

# 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  
70th Legislative Day  
Thursday, May 25, 1989**

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

Prayer by Major Walter Douglass, Salvation Army, Augusta.

The Journal of Wednesday, May 24, 1989, was read and approved.

Quorum call was held.

**PAPERS FROM THE SENATE**

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$49,500,000 for Construction and Renovation of Correctional Facilities" (S.P. 608) (L.D. 1702)

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

Was referred to the Committee on Appropriations and Financial Affairs in concurrence.

Resolve, to Create the Commission to Study the Establishment of a State and Tribal Partnership to Encourage Economic Development (S.P. 607) (L.D. 1701)

Came from the Senate, referred to the Committee on Housing and Economic Development and Ordered Printed.

Was referred to the Committee on Housing and Economic Development in concurrence.

Bill "An Act to Continue the Strategic Training for Accelerated Reemployment Program" (EMERGENCY) (S.P. 606) (L.D. 1700)

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

Was referred to the Committee on Labor in concurrence.

Bill "An Act to Relieve the Burden of Property Taxes Through Creation of the Property Tax Relief Fund" (S.P. 605) (L.D. 1699)

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

Was referred to the Committee on Taxation in concurrence.

Bill "An Act to Amend the Charter of the Canton Water District" (S.P. 609) (L.D. 1703)

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

Was referred to the Committee on Utilities in concurrence.

**Unanimous Ought Not To Pass**

Report of the Committee on State and Local Government reporting "Ought Not to Pass" on Bill "An Act to Create a Statewide Uniform Salary and Uniform Qualifications for Sheriffs" (S.P. 303) (L.D. 801)

Report of the Committee on State and Local Government reporting "Ought Not to Pass" on Bill "An Act to Revise Compensation for Members of the Maine Human Rights Commission" (S.P. 355) (L.D. 956)

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 Change the Terms of Members

of the Senate from 2 to 4 Years (S.P. 392) (L.D. 1037)

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 Human Resources reporting "Leave to Withdraw" on Resolve, to Provide Certified Nursing Assistant Training at the Central Maine Vocational-Technical Institute (S.P. 343) (L.D. 913)

Report of the Committee on State and Local Government reporting "Leave to Withdraw" on Bill "An Act to Promote the Image of Nursing in Maine" (S.P. 574) (L.D. 1602)

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act to Require that All Interest on Blueberry Tax Funds Accrue to the Blueberry Tax Account" (S.P. 225) (L.D. 541)

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 Marine Resources reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-141) on Bill "An Act Concerning Municipal Regulation of Shellfish Resources" (EMERGENCY) (S.P. 354) (L.D. 955)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-141) as amended by Senate Amendment "A" (S-151) thereto.

Report was read and accepted, the Bill read once. Committee Amendment "A" (S-141) was read by the Clerk.

Senate Amendment "A" (S-151) to Committee Amendment "A" (S-141) was read by the Clerk and adopted.

Committee Amendment "A" as amended by Senate Amendment "A" thereto was adopted and the Bill assigned for second reading Friday, May 26, 1989.

**Ought to Pass**

Report of the Committee on Education reporting "Ought to Pass" on Bill "An Act to Prohibit Injurious Hazing of Public School Students" (S.P. 420) (L.D. 1131)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Senate Amendment "A" (S-148).

Report was read and accepted, the Bill read once. Senate Amendment "A" (S-148) was read by the Clerk and adopted and the Bill assigned for second reading Friday, May 26, 1989.

**COMMUNICATIONS**

The following Communication:

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
SPEAKER'S OFFICE  
AUGUSTA, MAINE 04333

May 19, 1989

Hon. Edwin H. Pert  
Clerk of the House  
State House Station #2  
Augusta, Maine 04333  
Dear Clerk Pert:

This is to notify you that I have today appointed Rep. Herbert C. Adams, of Portland, to serve on the Maine Commission to Commemorate the Bicentennial of the United States Constitution. He will be replacing Rep. John Lisnik who has resigned.

Sincerely,  
S/John L. Martin  
Speaker of the House

Was read and ordered placed on file.

**PETITIONS, BILLS AND RESOLVES  
REQUIRING REFERENCE**

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

**Utilities**

Bill "An Act to Create the Quantabacook Water District" (EMERGENCY) (H.P. 1227) (L.D. 1706) (Presented by Representative FARREN of Cherryfield) (Cosponsored by Senator RANDALL of Washington) (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 HOGlund from the Committee on Energy and Natural Resources on Bill "An Act Concerning Emergency Disposal of Animal Carcasses at Commercial Landfills" (H.P. 1098) (L.D. 1531) reporting "Ought Not to Pass"

Representative JACQUES from the Committee on Energy and Natural Resources on Bill "An Act to Require that the Department of Environmental Protection Be Responsible for the Location, Construction and Operation of Regional Solid Waste Disposal Facilities" (EMERGENCY) (H.P. 1021) (L.D. 1422) reporting "Ought Not to Pass"

Representative MCHENRY from the Committee on Labor on Bill "An Act Regarding Voluntary Return to Service by Teachers" (H.P. 636) (L.D. 870) 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 LAPOINTE from the Committee on Legal Affairs on Bill "An Act to Remove Restrictions from Beano Revenues of Nonprofit Organizations" (H.P. 1077) (L.D. 1499) reporting "Leave to Withdraw"

Representative CARTER from the Committee on Appropriations and Financial Affairs on Bill "An Act to Appropriate Matching Funds for the Library at Eagle Island" (H.P. 974) (L.D. 1352) reporting "Leave to Withdraw"

Representative CARTER from the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide Increases in Funding to the Hearing Aid Lender Program for the Elderly" (H.P. 203) (L.D. 283) 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**

Majority Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act to

Extend Seasonal Liquor Licenses Under Certain Circumstances" (H.P. 130) (L.D. 174)

Signed:

Senators:

MATTHEWS of Kennebec  
BALDACCI of Penobscot  
DILLENBACK of Cumberland  
PRIEST of Brunswick  
BEGLEY of Waldoboro  
LAWRENCE of Kittery  
LAPOINTE of Auburn  
PAUL of Sanford  
PLOURDE of Biddeford  
STEVENS of Sabattus  
TUPPER of Orrington

Representatives:

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

Signed:

Representatives:

JALBERT of Lisbon  
MURPHY of Berwick

Reports were read.

Representative Priest of Brunswick moved that the House accept the Majority "Ought Not to Pass" Report.

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

Representative PRIEST: Mr. Speaker, Men and Women of the House: This bill, L.D. 174, would essentially allow the State Liquor Commission to convert special seasonal agency stores into year-round stores if they chose to do so. The reason this is important will be obvious once I give you a little background on the bill.

As you recall, the state now sells hard liquor through state stores. There are about 70 or so of these stores in the state. In addition, we have allowed agency stores to serve areas which are geographically isolated from state stores. We have defined that essentially as being more than ten miles from a state store. Those agency stores essentially are private stores which are licensed to sell hard liquor. There is, as you recall, a ten mile limit between these agency stores and state stores. There are a few stores that were grandfathered in 1979 which don't come within that ten mile limit but the vast majority of the 70 or so agency stores fall outside that ten mile limit. As you also recall, there have been a series of bills in this legislature to overcome that ten mile limit.

As one of its first acts in 1987, the legislature enacted (as an experiment) special seasonal agency stores. We said certain areas, up to six areas, could open seasonal liquor agency stores which would come within that ten mile limit -- in other words, which would violate the ten mile limit. The argument for that was that these were areas where there would be a large number of tourists and the crush was such that there ought to be agency stores within these six locations. This was an experiment, it was sunsetted, the sunset is up this year and we have not had the report yet on whether or not those special seasonal agency stores ought to be continued or not, that will be a separate issue that we will deal with in another bill.

This bill proposes to take those special seasonal agency stores, which are allowed to work from June until December and make those stores year-round. This bill proposes to allow those special seasonal agency stores to become year-round stores and essentially to violate the ten mile limit that we have always been very careful to preserve as long as I have been here and before that. It is for this reason, because of this violation of the ten mile limit and because of the potential for this bill to undermine our system of state sales of hard liquor

through state stores, that the majority of the committee recommended this bill "Ought Not to Pass."

The Attorney General was absolutely clear that, even though there may be certain areas in which the circumstances are somewhat sympathetic, you can't make special exceptions for one area or one town. You have to allow the entire class to be converted if you are going to convert any of these seasonal agency stores into year-round agency stores.

Frankly, we thought that conversion was a bad idea because it undermined the ten mile limit. The majority still thinks that. For that reason, we urge you not to undermine the system of the liquor control we have in our state and to give this bill an "Ought Not to Pass", so we recommend that you accept the Majority Report.

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

Representative LORD: Mr. Speaker, My Learned Colleagues: I suppose you are wondering why a teetotaler like myself has put this bill in. Well, I've got a story to tell you. Down in the town of Waterboro, we have a new shopping center that went into business the later part of May, first part of June last year. It is a shopping center where a family has gone into debt pretty heavily. A bunch of young boys (I call them boys, they are in their 30's) have four stores there, they have a nice grocery store, a pharmacy, a clothing store and a hardware store. They did get a seasonal license last year, it worked very well. When it was closed down (the hard liquor was closed down last fall) and a lot of the people that were buying liquor there said, "Why can't we get liquor here? Why should we have to travel 15 or 20 miles to go to Sanford or down to Biddeford to get our liquor?" So, they came to me. I said, "Why, I think you have got a good cause." So, I submitted this bill.

It is eight and three-quarters miles from the store to the Sanford store. There were over 300 people from six towns that signed a petition stating that they would like to get their liquor there. A lot of these people are traveling a lot more than ten miles. Some are traveling 15 or 20 miles. So, I said, why shouldn't the people up there in the country, the rural people, be given the same opportunities to buy liquor that the urban people have? What I am asking is that you be fair, just treat the people in the country the same way.

That isn't the only store that is in this category. My good lady friend over here, Representative Martin, has a situation up there in Aroostook County. There was another fellow, I believe from Piscataquis County or Penobscot County that is in the same boat, so they have a problem.

We had a good hearing, we had a real good hearing. Mr. Marcotte from the Liquor Commission testified in favor of it. The only one that really testified against it was the Assistant Attorney General who was talking about the ten mile limit. You've got stores within the ten mile limit now. I don't know whether they have all been grandfathered or not. I have been given to understand that there were some stores that came in without the grandfather.

The crux of it is, if it's economically feasible and if it is in the best interests of the people that are being served, then they would get the permanent license. There are two factors that you must have to qualify for it. If I wanted to buy a bottle of liquor (and I don't) -- as a matter of fact, I never bought a bottle of hard liquor in my life, I have bought a few cases of beer and I will tell you why. I had a fire in my house in 1948 and I had a crew of people that wanted to help. They reminded me that

they were allergic to well water and that they needed something a little bit better than that, so I bought a couple of cases of beer. On occasions, I have bought a few bottles of beer when I had a sick cow. This is a fact, I would give a couple of bottles of beer to that cow for three or four days and she would come out of it -- believe it or not. So, there is a good purpose for having some liquor around I think. But, if I wanted to buy a bottle, I would have to travel eighteen miles. There are people that have signed that petition that would have to travel 20 or 25 miles. I think that the people in the country should be treated the same as the people in the urban areas.

I ask you to vote against the pending motion and vote for the Minority Report. I ask for the yeas and nays when the vote is taken.

The SPEAKER: A roll call has been requested.

The Chair would suggest that members confine themselves to the contents of the legislation.

The Chair recognizes the Representative from Lisbon, Representative Jalbert.

