

# 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**  
**72nd Legislative Day**  
**Tuesday, May 30, 1989**

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

Prayer by Reverend Randy Stewart, Elim Christian Fellowship, Augusta.

Pledge of Allegiance.

The Journal of Friday, May 26, 1989, was read and approved.

Quorum call was held.

**PAPERS FROM THE SENATE**

Bill "An Act Relating to the Certificate of Need Act" (S.P. 613) (L.D. 1708)

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

Was referred to the Committee on Human Resources in concurrence.

**Unanimous Ought Not To Pass**

Report of the Committee on Transportation reporting "Ought Not to Pass" on Bill "An Act Concerning the Imposing and Collection of Fines for Motor Vehicle Infractions Pertaining to Rental Vehicles" (S.P. 538) (L.D. 1473)

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

**Unanimous Leave to Withdraw**

Report of the Committee on Aging, Retirement and Veterans reporting "Leave to Withdraw" on Bill "An Act to Expand the Maine State Retirement System for Reemployed Individuals" (S.P. 527) (L.D. 1444)

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act to Change the Uniform Traffic Ticket and Suspension Procedures" (S.P. 484) (L.D. 1326)

Report of the Committee on State and Local Government reporting "Leave to Withdraw" on Bill "An Act to Amend the State Identification Law for Developmentally Disabled Students" (S.P. 522) (L.D. 1429)

Report of the Committee on Transportation reporting "Leave to Withdraw" on Resolve, to Study Sidewalk Repair and Maintenance (S.P. 566) (L.D. 1594)

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 Business Legislation reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-137) on Bill "An Act to Provide Dealership Protection to Farm Equipment and Machinery" (S.P. 358) (L.D. 959)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-137) and Senate Amendment "A" (S-168).

Report was read and accepted, the Bill read once. Committee Amendment "A" (S-137) was read by the Clerk and adopted.

Senate Amendment "A" (S-168) was read by the Clerk and adopted and the Bill assigned for second reading Wednesday, May 31, 1989.

**Non-Concurrent Matter**

Bill "An Act to Strengthen the Penalties against Those Who Intentionally Mislabeled Foods as Natural or Organic" (H.P. 644) (L.D. 878) which was passed to be engrossed as amended by Committee Amendment "A" (H-254) in the House on May 24, 1989.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-254) as amended by Senate Amendment "A" (S-159) thereto in non-concurrence.

The House voted to recede and concur.

**Non-Concurrent Matter**

Bill "An Act to Improve Compliance with Truck Weight Limits" (H.P. 36) (L.D. 36) which was passed to be engrossed as amended by Committee Amendment "A" (H-277) in the House on May 25, 1989.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-277) as amended by Senate Amendment "A" (S-169) thereto in non-concurrence.

The House voted to recede and concur.

**COMMUNICATIONS**

The following Communication:

114th Maine Legislature

May 26, 1989

Honorable Edwin H. Pert

Clerk of the House

State House

Augusta, ME 04333

Dear Clerk Pert:

Pursuant to our authority under Chapter 15 of the Resolves of 1989, we have appointed the following to the Advisory Committee on Legislative Structure and Operation:

Hon. Nancy Randall Clark of Cumberland

Hon. Robert G. Dillenback of Cumberland

Hon. Paul E. Violette of Portland

Hon. John C. Chapman of Woolwich

Hon. Dan Gwadosky of Fairfield

Hon. Judith C. Foss of Yarmouth

Hon. Kenneth MacLeod of Brewer

Please let one of us know if you have any questions about these appointments.

Sincerely,

S/Charles P. Pray

S/John L. Martin

President of the Senate

Speaker of the House

Was read and ordered placed on file.

The following Communication:

114th MAINE LEGISLATURE

May 26, 1989

Honorable Edwin H. Pert

Clerk of the House

State House

Augusta, ME 04333

Dear Clerk Pert:

Pursuant to our authority under Chapter 15 of the Resolves of 1989, we have appointed Mr. Michael Healy of Freeport to the Advisory Committee on Legislative Structure and Operation:

Please let one of us know if you have any questions about those appointments.

