AND FINANCIAL REGULATION
BUREAU OF INSURANCE
State House Station 34
Augusta, Maine 04333

May 17, 1989

Honorable John L. Martin

Speaker of the House

State of Maine, Augusta

Dear Speaker Martin:

Enclosed herewith is a copy of the Report of the Superintendent of Insurance on Workers' Compensation

Safety Pool Activity for the Year 1988 as required by law (24-A M.R.S.A. section 2366, subsection 9).

Sincerely,
s/Joseph A. Edwards
Superintendent of Insurance

Was read and with accompanying report ordered placed on file.

The following Communication:
MAINE EDUCATIONAL LOAN AUTHORITY
P.O. BOX 510
AUGUSTA, MAINE 04330
May 12, 1989

Honorable John L. Martin
Speaker of the House
Maine House of Representatives
State House Station 2
Augusta, ME 04333

Dear Speaker Martin:

Pursuant to Chapter 417A, Subsection 11427, 20A MRSA, I am forwarding to you the first annual report and financial accounting of the Maine Educational Loan Authority (MELA).

As you know, this entity was created by the Legislature and signed into law on April 28, 1988. Following that date, a brief history is as follows:

Initial Authority Members Appointed	May
Authority Members Reviewed by Joint Standing Committee on Education and Confirmed by Senate	June
Authority Officers Elected and Executive Director Appointed	June
\$35,000,000 Authority Funding Completed	July
Loan Applications and Brochures Printed and Disseminated	August
First Loans Made	September

Despite the fact that one would expect most families and students to have made their financial decisions by September, the Authority loaned approximately 6 million dollars during the 1988-89 school year. This is perhaps even more remarkable when one compares it to the PLUS loan volume of the same year of about 1.5 million dollars.

I enclose a report which indicates in great detail where the MELA funds were loaned. You will note that Maine students received money to attend schools in 29 states and the District of Columbia. However, over half of the dollars distributed went to schools right here in Maine. Sixty two percent of all borrowers were enrolled in public schools while thirty eight percent were in private ones. The average loans were \$4,284 and \$6,727 respectively.

Based on the extensive learning experience of our initial year, we have asked the Legislature to expand the program to include degree granting Maine proprietary schools, revised our brochure and simplified our application form.

The Authority recently completed its first financial audit by an independent certified public accounting firm, Peat, Marwick Main & Co. I enclose their audited financial statements for you.

We thank you for your strong and continued support and rededicate ourselves to serving education and the State of Maine.

Sincerely,
s/Richard H. Pierce
Executive Director

Was read and with accompanying report ordered placed on file.

Unanimous Ought Not to Pass

Representative CARTER from the Committee on Appropriations and Financial Affairs on Bill "An Act to Fund Health Care Personnel Surveys" (H.P. 913) (L.D. 1279) reporting "Ought Not to Pass"

Representative CARTER from the Committee on Appropriations and Financial Affairs on Bill "An Act to Appropriate Funds for Telecommunications Services Provided to Deaf and Hearing-impaired Persons" (H.P. 711) (L.D. 972) reporting "Ought Not to Pass"

Representative NADEAU from the Committee on Taxation on Bill "An Act Concerning Tax Deductions on the Purchase of a Motor Vehicle" (H.P. 698) (L.D. 950) reporting "Ought Not to Pass"

Representative SIMPSON from the Committee on Energy and Natural Resources on Bill "An Act Concerning the Maine Low-level Radioactive Waste Authority" (EMERGENCY) (H.P. 722) (L.D. 991) reporting "Ought Not to Pass"

Representative SIMPSON from the Committee on Energy and Natural Resources on Bill "An Act to Ban the Use of Polystyrene Containers" (H.P. 939) (L.D. 1307) reporting "Ought Not to Pass"

Representative DUFFY from the Committee on Fisheries and Wildlife on Bill "An Act to Amend the Law Relating to Commercial Whitewater Rafting" (H.P. 987) (L.D. 1365) 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 LISNIK from the Committee on Appropriations and Financial Affairs on Bill "An Act to Improve Rest Areas in Mid-coast Maine" (H.P. 992) (L.D. 1381) reporting "Leave to Withdraw"

Representative HEESCHEN from the Committee on Housing and Economic Development on Bill "An Act to Establish the Maine Elderly Tax Assistance Program" (H.P. 144) (L.D. 196) reporting "Leave to Withdraw"

Representative MACOMBER from the Committee on Transportation on Bill "An Act to Remove Inequities in the Truck Weight Laws" (H.P. 34) (L.D. 34) reporting "Leave to Withdraw"

Representative MACOMBER from the Committee on Transportation on Bill "An Act to Base Overweight Fines on Weight Allowed by Permit" (H.P. 339) (L.D. 458) reporting "Leave to Withdraw"

Representative MACOMBER from the Committee on Transportation on Resolve, to Provide for the Installation of a Traffic Light in the Town of Readfield (H.P. 889) (L.D. 1233) reporting "Leave to Withdraw"

Representative CLARK from the Committee on Utilities on Resolve, Authorizing the Public Utilities Commission to Conduct a Study Concerning Electromagnetic Field Exposure (H.P. 969) (L.D. 1347) reporting "Leave to Withdraw"

Representative SHELTRA from the Committee on Business Legislation on Bill "An Act Regulating Plastic Connectors for Containers" (H.P. 137) (L.D. 181) reporting "Leave to Withdraw"

Representative CONSTANTINE from the Committee on Business Legislation on Bill "An Act to Amend the Law on Beverage Container Redemption" (H.P. 399) (L.D. 543) reporting "Leave to Withdraw"

Representative ALLEN from the Committee on Business Legislation on Bill "An Act to Increase Handling Fees on Beverage Containers" (H.P. 405) (L.D. 548) reporting "Leave to Withdraw"

Representative CASHMAN from the Committee on Taxation on Bill "An Act to Amend the Excise Tax Law

for Motorboats" (H.P. 694) (L.D. 946) reporting "Leave to Withdraw"

Representative CASHMAN from the Committee on Taxation on Bill "An Act to Allow Cities and Towns an Opportunity to Increase Revenue" (H.P. 720) (L.D. 989) reporting "Leave to Withdraw"

Representative TARDY from the Committee on Taxation on Bill "An Act to Allow Municipalities to Impose an Optional Sales Tax" (H.P. 606) (L.D. 830) reporting "Leave to Withdraw"

Representative DiPIETRO from the Committee on Taxation on Bill "An Act to Clarify Just Value as it Relates to Property Assessment" (H.P. 101) (L.D. 136) reporting "Leave to Withdraw"

Representative SIMPSON from the Committee on Energy and Natural Resources on Bill "An Act to Establish a Municipal Growth Management and Capital Investment Fund" (H.P. 1142) (L.D. 1585) reporting "Leave to Withdraw"

Representative MANNING from the Committee on Human Resources on Bill "An Act to Allow Disclosure of Confidential Information Relevant to School Personnel Actions" (H.P. 279) (L.D. 391) reporting "Leave to Withdraw"

Representative PARADIS from the Committee on Judiciary on Bill "An Act Regarding the Liability of Marine Pilots" (H.P. 367) (L.D. 498) reporting "Leave to Withdraw"

Representative HANLEY from the Committee on Judiciary on Bill "An Act Regarding Resisting Arrest or Detention" (H.P. 1091) (L.D. 1524) reporting "Leave to Withdraw"

Representative COTE from the Committee on Judiciary on Bill "An Act Regarding Tort Liability for Defective or Unreasonably Dangerous Goods" (H.P. 926) (L.D. 1292) reporting "Leave to Withdraw"

Representative MacBRIDE from the Committee on Judiciary on Bill "An Act to Clarify the Method of Taxing Costs in Civil Actions" (H.P. 937) (L.D. 1305) reporting "Leave to Withdraw"

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

Divided Report

Tabled and Assigned

Majority Report of the Committee on State and Local Government reporting "Ought Not to Pass" on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for 4-Year Terms for Senators and Representatives (H.P. 808) (L.D. 1120)

Signed:

Senators: BERUBE of Androscoggin
CARPENTER of York
Representatives: LARRIVEE of Gorham
McCORMICK of Rockport
HANLEY of Paris
HEESCHEN of Wilton
BEGLEY of Waldoboro
DAGGETT of Augusta

Minority report of the same Committee reporting "Ought to Pass" on same RESOLUTION.