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I have seen many combinations of sponsors and cosponsors but Lord, Jalbert and Martin, that is quite a combination.

I believe that this is a good bill. That is why I went along with Representative Lord on it. There is nothing in this bill which makes it mandatory for the Liquor Commission to make it year-round.

As the Representative from Waterboro said, it will be determined by the Liquor Commission if it is economically feasible and there is a need for it and they will decide.

In the 113th Legislature, I was a cosponsor of a bill to put the numbers on the lottery bill back to 36 and the statement I heard was, when you hire someone to do the job, let him do it. Now, we have told the Liquor Commission, you shall have control of the liquor sales in this state. Studies have been done on how you can increase the revenue from liquor sales so they have more taxes. If we determine that we are in the liquor business, then leave it up to the Liquor Commission, they shall determine if it is economic and feasible for seasonal stores to stay open a few more months when the occasion arises.

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 Brunswick, Representative Priest.

Representative PRIEST: Mr. Speaker, Men and Women of the House: I am pleased to see that Representative Lord practices moderation, I think that is good for all of us. I would say, however, remember what is being proposed here. The reason that these stores exist at all is because of a special experiment, a special exemption to the ten mile limit. What is being proposed here is to take that special exemption, which is only for a maximum of six stores in the state and convert that seasonal store into a year-round store. Think if you would please of all the other people in the state who would also like to have a year-round store and can't get it because they don't fall under this special seasonal agency store exemption. If we are going to have a policy, that policy ought to be fair and uniform. I

think that we ought to uphold the ten mile limit and vote "Ought Not to Pass" on this bill.

The SPEAKER: The Chair recognizes the Representative from Van Buren, Representative Martin.

Representative MARTIN: Mr. Speaker, Men and Women of the House: I am back with my agency stores. I have a couple of constituents that have been trying to get licenses and they are just a fraction of a mile too close to the State Liquor Store. I think if the state wants to remain in the liquor business because it is such a large source of revenue, I think that they should allow people to sell the liquor.

I have one small store, in fact, I have two that have been after me for a couple of years to try to get a license for them. One of them is located seven-tenths of a mile too close to the Van Buren store. We have a little country store out in Hamlin, a few thousand feet from the Catholic Church and the only thing near him is a tavern across the road but he is from a center of a population of 18,000 people down in Grand Falls, New Brunswick, which is just a few miles away. Last year, because he was located out in the middle of nowhere, he had a volume of \$1.8 million in gross sales. Now, it seems to me that if this man wants to take the gamble and buy \$10,000 worth of liquor in order to get a license, then we ought to give him a chance to do it. There is enough traffic there, there is the \$1.8 million in sales out in the middle of the country so this is not small change. Even if there is supposed to be nothing up there, things are rolling.

I wish you would consider giving the Minority Report your vote.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative Priest of Brunswick, that the House accept the Majority "Ought Not to Pass" Report. Those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL NO. 44

YEA - Adams, Aliberti, Allen, Anthony, Begley, Bell, Brewer, Burke, Carroll, D.; Carroll, J.; Cashman, Cathcart, Clark, M.; Crowley, Curran, Daggett, Farnsworth, Garland, Gurney, Gwadosky, Handy, Hanley, Heeschen, Hepburn, Hoglund, Holt, Hussey, Kilkelly, Larrivee, Lawrence, Lebowitz, Luther, MacBride, Manning, Mayo, McCormick, McHenry, McKeen, Melendy, Mitchell, Nadeau, G. R.; Norton, Nutting, O'Gara, Oliver, Paradis, P.; Parent, Paul, Pines, Plourde, Priest, Rand, Richard, Rolde, Rotondi, Rydell, Skoglund, Smith, Stevens, A.; Stevenson, Swazey, Tupper, Walker.

NAY - Aikman, Anderson, Bailey, Butland, Carter, Chonko, Clark, H.; Conley, Cote, Dellert, Dexter, Dipietro, Donald, Dore, Dutremble, L.; Erwin, P.; Farnum, Farren, Foster, Gould, R. A.; Graham, Greenlaw, Hale, Hastings, Hichborn, Hickey, Higgins, Hutchins, Jackson, Jacques, Jalbert, Joseph, Ketover, LaPointe, Libby, Lisnik, Look, Lord, Macomber, Mahany, Marsano, Marsh, Marston, Martin, H.; McGowan, McPherson, McSweeney, Merrill, Michaud, Moholland, Murphy, O'Dea, Paradis, E.; Paradis, J.; Pendleton, Pineau, Pouliot, Reed, Richards, Ridley, Seavey, Sheltra, Sherburne, Strout, B.; Strout, D.; Tammaro, Tardy, Telow, Townsend, Tracy, Webster, M.; Wentworth, Whitcomb.

ABSENT - Ault, Boutilier, Coles, Constantine, Duffy, Foss, Mills, Nadeau, G. G.; Pederson, Ruhlin, Simpson, Small, Stevens, P.; The Speaker.

Yes, 63; No, 73; Absent, 14; Vacant, 1; Paired, 0; Excused, 0.

63 having voted in the affirmative, 73 in the negative, with 14 being absent and 1 vacant, the motion did not prevail.

Subsequently, the Minority "Ought to Pass" Report was accepted, the Bill read once and assigned for second reading Friday, May 26, 1989.

Divided Report

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 Increase the Availability of Legislative Participation (H.P. 902) (L.D. 1259)

Signed:

Senators:

BERUBE of Androscoggin  
CARPENTER of York  
ESTY of Cumberland  
LARRIVEE of Gorham  
ROTONDI of Athens  
JOSEPH of Waterville  
WENTWORTH of Wells  
BEGLEY of Waldoboro  
HEESCHEN of Wilton  
DAGGETT of Augusta

Representatives:

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

Signed:

Representatives:

HANLEY of Paris  
McCORMICK of Rockport

Reports were read.

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

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

Representative HANLEY: Mr. Speaker, Men and Women of the House: When I first introduced this Bill, reporters told me that it would be dead before it hit the floor. People on both sides of the aisle told me it was best if I withdrew this bill and didn't bring it onto the floor. It is a difference in philosophy that I share with my fellow colleagues here in this chamber and I don't have any unrealistic expectations of where this bill will go but I would like you to know exactly what this bill would do. I realize with your busy schedules, it is impossible to read every bill.

What this bill will do, it will limit the number of terms a legislator can serve consecutively in either the House or the Senate. After serving five terms in either body, you would have one of two choices to either select or seek a position in the other chamber. If you have served ten years in this House, then you would have to either run for the Senate or you would have to take a two year hiatus. As I see it, taking two years off and getting back to your communities serving with your selectmen, your planning boards and having this trickle-down effect of the wealth of information that you have acquired in that ten year time would be quite an asset to your community and district.

This is not a retroactive bill. This is a constitutional amendment, if it was approved by the people of Maine, it would take place in 1990 so there would be no one that would be affected until the year 2000.

As I said, it is a difference in philosophy. I have no unrealistic expectations of where this bill will go but I thought people should know exactly what this bill's intention is.

Mr. Speaker, I request a roll call.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the

expressed desire of more than one-fifth of the members present and voting. Those in favor will vote yes; those opposed will vote no.

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

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

ROLL CALL NO. 45

YEA - Adams, Aikman, Aliberti, Allen, Anderson, Anthony, Ault, Bailey, Begley, Bell, Brewer, Burke, Carroll, D.; Carroll, J.; Carter, Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Conley, Constantine, Cote, Crowley, Curran, Daggett, DiPietro, Donald, Dore, Dutremble, L.; Erwin, P.; Farnsworth, Farnum, Foster, Gould, R. A.; Graham, Greenlaw, Gurney, Gwadosky, Hale, Handy, Heeschen, Hichborn, Hickey, Higgins, Hogle, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, LaPointe, Larrivee, Lawrence, Lisnik, Look, Lord, Luther, MacBride, Macomber, Mahany, Manning, Marsano, Marsh, Marston, Martin, H.; Mayo, McGowan, McHenry, McKeen, McSweeney, Melendy, Michaud, Mitchell, Moholland, Murphy, Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, E.; Paradis, J.; Paradis, P.; Paul, Pineau, Plourde, Pouliot, Priest, Rand, Richard, Richards, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Sheltra, Skoglund, Smith, Stevens, A.; Stevenson, Strout, D.; Swazey, Tammaro, Telow, Townsend, Walker, Webster, M.; Wentworth.

NAY - Butland, Dexter, Farren, Garland, Hanley, Hastings, Hepburn, Hutchins, Jackson, Lebowitz, Libby, McCormick, McPherson, Merrill, Parent, Pendleton, Pines, Reed, Seavey, Sherburne, Strout, B.; Tupper.

ABSENT - Boutilier, Dellert, Duffy, Foss, Mills, Nadeau, G. G.; Nadeau, G. R.; Pederson, Simpson, Small, Stevens, P.; Tardy, Tracy, Whitcomb, The Speaker.

Yes, 113; No, 22; Absent, 15; Vacant, 1; Paired, 0; Excused, 0.

113 having voted in the affirmative, 22 in the negative, with 15 being absent and 1 vacant, the motion to accept the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

CONSENT CALENDAR  
First Day

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

(H.P. 1076) (L.D. 1498) Bill "An Act Regarding Documentation of Rabies Shots for Dogs Brought into This State" Committee on Agriculture reporting "Ought to Pass"

(H.P. 588) (L.D. 792) Bill "An Act to Provide Support for Nonprofit Community AIDS Organizations Which are Members of a Statewide AIDS Alliance" (EMERGENCY) Committee on Appropriations and Financial Affairs reporting "Ought to Pass"

(H.P. 688) (L.D. 940) Bill "An Act to Provide Funds for the Establishment of the Community Service Center for the Deaf and Hearing-Impaired" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-280)

(H.P. 1046) (L.D. 1457) Bill "An Act Concerning Solid Waste Management" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-283)

There being no objections, the above items were ordered to appear on the Consent Calendar of Friday, May 26, 1989, under the listing of Second Day.

LATER TODAY ASSIGNED

(H.P. 1197) (L.D. 1664) Resolve, Authorizing the Commissioner of Corrections to Enter into an Agreement with the Warren Sanitary District and the Camden and Rockland Water Company to Construct a Sewer and Water User System for the Warren State Prison and Pay User Fees (EMERGENCY) Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-284) On motion of Representative Carter of Winslow, was removed from Consent Calendar, First Day.

Report was read and accepted, the Resolve read once.

Committee Amendment "A" (H-284) was read by the Clerk and adopted.

Under suspension of the rules, the Resolve was read the second time.

On motion of Representative Mayo of Thomaston, tabled pending passage to be engrossed and later today assigned.

(H.P. 622) (L.D. 845) Bill "An Act to Fund Community-based AIDS Programs and Services" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-285)

(H.P. 849) (L.D. 1181) Bill "An Act to Increase the Number of Superior Court Justices and District Court Judges" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-286)

(H.P. 95) (L.D. 130) Bill "An Act to Strengthen Penalties for Furnishing Liquor to Minors" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-287)

(H.P. 920) (L.D. 1286) Bill "An Act to Prohibit Boarding Care Facility and Nursing Home Facility Personnel from Smoking" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-288)

(H.P. 891) (L.D. 1235) Bill "An Act to Require Licensure of Clinics" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-289)

There being no objections, the above items were ordered to appear on the Consent Calendar of Friday, May 26, 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:

Later Today Assigned

(H.P. 791) (L.D. 1103) Bill "An Act to Strengthen the Law Pertaining to Taking or Defacing Political Campaign Signs" (C. "A" H-262)

On motion of Representative Gwadosky of Fairfield, was removed from Consent Calendar, Second Day.