Sincerely,

S/Charles P. Pray

S/John L. Martin

President of the Senate

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:

**Energy and Natural Resources**

Bill "An Act to Establish Color Standards for Maine Waters" (H.P. 1229) (L.D. 1713) (Presented by Representative STEVENS of Sabattus) (Cosponsored by Senator WEYMOUTH of Kennebec, Representative REED of Falmouth and Representative AIKMAN of Poland)

Ordered Printed.

Sent up for Concurrence.

**PASSED TO BE ENGROSSED  
WITHOUT REFERENCE TO COMMITTEE**

Resolve, to Amend Deadlines for the Study of the Structure and Operations of the Legislature (EMERGENCY) (H.P. 1228) (L.D. 1709) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsored by President PRAY of Penobscot, Representative WEBSTER of Cape Elizabeth and Senator WEBSTER of Franklin) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

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

Under suspension of the rules, without reference to any committee, the Bill was read twice, passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

**ORDERS**

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

ORDERED, that Representative Mary H. MacBride of Presque Isle be excused May 19 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Bradford E. Boutilier of Lewiston be excused May 22 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Nason S. Graham of Houlton be excused May 22 and 23 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Virginia Constantine of Bar Harbor be excused May 24 for legislative business.

Was read and passed.

**REPORTS OF COMMITTEES**

**Unanimous Ought Not to Pass**

Representative LORD from the Committee on Energy and Natural Resources on Bill "An Act to Exempt Shooting Ranges from Noise Control Standards" (H.P. 1058) (L.D. 1480) reporting "Ought Not to Pass"

Representative STROUT from the Committee on Transportation on Bill "An Act to Require Foreign Recreational Vehicles to Purchase a Fuel Use Decal" (H.P. 1108) (L.D. 1541) reporting "Ought Not to Pass"

Representative PLOURDE from the Committee on Legal Affairs on Bill "An Act to Allow Employers to Collect a Service Charge for Debt Collection from Employees" (H.P. 1103) (L.D. 1536) 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 SWAZEY from the Committee on Taxation on Bill "An Act to Establish Municipal Land

Banks to be Funded by a Real Estate Transfer Tax" (H.P. 308) (L.D. 422) reporting "Leave to Withdraw"

Representative SWAZEY from the Committee on Taxation on Bill "An Act Concerning Employment Status Relating to Income Tax and Unemployment Compensation Laws" (H.P. 1100) (L.D. 1533) reporting "Leave to Withdraw"

Representative SWAZEY from the Committee on Taxation on Bill "An Act to Apply a Portion of Dedicated Funds from the Premium Tax on Alcohol towards Grants for Recreational Activities for Children" (H.P. 1124) (L.D. 1567) reporting "Leave to Withdraw"

Representative DORE from the Committee on Taxation on Bill "An Act to Allow Municipalities to Charge User Fees" (H.P. 1137) (L.D. 1580) reporting "Leave to Withdraw"

Representative MANNING from the Committee on Human Resources on Bill "An Act to Promote Clean Air in Beano Halls" (H.P. 848) (L.D. 1180) reporting "Leave to Withdraw"

Representative PLOURDE from the Committee on Legal Affairs on Bill "An Act Regarding Qualifications of Sheriffs" (H.P. 1139) (L.D. 1582) reporting "Leave to Withdraw"

Representative ANTHONY from the Committee on Judiciary on Bill "An Act Regulating Disclosure Procedures in Small Claims Actions" (H.P. 1094) (L.D. 1527) reporting "Leave to Withdraw"

Representative PARADIS from the Committee on Judiciary on Bill "An Act Regulating the Procedure in Small Claims Actions" (H.P. 1129) (L.D. 1572) reporting "Leave to Withdraw"

Representative FARNSWORTH from the Committee on Judiciary on Bill "An Act to Clarify the Law Relating to Sexual Harassment" (EMERGENCY) (H.P. 1067) (L.D. 1489) reporting "Leave to Withdraw"

Representative FARNSWORTH from the Committee on Judiciary on Bill "An Act Relating to HIV Test Results of Foster Children" (H.P. 1096) (L.D. 1529) reporting "Leave to Withdraw"

Representative ANTHONY from the Committee on Judiciary on Bill "An Act to Allow Corporations to Appear without Legal Counsel for Minor Civil Infractions" (H.P. 1130) (L.D. 1573) reporting "Leave to Withdraw"