Signed:

Senator: ESTY of Cumberland
Representatives: WENTWORTH of Wells
ROTONDI of Athens
JOSEPH of Waterville

Reports were read.

On motion of Representative Mahany of Easton, tabled pending acceptance of either report and specially assigned for Monday, May 22, 1989.

CONSENT CALENDAR

First Day

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

(H.P. 618) (L.D. 841) Bill "An Act to Include Certain Proprietary Schools in Eligibility Requirements of the Maine Educational Loan Authority's Supplemental Loan Program" (EMERGENCY) Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-222)

(H.P. 531) (L.D. 716) Bill "An Act to Make Allocations for the Operating Expenditures of the Intergovernmental Telecommunications Fund, Department of Administration, for the Fiscal Years Ending June 30, 1990, and June 30, 1991" (EMERGENCY) Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-223)

(S.P. 62) (L.D. 45) Resolve, to Request the Department of Corrections to Undertake a Probation Systems Management Study (Emergency) Joint Select Committee on Corrections reporting "Ought to Pass" as amended by Committee Amendment "A" (S-120)

(S.P. 148) (L.D. 268) Bill "An Act to Amend the School Finance Act to Clarify that Certain Educational Costs Provided to Special Populations are Allowable Special Education Costs" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (S-122)

(S.P. 158) (L.D. 306) Bill "An Act to Promote Conservation Purchases by Electric Utilities" Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (S-116)

(S.P. 164) (L.D. 321) Bill "An Act to Certify and Register Municipalities under the Site Location of Development Act" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-114)

(S.P. 369) (L.D. 993) Resolve, Directing Various Agencies of State Government to Assess their Policies Regarding Learning Disabilities Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (S-121)

(S.P. 457) (L.D. 1242) Bill "An Act to Amend the Maine Human Rights Act with Regard to Housing Discrimination against Families with Children" (EMERGENCY) Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-115)

(H.P. 921) (L.D. 1287) Bill "An Act to Amend the Law on Home Construction Contracts" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-225)

There being no objections, the above items were ordered to appear on the Consent Calendar of Monday, May 22, 1989, under the listing of Second Day.

(H.P. 865) (L.D. 1204) Bill "An Act Concerning All-terrain Vehicle Use in State Parks" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-227)

On motion of Representative Heeschchen of Wilton, was removed from the Consent Calendar, First Day.

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

Committee Amendment "A" (H-227) was read by the Clerk.

Representative Heeschchen of Wilton moved that Committee Amendment "A" be indefinitely postponed.

On motion of Representative Gwadosky of Fairfield, tabled pending the motion of Representative Heeschchen of Wilton that Committee

Amendment "A" be indefinitely postponed and later today assigned.

(H.P. 1018) (L.D. 1419) Bill "An Act to Establish a Technical Services Program in the Local Soil and Water Conservation Districts" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-231)

(H.P. 369) (L.D. 500) Bill "An Act to Amend the Low-level Radioactive Waste Authority Laws" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-230)

(H.P. 755) (L.D. 1059) Bill "An Act to Repair the Chain of Ponds' Dam" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-229)

(H.P. 470) (L.D. 635) Bill "An Act to Make Allocations for Various Funds of the Department of Environmental Protection for the Fiscal Years Ending June 30, 1990 and June 30, 1991" (EMERGENCY) Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-228)

There being no objections, the above items were ordered to appear on the Consent Calendar of Monday, May 22, 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. 270) (L.D. 382) Bill "An Act to Mandate Notification of Emergency Medical Services Personnel at Risk for Transmission of Communicable Diseases" (C. "A" H-213)

(H.P. 936) (L.D. 1304) Bill "An Act to Promote Energy Conservation and Load Management by Electric Utilities" (C. "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"

(S.P. 245) (L.D. 575) Bill "An Act to Amend the Records Management Laws" (C. "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" (C. "A" S-112)

(S.P. 265) (L.D. 655) Bill "An Act to Establish a Temporary Water Management Resources Board" (C. "A" S-96)

(H.P. 754) (L.D. 1058) Bill "An Act Concerning Trailer Dealer Licensing" (C. "A" H-218)

(H.P. 793) (L.D. 1105) Bill "An Act to Make Certain Motor Vehicle Laws Applicable to All-terrain Vehicles" (C. "A" H-219)

(H.P. 477) (L.D. 657) Bill "An Act to Discourage the Theft of Blueberries" (C. "A" H-220)

(H.P. 212) (L.D. 292) Bill "An Act to Establish Harness Racing and Fair Dates for Multiple Years" (C. "A" H-221)

(H.P. 783) (L.D. 1095) Bill "An Act to Reduce Administrative Burdens on County Jails"

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

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

**SECOND READER
As Amended**

Bill "An Act to Prevent Discrimination" (H.P. 413) (L.D. 556) (C. "A" H-211)

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

Representative Marsano of Belfast moved that L.D. 556 be tabled until later in today's session pending passage to be engrossed.

Representative Conley of Portland requested a roll call 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 Marsano of Belfast that L.D. 556 be tabled until later in today's session pending passage to be engrossed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 37

YEA - Aikman, Allen, Anderson, Bailey, Begley, Boutilier, Burke, Butland, Carroll, J.; Clark, H.; Curran, Dellert, Dexter, Duffy, Dutremble, L.; Farnum, Farren, Foss, Foster, Garland, Gould, R. A.; Greenlaw, Gwadosky, Hale, Hanley, Hepburn, Hichborn, Higgins, Hogle, Hussey, Hutchins, Jacques, Jalbert, Larrivee, Lebowitz, Libby, Look, Lord, Macomber, Manning, Marsano, Marsh, Marston, Martin, H.; Mayo, McCormick, McHenry, McPherson, Melendy, Merrill, Michaud, Mills, Murphy, Nadeau, G. R.; Nutting, Paradis, E.; Parent, Paul, Pendleton, Pines, Priest, Reed, Richard, Richards, Seavey, Sherburne, Skoglund, Small, Smith, Stevens, A.; Stevenson, Strout, B.; Strout, D.; Tardy, Telow, Tupper, Webster, M.; Wentworth, Whitcomb.

NAY - Aliberti, Anthony, Ault, Bell, Brewer, Carroll, D.; Carter, Cathcart, Chonko, Clark, M.; Coles, Conley, Constantine, Cote, Crowley, Daggett, Dipietro, Donald, Dore, Farnsworth, Graham, Gurney, Handy, Hastings, Heesch, Hickey, Holt, Ketover, Kilkealy, LaPointe, Lawrence, Luther, Mahany, McGowan, McKeen, McSweeney, Mitchell, Norton, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Pederson, Pineau, Plourde, Pouliot, Rand, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Sheltra, Simpson, Stevens, P.; Swazey, Tammaro, Tracy, Walker.

ABSENT - Adams, Cashman, Erwin, P.; Jackson, Joseph, Lisnik, MacBride, Moholland, Nadeau, G. G.; Townsend, The Speaker.

Yes, 79; No, 60; Absent, 11; Vacant, 1; Paired, 0; Excused, 0.

79 having voted in the affirmative, 60 in the negative, with 11 being absent, and 1 vacant, the motion to table until later in today's did prevail.