On further motion of the same Representative tabled pending acceptance of the unanimous committee report from the Committee on Legal Affairs and later today assigned.

(H.P. 48) (L.D. 62) Resolve, to Require the Manufactured Housing Board to Develop a Manufactured Housing Installation Standard (EMERGENCY) (C. "A" H-263)

(H.P. 908) (L.D. 1271) Bill "An Act to Provide Assistance to Owners of Manufactured Housing" (C. "A" H-264)

(H.P. 446) (L.D. 611) Bill "An Act to Clarify Procedural Aspects of the Forcible Entry and Detainer Law" (C. "A" H-265)

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

(H.P. 739) (L.D. 1022) Bill "An Act to Clarify Provisions of the Natural Resources Protection Act as They Relate to Aquaculture" (EMERGENCY) (C. "A" H-266)

On motion of Representative Tammaro of Baileyville, was removed from Consent Calendar, Second Day.

Report was read and accepted, the Bill read once. Committee Amendment "A" (H-266) was read by the Clerk.

Representative Tammaro of Baileyville offered House Amendment "A" (H-291) to Committee Amendment "A" (H-266) 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 and the Bill assigned for second reading Friday, May 26, 1989.

(H.P. 508) (L.D. 688) Bill "An Act to Increase the Penalty for Theft from a Locked Motor Vehicle" (C. "A" H-267)

(H.P. 391) (L.D. 522) Bill "An Act to Amend Disorderly Conduct Offenses" (C. "A" H-268)

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

(H.P. 389) (L.D. 520) Bill "An Act to Expand the Jurisdiction of the District Courts to Include Violations within Municipal Harbors and to Impose the Same Penalties for Harbor Violations that Have Been Created for Land Use Violations" (C. "A" H-269)

On motion of Representative Tammaro of Baileyville, was removed from Consent Calendar, Second Day.

Report was read and accepted, the Bill read once. Committee Amendment "A" (H-269) was read by the Clerk.

Representative Tammaro of Baileyville offered House Amendment "A" (H-291) to Committee Amendment "A" (H-269) 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 and the Bill assigned for second reading Friday, May 26, 1989.

(H.P. 74) (L.D. 105) Bill "An Act to Curtail Fraud in the Workers' Compensation System" (C. "A" H-270)

(H.P. 829) (L.D. 1161) Bill "An Act to Make Hydropower Project Operators Financially Responsible for Fish Kills" (C. "A" H-272)

(S.P. 186) (L.D. 343) Bill "An Act to Include Sheriffs' Deputies in the Maine Tort Claims Act"

(S.P. 410) (L.D. 1076) Bill "An Act to Create the Local Government Records Board"

(S.P. 116) (L.D. 182) Bill "An Act to Amend the Schedule of Fees for Permits, Licenses and Certificates Issued by the State Fire Marshal" (C. "A" S-133)

(S.P. 294) (L.D. 767) Bill "An Act to Amend the School Finance Act to Include Transportation as a Supportive Service to Special Education for State Agency Clients" (C. "A" S-135)

(S.P. 299) (L.D. 797) Bill "An Act to Impose Civil Penalties for Intentional Violations of the Maine Unfair Trade Practices Act" (C. "A" S-129)

(S.P. 361) (L.D. 978) Bill "An Act to Amend the Charter of the Sewer District of the Town of Kennebunk" (C. "A" S-132)

(S.P. 400) (L.D. 1044) Bill "An Act to Require Written Repair Invoices" (C. "A" S-130)

(H.P. 476) (L.D. 656) Bill "An Act to Promote Equity in the Court Adjudication of Alimony Awards" (C. "A" H-276)

(H.P. 36) (L.D. 36) Bill "An Act to Improve Compliance with Truck Weight Limits" (C. "A" H-277)

(H.P. 1043) (L.D. 1454) Resolve, to Study and Consolidate the Laws and Rules Regulating Campgrounds (C. "A" H-278)

(H.P. 1036) (L.D. 1447) Bill "An Act to Provide Visitation and Custody Rights to Grandparents in Cases other than Divorce"

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

**PASSED TO BE ENACTED  
Emergency Measure**

An Act to Provide for the 1989 Allocations of the State Ceiling on Private Activity Bonds (S.P. 336) (L.D. 897) (C. "A" S-83 and S. "A" S-136)

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. 119 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 Maintain Legal Services for Low-income Citizens (S.P. 449) (L.D. 1211)

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. 108 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 Improve the Regulation of Harness Racing (H.P. 212) (L.D. 292) (C. "A" H-221)

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. 119 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 Establish a Process for the Deorganization of Municipalities and Plantations (H.P. 223) (L.D. 303) (H. "A" H-238 to C. "A" H-167)

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. 116 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 Allow Municipalities to Withhold Business Licenses under Some Circumstances (H.P. 254) (L.D. 366) (C. "A" H-203 and S. "A" S-138)

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. 122 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 Discourage the Theft of Blueberries (H.P. 477) (L.D. 657) (C. "A" H-220)

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 none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**PASSED TO BE ENACTED**

An Act to Establish a Supreme Judicial Court Sentence Review Mechanism Relative to Sentences Involving Terms of Imprisonment of One Year or More (S.P. 61) (L.D. 44)

An Act to Increase Safety on Maine Roads and Protect the General Welfare (S.P. 311) (L.D. 816) (C. "A" S-124)

An Act to Mandate Notification of Emergency Medical Services Personnel at Risk for Transmission of Communicable Diseases (H.P. 270) (L.D. 382) (C. "A" H-213)

An Act to Expand the Retired Senior Volunteer Programs, Foster Grandparent Programs and Senior Companion Program (H.P. 607) (L.D. 831)

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

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

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

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

An Act to Provide Disabled Veterans with Free Drivers' Licenses and to Clarify the Law Providing

Free Registration Plates to Disabled Veterans (H.P. 842) (L.D. 1174) (C. "A" H-197 and H. "A" H-226)

An Act to Promote Energy Conservation and Load Management by Electric Utilities (H.P. 936) (L.D. 1304) (C. "A" H-212)

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

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.

**ORDERS OF THE DAY**

**TABLED AND TODAY ASSIGNED**

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

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

- In House, Majority "Ought to Pass" as amended Report of the Committee on Judiciary read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-211) on May 19, 1989.

- In Senate, Minority "Ought Not to Pass" Report of the Committee on Judiciary read and accepted in non-concurrence.

TABLED - May 24, 1989 by Representative GWADOSKY of Fairfield.

PENDING - Further Consideration.

On motion of Representative Gwadosky of Fairfield, retabled pending further consideration and specially assigned for Friday, May 26, 1989.

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

SENATE DIVIDED REPORT - Majority (9) "Ought to Pass" as amended by Committee Amendment "A" (S-128) - Minority (4) "Ought Not to Pass" - Committee on Taxation on Bill "An Act to Create the Individual Income Tax Windfall Fund" (EMERGENCY) (S.P. 306) (L.D. 805)

- In Senate, Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-128).

TABLED - May 24, 1989 by Representative GWADOSKY of Fairfield.

PENDING - Motion of Representative CASHMAN of Old Town to accept the Majority "Ought to Pass" as amended Report. (Roll Call Ordered).

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Nadeau.

Representative NADEAU: Mr. Speaker, Men and Women of the House: When we left this debate on Tuesday, the Representative from Waldo was talking about illusions. I would like to talk about reality for a couple of minutes. The people of the State of Maine are catching onto this act -- there was approximately a \$96 million windfall, \$96 million surplus in January of 1989. Under our Constitution, there is only one person who can change revenue estimates and that person resides on the second floor. We came in and we observed that according to

the course of economic indicators, we would probably come up with a \$96 or \$100 million surplus in this fiscal year. The Governor recognized that, some of his economic advisors recognized that and said, if we readjust our estimates at this point, then we can put the \$96 million in the budget. I am kind of sorry my buddy, Magnificent Mills, is not here to hear this because that is exactly what happened, a disappearing act.

What L.D. 805 is proposing is a safeguard against some overzealous people -- not necessarily the governor but some overzealous people -- who would be looking at available monies and when push came to shove towards the end of the session, somebody would identify that and say, let's do it. Let's plug this in.

The Taxation Committee feels that the people of Maine have been ripped off a couple of times too many and we are simply assuring them that this type of activity will not happen. Therefore, I respectfully urge you to vote for the Majority Report.

The SPEAKER: The Chair recognizes the Representative from Corinth, Representative Strout.

Representative STROUT: Mr. Speaker, I would like to pose a question to anyone on the committee.

Is it the intent of the supporters of this Committee Amendment to this bill of returning the money that is put in the fund to those people who paid in in the first place?

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

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

Representative CASHMAN: Mr. Speaker, Men and Women of the House: In answer to the gentleman's question, we have a prospective problem that needs to be addressed in that, if we do not pass some changes to the existing tax code for tax year 1989, we will again over-collect by somewhere in the vicinity of \$21 million. For tax year 1990, we will over-collect by approximately \$15 million. It is the intent of the sponsors of this legislation of the Majority Report to take this money that is available as a surplus in the income tax account, right now, and set it aside to be used to correct that prospective problem.

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

Representative MACOMBER: Mr. Speaker, I would pose a question to any member of the Taxation Committee. Could you tell me please if the money that is going to be created by this Tax Windfall Fund is dedicated to property tax relief or is it dedicated to any specific purpose?

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

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

Representative CASHMAN: Mr. Speaker, Ladies and Gentlemen of the House: Again, it is not dedicated to property tax relief, it is dedicated to solving a problem with the income tax that is a prospective problem and if we don't correct it, we will again over-collect this year and next year. This money would be dedicated towards solving that problem.

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

Representative SEAVEY: Mr. Speaker, Men and Women of the House: I applaud the intent of the legislation which is supposedly to return this money

to those that sent it in through the income tax method but the bill doesn't say that really. The bill simply says that the funds in this pot of money can be distributed in the exact same process as the regular general revenue fund.

I think the good Representative from Saco talks about the reality and the reality is the process. I think it is just sort of a spite bill because of the revenue estimates increase that did happen back in January. This bill is a result of that. I think what it is trying to do is make an Appropriations Committee out of the Taxation Committee and I don't think that is what should happen.

The end result of all of this is really just the same, nothing changes at all. That is an illusion of the bill, I think. The only thing that happens is that during the session is that this revenue or this fund simply sits on this table before it gets over to this table to be distributed in the exact same way. That to me is a reality of the bill, the end result doesn't make any difference and I don't see the meaning of the legislation at all. To me, if this bill is passed, it doesn't make any difference whether it is passed or not, it is all the same in the end. I urge you to vote against the motion.

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

Representative DORE: Mr. Speaker, Ladies and Gentlemen of the House: In reference to my good colleague, Representative Seavey's comments, I would just like to point out that I think this bill is in reaction to something. I think this bill is in reaction to four inaccurate estimates of the over-collection and those four inaccurate estimates of the over-collection did come from the State Planning Department of the Governor's staff. I think that what we want to do at this point is be very cautious because now that this study has come out, we have to protect the interests of the citizens of Maine against inaccurate revenue estimates.

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

Representative CASHMAN: Mr. Speaker, Men and Women of the House: I would like to address a couple of points that have been made by my Republican colleagues on the Taxation Committee that are a little bit disturbing to me. First of all, the intent of where this money is to go and what we are to use it for should certainly be clear to anybody who sits on the Taxation Committee. They have seen the report from Peat, Marwick, they know the cost of that report and where this money is intended to go and it shouldn't be an illusion to them. If it is, then I suggest they pay a little more attention to the goings on in the committee.