Representative PARADIS from the Committee on Judiciary on Bill "An Act to Include Unlawful Insurance Sales Discrimination on the Basis of Handicap in the Maine Human Rights Act" (H.P. 1031) (L.D. 1437) reporting "Leave to Withdraw"

Representative PARADIS from the Committee on Judiciary on Bill "An Act to Eliminate Unnecessary Hearings by District Court Judges and Superior Court Justices" (H.P. 1157) (L.D. 1611) reporting "Leave to Withdraw"

Representative MACOMBER from the Committee on Transportation on Resolve, to Mandate a Comprehensive Planning Process for Rail Transportation (H.P. 1059) (L.D. 1481) reporting "Leave to Withdraw"

Representative CROWLEY from the Committee on Education on Bill "An Act Regarding the Maine Vocational-Technical Institute System" (H.P. 660) (L.D. 902) 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**

**Later Today Assigned**

Majority Report of the Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-309) on Bill "An Act to

Require Administrators of Boarding Care Facilities to Obtain Continuing Education" (H.P. 914) (L.D. 1280)

Signed:

Senators:

TITCOMB of Cumberland  
RANDALL of Washington  
GAUVREAU of Androscoggin

Representatives:

MANNING of Portland  
ROLDE of York  
BOUTILIER of Lewiston  
PEDERSON of Bangor  
DELLERT of Gardiner  
PENDLETON of Scarborough  
CATHCART of Orono  
HEPBURN of Skowhegan

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

Signed:

Representatives:

CLARK of Brunswick  
BURKE of Vassalboro

Reports were read.

Representative Manning of Portland moved that the House accept the Majority "Ought to Pass" Report.

On further motion of the same Representative, tabled pending his motion that the House accept the Majority "Ought to Pass" Report and later today assigned.

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

(H.P. 948) (L.D. 1316) Bill "An Act for the Preservation of Affordable Rental Housing in Maine" (C. "A" H-295)

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

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

Committee Amendment "A" (H-295) was read by the Clerk.

Representative Tamaro of Baileyville offered House Amendment "A" (H-321) to Committee Amendment "A" (H-295) 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 Wednesday, May 31, 1989.

CONSENT CALENDAR

First Day

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

(H.P. 152) (L.D. 204) Bill "An Act Making Allocations for the Expenditure of Funds Received by the State as a Result of Federal Court Orders in the Stripper Well Overcharge Case Involving the Shell Oil Company" (EMERGENCY) Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-312)

(H.P. 803) (L.D. 1115) Bill "An Act Concerning Bed and Breakfast Establishments" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-313)

(H.P. 1159) (L.D. 1613) Bill "An Act to Clarify Provisions of the Subdivision Law" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-314)

(H.P. 274) (L.D. 386) Bill "An Act Concerning the Operation of Motor Vehicles on Private Lands" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-318)

There being no objections, the above items were ordered to appear on the Consent Calendar of Wednesday, May 31, 1989, under the listing of Second Day.

CONSENT CALENDAR

Second Day

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

(H.P. 624) (L.D. 847) Resolve, to Establish the Commission to Study the Preservation of Volunteer Ambulance Crews and Volunteer Fire Departments (C. "A" H-299)

(H.P. 971) (L.D. 1349) Bill "An Act Concerning Insurance Required of Wreckers"

(H.P. 830) (L.D. 1162) Bill "An Act Regarding Sludge Spreading" (EMERGENCY) (C. "A" H-293)

(H.P. 376) (L.D. 507) Bill "An Act to Conform Maine Water Quality Law with Federal Requirements" (C. "A" H-294)

(H.P. 802) (L.D. 1114) Bill "An Act to Clarify the Exempt Status of a Bona Fide Lienholder under the Forfeiture of Assets Act" (C. "A" H-296)

(H.P. 341) (L.D. 460) Bill "An Act to Ensure the Confidentiality of Emergency Medical Services Quality Assurance and Peer Review Activities" (C. "A" H-297)

(S.P. 70) (L.D. 59) Resolve, to Direct the Manufactured Housing Board to Provide Information to Purchasers of Manufactured Housing (C. "A" S-144)