**PASSED TO BE ENACTED
Emergency Measure**

An Act to Improve Enforcement of Animal Welfare Laws (S.P. 333) (L.D. 894) (C. "A" S-110)

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. 123 voted in favor of the same and none

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

**PASSED TO BE ENACTED
Emergency Measure**

An Act to Fund and Implement Changes in Health Insurance Benefits in Collective Bargaining Agreements with Maine Maritime Academy Employees Represented by the Maine State Employees Association (S.P. 371) (L.D. 995) (C. "A" S-107)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 120 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**FINALLY PASSED
Emergency Measure**

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1989 (H.P. 1191) (L.D. 1658)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 121 voted in favor of the same and 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 Amend the Home Construction Contracts Law (S.P. 113) (L.D. 168)

An Act To Provide Respite Care for Care Givers of Diagnosed Victims of Alzheimer's Disease (S.P. 248) (L.D. 578) (C. "A" S-108)

An Act to Provide Increased Funding for the Family Planning Association's Basic Clinical and Educational Services (S.P. 255) (L.D. 645) (C. "A" S-106)

An Act Requiring Reimbursement to Counties for Courthouse Facilities (H.P. 289) (L.D. 401) (C. "A" H-174)

An Act to Allow Flexibility in Establishing Regional Planning Commissions (H.P. 290) (L.D. 402) (C. "A" H-173)

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

An Act to Improve the Cost-of-living Adjustment Under the Maine State Retirement System (H.P. 538) (L.D. 735) (H. "A" H-205 to C. "A" H-140)

An Act to Protect the Identity of Complainants Concerning Health Care Facilities and Providers and Certain Financial Information for the Maine Managed Care Insurance Plan Demonstration (H.P. 552) (L.D. 749) (C. "A" H-172)

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

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

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

An Act to Describe the Division of Southern Cumberland of the 9th Maine District Court (H.P. 843) (L.D. 1175) (C. "A" H-171)

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

**ORDERS OF THE DAY
UNFINISHED BUSINESS**

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

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

An Act to Clarify the Laws Relating to Marriage (H.P. 676) (L.D. 925) (C. "A" H-162)
TABLED - May 18, 1989 (Till Later Today) by Representative GWADOSKY of Fairfield.
PENDING - Passage to be Enacted.

On motion of Representative Priest of Brunswick, under suspension of the rules, the House reconsidered its action whereby L.D. 925 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-224) and moved its adoption.

House Amendment "A" (H-224) was read by the Clerk and adopted.

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

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

Bill "An Act to Provide Disabled Veterans with Free Drivers' Licenses" (H.P. 842) (L.D. 1174) (C. "A" H-197)
TABLED - May 18, 1989 (Till Later Today) by Representative GWADOSKY of Fairfield.
PENDING - Passage to be Engrossed.

On motion of Representative Hickey of Augusta, under suspension of the rules, the House reconsidered its action whereby L.D. 1174 was passed to be engrossed.

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

The same Representative offered House Amendment "A" (H-226) and moved its adoption.

House Amendment "A" (H-226) was read by the Clerk and adopted.

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

TABLED AND TODAY ASSIGNED

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

Bill "An Act to Amend the Revised Maine Securities Act and Related Statutes" (H.P. 189) (L.D. 254)
TABLED - May 18, 1989 by Representative RYDELL of Brunswick.
PENDING - Adoption of Committee Amendment "A" (H-198).

On motion of Representative Gwadosky of Fairfield, retabled pending adoption of Committee Amendment "A" (H-198) and specially assigned for Monday, May 22, 1989.

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

An Act to Establish a Process for the Deorganization of Municipalities and Plantations (EMERGENCY) (H.P. 223) (L.D. 303) (C. "A" H-167)
TABLED - May 18, 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 Monday, May 22, 1989.

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

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)
TABLED - May 18, 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 Monday, May 22, 1989.

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

An Act Relating to State Personnel Administration (S.P. 100) (L.D. 119) (C. "A" S-104)
TABLED - May 18, 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 Monday, May 22, 1989.

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

An Act Concerning Teacher Employment (H.P. 486) (L.D. 666) (C. "A" H-163)
TABLED - May 18, 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 Monday, May 22, 1989.

The Chair laid before the House the sixth 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 18, 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 (Returned by the Governor without his approval) and specially assigned for Monday, May 22, 1989.

(At Ease)

The House was called to order by the Speaker.

The Chair laid before the House the following matter: (H.P. 865) (L.D. 1204) Bill "An Act Concerning All-terrain Vehicle Use in State Parks" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-227) which was tabled earlier in the day and later today assigned pending the motion of Representative Heeschon of Wilton that Committee Amendment "A" be indefinitely postponed.

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

Representative MICHAUD: Mr. Speaker, Men and Women of the House: I hope this House will not indefinitely postpone Committee Amendment "A." The Committee dealt with this issue at several work sessions. It is a controversial issue, we killed an earlier bill that also dealt with ATV's.

Basically what the amendment does is -- this whole issue stems around the Blue Mountain State Park. The Bureau of Parks and Recreation has established a trail system there and that is what this whole issue basically stems around. What this amendment does is require the Bureau of Parks and Recreation to conduct a one year experimental program on how Mt. Blue State Park is operating and report back to the committee by January 31, 1990.

The concern is, if we ban ATV's in State Parks, then that is going to give the private landowners, especially the paper companies, an out. They will say, if the state is not willing to establish a temporary trail, then we are not going to establish it. We had this problem years ago with the snowmobile clubs. The snowmobile clubs have come a long way, there really is not that much problem now with the snowmobile clubs. The ATV clubs are just establishing themselves and I think this is the first step in the right direction. They will not be able to establish any additional trail systems on state land unless the state approves it. So, I would hope you would vote against the motion to indefinitely postpone.

Mr. Speaker, I request a Division.

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

Representative HEESCHON: Mr. Speaker, Men and Women of the House: I hope you will support indefinite postponement of Committee Amendment "A." Committee Amendment "A" turns this entire bill on its head. The intended purpose of L.D. 1204 was to restrict recreational use of ATV's in our existing state park system. This Committee Amendment would put the legislature into a trail-by-trail approval of ATV trails in State Parks micro-managing State Parks rather than setting broad policy. The legislature should set policy, not micro-manage.

This Committee Amendment is a hoax because what it does in mandating that an experimental trail be put in Mt. Blue State Park, is it turns around and puts into law what was alleged to be in law and implied to the people of the Weld area, the Mt. Blue area, as to the reason why the parks department had chosen Mt. Blue State Park as a site for a so-called experimental ATV trail.

People there were led to believe that the legislature had mandated that this be done in a State Park. In fact, the ATV enabling legislation did no such thing. It said that the Bureau of Parks may conduct experiments, it did not say they had to, it did not say where it should be done. They could have done these experiments on some of the miles of trails that they managed on railroad road bed right-of-ways or on powerline right-of-ways. So, the people of the area feel that they have kicked by the Parks Department already and from reactions I have had about this amendment, they will feel that they have been kicked by the legislature if we go along with this.

I want to talk a little bit about the so-called experimental trail. As an experiment, this is as bogus as putting BT in the Carrabasset River. Any competent wildlife biologist will tell you that the two month bird nesting survey is totally inadequate

for a baseline study for a wildlife impact. The University of Maine at Farmington biologists were originally asked to undertake this study under contract for the Parks Department. They rejected it when they learned that this was all it would consist of. The wildlife biologists will tell you that at least two years or more of baseline study needs to be done and a minimum of a year to properly evaluate impacts.

The aspect of this so-called experiment that is put into Committee Amendment "A" is just as bogus. There is, in fact, no adequate plan for evaluating the societal impacts of this. There is no plan to determine how you tell how many people did not go to that park because they knew it was an ATV park; how many people were there picnicking and left because of ATV's; how many people heard ATV's or experienced ATV's being there and felt impacted by that but did not say anything. I would say that the language in here about doing a study on impact and recreation is just put in to try to salvage something from the fact that the wildlife study is totally flawed.

This takes us back to one of our major concerns of this bill and that is, what are people's expectations of our State Parks? Are they all things to all people or are they a haven from the hectic pace of modern life from our cities, a respite from noise, hurry and stress? I believe that these are the values that Maine people have traditionally expected from our park system, nature, not an amusement park, nor a go-cart track.

There have been many editorials over the last several months suggesting keeping ATV's out of our existing State Parks, not one has supported the Bureau of Parks and Recreation.

I would note again that the original bill calls for the restriction of ATV use for recreational purposes in existing State Parks. If we feel we should accommodate ATV's on our public lands or State Parks, it should be a matter of considered policy and establish a park specifically for that purpose so they could accommodate that.