Secondly, it has been stated here by a couple of different people that we are trying to change the process, Taxation is trying to become Appropriations. All we are doing is this, two years ago (actually a little more than that) when we all knew we had a problem, we all agreed we had a problem with the income tax that was going to have to be addressed and that it was going to cost money. We all agreed to set up a fund, just like this fund, to pay for that problem. That was over two years ago and Governor Brennan set that fund up. It was his last act before he left office because Governor Brennan left office committed to returning any windfall money to the taxpayers. We all had that commitment two years ago so we set up this fund. I wonder if we still have it because I don't understand the arguments against this fund. Maybe we don't have that commitment any more.

The only opposition to this bill at the hearing came from the administration. And, if you follow the chronological sequence of events that has happened on this whole comedy of errors surrounding the income tax problem in this state, it has been one stumbling block after another that has been placed in front of us by the administration in trying to solve it. Maybe we are trying to propose another stumbling block. If we are committed to doing what we all know needs to be done, then this bill shouldn't be a problem. What we are talking about is keeping faith with the Maine taxpayers. No, it is not all the same pot of money and, no, it is not all going to be the same in the end. You have heard it explained here a couple of times during the course of this debate that we don't change revenue estimates in the legislature, it is only done by the Executive Branch. The money that is in surplus right now in the personal income tax cannot be used unless it is identified as useable money by the administration or unless this bill passes to solve the income tax problem that continues to vex us.

Now, if that is not clear, then again, I wonder if people on the Taxation Committee are listening to what goes on in that committee. We have a \$44 million problem that needs to be solved. We have got access to some money that has already been over-collected and sits in the state's coffers. This bill sets it aside to use it for that purpose. It seems to only be a problem for the administration and for my Republican colleagues to be marching hand and hand with the administration on this issue, if you want to talk about curious, to me, that is a curious position because we have been led down the primrose path by the administration on this issue on at least three other occasions and I should think that some people would learn a lesson from that.

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

Representative MARSANO: Mr. Speaker, Men and Women of the House: It will probably come as no great surprise that I disagree strenuously with the comments of the Representative from Old Town. I had the good fortune to serve with that gentleman on the Tax Oversight Committee and went to as many of the hearings as I was able to. In fact, I think I went to all of them. It is disturbing to me to hear that there is a total lack of attention paid to the fact that as of the end of the fiscal year, as nearly as I can tell from reading the Peat, Marwick Report, the tax system is approximately tax neutral. That is a significant point because state government runs on the basis of fiscal years. We will be approaching the end of the fiscal year just at about the time that we run into the end of this session.

I think it is clear that the question of the gentleman from Corinth has not been answered. The reason for that is that there isn't any way realistically to return the dollars that appear to be anticipated during the remainder of the calendar year 1989 to those persons who would have paid them. The dollars can be identified with respect to classes but they cannot be identified with respect to individuals.

I emphasize the fiscal aspect of attention because I think it is important to recognize that the state plans on that basis. I do think that the Peat, Marwick Report supports the conclusion that we were tax neutral in Maine as of the end of fiscal 1989, a significant point.

I do, however, agree with my colleague from Old Town that the tax law as it exists needs to be changed. I do that because we are at the top of the hill in terms of revenue collection. We are looking at an outreach, we are looking down the line towards

a deficit situation with respect to the present tax law as it attempts to collect monies by the income tax system. We will increasingly go into the hole if the Peat, Marwick assessment of our present law is correct.

Now, in order to avoid that, we need to make some changes with respect to the tax law which would be fair to the people of Maine. I think that the administration, notwithstanding the comments that have been made here, has attempted to do that from everything that I have seen. So, there is another side to this question. Whatever the right or wrong is with respect to this bill, the comments of the Representative from Kennebecport are correct, the money is still going to be available for the purposes of the state because this bill doesn't attempt to do anything with it. It doesn't purport to do anything with the money, it simply purports to allocate it.

We have been, in my view, fair to the taxpayers of the State of Maine. We have returned huge sums of money and have avoided the kinds of fiscal distress that has confronted other states in the northeastern region of the country who have been attempting to retain a fair tax system. You ought to all realize that Maine has the most progressive tax system in the United States of America. We tax at a progressive rate which is higher and harder on individual taxpayers than any other state in the country. That is also a fact which appears in the Peat, Marwick Report. So we need to assess where Maine is constantly and we need to try and act fairly but at least with respect to the way in which the state manages its affairs on a fiscal basis, we have done that.

The SPEAKER: The Chair recognizes the Representative from Thomaston, Representative Mayo.

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House: I rise today in total disbelief. I believe I heard the gentleman from Belfast say that we have been fair to Maine taxpayers. We have been anything but fair to Maine taxpayers. We have mistreated them and abused them for two years. I stand on this floor today to correct the record and the inaccuracies that have been stated by the Minority Floor Leader.

First of all and foremost, he may talk about fiscal years, but ladies and gentlemen, when this fiscal year closes, this legislature will probably be adjourned and we won't have the ability to make corrections based on the fiscal year. He has also misstated the report. I asked quite clearly and got a correct answer from Peat, Marwick that yes, the fiscal year data does show certain trends that would indicate revenue neutrality but built into that data are overlapping calendar years and let's remember, Maine income taxpayers are a calendar year taxpayers, they are not fiscal year taxpayers, they are calendar year taxpayers.

The report which I have right here in front of me indicates that we have over-collected through calendar year 1989 at least \$16.5 million. That is not fairness, ladies and gentlemen.

To comments regarding what the administration has done and what the Republican party has been and attempted to be fair, I take total exception to. The administration and the Republican party have been dragging their feet on this issue from day one. The administration and the Republican party have obstructed every attempt that this legislator and my fellow Democrats on last year's Taxation Committee made to correct this problem. The time has come that we set this issue behind us, we correct the system, once and for all. We tell the bureaucrats to stuff their economic forecasters where they belong and we

take corrective action for this particular problem and put it behind us.

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

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: To return for a moment to the discussion of this particular bill in front of us, I am very pleased to hear the comments from the Representative from Old Town relative to his convictions to return the money created by passage of this legislation back to the taxpayers who paid it in. The reason I say that is because I went back this morning and removed my notes taken during the presentation of this legislation and the other chairman of that committee (to read from my notes at the time of his presentation) said that the use of these funds will be determined at a later time. Maybe it appears that that determination has now been made, that it will be returned in fact to people who paid extra on income tax because it certainly appeared to some of us and I think that is the root of our suspicion in the passage of this legislation that this pot of money, this amount, was being set aside for an undefined purpose. If you read the legislation, I think the purpose still appears to be somewhat undefined. That is the reason for the suspicion. I applaud and recognize now on the Record that there is the statement that the intent of the use of this fund is definitely to be returned as windfall over-collection. I hope now that all the sponsors agree on that and that, if this passes, which I still intend to vote against, that will be the ultimate use of the fund.

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

Representative CASHMAN: Mr. Speaker, Ladies and Gentlemen of the House: I want to thank Representative Whitcomb for his applause, but my commitment to rectify this problem should not come as a surprise to him unless he is paying even less attention over the last couple of years than I thought he was. The fact is, if you want to talk about illusions and you want to talk about distrust and you want to talk about being a little skeptical of intentions, let me remind the members of this House that in January of 1987, I put a bill in the Maine Legislature to raise the deduction and exemption levels in the state income tax to the same level as the federal government. I put that bill in in response to federal tax changes to try and adjust the Maine tax code to compensate taxpayers for those changes. The administration placed a fiscal note on that bill of \$75 million in loss of revenue. Therefore, the bill never passed. The solution that I am committed to and proudly stand here and say I am committed to passing through this legislature this session that has been offered to us from Peat, Marwick is very much akin to that bill I had in two years ago, which we were told by the Bureau of Taxation and the State Planning Office, we couldn't afford to do. So, if you want to talk about illusions and reasons for not trusting motives, I think that that example speaks for itself.

The SPEAKER: The Chair recognizes the Representative from Harrison, Representative Jackson.

Representative JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: Sitting here this morning, listening with interest to the excuses of why we have a system that we have today, laying the blame on the administration, laying the blame on the Republican party -- let me tell you folks, any of you who were here before, we weren't in the majority, we were still in the minority. Of course, we did have the second floor. Listening to the illusions that have

been created, suggestions that were made two years ago to correct the problems of our income tax, granted some of those proposals would have attempted to address what Peat, Marwick came up with, but one thing they fail to tell you is that, when they presented their proposals, we had a maximum rate of 10 percent. Under the Pete, Marwick proposal, we have a maximum rate of eight and a half percent. So, there were no illusions folks, those fiscal notes weren't inaccurate. We can make all the excuses that we want to make, make all the presentations that we want to make for the Record and try to make our position a little better but we were all wrong when we adopted the tax code in 1988. I am willing to admit that. I am also willing to admit that I will (and I will) work hard to rectify that problem as I know that the good gentleman from Old Town will and the other gentleman that has spoken this morning. I do not believe that setting up a slush fund (and that is exactly what I am going to call it) with income tax over-collections to be used in any manner that we deem necessary is appropriate.

As I stated the other day on the Record, members of both sides of the aisle, leadership, the administration, leadership from the Taxation Committee, members that had been interviewed by the press, have all confirmed that they will make the necessary changes that need to be made to make our tax code fair and equitable to all taxpayers of Maine. I don't believe that we need a windfall fund to achieve that.

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

Representative DORE: Mr. Speaker, Ladies and Gentlemen of the House: I rise due to a couple of comments made by the good Representative from Harrison, Representative Jackson. He mentioned that, of course, they did have the second floor and I guess I would like to explain to the members of this body what that meant. That mean when the Taxation Committee sat in the Cabinet Room with the Governor this past Fall, 1988, we were told to our faces, if you put in another proposal (and there was another proposal by Representative Mayo to correct these inequities) it would be vetoed. We were told by the man on the second floor to our faces that it would be vetoed, we knew we had a one day session and we had to return money to the people. Having the second floor makes a big difference. The bill we passed was the only bill we could have passed.

I would also like to point out that many of us knew starting with the over-collection estimate of \$9 million and running through the over-collection estimate finally of \$43.2 million and the two interim over-collection estimates, we knew through all of that that the over-collections were greater than that but we don't make these over-collection estimates, they come from the second floor. That is why we needed the Peat, Marwick study.

I will take the blame for passing a poor piece of legislation in terms of our reconciling with the 1986 federal tax changes but I will take that blame only because there was no other alternative.

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

Representative HASTINGS: Mr. Speaker, I would like to pose a couple of questions through the Chair.

Is there going to be a shortfall of collections in 1989-1990? Is it, in fact, the intent of this surplus money, which is through over-collections from 1989-1990, to be held and applied to that shortfall?

Secondly, is there to be a refund of any of these accounts to people who overpay in different categories?

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

The Chair recognizes the Representative from Belfast, Representative Marsano.

Representative MARSANO: Mr. Speaker, Ladies and Gentlemen of the House: I know those questions were not directed to me but I would be happy to try and be helpful to the Representative from Fryeburg. It is my understanding that if the current tax law continues to function as it has that there will be a continuing over-collection based upon calendar 1989 which would obviously affect fiscal 1990. That is essentially, as I understand it, what we attempted to come back into Special Session to deal with last year with respect to calendar collections beyond the date of the fiscal year, which is the accounting period. It is also my understanding that there is likely to be a tax change, which would be based upon information developed by Peat, Marwick as a result of their ability which the State of Maine did not have to compare Maine returns against a federal income tax model for the 1986 year. Maine's comparisons and estimates have been based upon administration comparisons of Maine results, not on the basis of federal income tax results that existed for the federal tax law change in 1986.