(S.P. 193) (L.D. 430) Bill "An Act to Require the Reporting of Burn Injuries Requiring Medical Attention to the Office of the State Fire Marshal" (C. "A" S-145)

(S.P. 220) (L.D. 536) Bill "An Act to Authorize Designation of Department of Mental Health and Mental Retardation Employees to Appear in Probate Court on Behalf of the Department of Mental Health and Mental Retardation" (C. "A" S-149)

(S.P. 258) (L.D. 648) Bill "An Act to Amend the Maine Human Rights Act Pertaining to Discrimination Because of Previous Assertion of a Claim Under the Workers' Compensation Act" (C. "A" S-147)

(S.P. 310) (L.D. 815) Bill "An Act Regarding High-speed Chases" (C. "A" S-143)

(S.P. 435) (L.D. 1152) Bill "An Act to Amend the Adult Protective Services Act" (C. "A" S-142)

(S.P. 71) (L.D. 60) Bill "An Act to Implement the Interim Recommendations of the Manufactured Housing Commission" (C. "A" S-153)

(S.P. 178) (L.D. 335) Bill "An Act to Strengthen the Social Worker Training and Education Requirements" (C. "A" S-152)

(S.P. 327) (L.D. 864) Bill "An Act to Amend the Acupuncturist Licensing Law" (C. "A" S-150)

(H.P. 1179) (L.D. 1634) Bill "An Act to Revise the Asbestos Certification Law" (C. "A" H-300)

(H.P. 828) (L.D. 1160) Bill "An Act to Provide for Consent of Minors to Health Services" (C. "A" H-301)

(H.P. 807) (L.D. 1119) Bill "An Act to Increase the Penalties for Tampering With a Juror or a Victim" (C. "A" H-302)

(H.P. 484) (L.D. 664) Bill "An Act to Increase the Residence Exemption for Elderly and Disabled Persons" (C. "A" H-303)

(H.P. 596) (L.D. 814) Bill "An Act to Clarify the Affirmative Defense of Breach of Warranty of Habitability" (C. "A" H-304)

(H.P. 944) (L.D. 1312) Bill "An Act to Allow Intervenor Funding in Public Utilities Proceedings" (C. "A" H-305)

(H.P. 354) (L.D. 473) Bill "An Act to Expand the High-risk Insurance Program" (C. "A" H-306)

(H.P. 929) (L.D. 1295) Bill "An Act to Amend the Penalty for Violation of Natural Resource Protection Laws" (C. "A" H-307)

(H.P. 858) (L.D. 1190) Bill "An Act to Amend the Law Relating to Property Insurance" (C. "A" H-308)

(H.P. 623) (L.D. 846) Bill "An Act to Amend the Child and Family Services and Child Protection Act" (C. "A" H-310)

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

(H.P. 513) (L.D. 693) Bill "An Act to Reform the Maine Board of Professional Surveyors Law" (C. "A" H-311)

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

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

Committee Amendment "A" (H-311) was read by the Clerk.

Representative Tamaro of Baileyville offered House Amendment "A" (H-320) to Committee Amendment "A" (H-311) and moved its adoption.

House Amendment "A" (H-320) to Committee Amendment "A" (H-311) 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 Wednesday, May 31, 1989.

**PASSED TO BE ENGROSSED  
As Amended**

Bill "An Act to Strengthen the Regulation of Insurance" (S.P. 155) (L.D. 275) (C. "A" S-140 and S. "A" S-156)

Was reported by the Committee on Bills in the Second Reading, read the second time, the Senate Paper was Passed to be Engrossed as Amended in concurrence.

**SECOND READER  
Tabled and Assigned**

Bill "An Act Concerning Pilferage of Shopping Carts and Bakery and Milk Product Containers" (H.P. 106) (L.D. 143) (C. "A" H-292)

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

On motion of Representative Allen of Washington, tabled pending passage to be engrossed and specially assigned for Wednesday, May 31, 1989.

**PASSED TO BE ENGROSSED  
As Amended**

Bill "An Act to Strengthen Penalties for Furnishing Liquor to Minors" (H.P. 95) (L.D. 130) (C. "A" H-287)

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

Representative Tamaro of Baileyville offered House Amendment "A" (H-316) and moved its adoption.