Finally, I would like to point out what I see as the biggest can of worms of this particular amendment and that is addressing an area that the original bill did not, that is the question of ATV use on our public lands as distinguished from designated State Parks. The Bureau of Public Lands has had a policy all along of wild and natural and primitive recreation. They have expressly excluded, up to now, consideration of ATV's on our public lands. Sections 1 and 3 of this amendment could open up these lands big enough to drive an 18 wheeler through.

I think that you should seriously consider the impact of this Committee Amendment on our public lands and our public parks. I respectfully urge you to vote for indefinite postponement of Committee Amendment "A."

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

Representative DEXTER: Mr. Speaker, Men and Women of the House: The committee worked long and hard on this issue. Frankly, when I come around the bend in my woods road and I meet three or four of them, I resent it, but ATV's are here, you can close your eyes, but when you open them, they are still going to be there.

There are real strict rules on the operation of these ATV's and it is an issue that I think should be addressed, otherwise it will never go away. It will be like a boil that festers until you lance it.

As far as wildlife goes, I have spent a day or two in the woods myself and I have spent a day or two on equipment. I recall one particular time when I

was operating my own skidder and there was a vixen there with several pups. She stayed right there, I watched the pups play and if they got beyond a certain point, (a little imaginary line maybe but she knew where it was) why she would give them a cuff and they went back in line, but she paid no attention to me whatsoever. I have bypassed partridge nests and they don't pay any attention.

So, I would hope that you would vote against the pending motion and allow this to go along and see if we can work it out. They have the authority to cut it off instantly. We gave the bill more authority than we usually do. So, I hope you will go along.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: It is unfortunate that Representative Heeschel feels that this Committee Amendment is a hoax. I can assure you the committee didn't look at it as a joke or a hoax. We tried to address a problem responsibly.

The original bill came in to outlaw the use of ATV's in the State Parks. Outlaw them, not restrict them, outlaw.

Based on testimony at the public hearing, most of the problems were social, the interaction between people and the machines. Now, even if we had passed the bill, the experimental trail at Mt. Blue would still be carried through because they are in the process of doing it in legislation unless it had an emergency enactor. It didn't look like that was going to be possible and it would not have stopped it for this year. When this impasse came to be, I offered the amendment that that trail could be continued but the Bureau Director of Parks and Recreation came in and said, if any problems happen with either the environment, the ecology or social conflicts, we will shut the trail down immediately. He also said he would be making up a working group of the loudest and most vocal opponents for this whole idea from the Mt. Blue area to serve in that capacity during this whole process. I thought that made a lot of sense.

What this amendment does is, it says at the end of that trail system, no other trail can be established in any State Park without expressed permission of the legislature. What we hope to do is get the input from the people who serve on this working group with the bureau director and the department on a report on what happened in that trail system. We went under the theory that a State Park belongs to everyone, not just the people that don't want anything else besides them to be in the park, but multiple use. We have directed in statute the multiple use of public lands and parks in the State of Maine. Knowing that ATV users aren't probably the most popular guy in town and there is a problem in the numbers and the people who don't want you versus what you want and the fact that the Fish and Wildlife Committee worked on an ATV policy for the State of Maine and indeed (not by statute but by direction) directed the state to look at how our lands were being used and if there was a possibility to establish some well-run, carefully kept, ATV trails for people to use on state-owned land before we went out and tried to get large landowners to do the same things on their lands, that is what we looked to do.

We tried to be responsible, not reactionary, to this problem. I still don't feel that the biggest problem has been the wildlife aspect of the whole thing, that will need study in and of itself. Representative Heeschel is right, you are not going to do it in two months. The biggest problem we have

is the social problem right now. If socially, ATV's and a State Park cannot work hand in hand in any way, shape or form, then we don't need to spend the money (and it will cost a lot of money to do the wildlife management study) that would be required.

I told Representative Heeschen that probably next year he would thank the committee. I guess he didn't agree with that and doesn't see that to be. I still feel that by the end of next year after everything is done, he will come to the committee and thank them for their cooperation because an outright ban just to say we are going to ban them because somebody don't like them, I don't think is a prudent way to deal with things at this particular time. We are hoping that under a very well managed study we can at least deal with the social aspects. If those blow up, I can assure you that the committee will do the responsible thing. But, to ban without finding out, we consider to be irresponsible. I still consider it to be irresponsible.

All users should be given at least some consideration in their State Parks and their public lands. Now Public Lands instituted a policy of an outright ban. There are some areas in public lands with critical wildlife habitat that does preclude the use of ATV's but I can assure you there are many pieces of public lands that have countless miles of old abandoned wood roads that would do absolutely no harm to anyone, anything or the environment and would still enable many people, even if they have physical incapacities, that enable them to go in and enjoy these things on an ATV. We had one man get up and testify that only with ATV's is he able to get out in the woods, forests and fields and enjoy them.

The same sort of hyperbole was brought forth when they talked about allowing snowmobiles on these outbounding roads of Baxter State Park. It was going to ruin the park, it was going to destroy the park, it was going to be filthy, there was going to be litter, there were going to be problems. Well, ladies and gentlemen of the House, that just was not the case, and that is not the case today. The snowmobilers have been very responsible. Many people who were never going to be able to enjoy that park in the winter time are now able to do so and they enjoy doing it. The people that were going to ruin the park have policed themselves and done an extraordinary job and there are no problems. The park is still there getting better and better every day and people are enjoying it to the maximum use. Governor Baxter, in his foresight, provided the park, when the Maine Legislature decided not to buy it.

I don't consider it a hoax. We tried to be responsible to Representative Heeschen's and Representative Ault's concerns when they brought their bills forward. If we failed in doing that, I am sorry, but I thought that the unanimous Committee Report addressed their concerns and did it in a responsible, and not a reactionary manner.

I would urge you to vote against the indefinite postponement of this Committee Amendment and let's let the process go through, then come back with a few facts and data to base this on, not emotion.

The SPEAKER: The Chair recognizes the Representative from Woodland, Representative Anderson.

Representative ANDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to echo the comments made by the rest of our committee that have spoken and say that this is a chance to let ATV users prove themselves. This is all it is. Parks and Recreation has the ability to close it down at any time. Please, I hope that you will oppose this motion and allow them to have this chance to prove what they can do.

The SPEAKER: The Chair recognizes the Representative from Bethel, Representative Mills.

Representative MILLS: Mr. Speaker, Men and Women of the House: Speaking as the Representative from Weld today, where the Mt. Blue State Park is, I would like to get my comments on the Record.

As Representative Heeschen said, I think it is very important for us to decide today when you vote on this issue just what our State Parks are designed for. I guess the biggest thing the people from my area are upset about having the ATV trail put into their park is the fact that they see it is as an exclusive place that you would go to get away from things such as ATV's. That state park is a very beautiful area and they hope to keep it that way. They are afraid that this type of recreation might cause this very nice place to get ruined. I understand that Representative Jacques and members of the committee have worked on this and have worked that problem out but I guess people in that area and others who have used that park (that have written to me about the issue) feel that the state park is a very nice state park and should be left the way it is.

The SPEAKER: The Chair recognizes the Representative from Cherryfield, Representative Farren.

Representative FARREN: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to support an amendment that I have some problems with myself. At the same time, I think it is important that we bring out why Mt. Blue State Park was chosen. Mt. Blue State Park has control access from the headquarters. This is the purpose for locating it there, plus the open space that exists there. We keep hearing the story about the park is for the people and its beauty. I would remind the people that have never been to Mt. Blue State Park that that park is in two pieces, the picnic or the camping area and the beach area is about a mile and a half from the area that we are talking about as far as trails are concerned. There has been a snowmobile trail in Mt. Blue State Park for several years. I was involved in the establishment of that and, again, there were people that felt that this park should not have a snowmobile trail in it but we proved that it could be managed, managed for all the people. I hope you will go along with the amendment even though I have some minor problems with it.

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

Representative HEESCHEN: Mr. Speaker, Men and Women of the House: I need to respond to a few comments that have been made by previous speakers.