What I think is glaringly apparent in the Representative's question is the fact that the tremendous changes in the tax policy which was adopted at the national level triggered in a state like Maine with a progressive rate that is the highest and most progressive tax rate in the country and it exacerbates the kinds of fluctuations you get in income tax collections. I do agree with the Representative from Thomaston, Representative Mayo, that there are lags and that it is these lags that have been creating the problems that we have been attempting to deal with.

I do also agree with the Representative from Harrison, Representative Jackson, that we have approached solutions on a bipartisan basis and I am convinced that we will continue to do this, this year or in Special Session if it is necessary, because if, at the end of fiscal 1989 we are tax neutral and I have reason to believe that that will be so, and if the lag in calendar 1989 tax receipts continue to accrue as it is anticipated it will unless there is a change to the tax system, then we will need to act in order to be fair to the people of Maine. Whatever else has happened, the administration and this body, has worked hard to try and do the best that it can with the information that it has and I support every effort to have this Peat, Marwick study done so we have the best information available to us to solve what is a continuing problem. As I indicated earlier, at this point, we do not have a deficit which needs to be addressed. I hope that addresses part of the gentleman's questions.

The SPEAKER: The Chair recognizes the Representative from Thomaston, Representative Mayo.

Representative MAYO: Mr. Speaker, Men and Women of the House: I rise again to correct what I believe to be misstatements by the good gentleman from Belfast, Representative Marsano.

First of all, I would like to point out when he raised the specter of a Special Session on this issue, I for one, would be extremely embarrassed if we had to come back again for another Special Session in order to fix this problem. We have hired experts from outside who told us what we need to do. At least I and I know my colleagues, most of my

colleagues, intend to do it this session and not participate in any idea of a Special Session.

Representative Marsano refers, in his silver tongue platitudes, to lag time. If he would read and understand the Special Report issued by Pete, Marwick and look at the Executive Summary, table one, there is no lag in that, that is based upon calendar year taxpayers as affected on a calendar year basis. There is no lag built into that. The lag comes in when you drag in, unnecessarily, the fiscal year discussions. The fiscal year discussions are necessary only for budget purposes and have nothing to do (and Pete, Marwick was very clear about this) with setting tax policy. Tax policy must be set upon calendar basis and to suggest that there are lags in what Pete, Marwick has given us, is totally and completely inaccurate.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of the Representative from Old Town, Representative Cashman, that the House accept the Majority "Ought to Pass" as amended Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 46

YEA - Adams, Aliberti, Allen, Anthony, Bell, 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, Hوجلund, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, LaPointe, Larrivee, Lawrence, Lisnik, Luther, Macomber, Mahany, Manning, Marston, Martin, H.; Mayo, McGowan, McHenry, McKen, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, 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, Rydell, Sheltra, Simpson, Skوجلund, Smith, Stevens, P.; Strout, D.; Swazey, Tamaro, Tardy, Telow, Townsend, Tracy, Walker, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, Begley, Butland, Carroll, J.; Curran, Dellert, Dexter, Donald, Farnum, Farren, Foster, Garland, Greenlaw, Hanley, Hastings, Hepburn, Higgins, 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.; Tupper, Webster, M.; Wentworth, Whitcomb.

ABSENT - Boutilier, Foss, Ruhlin.

Yes, 97; No, 50; Absent, 3; Vacant, 1; Paired, 0; Excused, 0.

97 having voted in the affirmative and 50 in the negative with 3 being absent and 1 vacant, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (S-128) was read by the Clerk and adopted and the Bill assigned for second reading Friday, May 26, 1989.

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

SENATE DIVIDED REPORT - Majority (12) "Ought Not to Pass" - Minority (1) "Ought to Pass" as amended by Committee Amendment "A" (S-131) - Committee on Business Legislation on Bill "An Act to Limit the Sunday Closing Law" (S.P. 436) (L.D. 1153) - In Senate, Majority "Ought Not to Pass" Report read and accepted.

TABLED - May 24, 1989 by Representative ALLEN of Washington.

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

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Libby.

Representative LIBBY: Mr. Speaker, Members of the House: I strongly urge you to reject the Majority Report and support the Minority Report.

There has been arguments presented against this bill and I would like to offer a rebuttal at this time and one of these is, it would put all the small stores out of business and, if this was true, there wouldn't be any Mama and Papa stores in the entire country. Remember, only two states in this great country has Sunday closing, Maine and I believe North Dakota. Consider this, how many stores in your town have a square footage of over 5,000 square feet? I hazard a guess that there aren't many in any of our towns.

Another argument is that every clerk would have to work on Sunday and I am sure some clerks would have to work but I am also sure that they would have other time off during the ensuing week. Remember, this bill does not demand that all stores be opened from noon until five on Sunday, not all day, only from noon to five on Sunday. Many of us through our questionnaires and poll-taking throughout the state have heard that our constituents and heard from our constituents in many, many cases stated that they would like the privilege of shopping on Sunday if they so desire. In this day and age, many families have two bread winners and the only time they can get the opportunity to get together is on the weekend. On Sunday, they would like the opportunity to shop together at that time.

In closing, consider that only two states in this vast country have Sunday closings and I am sure that the Maine people have the intelligence and the ability to overcome any problems which may occur that these other states may have encountered. All the people in Maine ask for is freedom of choice. In giving them this option, I trust you will do so.

I request a roll call.

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

Representative WENTWORTH: Mr. Speaker, Ladies and Gentlemen of the House: In April of this year, a study by the Retail Federation of Maine consisting of over 500 surveys, the normal statistic margin is 046 at this level. There can be no question that the people of Maine favor all stores in the state having the choice to be open on Sunday. Moreover, this heavy support is widespread across the state in every area. There may be many dimensions to the issue of Sunday store openings but in terms of the basis proposition, the people of Maine by an overwhelming margin, favor these stores being open. With both parents in most of the state having to work in order to pay for a place in which to live, only Sunday is left for them to shop together for groceries, children's articles or other necessities. In this survey, statewide, the percentages were 76.2 in favor and 21.0 opposed. Surveys were done separating Democrats, Republicans and unenrolled -- 74.2 was the result of the Democratic survey; Republicans and unenrolled were each 74 percent in favor. By county, by districts, by ethnic groups, by cities, urban areas, union members, non-member union members, age groups, males vs. females, churchgoers vs. non-churchgoers, I have the figures so with all these surveys and those in favor of this bill ranging from 78 percent to 88.5 percent, please let our people go shopping on Sunday if they want to.

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

Representative Allen: Mr. Speaker, Men and Women of the House: I urge you today to accept the Majority "Ought Not to Pass" Report from the Committee on Business Legislation. The issue of Sunday sales has been looming among us for nearly all of the months that we have been here in the legislature. There was talk early on in the session that the bill was coming and, ultimately, the Committee on Business Legislation heard four separate pieces of legislation dealing with Sunday sales. We chose to pick only one of those bills and we used that as a vehicle for this particular debate.

I do want to take a minute to compliment those other legislators who brought forth this issue to our committee and we had issued them a "Leave to Withdraw" and decided we would debate this issue on a single item.

I would also like to compliment both the proponents and the opponents of this legislation. We had a very long public hearing, the arguments heard by the committee were thorough, they were well presented and they were very articulate. I have to say that, for the most part, the arguments on both sides of the issue were pretty much equal. There were compelling economic reasons on both sides as to why we should open stores on Sunday and on the other hand, why we should keep them closed. There were compelling emotional issues on both sides -- people really want this. Ultimately what it came down to for the committee after we sifted through those many arguments was, the opponents listed arguments such as additional burden on our electricity, we would need more electricity to keep stores open. They also listed extra burdens on municipalities for fire and police protection, the fear that small stores would be put out of business or if not, their businesses would be seriously hampered. The large stores countering with, it is only fair. So those arguments were very compelling but I think ultimately when the majority of the committee made its decision, it decided on the side of those workers, those people who would be compelled to work on Sunday.

There has been a lot of talk about the clerks, the clerks, the clerks and, in my mind, that conjures up people who are working part-time for maybe minimum wage or even people who are working full-time for minimum wage. There was another element of the work force that we felt was equally impacted by this and these are people who are professional sales people, who work at these large stores such as Sears, Penney's, the hardware stores, lumber stores, whatever -- they are breadwinners and in some cases the sole supporters of their families and they are masters at their profession, they are fully aware of the products that they are selling and they are not the kinds of jobs that you hire part-time summer help or high school kids to come in and perform so they are full-time professional adults who use this as a means of supporting their family. They, too, would be impacted so it is not just those part-time students who are serving as clerks in these stores but people who depend on this as a way of making a living. Ultimately, we felt that the impact on their families and on them in particular would be detrimental so we decided that, based on those arguments, that these larger stores should not be open on Sunday. There ought to be an intent in the State of Maine to maintain whatever type of traditional family life and family structure and goals that we have into the future. That impact, not only traditional families where the kids are in school Monday through Friday and Mom is home and Dad

is out working and they use the weekend as a family time — it also impacts single parents who are working at whatever jobs they need and who needs child care on the weekends. Child care is not a new issue for this legislature, it is one that has been debated since I have been here and, having been a single parent and having known the frustrations of finding adequate child care, I could empathize with those people who came to us and said, "Put me to work on Sunday and I don't know what I am going to do because child care is just a terror that I face daily." Another argument came from absent parents who visit with their children on weekends. The children are enrolled in school Monday through Friday, these absent parents look forward to the weekends in order to visit with their kids — some of these are already working on Saturday and if they were forced to work on Sunday, the quality of the time they would get to see their children, would be totally obliterated. So there are all kinds of family situations that we were taking into account when we made this decision.

With regards to the poll, I suggest the large stores that paid for this poll could have saved a lot of money. In simple terms, I think there are about 25 percent of the people in this state who really want these stores open. Sunday is a time for recreation and in their mind shopping is a recreation. They really need to have the stores open. In my mind, about 25 percent of the people in this state are fiercely opposed to that. They are the people who have to work in those stores and this will be a major disruption on their lives and of that, I have no doubt. Then there is about 50 percent of the people in this state who, if stores were open on Sunday, they will shop, I am one of them. If the stores are open on Sunday, I will go shopping. It is convenient and I don't dispute that. We have busy work schedules Monday through Friday for those of us who work a traditional work week, Saturday's are filled with other obligations, whether it be your child playing Little League or, in my case, competitive swimming, or whatever — Sunday is left for the day you do everything else including quality time with the family. So in my mind, there is a large chunk of the population who, if stores were open, fine they will shop, but if they are not, they won't. So that adds up to about 75 percent, I do not dispute the polls that were taken; however, as you all know, people respond to polls based on the way the question was asked. In my mind, there is only a very small segment of our population who really want stores open. I think if you asked even that group of people, knowing the impact that it would have on people who would be forced to work in these stores what they felt, they might reconsider.

I would urge this House to accept the Majority "Ought Not to Pass" Report.

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

Representative HICKEY: Mr. Speaker, Men and Women of the House: Our current Sunday law has served us well for 26 years. In my mind, it has been a workable mix, which not only takes the welfare of the retailing employee into consideration but also provides for the convenience of the general public. The necessities of life are available under the existing law and the needs of the tourists and vacationers are met very adequately. No one needs to be seriously inconvenienced and no one's welfare is jeopardized under its provisions. One day of family rest and relaxation is not too much to ask in this day and age of hustle and bustle. We wonder why family life is deteriorating, we wonder why we hardly

seem to know our families anymore so let's not aggravate our social problems and concerns by doing away with the last remaining family day which is left to us.