House Amendment "A" (H-316) was read by the Clerk and adopted.

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

Bill "An Act to Require Licensure of Clinics" (H.P. 891) (L.D. 1235) (H. "A" H-315 to C. "A" H-289)

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

Were reported by the Committee on Bills in the Second Reading, read the second time, the House Papers were Passed to be Engrossed as Amended and sent up for concurrence.

**PASSED TO BE ENACTED  
Emergency Measure**

An Act to Create the Commission to Study the Possibility of Including the Cost of Environmental Impacts in the Least-cost Planning Process of Electrical Utilities and the Public Utilities Commission (S.P. 158) (L.D. 306) (H. "A" H-260 to C. "A" S-116)

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 Make Allocations for the Administrative Expenses of the Bureau of Alcoholic Beverages, Department of Finance, for the Fiscal Years Ending June 30, 1990 and June 30, 1991 (H.P. 522) (L.D. 707) (C. "A" H-256)

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 Include Certain Proprietary Schools in Eligibility Requirements of the Maine Educational Loan Authority's Supplemental Loan Program (H.P. 618) (L.D. 841) (C. "A" H-222)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 118 voted in favor of the same and 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 Concerning the Location of Lobster Trap Vents (H.P. 1039) (L.D. 1450)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total

was taken. 120 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**PASSED TO BE ENACTED**

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

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

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

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

An Act to Facilitate the Disclosure of Information in Medical Support Recoupment and Child Support Cases (S.P. 330) (L.D. 867) (H. "A" H-257 to C. "A" S-103)

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

An Act to Amend the Notice Requirement of Care Repair Facilities (S.P. 400) (L.D. 1044) (C. "A" S-130)

An Act to Amend the Revised Maine Securities Act and Related Statutes (H.P. 189) (L.D. 254) (H. "A" H-237 and H. "B" H-275)

An Act to Require Mandatory Checking of Motorists' Maintenance of Financial Responsibility (H.P. 284) (L.D. 396)

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**

**Tabled and Assigned**

An Act to Provide Property Tax Relief by Allowing Counties to Retain a Greater Portion of Real Estate Transfer Tax Receipts (H.P. 371) (L.D. 502) (C. "A" H-248)

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

On motion of Representative Mayo of Thomaston, tabled pending passage to be enacted and specially assigned for Wednesday, May 31, 1989.

**PASSED TO BE ENACTED**

An Act Regulating the Sale of Grave Markers by Funeral Establishments (H.P. 434) (L.D. 599) (C. "A" H-241)

An Act Concerning Special Marine Resources Permits (H.P. 520) (L.D. 705) (C. "A" H-258)

An Act to Remove the Limitations on Raffles Conducted by Nonprofit Entities (H.P. 544) (L.D. 741) (C. "A" H-233)

An Act to Clarify the Provisions of the Act to Protect Elderly, Infirm Persons from Improvident Transfers of Title to Property (H.P. 548) (L.D. 745)

An Act to Create the Youth-at-Risk Alternative Education Program (H.P. 585) (L.D. 789) (C. "A" H-250)

An Act to Clarify the Payment of Medical Expenses under the Workers' Compensation Act (H.P. 678) (L.D. 929) (C. "A" H-239)

An Act to Better Incorporate Vocational Education into High School Graduation Requirements (H.P. 784) (L.D. 1096)

An Act to Allow the Sale of Alcoholic Beverages in Bowling Centers (H.P. 832) (L.D. 1164) (C. "A" H-244)

An Act to Permit Municipalities to Set Lower Debt Limitations (H.P. 874) (L.D. 1217) (C. "A" H-253)

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.

**FINALLY PASSED**

Resolve, Authorizing Lorraine Gray to Sue the State for Compensation for Losses Allegedly Suffered as a Result of Claims of Child Abuse Instituted by the State (H.P. 54) (L.D. 75) (C. "A" H-243)

Resolve, Granting Compensation to Oscar and Wandalyn Rae Thompson for Damage to Their Car Caused by a Foster Child in Their Care (H.P. 266) (L.D. 378) (C. "A" H-245)

Resolve, to Create the Commission to Study Public Financing of State Elections (H.P. 653) (L.D. 887)

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

**ORDERS OF THE DAY  
UNFINISHED BUSINESS**

The following matters, in the consideration of which the House was engaged at the time of adjournment on Friday, May 26, 1989 have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

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

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 25, 1989 by Representative GWADOSKY of Fairfield.