One is the comment that all users should be given some consideration. I think we have to temper that with reason. If, for instance, peace happened to break out and we had a surplus of tanks, I can well imagine that there are people that would snap up those tanks with a cheap price and form tank-owning clubs. Are we, as custodians of our public lands, then required to provide an area for tank proving grounds for the tank clubs?

I think the statement has also been made, let ATV users prove themselves. I would agree with that, let ATV users prove themselves before we turn over our parks to them.

Mt. Blue State Park, in two pieces -- it is true, the much smaller part is the camping and swimming area on the lake. But the area where the trail is proposed is in a very popular picnic area with spectacular views, where people go frequently. They don't often go picnicking in the winter, the snowmobilers do.

One of the speakers commented that most of the problems are social and that the Mt. Blue State Park trail would be done anyway even if the bill passed as originally intended because there is no emergency on it. I would note that from the reaction I have had from many; many people that they would rather have the park in there with their trail under the current specious approval or mandate than have that mandate, which has been alleged to have existed and required this trail, actually put into law after the fact when I talked about the people of the area feeling kicked, I think this would be the coupe de gras.

I would also note that one wildlife biologist who was not necessarily opposed to ATV's or to the trail, at least not vocally, had expressed grave concern over this amendment when I showed it to him.

There is nothing in this bill referring to the trail or the so-called experiment being shut down. There is nothing in this bill about any working group from Weld. Frankly, the people in the area would not take the word of the Parks Department at this point because they feel they have been had by the Parks Department. There is no authority in this bill to cut off this trail. In fact, the wording in Section 4 says they "shall do it for a year and report back to the Joint Standing Committee of the legislature." Then it appears in Section 2 that the legislature will approve a trail on a trail-by-trail basis. There is no well managed study. Just because there are words here, they haven't come up with a well managed study on the wildlife or the environment and I haven't seen one yet on the social impact.

Again, think of our parks system, the expectations of the vast number of people in this state as to what they offer to us and join me in indefinitely postponing this amendment.

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

A vote of the House was taken.

31 having voted in the affirmative and 70 in the negative, the motion did not prevail.

Subsequently, Committee Amendment "A" was adopted and the Bill assigned for second reading Monday, May 22, 1989.

The Chair laid before the House the following item: Bill "An Act to Prevent Discrimination" (H.P. 413) (L.D. 556) (C. "A" H-211) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Representative Hepburn of Skowhegan offered House Amendment "A" (H-236) and moved its adoption.

House Amendment "A" (H-236) was read by the Clerk.

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

Representative HEPBURN: Mr. Speaker, Ladies and Gentlemen of the House: We went around and around on this issue a lot yesterday. I wasn't one of those who spoke but I thought that both sides were very well presented by those individuals who did.

There is one thing that is obvious about this bill and about this issue and that is that this is no ordinary issue, ladies and gentlemen. It is one of the most divisive social issues of this decade. Seven times this issue has been before the legislature and every year it engenders a tremendous amount of controversy and wretched decisions on the part of members of both the House and the Senate. We need to take a different approach to resolve the problems of right as they relate to sexual

orientation in the State of Maine. Through this amendment, I propose that we do that through a statewide referendum this November.

There is something about a referendum and I am not sure what it is that brings finality to an issue. Several years ago, when we had a referendum on the bottle bill, the people spoke with a loud and clear voice and set that issue to rest. We saw, even more recently, with the referendum on local measured service, the people rejecting that concept and embracing the concept of telephone service as we have always had it in the State of Maine. Exactly why this is, I am not sure. I have a couple of theories though. We tend to hold the electoral process quite dear in this country and especially in the State of Maine and, through the electoral process, we broaden the base of those individuals who participate in the decision making process. In fact, we broaden it to the largest number possible of groups and geographic parts of the state, taking into account every persons view who cares to vote.

So, for that reason ladies and gentlemen, regardless of your feeling on this bill, I urge that you accept this amendment so that we can send this issue out to the people and have them resolve it.

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

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: I have only had a few minutes to look at the amendment of the good Representative from Skowhegan but I have some severe reservations about its propriety to L.D. 556. The wording of the question that would be submitted as a plebiscite, shall it become unlawful to discriminate against any individual in employment, housing, public accommodations or credit based on that person's sexual orientation confuses me as to the intent of the bill because the bill does allow an exemption for a religious corporation, association or organization in this state. That may not be very clear to the people who would be voting on this bill that would be before them as a plebiscite.

Another serious issue that I have about this referendum is the term unlawful. Is it lawful now to discriminate against an individual or a group of people on the basis of their sexual orientation after we listened at length yesterday to the opponents of the bill who said, "All the laws are presently there that will provide protection to those people. It is already against the law to discriminate and we don't feel that we need extra laws today to provide a protection against this group of individuals." That makes me question whether or not those who propose this amendment, who advocate the amendment, are now admitting to this body, and in fact to the people of the state, that they do agree that it is terrible, shameful, above civility, to discriminate against people on the basis of sexual orientation and that it ought not to happen.

Now, the issue that the good Representative has just mentioned before me has not generated very much heat. As Chairman of the Committee and other members of this body who chair several committees can relate to you, that on almost any one issue we get enormous amounts of mail, dozens of phone calls, many, many comments from passersby on the street -- for instance, the parental consent issue on abortion generated a tremendous amount of correspondence and comment. But, on this issue, ladies and gentlemen of the House, I haven't received one phone call, nor have I received one letter, nor have I ever received one comment from any passerby on the street during this legislative term. To be very frank with you, I have received so little comment about this bill after

I changed my vote five years ago that I can't begin to even tell you a number, it would be less than ten, perhaps even less than five and that is during three successive campaigns. If there is a lot of heat, usually heat is, in physics, related to light. I would hope that if there is heat, it would produce light.

I am astounded that one would ask for a plebiscite on a civil rights issue. I don't believe that in the history of this state that it has ever been a policy to submit to the voters whether or not certain groups should enjoy the full and equal protection of the law as the legislature enacts the law and have that submitted to the voters to be decided. It seems to be something unfair, unamerican, about a majority deciding to protect the rights of a minority. The numbers don't seem to be there. We usually don't ask those in power to look after those who are out of power. We don't usually ask those who have to protect those who have not.

As I look at the amendment, I see a colossal debate this Fall on the issue of all those peripheral comments and accusations and things that are said about gay rights. I don't find that very educational in a public domain, on radio, on television, in the newspapers. I see a tremendous problem with that being done and I cannot really say to you that I would support this amendment. I don't think it is helpful when we submit a civil rights issue or it is fair to submit a civil rights issue to a public referendum campaign when we admit that this is a tiny minority of Maine citizens. To ask those who enjoy majority rights to pass judgment on the protection of the minority civil rights, I just can't go along with that.

Therefore Mr. Speaker, I would urge that House Amendment "A" be indefinitely postponed and I would ask for the yeas and nays.

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

Representative MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: I rise today not to talk about the subject to which the amendment addresses, I just wish to comment on the referendum process as a whole. As I look around here at the 151 people who were elected by their constituents to come here and make decisions, I think when those people elected you they took it for granted that you had a certain amount of common sense. What you have in effect when you are elected to the legislature, you have the power of attorney of the people you represent. I think if you are saying, if every difficult issue that comes before us, the way to get out of this difficult decision making is to send it out to referendum, I think that is wrong. For that reason, I hope you will defeat the amendment.

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

Representative DORE: Mr. Speaker, Men and Women of the House: I would like to further elaborate on Representative Paradis's comments. I received, on this issue, one letter and one phone call. I received many more contacts on taxation issues and on a surrogacy bill that has just been printed.

I would like to pose a question through the Chair. I would like to know from the proponents of this amendment how much the referendum would cost the State of Maine?

The SPEAKER: Representative Dore of Auburn has posed a question through the Chair to the sponsor of the amendment who may respond if he so desires.

The Chair recognizes the Representative from Skowhegan, Representative Hepburn.

Representative HEPBURN: Mr. Speaker, Men and Women of the House: Just briefly, a couple of points, the reason to put this amendment in and the reason why we would send this issue to referendum is because it is such a powerful and long standing issue that has been before us time and time again. This is the seventh time. It was an issue in the 1972 presidential campaign and here it is 1989 and we are still dealing with it.