Ladies and gentlemen of the House, I urge you to join me in retaining the current Sunday law, which has served us well for so long.

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

Representative GRAHAM: Mr. Speaker, Ladies and Gentlemen of the House: I would like to respond to my very good friend from Kennebunk, Representative Libby. Yes, Maine and North Dakota are the only two states that have a Sunday closing law. As far as I know, Maine is the only state in the union that claims that we have life the way it should be. I have no problem at all with being the state that stands alone to say that Sunday closing is a good thing.

The polls that my friend from Wells was quoting asked the question, "Would you like to shop on Sunday?" Of course, it is very easy to say, "Sure, I would like to go shopping on Sunday."

If somebody came up to you and asked you if you would like to be a millionaire, you would say, "Sure, I would love to be a millionaire." If they asked you, "Would you like to be a millionaire if it meant you had to spend the rest of your life in a wheelchair" — that would be a whole different question. You might give a whole different answer.

The other side of the question that was not asked by the polls was, "If stores are going to be opened on Sunday, would you want to be required to work on Sunday?" That means that the results from the polls, all of the polls, are skewed because none of the polls I have seen asked that question.

I have a bill in my binder, #1666, An Act to Establish the Department of Child and Family Services, the duties of which will be to enhance the human development and functioning of families and children, to prevent child abuse and neglect and family problems that deal with teen suicide. It is going to cost nearly half a million dollars over two years. Part of the problem is the pressures on families today which means they don't have time to be together. Kids go to school Monday through Friday, weekends are the only time they have to spend with their parents and I think what really changed most of our minds on the committee was the fact that we found out about a bill in Labor that would allow 8th graders, 14 year olds, to work in hotels and restaurants, 8th graders working as chambermaids and dishwashers, working all weekend after a full week at school. If you vote to open stores on Sunday, we might just as well forget about all the things we have said about building the families, protecting kids and reducing the pressures on our young people. That was the factor that really decided this issue for 12 out of 13 members on the committee.

Representative Libby is our resident contrarian and he assumed that he would be the lone ranger on this one and he was. I think it is a bad idea to open up the stores on Sunday and I would urge you to support the Majority Report of the Committee.

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

Representative WENTWORTH: Mr. Speaker, Ladies and Gentlemen of the House: The question asked on the survey was, "Currently stores larger than 5,000 square feet cannot open on Sunday. A bill before the current legislature would let all stores, which wanted to be open, be open from twelve until five. At the present time, would you favor or oppose such a change?"

If you would visit the malls in New Hampshire and Kittery, you would see literally thousands of cars from Maine there. Let's keep them at home.

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

Representative ANTHONY: Mr. Speaker, Men and Women of the House: I will be very brief because I suspect most of us have already decided how we are going to vote on this issue. For those of you who are still waivering, I would like to point out the fiscal effect of the Sunday closing laws. My good friend, the Representative from Houlton, expressed concern about the need for a half a million dollars to do various programs to help families -- my perception of the voters in my area, I didn't get a single call in support of Sunday closing laws and I did get cards and phone calls in support of opening the stores. All of these people expressed that they are prevented from shopping on Sunday but are shopping out of state because that is where they have to go. We are losing substantial amounts of tax revenues to people who are traveling out of state, from not only my area but I suspect from anyplace within one hour's drive of the New Hampshire or Canadian border. It appears to me that that is a loss that we can easily rectify by allowing those stores that wish to to say open on Sunday and keep Maine shoppers at home, keeping our tax coffers where they ought to be.

I urge voting against the motion.

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

Representative GURNEY: Mr. Speaker, Men and Women of the House: I would like to mention the cards that the good Representative from South Portland talked about. They were cards that were provided and sent by a large store in the Maine Mall. They just asked if you would like the stores to be open and they said, put your name and your address down and we will send it to your Representative.

I received cards and letters of over 30 to 1 against Sunday sales.

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

Representative PARADIS: Mr. Speaker, Members of the House: I am a cosponsor on this bill and it placed me in a different position than I have been in past years when we have had to consider this measure. My reason for that was, as I campaigned about the district, I received many comments. I was not soliciting comments at that time but I was receiving them from constituents as I approached them on their doorstep. They were mostly in a group which became identified around the young, both working couple, with a young family. The pressures on them, as it was related to me, for bringing up family, working, getting back and forth to work and the travel time that was involved was exerting pressure on their daily lives to the point where they were having difficulty or it was inconvenient for them to meet the obligations of administrative support for their home in preparation for the following week. This was the rationale that was presented to me at that time for maintaining the stores to be open for their convenience on Sunday. I think there is merit in this. I recognize it and I do know that there is a group that has need for it and that is my purpose for being on the bill. The fairness issue is something else that goes in another direction. I think that there is a family problem out there and that we need to help solve it and we need to make a convenience for our younger people.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Sheltra.

Representative SHELTRA: Mr. Speaker, Men and Women of the House: I, too, am on the Business Legislation Committee and actually this decision wasn't an easy one. In relative to Portsmouth, I do a lot of shopping in Portsmouth, as a matter of fact my job gave me the opportunity to cover a lot of parts of New Hampshire and one thing that I have noted over the last two years is that every other store in Portsmouth has a "help wanted" sign, a placard in their windows. When I thought about this and the more that I thought about our labor market, which happens to be 114,000 in the State of Maine and how they would be forced to work on Sunday, many of who don't care to work on Sunday, this impressed me especially with the minimum wage being what it is. What would happen, ladies and gentlemen, would be that the larger stores where help would be so unavailable, the larger stores would be able to pay a wage of maybe \$8 an hour but the small shop owner wouldn't be able to afford to compete with the larger stores in the labor market. That was my determining factor. I hope that you do vote to keep the stores closed.

The SPEAKER: The Chair recognizes the Representative from Cape Elizabeth, Representative Webster.

Representative WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: I do not regard this as a partisan issue. I really regard this as one that we vote on depending on what we view as the wishes of the people in our districts. I would like to point out that I think that the life-styles of people have changed dramatically over the past one or two decades and what may have been good public policy in the past may no longer be relevant to many of our constituents.

Many more women are working now and many more women with young children of school age, such as myself, are now working. It is simply not possible to accomplish everything that needs to be done on Saturday's alone. We have to do many things on Saturday's that we used to do during the week. There's grocery shopping, there's Little League, there's birthday parties, the weekly trip to the library. With four kids, Saturday is gone very quickly. Our life-styles are such that we want and need the ability to be able to go shopping for food and for clothes for the children on Sunday. I know that Sunday can be a very special family day. I taught Sunday School when my children were younger but, in many parts of Maine now, people go to church on Saturday evening, a reflection I think of changing life-styles.

Many consumers want the opportunity to shop on Sunday and, as I said before, I really think this is not a partisan issue, it is a peoples issue. I urge you to think about their wishes on this and vote no on this motion so we can accept the "Ought to Pass" Report.

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

Representative MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: You heard the opinion from one of the legislators from South Portland, perhaps now you should hear from the other side. It has been pointed out to me out in the corridors by people who are working hard for this bill that the Maine Mall lies in the middle of my district. I appreciated their interests, I was already aware of the fact, but I was glad that they were ready to inform me of that.

I stood here (I think it was four years ago), I was one of the sponsors that proposed to you that we



should have four Sunday's (I believe it was) between Thanksgiving and Christmas that all the stores could be open. At the time, I felt it was a very good bill and I still do, but I think there are some things you should know about that particular bill and how it finally worked out. After the first year that the law was in effect, in January after the period from Thanksgiving to Christmas was over, I had calls from six or seven people who lived in my district and worked in the Maine Mall area. Their complaint was -- that the understanding was that when we passed the original bill, because of religious reasons or personal reasons, you did not choose to work on Sunday, that was your privilege, these were people who did not choose to work on Sunday and they were told that if they did not choose to work on Sunday not to bother to come back on Monday or Tuesday either. I think that was the main reason that I will not support this bill at this time. I think that the shopping opportunities are out there. I know we say a lot of people are going to New Hampshire, you go down to New Hampshire and look at the Maine cars in the parking lots, come over to the Maine Mall and look at the New Hampshire cars in the parking lot and I think you will find there are just as many.

I think it is an issue of fairness. I think people who do not want to work should not be forced to work. The gentleman from Portland referred to all the postcards that were sent out. I guess I received probably 100 or so. I really don't pay too much attention to something that is a mimeographed postcard and all you have to do is sign your name. I don't think that really indicates an opinion. I know from the phone calls I got and the people I talked to on the street, they were almost unanimous, they did not want to work on Sunday and they did not think they should be forced to. For this reason, I hope you support the Majority Report.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: I signed on to one of the Sunday sales bills this session and I had contributed to the demise of those bills in the past and those of you who have been around a while will remember that. One of the reasons I did that is, I worked for W.T. Grant, a company that is no longer with us because of those genius executives that were running it, bankrupted it. But, I worked for W.T. Grant from my Junior year in high school until four years after I got out of high school. Also, I did own one of these Mom and Pop stores that some of the members here are worried about competing with the big stores. Those were my arguments back when I was against the bill.

Let me bring you up to 1989, the Mom and Pop stores cannot compete with the big stores, they never could, they never will, and whether or not we pass Sunday sales, will have nothing to do with the Mom and Pop's making it or breaking it because, let me tell you, even your best of friends will come to your Mom and Pop store when they need the gallon of milk, when they need the loaf of bread, when they need the pack of cigarettes and that is going to be it. As soon as they can get to Shaw's or Shop 'N Save or the IGA, they are going to go there. That is because, men and women of the House, that you can buy stuff in those big stores cheaper than I could from my wholesale distributor.

I talked with some of the people that I used to work with at W.T. Grant who now work at the store who took over the building where W.T. Grant was and I asked them about this whole thing. Some of them were very adamantly opposed, the others said, (as was

brought up by Representative Sheltra) that due to the great minimum wage that we pay in the State of Maine that some of them would indeed work on Sunday because that is the only time they could make a little (so-called) extra money and we can all use a little extra money.

Representative Graham brought up a point that is pretty near and dear to me, he talked about keeping the family together -- well I think my mum and dad did a pretty good job with the five of us. The only hitch is now that my mother is doing a pretty good job with five grandchildren. Between still running errands for her five children and her five grandchildren, her week is just about gone. I don't know about some of the ladies of this House but my mother looks forward to going shopping and she might spend the whole afternoon there and she might end up buying just a little pair of summer shorts for one of the grandchildren, but that is her idea of relaxation and the only day she can do it is on Sunday. So, every Sunday before Christmas, my mother is gone. None of us are scarred from it, none of the grandchildren are suffering from it because she more than adequately makes up for it the other six days of the week.

In this last election, I, too, got a lot of unsolicited comment about Sunday sales. As I said on this floor many times, if I were here representing me, Paul Jacques, it would be very easy to do, but there is some peculiar flaw in the Constitution of the State of Maine that says that we are here representing the people of our district. When the people of your district want something, whether you like it or not, and I am not saying I like the idea of Sunday sales 100 percent, because I don't. I have the same concerns that Representative Macomber does because I used to be there. I used to be the fellow that had to take the day off on Wednesday because I couldn't take it off on Saturday because the veterans of the store didn't want to work on Saturday. I am sure the same thing could happen and probably will happen on Sunday. But the point is my people said to me -- I don't care how the rest of you vote on it -- that they wanted stores to be open on Sunday because that was one of the only day's they had left to shop.