PENDING - Further Consideration.

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

Representative CONLEY: Mr. Speaker, I move that the House recede.

During the debate on this matter, there has been a great deal of concern expressed about what this bill would actually do. Obviously it is not appropriate to speak to what this amendment is all about until it is before the body. However, I am trying to address some of the concerns raised in this body by many of the people who did not see fit to vote for the original bill. If I have an opportunity to present my amendment, I will speak to the merits of it on its own.

Representative MacBride of Presque Isle requested a Division.

The SPEAKER: The Chair will order a vote. The pending motion before the House is the motion of the Representative from Portland, Representative Conley, that the House recede. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

66 having voted in the affirmative and 58 in the negative, the motion to recede did prevail.

Representative Conley of Portland offered House Amendment "B" (H-319) and moved its adoption.

House Amendment "B" was read by the Clerk.

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

Representative CONLEY: Mr. Speaker, Ladies and Gentlemen of the House: This body has debated the main bill at length during the course of last week and the week before.

This amendment deals with some objections raised to the bill by opponents to the original piece of legislation. Some of the objections raised to that bill and articulated in debate surrounded this issue of whether or not this discrimination bill conferred special rights or privileges on gay people. This amendment, as you can read, is very short and to the point. It states specifically that nothing in the entire Maine Human Rights Act or specifically this bill would be construed to promote or condone any life-style or condone any special privileges on any one of these protected classes. I think that is important. The reason it is important is because one of the main objections to this bill has been the theory that some sort of special right would be given to this particular class of people. The Maine Human Rights Act nor this bill prefers anybody over anybody else. does not prefer Black over White, Jew over Catholic, or female over male. This bill as amended, if passed, would be clear that it would not prefer any gay people over straight people. The purpose of the bill, as has been stated, would be simply to ensure that these individuals have their civil rights.

We do not have to review the testimony. Of all the Representatives who spoke on this, I would let this body know that we had many, Representative Paradis, Representative O'Gara, Representative Oliver, Representative Ketover, Representative Rand, Representative Luther, Representative Rolde, Representative Anthony, Representative Holt, and Representative Aliberti all related to this body many, many personal and profound reasons why this bill should pass. This amendment does not change the basic purpose of the Act, it merely makes clear for everybody and anyone who had an objection based on their belief that some sort of special right was being conferred by passage of this bill but that is not the case.

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

Representative MACBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: This amendment is being offered to assure legislators that they can vote for this safely without having any repercussions at home. However, I think that our constituents do view this in an entirely different manner.

On the issue of this amendment of not conferring special privileges -- ladies and gentlemen, if this bill should pass and you have two people out there either men or women who are working at the same plant, who have about the same job, who have the same ability and about the same age, if they are both laid off, the person who is gay would have the recourse of going to the Human Rights Commission and saying that he or she was laid off because of sex discrimination or sexual orientation because he or she happened to be gay. Your straight person would have realistically not that recourse at all. So, this does make a difference.

Ladies and gentlemen, I hope you will vote against this bill and this amendment today.

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

Representative O'GARA: Mr. Speaker, Ladies and Gentlemen of the House: Representative Conley had done such a good job that I just said to my seatmate

that I really didn't think I needed to speak but I must just respond briefly to the statements from the previous speaker.

To suggest that is so incorrect and so misleading and really almost an insult to the intelligence of the members of this House. The Human Rights Commission has a record of (I think it is clear to everybody) certainly not acting on such a frivolous statement as was just suggested to you.

I would just urge the members of this House -- I certainly don't want to take anybody for granted and certainly those legislators who know me better than that, I would urge those legislators who supported us recently to continue that support and to the others who by now who have had ample opportunity to hear from their constituents, I would suggest to you that the response has been overwhelming to all of us who have supported this legislation that in fact the Maine people, the State of Maine people that we profess to represent, see this as exactly what it is, an antidiscrimination bill, nothing more, nothing less. I urge you to set aside this extremely misleading and I must say extremely disappointing remarks of the Representative to continue to insist that that kind of thing can happen.