We are going to have a referendum this Fall anyhow on a couple of initiated bills, so this would just be one more question on the ballots so the cost would be negligible.

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

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I totally disagree with the gentleman from South Portland. I believe that there are times when these legislators over here are not all knowing as to what their constituents wish and we sometimes do opposite of what our constituents wish us to do. I, for one, have no reluctance at all to send this issue to referendum and I have no reluctance in voting on the issue. I will admit that I am voting the way I feel and I don't care what the Pope has to say, I will do what I feel is right.

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

Representative ROLDE: Mr. Speaker, I move that House Amendment "A" be indefinitely postponed.

Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Skowhegan has said that we have had this issue with us over and over again. It strikes me as strange that all the times this House voted against it, there was never any indication of an attempt to send it out to referendum. Now that it has finally passed, suddenly we are no longer able to deal with that issue.

The SPEAKER: The Chair recognizes the Representative from West Gardiner, Representative Marsh.

Representative MARSH: Mr. Speaker, Ladies and Gentlemen of the House: Apparently the people in my district feel differently than others. I have received more calls on this than anything else since I have been elected. I hesitate to stand up in opposition to the legislator who sits directly behind me. I agree with all that he has said but I feel that we are ducking our responsibility as legislators if we pass this on to the voters.

We are elected to come here and do the people's business and I think given the airing that this matter got yesterday that we certainly have had enough testimony to make a sound decision. I also feel that we should vote on this matter here today in this legislative body rather than to pass it on because it submits those who are concerned with months of unknown. They got some feeling of its fate in this body yesterday and I feel that this body should continue it and answer the question here.

The SPEAKER: The Chair recognizes the Representative from Belfast, Representative Marsano.

Representative MARSANO: Mr. Speaker, I would like to ask a question as I am unclear to the procedure. The gentleman from York and apparently the gentleman from West Gardiner both share the view that this would usurp the right of this body to vote on this matter. As I read this, it seems to me as though this referendum would be conditioned upon the passage of this Act and I would like to know whether the gentleman from York was correct in his statement?

The SPEAKER: The Chair would ask the Representative from Belfast, Representative Marsano, to restate his question.

Representative MARSANO: I understood the gentleman from York to move to indefinitely postpone because it was his view that this would deprive this body of the right to vote on this matter. I do not believe that to be the case. The only way in which this amendment would be effective would be in the event that this bill was passed by this legislature and it would be sent out for referendum following its passage and not otherwise.

The SPEAKER: If the Representative from Belfast, Representative Marsano, is posing the question to the Chair, the Chair would advise the Representative that what the referendum would do would be to transfer the responsibility of voting and the finality of the issue from this body to the people.

Representative MARSANO: Mr. Speaker, would it not be done only in the event that this body voted affirmatively on the legislation?

The SPEAKER: The Chair would answer in the affirmative.

The Chair recognizes the Representative from York, Representative Rolde.

Representative ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: Rather than answer the question of the gentleman from Belfast, I would just simply ask for 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 York, Representative Rolde, that House Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 38

YEA - Adams, Aliberti, Allen, Anthony, Begley, Bell, Boutillier, Brewer, Burke, Butland, Carroll, D.; Carroll, J.; Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Conley, Constantine, Cote, Crowley, Curran, Daggett, Dellert, Dipietro, Donald, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnsworth, Farnum, Gould, R. A.; Graham, Greenlaw, Gurney, Gwadosky, Handy, Hastings, Heeschen, Hickey, Hوجلund, Holt, Hussey, Hutchins, Jacques, Jalbert, Ketover, Kilkelly, LaPointe, Larrivee, Lawrence, Libby, Luther, Macomber, Mahany, Manning, Marsh, Marston, Martin, H.; Mayo, McGowan, McKeen, McPherson, McSweeney, Melendy, Michaud, Mitchell, Nadeau, G. R.; Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, E.; Paradis, J.; Paradis, P.; Pederson, Pendleton, Pineau, Plourde, Pouliot, Priest, Rand, Rolde, Ruhlin, Rydell, Sheltra, Sherburne, Simpson, Skoglund, Small, Stevens, A.; Stevens, P.; Strout, D.; Swazey, Tammaro, Telow, Tracy, Walker, Webster, M.; Wentworth, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, Carter, Dexter, Farren, Foss, Foster, Garland, Hanley, Hepburn, Hichborn, Higgins, Lebowitz, Look, Lord, Marsano, McCormick, McHenry, Merrill, Murphy, Parent, Paul, Pines, Reed, Richard, Richards, Ridley, Rotondi, Seavey, Smith, Stevenson, Strout, B.; Tardy, Tupper.

ABSENT - Cashman, Hale, Jackson, Joseph, Lisnik, MacBride, Mills, Moholland, Nadeau, G. G.; Townsend, Whitcomb.

Yes, 103; No, 36; Absent, 11; Vacant, 1; Paired, 0; Excused, 0.

103 having voted in the affirmative and 36 in the negative with 11 being absent and 1 vacant, the motion did prevail.

The SPEAKER: The Chair recognizes the Representative from Belfast, Representative Marsano.

Representative MARSANO: Mr. Speaker, Men and Women of the House: I rise at this juncture because I would like to ensure that the House has an opportunity to finally vote on the substantive measure that is before us and that is, the bill itself.

Yesterday, there was a motion to indefinitely postpone and that was voted on. Whether that reflected the will of the House or not is something that probably today's action will determine.

Today we had an opportunity to vote on a motion to indefinitely postpone the amendment. I assume that everybody concludes that that is a reflection of the feelings of the House in respect to whether or not, if this bill is passed, should or should not go to the people. That issue is also no longer before us.

Finally, we begin to address the question of whether or not the bill itself should be passed by this House and passed on to the other body for their deliberation and then finally to come back to us. In any event, it seems to me as though something ought to be said about the bill this morning and the Representative from Presque Isle is not here. I share her views. Yesterday was a very busy and hectic day. This issue was combined with some other issues which were interesting and, in fact, they were intriguing. One of the things that has always fascinated me about this House is the clever way in which labels are placed upon legislation for the purpose of enhancing the message which is supposed to be included.

I have been opposed to the change in the Human Rights Act ever since I arrived at this legislature, which as many of you know, has not been very long ago. I opposed it on the first opportunity that I had to oppose it and I oppose it now. I oppose it because of the way in which the procedure operates. I consider the procedure is, in many ways, critical to the rights of human beings in our state. I have never supported an opportunity for the state to intrude into the lives of others in the way in which the Human Rights Commission does. I have not done anything to repeal the Human Rights Act. I take the law as a river, I jump into the river, and move in the stream of it as it moves forward to whatever conclusion society has for itself, as it speaks through its ability to pass laws which, hopefully, will enhance the lives of people.

Two years ago in this body, I worked hard on a bill which was the Harassment Bill. It was a title by another name, which I found abhorrent, but we were able to strike that from the pages of the law books and deal with the facts as they existed. We dealt with a system which allowed people who felt as though they were in jeopardy for any reason to go to a court and to be able to utilize courts in a deliberative fashion to obtain orders to protect their dignity and their rights as human beings. I supported that then and I support that now.

We recently amended that bill. That bill included the potential for dealing with the cause of emotional distress and I recognize that the issue that lies hidden in this amendment to the Human Rights Act does exactly that.

As an attorney and everybody knows that I am an attorney, from time to time, I have the obligation to represent clients who are challenged by some of the existing laws respecting alleged human rights

violations. The procedure works so that an individual who is prepared to make a statement with regard to any of the matters that are contained in the first paragraph of 5M RSA, section 444552, by making an oath can bring into play an organization of the state; the Maine Human Rights Commission, who begins immediately to accuse another person of a violation of some person's civil rights. That is a very difficult kind of position for people to be in, people in business who are trying to run their business for a whole medley of reasons but who are confronted by claims that somehow there has been a wrong done to them.