Now, my mother goes to New Hampshire once in a while during the off season and that worries me because my mother is not the best driver in the world and I really worry about her driving from Waterville all the way down there and back when she really shouldn't have to. I would feel a lot more comfortable if she could come to Augusta or Bangor and be able to go shopping. When I talk to my mother about that, she will agree. My mother tries real hard but driving has never been her strong suit and it is too bad that she has to drive to New Hampshire and spend some of my Dad's and her hard-earned money in New Hampshire but if that's the way we want it in this state, I guess that is the way it is going to be. Ultimately, I think the bottom line is that the people are going to get a referendum going, they will get the signatures in one weekend in a couple of big shopping malls in this state and, if not in one weekend, then in two, the thing will go out to referendum and, unless I am sadly mistaken, a good majority of the people (and I think close to three-quarters of the people) are going to tell you what they want, as they told me what they want.

I understand the concerns but again, it is not me I am representing, it is not me, myself and I, it is the people that have talked to me. I didn't get the cards that were made out already, I got calls, I got people who talked to me on the corner, I have constituents that have been talking about this for a

long time but it has gotten to the point where the numbers are high enough. I didn't put it in my questionnaire because I think questionnaires are a joke because, as has been said, you ask the question the way you want, you will get the answer that you want and then you can come back and justify your position. Well, I didn't look at it and I am not here to justify my position, I am here to justify their position and that is why I am changing my mind and I will be voting against the motion so I can vote to allow stores to be open on Sunday.

The SPEAKER: The Chair recognizes the Representative from Caribou, Representative Bell.

Representative BELL: Mr. Speaker, Ladies and Gentlemen of the House: Before I came to the House, I managed supermarkets for 33 years so I have a good retail experience. I have always felt the free enterprise system should be for everyone, large and small. Our competition in my community, about five years ago, started opening evenings. The first year we didn't follow them but with competition, inevitably you have to, so we started opening nights. Since the larger markets were open every night, some people here feel that the little stores maybe wouldn't get hurt but I would like to tell you that within three years, we closed seven corner stores. I felt bad about that because the free enterprise system should be for everyone. So, with that, I urge you to vote for the bill.

The SPEAKER: The Chair recognizes the Representative from South Berwick, Representative Farnum.

Representative FARNUM: Mr. Speaker, Ladies and Gentlemen of the House: I come from a border town and I can see what is happening down there. The malls in Newington, New Hampshire employ about half of their people from Maine, they work there on Sunday. Also near me, I have Kittery, York, Wells and several other small towns. They have small stores there, they are big chain stores, but they are small space stores. If you go there, you find it hard to park, in fact you even find it hard to drive your car on Route 1, people from all over the state, people from New Hampshire, Massachusetts and what not trade in those small stores and they are paying the sales tax in Maine. But when you go over to Newington, you find two states supplying those stores with customers, Maine and Massachusetts. I think we should open up all the stores in Maine so we can get that sales tax here, not New Hampshire.

I realize that New Hampshire needs our money, but let's keep it in Maine.

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

Representative GURNEY: Mr. Speaker, Men and Women of the House: In response to Representative Farnum, he mentioned that people from Maine and Massachusetts were going to New Hampshire — that's because they have no sales tax. People from Massachusetts naturally would go to New Hampshire if they are that close to the New Hampshire border. I suspect many people from Maine also go to New Hampshire for that same reason.

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

Representative LEBOWITZ: Mr. Speaker, Ladies and Gentlemen of the House: I do not rise to my feet very often in this House but in the 112th Legislature I urged that we vote for opening for the Christmas holiday season and I still maintain that was the right vote. However, I am going to vote for the Majority Report on this because I feel there's only so much money to go around and if it is spent on

Saturday, it won't be sent on Sunday. If it is spent on Sunday, it won't on Monday.

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

Representative GRAHAM: Mr. Speaker, Men and Women of the House: I would just like to respond to a couple of things. First off, I live on the border of New Brunswick, they don't have Sunday shopping. I also live 120 miles from the nearest shopping mall. You would think that the people in my district would want Sunday shopping so they would have that day off to go to the mall. They don't want it. Somehow in Aroostook County, we find enough time during the week without any shopping malls in the county to buy what we need. I think it is a pretty sad thing that shopping is a major form of family recreation. I think it is a shameful thing.

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

Representative PINEAU: Mr. Speaker, Ladies and Gentlemen of the House: At the public hearing this week in the Labor Committee, we heard businesses come in and tell us why they can't pay premium time on Sunday to the Maine workers. I cannot go back home and look my Maine workers, who (as one said) the traditional work week is a Sunday worker. Sunday is just another day of our week back home.

When the outfit saw fit not to pay premium time any more but just compensated, that I have heard in the House this morning, went by. My people began to realize exactly what Sunday means. I have had information both to-and-fro, the information that says, open them up on Sunday tells me, as long as we justly compensate the people. Every business in front of my committee yesterday was saying, we can't afford to pay premium time, we will get the kids in to work. I am sorry but I cannot put my vote or represent my area if we are going to diminish the way Maine is to that degree, I will not be a part of it.

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 Allen of Washington 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. 47

YEA - Adams, Aikman, Aliberti, Allen, Anderson, Ault, Bailey, Begley, Bell, Brewer, Burke, Carroll, D.; Carroll, J.; Carter, Cashman, Clark, H.; Conley, Constantine, Cote, Crowley, Curran, Daggett, Dellert, Dexter, Dipietro, Farnsworth, Foster, Graham, Greenlaw, Gurney, Gwadosky, Handy, Hanley, Heeschen, Hickey, Holt, Hussey, Hutchins, Jackson, Jalbert, Joseph, Kilkelly, LaPointe, Larrivee, Lebowitz, Lisnik, Lord, Luther, MacBride, Macomber, Mahany, Manning, Marsano, Marsh, Marston, Martin, H.; Mayo, McCormick, McGowan, McHenry, McKeen, McPherson, McSweeney, Melendy, Merrill, Michaud, Mills, Murphy, Norton, Nutting, O'Dea, Oliver, Paradis, J.; Paradis, P.; Paul, Pederson, Pineau, Pines, Plourde, Pouliot, Priest, Rand, Reed, Richard, Richards, Ridley, Rolde, Seavey, Sheltra, Sherburne, Simpson, Skoglund, Small, Stevens, A.; Stevens, P.; Stevenson, Strout, B.; Strout, D.; Tammaro, Telow, Tupper, Walker, Whitcomb.

NAY - Anthony, Butland, Cathcart, Clark, M.; Coles, Donald, Dore, Duffy, Dutremble, L.; Erwin, P.;

Farnum, Farren, Garland, Gould, R. A.; Hale, Hastings, Hepburn, Hichborn, Higgins, Hoglund, Jacques, Ketover, Lawrence, Libby, Look, Mitchell, Moholland, Nadeau, G. G.; Nadeau, G. R.; O'Gara, Paradis, E.; Parent, Pendleton, Rotondi, Smith, Swazey, Townsend, Tracy, Webster, M.; Wentworth.

ABSENT - Boutilier, Chonko, Foss, Ruhlin, Rydell, Tardy, The Speaker.

Yes, 103; No, 40; Absent, 7; Vacant, 1; Paired, 0; Excused, 0.

103 having voted in the affirmative, 40 in the negative, with 7 being absent and 1 vacant, the Majority "Ought Not to Pass" Report was accepted in concurrence.

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

Bill "An Act Concerning Withdrawal of Candidates" (H.P. 559) (L.D. 757)

TABLED - May 24, 1989 by Representative PRIEST of Brunswick.

PENDING - Adoption of Committee Amendment "A" (H-234).

Representative Priest of Brunswick offered House Amendment "A" (H-282) to Committee Amendment "A" (H-234) 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 in non-concurrence and sent up for concurrence.

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

Resolve, Establishing a Commission to Study the Level of Services for Maine's Elderly Citizens (EMERGENCY) (H.P. 550) (L.D. 747) (H. "A" H-215 to C. "A" H-183)

TABLED - May 24, 1989 by Representative GWADOSKY of Fairfield.

PENDING - Final Passage.

On motion of Representative Mayo of Thomaston, retabled pending final passage and later today assigned.

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

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

TABLED - May 24, 1989 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

On motion of Representative Crowley of Stockton Springs, under suspension of the rules, the House reconsidered its action whereby L.D. 666 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-163) was adopted.

The same Representative offered House Amendment "B" (H-298) to Committee Amendment "A" (H-163) and moved its adoption.

House Amendment "B" (H-298) to Committee Amendment "A" (H-163) was read by the Clerk.

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

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: This Bill, L.D. 666, is An Act Concerning Teacher Employment. The bill simply is a renewal pertaining to the renewal of probationary teacher contracts and the bill has a notification date for the contracts not to be renewed by May 15th in writing. It makes a date certain now so that a teacher that is not going to be rehired won't have a handicap in looking for a job in August or September. This also takes away the uncertainty that superintendents have. So, I think it will help the teachers and help the superintendents to have a date certain.

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

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

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

At this point, the Speaker appointed Representative Michaud of East Millinocket to act as Speaker pro tem.

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

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

HOUSE DIVIDED REPORT - Majority (8) "Ought Not to Pass" - Minority (4) "Ought to Pass" - Committee on State and Local Government 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)

TABLED - May 24, 1989 by Representative GWADOSKY of Fairfield.

PENDING - Acceptance of Either Report.

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

Representative JOSEPH: Mr. Speaker, I move that the House accept the Minority "Ought to Pass" Report.

We who support this Resolution, Proposing an Amendment to the Constitution of Maine to Provide for 4-Year Terms for Senators and Representatives feel that the voting public is ready to vote on this particular measure. We feel that the time has come to seriously consider this measure and to amend the Constitution to allow Representatives and Senators to serve 4-Year terms.

Our decision was based on four facts and I will briefly tell you what those facts are. First, presently the cost of campaigning has increased beyond reasonable limits. More importantly, the voting public, our constituents, could be and probably are tired of our continuous fund raising.

The second fact is, those of us who support this measure feel that 4-year terms would actually preserve our citizen legislature that we feel so proud of, this being so, by giving this body and the other members of the other body more time to adequately address the serious and complex issues that come before us. We also feel that this would be evidenced by the shifting of issues and responsibilities from the federal government to the state and local governments, such as the issues of education, the federal highway monies and how, in fact, are we going to maintain our infrastructure with the monies and how we are to raise those funds, the social programs that are funded now where funding

has been cut. And how are we going to continue to provide those critical services to the most needy. The housing cost issues -- actually the reduction of subsidies by the federal government and increased percentage that is needed by the most poor to even pay their share as far as that subsidy is concerned. By approving this Resolution, we feel may eliminate the need to spend additional dollars on off-season study committees, which do occur on a very regular basis.

Fact number three is, our concept, yours and mine I hope, of a democratic system of government that provides coequal branches of government, the Executive and the Legislative. Presently and since 1957, 32 years ago on May 20th, this legislature gave the Chief Executive of this state, our governor, a 4-year term. In a democracy, the balance of power, the coequal branches of government, is critical. We should preserve this concept and we are now asking two-thirds of the members of this body and the other body to ask your constituents if they do agree that the Maine Legislature and the Maine Legislative branch, the House of Representatives and the Maine Senate should be on an equal footing with the Governor of our proud state.

Number four, the reason that we support this measure is that the testimonies of a member from the other body from the northern part of this state who represents 50 different communities in this rural area talked about the difficulty in adequately seeing these people every two years in traveling and many of you identify with that.