There are other lawyers here and there is one from the western part of the state who will be perfectly happy to argue against everything that I say, even if he is wrong, which I think usually he is with respect to these points. He will say that it is a fair procedure or there will be allegations that it is a fair procedure but what it amounts to is that, for whatever reason lies in the eyes of the beholder, a person can make allegations and bring the state into play and make a civil case against them which they must then defend at various stages. Throughout it, there are attempts at conciliation and reemployment and all the rest of it and I think it is an affront. I am, as you know, the grandson of an Italian immigrant, and I made a long speech (many accused me of being too long) in connection of the rights of ethnic members of this society and I have said to you before that I am an ethnic American and I am proud of that fact. I believe this state has given a great opportunity to ethnic Americans. It gave great opportunities to my family. I come from two ethnic American families and I am proud of this history of this state in tolerating people. My grandfather used to say that if you paid your bills and minded your own business, the people in this state would leave you in freedom and they have always left me that way. This state has given me every opportunity I could possibly ask for and it is a wonderful place with wonderful people.

The quality of debate with respect to this issue has been extremely impressive. I think there is an incredibly increased awareness and I please about that. The higher the level of debate in this House, the more understanding that we have of our fellow man and our citizens, the better off we are and the less we need the kind of intrusive governmental conduct that would be incorporated into the laws of Maine by passing this bill.

I shall, given the opportunity, vote against this bill because the procedure is not fair to many of the people who are its victims.

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

Representative HASTINGS: Mr. Speaker, Ladies and Gentlemen of the House: I had not anticipated even speaking today; in fact, even less being here today.

Frankly, I rise because, first of all, I am not one of those people covered by the Maine Human Rights Act, I am White, Anglo-Saxon and I do not have ethnic parents. However, I do rise because if it is the procedure of the Maine Human Rights Commission or its Act that is wrong, then let's correct it. I would not argue with Representative Marsano that that may be a need to look at. However, what is being changed is not the procedure because that was never alleged to be a problem, rather what is being alleged as the problem is a category of people who have been denied jobs, credit and housing. That category of people should be protected by our laws and that is all I understood the Act did yesterday. It did not attempt

to change the procedure, which now we are told, is faulty.

The day before yesterday, the Judiciary Committee which also reported out this same bill, acted on yet another bill and one of the concerns which was raised in that particular bill on violence, dealt with somebody bringing in an action, a civil action against another person, and having the right of the aggrieved person, the victim, of getting attorneys fees. We argued that and discovered that would be unfair, that indeed, it should go only to the prevailing party. That changed that bill and people who were in favor of the bill felt it had a chilling effect but we were trying to be even-handed. Today all we are asked to do is to affirm that we are being even-handed with all classes of people in our state.

I say that it is for another day to address the procedure of the Act if that is not working properly. But for today, let's at least include within the law, all classes of people who have, in the past, been discriminated against because of housing, credit or jobs. That is all this bill really does. I urge its passage.

Representative Marsano of Belfast requested a roll call.

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

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House: There hasn't been too many oppose this bill and I think there are a number here who are opposed to it. Yesterday I listened to the debate on this bill and nothing that was said changed my mind on this issue.

This could be called a lawyer's bill. I am sure if it becomes law, there will be all sorts of business in the case of discrimination.

I don't believe I can change anybody's position but so far it has been a one-sided debate and the good lady from Presque Isle has stood alone. I heard the words "ignorant" and "fearful" used -- I have been called ignorant before and maybe I am but I am not fearful. There was talk about the Bible -- I don't know anywhere in the Bible where a homosexual life-style is approved. People kill -- a person was killed by someone who hated homosexuals -- well, a trooper was killed because he was investigating child abuse cases. Did that person hate state troopers? Or all law enforcement officers? Some people do. A cashier was killed because someone wanted money. Did they hate cashiers? Some sportsmen hate game wardens and some wardens have been shot at but will a law like this stop that hatred? Those who did kill, they are all tried under the same law.

Changing of religion -- becoming a Baptist, I don't think that really is a serious enough charge to change one's vote. People kill for many reasons, people discriminate for many reasons and no law can change that but do we make a law each time there is discrimination? No, and I don't think this law is needed. There were a number of great artists mentioned -- did they have a problem getting what they wanted? Did they ask for a special law? They had greatness and they must have felt that it was not necessary. I believe only when you start promoting or flaunting your beliefs or life-style that you get in trouble. I do not question your religion nor do I try to get you to change to mine. The laws of the land apply to all of us. We know that by hiring a good lawyer, we may beat the charge. We also know that judges have different views on punishment, should you be convicted.

Two weeks ago when I got home, I found my American flag torn down. My neighbor across the

street has had three flags torn down and taken. He told me he just paid \$50 for the last one. Because he has lived in our town only a few years, or because he is of ethnic background -- was that the reason? Since he has not replaced his flag, they are coming for mine. Do they hate American flags or is it they dislike us? I do not know for what reason they did this but I would like to catch them in the act.

I remember when I was first elected as Selectman and my first pledge was to have revaluation in our towns. One of the selectman who had served a number of years had this remark and I remember it well -- there are the have's and the have-not's. My being and still am a have-not was going after the have's. One look at our valuation book would tell you who had been the selectmen over the years. Discrimination? I think so. I remember as a boy of a man being killed by a have-not. This have-not was an honest and respected man. He had borrowed money from a have and then paid it back but he was still billed, again and again, for the money. It bothered that man to a point of killing. He was tried under the same law as any other killer would have been.

The reason for killing is not addressed in the bill nor will it stop discrimination of any type. I guess a proverb was also mentioned so I will mention one, "To sin against God is to despise God." I think the bill is unnecessary, it does support a life-style.

I move that this bill and all its accompanying papers be indefinitely postponed and I ask for a roll call.

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

Representative ALIBERTI: Mr. Speaker, Ladies and Gentlemen of the House: Last session I attended every seminar to become more knowledgeable about these issues that have been brought up today. Every single seminar with the exception of our beloved Representative Connolly, he and I were the only ones that attended every one.

Last session I voted against the bill. I had some very strong moral feelings about this but now I support the bill, wholeheartedly. Why? Just bear with me a minute. Have you ever heard the word "guinea", "Warp", "Mafia"? -- never Michael Angelo or Marconi. Have you heard the word "Keeb", "Kike"? -- never an Einstein. Have you heard the word "Pollock"? I am sure you have heard that recently. Not Polaski. Have you heard the word "Frog"? -- not Lafayette. They and we did not need a bill, for some reason we were able to overcome discrimination.

In 1940, I was honored with a B.S. Degree in Education from Boston University and could not find employment. The fears of World War II broke out and I was able to find employment in November at \$3 a day when school kept and \$3 for being Principal on the condition that I go to church outside of the community. That was in 1940. We overcame that discrimination. This group cannot overcome discrimination. They don't have that level of clout. You want to kill their desires for a better way of life? Then you would allow this bill to go to referendum, one way or the other. There is no way in which that bill can be passed.

I urge you to really consider my appeal to you as a person that has known discrimination and was able to overcome it. What prompted me to change my mind was a young lady and I was privileged to have that young lady in school, she thought of me as a father figure and I helped her a great deal. I received a telephone call from her three weeks ago urging me to help in the situation that she was in. She is the mother of two children, a gay person. My first reaction was, how are the children accepting this?

The family issue is still there, a cohesive issue. She is a professional who has been in the service of taking blood and a short time ago, when they found out that she had these gay tendencies, they forbid her from taking blood. No scientific reason for it, no other reason for it except that she was gay. My age group would despise me for taking this stand 40, 50 or 60 years ago.

I have a strong feeling for those people that are in need of support. America was based on the principle of the underdog. These people are in need as the underdog part of our society. I changed my vote because I had a basis for it and I urge you to help me keep my faith in my way of life and help preserve it. You people can help me do that by voting to support the legislation against discrimination.

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

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

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

Representative HASTINGS: Mr. Speaker, I would like to pose a question to the Chair. Didn't we vote yesterday on the very same issue?

The SPEAKER: The Chair would advise the Representative that, under the rules, the matter can come up again and again and again.