Therefore, as so many of you do represent multiple towns and communities, I ask you to give this measure serious consideration. As in 1957, I now ask you to consider equalizing our system and support this Resolution that eventually will be considered by the voters of the State of Maine. This Resolution would be put out to our voting public to ask if they do feel that you and I should serve 4-year terms in this Maine House.

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

Representative ANDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to tell you why I support and cosponsored L.D. 1120. I think it is a waste of time, money and effort to have to campaign every two years. If we were to use this time that we spend campaigning working for our districts and constituents, I think we would tend to be better legislators. I feel the way it is now, we automatically start campaigning the day after we get elected. If we were to go the 4-year term of elections, I feel as if we would have much more time to spend on the important issues that we deal with today and not on the issues of campaign funds.

I think it is essential that legislators campaign and tour their districts but I think once every 4-years is sufficient. I think the public is getting tired of being bombarded with politicians and their campaigning, especially every two years and probably would enjoy the length of a 4-year term.

In closing, I would just like to say that I think that the three branches were meant to work on a level playing field. That being the case, what is good for the goose is good for the gander. So if the Executive Office is elected every 4-years, why not the House and the other body?

The SPEAKER PRO TEM: The Chair recognizes the Representative from Easton, Representative Mahany.

Representative MAHANY: Mr. Speaker, Ladies and Gentlemen of the House: The issue of the 4-year term for legislators has been around these halls for quite

awhile. It keeps coming back like an old refrain so you might be wondering why I sponsored this bill.

Some of the very good reasons for doing that have already been indicated by Representative Joseph and Representative Anderson. I feel very good about having sponsored this bill because my constituents requested that I do so. I didn't say yes to them right off but the more I thought about it, the more I felt that it wouldn't be a bad idea to get this issue addressed, once and for all. Then I decided to put the question in my questionnaire to see if there was really broad support for the 4-year term out there among my constituents or whether those constituents who had approached me just happened to be a few who wanted to find fault. The results of my questionnaire really reenforced my feeling good about having offered this bill because the overwhelming majority were in favor of a 4-year term followed by those in favor of a three year term and those in favor of a two year term came in last, about the same number were undecided.

As you know, we legislators will not decide whether or not to have a 4-year term. We do not have the authority to decide that. Only the people of this state have that authority. What we will decide is whether or not to put this question to the people and ladies and gentlemen, the people are ready for this question. The results of my questionnaire indicate that as did a similar question on a questionnaire of Representative Rotondi, a few years back as does the fact that the issue of a 4-year term has been around the halls of this House for so long. The people are ready for the question, the people are the only ones who can decide the question so we should vote to put the question to them for their decision, one way or the other. Now is an ideal time to do so because the Commission to study the legislative process is being set up and it could make recommendations for adjusting to the 4-year term, should such recommendations be needed.

Moreover, I would like to call to your attention the fact that when we pass this Resolution this morning, (perhaps I should say if we do and I hope we do) I will offer an amendment which would make it go into effect only in 1994. The reason for that, by then the federal census will have been taken, the redistricting within the State of Maine will have been finished and we can start, as it were, with a fresh start. Moreover, nobody here needs fear of being accused of not being willing to run, especially those freshman, in two years again because, if you want to stick around, you are going to have to run for three more times every two years; that is, assuming that the people do decide to go with the 4-year term.

As you have already heard, there are many good reasons for the 4-year term. I am in favor of it. I know there are some good reasons against it as well but I just want to remind you that we are not going to decide for or against the 4-year term here this morning but whether or not it is a good idea to let the people decide it.

As Representative Joseph and Representative Anderson already pointed out, there is the issue of money, campaigning is getting more expensive, campaigns are getting longer and consume more time, taking time away from our input on issues of legislation that are getting much more complex and we are getting more and more of them. A 4-year term would permit us to focus our time on the complex legislation and, therefore, help us to serve our constituents better. I think it is better for us to spend our time working together with our constituents, putting legislation together that they

want, working out a strategy of how to get it passed then in expending our energy trying to raise money, getting our ads together of one kind or another and doing our mailings to build our image and so on.

I don't think that this means that you can't go door-to-door if you want to. Some people have said we need elections every two years so we will get out there and go door-to-door. Well, going door-to-door is something you can do any year to some extent and probably we should be doing that every year, I recommend it.

The other point that Representative Joseph has mentioned is that the 4-year term for legislators would provide the legislature with a continuity of action and oversight, coterminous with that of the Governor, which is what the founders of our state government intended in the first place. We would be freed up from the direct influence of lobbyists for a couple of years at least, lobbyists for special interest groups. I don't want to put lobbyists down because they certainly do serve a creative and useful purpose here.

I know that there is some resistance to this change. Simply because it is change, maybe some people would rather not put the question out to the people but I would like to remind you that there was resistance to the change with respect to the gubernatorial term as well but we have come to expect that as something very natural and we do not feel uncomfortable with it at all even though for 137 years in our state the Governor and the Legislature were elected at the same time for the same period of time. The first Governor to serve a full 4-year term was Governor Reed of Fort Fairfield from my district and that was little more than 27 years ago. Still, we think that is a normal state of affairs now. The fact is, ladies and gentlemen, that if we put the question of the 4-year term for legislators to the people and they decide in favor of it, we will come to accept the 4-year legislative terms just as readily as something normal and natural as we did the 4-year gubernatorial term. In fact, many of the same reasons can be brought to justify the 4-year legislative term as were brought to justify the 4-year gubernatorial term.

In conclusion, as I said at the outset, we legislators cannot decide the issue for or against a 4-year legislative term, we do not have that authority, only the people of this state can decide that issue. Ladies and gentlemen, the people are ready for the question. The question needs to be laid to rest with a decision for or against it as it has been around a long time. Indeed, since only the people have the power to resolve this issue, it may not be fair for us to keep it from them. Men and women of the House, I don't believe we have to be afraid of anything. Any one of you can vote to put this question to the people today and still, in the public forum, argue against the 4-year term. Whether we vote to put the issue to the people is one issue, our stand on the 4-year term is a different issue. All we will be doing is letting the people exercise the power that is rightfully theirs. So, let's vote to get the question out there, to lay bare the reasons for and against, to lay bare the historical background in the public forum and let's let the people decide whether or not they have too many elections to go to, whether or not we legislators will be responsible if we are elected every four instead of every two years. Let's do it, ladies and gentlemen, because the people are ready for it and because they alone can decide it and because it is their right to decide it.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Waldoboro, Representative Begley.

Representative BEGLEY: Mr. Speaker, Men and Women of the House: There were eight of us on the committee who believed we should not send this Resolution out to referendum and to the people. We believed that we should remain responsive and in touch with our constituents and that two year terms help us to do that. Many folks on this floor and in committee refer often to issues that are brought to their attention during campaigning.

I urge you to support the Majority Report and vote against the pending motion.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Gorham, Representative Larrivee.

Representative LARRIVEE: I would also urge you to vote against the pending motion and support the Majority "Ought Not to Pass" Report. It is my opinion that this is not going to play in Peoria, I think in my district there are a number of people who would like to be sure that I am able to stand for election every two years, I don't have any problem doing that and I believe we should make that decision here and vote against this Minority Report.

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

Representative JOSEPH: Mr. Speaker, Ladies and Gentlemen of the House: I want to remind the members of this body that the only opponents to this piece of legislation that testified before the State and Local Government Committee was a candidate last year for a 6-year term in the United States Senate and yet this person felt that the members of this body and the other body should not serve 4-year terms. I say, let Peoria vote on this question and the question the people will be voting on is, "Shall the Constitution of Maine be amended as proposed by a Resolution of the Legislature to Change the Term of Office for State Legislators from Two Years to Four Years" and, therefore, I ask you to vote in favor of this Minority "Ought to Pass" Report.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Easton, Representative Mahany.

Representative MAHANY: Mr. Speaker, Ladies and Gentlemen of the House: When the vote is taken, I would request the yeas and nays.

I would like to say that I, too, as all of you I am sure, have no fear whatsoever of running every two years. Fear is not the issue here. I waged four campaigns in the course of five years. I just think we ought to let the people decide that fear issue here and if they decide that we ought to have a 4-year term, I will be happy with that. If they decide we have a 2-year term, I will be less happy with that but I will certainly be happy enough and I will go along with it.

Please keep the issue separate in your mind and let's let the people handle this issue at long last and put it to rest.

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

Representative HANLEY: Mr. Speaker, Ladies and Gentlemen of the House: Representative Mahany has extolled the virtues of constitutional amendment and, over half a dozen times, she has said, let's let the people decide. That was the same issue that was before this body on limiting the number of consecutive terms a legislator can serve and this body exercised its wisdom in that case and I urge this body to, once again, exercise its wisdom and vote against the pending motion so we can accept the Majority "Ought Not to Pass" Report.

The SPEAKER PRO TEM: 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 PRO TEM: The pending question before the House is the motion of the Representative from Waterville, Representative Joseph, that the House accept the Minority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 48

YEA - Adams, Aliberti, Allen, Anderson, Ault, Brewer, Burke, Carroll, D.; Carroll, J.; Carter, Cashman, Clark, H.; Clark, M.; Conley, Constantine, Cote, Dipietro, Dore, Erwin, P.; Farnsworth, Farnum, Farren, Gould, R. A.; Graham, Greenlaw, Gurney, Hale, Handy, Hepburn, Hichborn, Hickey, Hoglund, Holt, Jacques, Jalbert, Joseph, Ketover, Kilkelly, LaPointe, Lisnik, Lord, Mahany, Manning, Marsh, Marston, Martin, H.; Mayo, McGowan, McHenry, McKeen, McSweeney, Melendy, Mitchell, Moholland, Murphy, Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Parent, Paul, Pederson, Pineau, Pouliot, Rand, Ridley, Rolde, Rotondi, Rydell, Seavey, Sheltra, Simpson, Skoglund, Smith, Stevens, A.; Stevens, P.; Swazey, Tamaro, Tardy, Telow, Townsend, Tracy, Walker, Wentworth, The Speaker.

NAY - Aikman, Anthony, Bailey, Begley, Bell, Butland, Cathcart, Chonko, Coles, Crowley, Curran, Daggett, Dellert, Dexter, Donald, Duffy, Dutremble, L.; Foster, Garland, Gwadosky, Hanley, Hastings, Heeschen, Higgins, Hussey, Hutchins, Jackson, Larrivee, Lawrence, Lebowitz, Libby, Look, Luther, MacBride, Macomber, Marsano, McCormick, McPherson, Merrill, Mills, Nadeau, G. R.; Paradis, E.; Pendleton, Pines, Plourde, Priest, Reed, Richards, Sherburne, Small, Stevenson, Strout, B.; Strout, D.; Tupper, Webster, M.; Whitcomb.

ABSENT - Boutilier, Foss, Michaud, Nadeau, G. G.; Richard, Ruhlin.

Yes, 88; No, 56; Absent, 6; Vacant, 1; Paired, 0; Excused, 0.

88 having voted in the affirmative and 56 in the negative with 6 being absent and 1 vacant, the Minority "Ought to Pass" Report was accepted, the Resolution read once and assigned for second reading Friday, May 26, 1989.

(At Ease)

At this point, the Speaker resumed the Chair.

The House was called to order by the Speaker.

Representative Conley of Portland was granted unanimous consent to address the House:

Representative CONLEY: Mr. Speaker, I would request that the Record show that on Roll Call #44, An Act to Extend Seasonal Liquor Licenses Under Certain Circumstances that I be recorded as voting yea instead of nay.

(Off Record Remarks)

On motion of Representative Erwin of Rumford,

Adjourned until Friday, May 26, 1989, at twelve o'clock noon.