Representative HASTINGS: Mr. Speaker, I thought it was a question of Mr. Marsano that he wanted to vote on the merits of the bill?

The SPEAKER: The Chair appreciates the suggestion but the motion to indefinitely postpone takes precedence over engrossment. That motion has been made.

The pending question before the House is the motion of the Representative from Island Falls, Representative Smith, that L.D. 556 and all its accompanying papers be indefinitely postponed.

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

Representative GURNEY: Mr. Speaker, pursuant to House Rule 7, I would request permission to pair my vote with the Representative from Eastport, Representative Townsend. If Representative Townsend were present and voting, he would be voting nay; I would be voting yea.

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

Representative JALBERT: Mr. Speaker, pursuant to House Rule 7, I would request permission to pair my vote with the Representative from Bethel, Representative Mills. If Representative Mills were present and voting, he would be voting nay; I would be voting yea.

The SPEAKER: The Chair recognizes the Representative from Canaan, Representative McGowan.

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

The SPEAKER: The pending question before the House is the motion of the Representative from Island Falls, Representative Smith, 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. 39

YEA - Aikman, Anderson, Bailey, Begley, Bell, Carroll, J.; Carter, Clark, H.; Cote, Curran, Dexter, Duffy, Dutremble, L.; Erwin, P.; Farnum, Farren, Foss, Foster, Garland, Gould, R. A.; Greenlaw, Hanley, Hepburn, Hichborn, Higgins, Hussey, Hutchins, Jacques, LaPointe, Lebowitz, Libby, Look, Lord, Macomber, Marsano, Marston, Martin, H.; McCormick, McHenry, McPherson, Merrill, Michaud, Murphy, Paradis, E.; Parent, Pines, Reed, Richard, Richards, Rotondi, Sheltra, Sherburne, Smith, Stevens, A.; Stevenson, Strout, B.; Strout, D.; Tardy, Telow, Tupper, Webster, M.; Wentworth, Whitcomb.

NAY - Adams, Aliberti, Allen, Anthony, Ault, Boutilier, Brewer, Burke, Butland, Carroll, D.; Cathcart, Chonko, Clark, M.; Coles, Conley, Constantine, Crowley, Daggett, Dellert, Dipietro, Donald, Dore, Farnsworth, Graham, Gwadosky, Hale, Handy, Hastings, Heeschen, Hickey, Hoglund, Holt, Ketover, Kilkelly, Larrivee, Lawrence, Luther, Mahany, Manning, Marsh, Mayo, McKeen, McSweeney, Melendy, 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, Simpson, Skoglund, Small, Stevens, P.; Swazey, Tamaro, Tracy.

ABSENT - Cashman, Jackson, Lisnik, MacBride, Moholland, Nadeau, G. G.; Ridley, Seavey, Walker, The Speaker.

PAIRED - Gurney, Jalbert, Joseph, McGowan, Mills, Townsend.

Yes, 63; No, 71; Absent, 10; Vacant, 1; Paired, 6; Excused, 0.

63 having voted in the affirmative and 71 in the negative with 10 being absent and 6 paired and 1 vacant, the motion did not prevail.

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

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

The SPEAKER: The pending question before the House is passage to be engrossed.

The Chair recognizes the Representative from Portland, Representative Gurney.

Representative GURNEY: Mr. Speaker, pursuant to House Rule 7, I would request permission to pair my vote with the Representative from Eastport, Representative Townsend. If Representative Townsend were present and voting, he would be voting yea; I would be voting nay.

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

Representative JALBERT: Mr. Speaker, pursuant to House Rule 7, I would request permission to pair my vote with the Representative from Bethel, Representative Mills. If Representative Mills were present and voting, he would be voting yea; I would be voting nay.

The SPEAKER: The Chair recognizes the Representative from Canaan, Representative McGowan.

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

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

Representative PENDLETON: Mr. Speaker, pursuant to House Rule 7, I would request permission to pair my vote with the Representative from Scarborough, Representative Higgins. If Representative Higgins were present and voting, he would be voting nay; I would be voting yea.

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

ROLL CALL NO. 40

YEA - Adams, Aliberti, Allen, Anthony, Ault, 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, Ketover, Kilkelly, Larrivee, Lawrence, Luther, Mahany, Manning, Mayo, McCormick, McKeen, Melendy, Mitchell, Nadeau, G. R.; Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pederson, Pineau, Plourde, Pouliot, Priest, Rand, Rolde, Ruhlin, Rydell, Seavey, Simpson, Skoglund, Small, Stevens, P.; Swazey, Tamaro, Tracy.

NAY - Aikman, Anderson, Bailey, Begley, Bell, Carroll, J.; Carter, Clark, H.; Cote, Curran, Dexter, Duffy, Dutremble, L.; Erwin, P.; Farnum, Farren, Foss, Foster, Garland, Gould, R. A.; Greenlaw, Hanley, Hepburn, Hichborn, Hussey, Hutchins, Jacques, LaPointe, Lebowitz, Libby, Look, Lord, Macomber, Marsano, Marsh, Marston, Martin, H.; McHenry, McPherson, McSweeney, Merrill, Michaud, Murphy, Paradis, E.; Parent, Pines, Reed, Richard, Richards, Rotondi, Sheltra, Sherburne, Smith, Stevens, A.; Stevenson, Strout, B.; Strout, D.; Tardy, Telow, Tupper, Webster, M.; Wentworth, Whitcomb.

ABSENT - Cashman, Hale, Jackson, Lisnik, MacBride, Moholland, Nadeau, G. G.; Ridley, Walker, The Speaker.

PAIRED - Gurney, Higgins, Jalbert, Joseph, McGowan, Mills, Pendleton, Townsend.

Yes, 69; No, 63; Absent, 10; Vacant, 1; Paired, 8; Excused, 0.

69 having voted in the affirmative and 63 in the negative with 10 being absent and 8 paired and 1 vacant, the Bill was passed to be engrossed as amended and sent up for concurrence.

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

PAPER FROM THE SENATE

The following Joint Order (S.P. 599) ORDERED, the House concurring, that Bill, "An Act to Provide for the 1989 Allocations of the State Ceiling on Private Activity Bonds," S.P. 336, L.D. 897, and all its accompanying papers, be recalled from the Governor's desk to the Senate.

Came from the Senate, read and passed. Subsequently, was read and passed in concurrence.

By unanimous consent, all matters having been acted upon requiring Senate concurrence were ordered sent forthwith to the Senate.

(Off Record Remarks)

On motion of Representative Telow of Lewiston,

Adjourned until Monday, May 22, 1989, at nine o'clock in the morning.

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

In Senate Chamber
Friday
May 19, 1989

Senate called to Order by the President.

Prayer by Father Paul Labrie of St. Andre's Catholic Church in Biddeford.

FATHER LABRIE: Eternal God, Sustainer of life and hope, be present to those men and women with Your wisdom and compassion. May their deliberations be guided by truth and justice. By their leadership, may they reflect Your concern for the well-being of our world and of each other. In their service, let peace and goodwill shine so as to offer hope and inspiration to their fellow citizens. Bless them with courage. We ask all of this in Your name, for You are God, now and for all eternity. Amen.

Reading of the Journal of Yesterday.

Off Record Remarks

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill "An Act to Facilitate Treatment of Abused and Neglected Children"

H.P. 745 L.D. 1028
(C "A" H-138)

In Senate, May 9, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-138), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-138) AS AMENDED BY HOUSE AMENDMENT "A" (H-216), thereto in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

House Papers

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

Committee on HOUSING AND ECONOMIC DEVELOPMENT suggested and ORDERED PRINTED.

Comes from the House referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED.

Which was referred to the Committee on APPROPRIATIONS AND FINANCIAL AFFAIRS and ORDERED PRINTED, in concurrence.

Bill "An Act to Create a Game Sanctuary at Beaver Cove in Moosehead Lake"

H.P. 1206 L.D. 1676

Comes from the House referred to the Committee on FISHERIES AND WILDLIFE and ORDERED PRINTED.

Which was referred to the Committee on FISHERIES AND WILDLIFE and ORDERED PRINTED, in concurrence.

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