Representative MacBride of Presque Isle requested a roll call vote.

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 Belfast, Representative Marsano.

Representative MARSANO: Mr. Speaker, Men and Women of the House: I am disappointed as well to hear the comments directed against the lady from Presque Isle because the lady from Presque Isle is not doing anything except attempting to explain the bill to the members of this House. I am disappointed as well that there was a feeling of need to present a statement which purports to do nothing except to elaborate from the obvious. There is always a question in my mind as to the worth of a statement which does nothing except elaborate the obvious because in fact the statement in the amendment, it seems to me, is misleading. It is misleading for exactly the reasons which the lady from Presque Isle has spoken to.

I speak not in my capacity as a leader of the Republican Party or Assistant Floor Leader here but simply because I have opposed this bill for procedural reasons before and I continue to oppose it. I think that that amendment is essentially nothing except a smoke screen and not even a well described or defined smoke screen. To suggest that the kind of procedure that exists in the Human Rights Act does not confer its special privileges upon people who wish to make arguments and to invoke the powers of the state to carry out the minority status which they have is just simply not so.

Under the Human Rights Act which exists, the cure, things which have been constitutionally infirmed, there have been structures created and in order to advantage yourself by the powers of the state, one needs to be a member of a protected class. We have protected people under the Human Rights Act and we ought to make no mistake about that. When one of those persons is protected by the Human Rights Act, if they feel they have been



disadvantaged, they make a statement and that statement then means that the Human Rights Commission begins the inexorable process of attempting to deal with that and that is, it seems to me, what is the problem with this proposed amendment and with the bill itself.

This bill suggests that that is not a special preference or not a special privilege but it seems to me that it clearly is a special privilege.

I would urge the House to reject the amendment first and then reject the Bill.

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

Representative ANTHONY: Mr. Speaker, Men and Women of the House: I hope we can get on with this and vote on it but I did want to make it clear that this bill protects all of us. The Human Rights Act protects all of us. I am white, male, Anglo-Saxon, straight, married, all the things that would tend to suggest that I do not enjoy any protection under the Human Rights Act, but I feel the protection of the Human Rights Act. I know that if I am discriminated against on account of being either male or white or protestant or straight or married that I can go to the Human Rights Commission and I can seek their protection and this bill is here for all of us. I do not see this (in any sense) as a smoke screen but rather as stating what is clear and straightforward on the face of both the Human Rights Act and the proposed bill before you today.

I urge passage of this amendment.

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

Representative PARADIS: Mr. Speaker, Men and Women of the House: We, as a society, should no longer tolerate the bashing and killing of people because they exist. The message from the 114th should be loud and clear, enough is enough. Abuses, harassment is no longer appropriate or acceptable behavior. If we are truly pro-life, we can't abandon certain individuals at birth.

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

Representative HOLT: Mr. Speaker, Women and Men of the House: This gentle amendment will help some of us reaffirm our faith in the system of justice. It will help minorities reaffirm their faith. It is up to us to help our constituents understand that we are affirming the Pledge of Allegiance we made today, nothing more.

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

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House: I think we all know the bill was here to address one purpose and that is to address the issue of the gay life-style. What is intended or what is not intended in the Statement of Fact truly points that out. All people are treated the same under the law or at least they should be and we have laws set up -- as you hire a lawyer chances are, you will be protected. It is a matter of going to the courts. It says right here, "This Act is not construed to mean" this, that and the other, but nevertheless, it will be. Today I believe it is put in for one purpose and one purpose only and that is to address one life-style. All those that spoke for this bill, not all but most, always came to that issue. So the issue is really what they are trying to address. I would hope you would vote against this amendment.

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

Representative PARADIS: Mr. Speaker, Members of the House: I always enjoy listening to the arguments of the Representative from Belfast because I find that he is very informative as to his debating point. I think his argument this morning is correct in that he makes the statement to the fact that the state would be an advocate for a certain group of people and thereby making them a privileged class. I think the gentleman's point is correct on that and I would not disagree with him. I think where the error with his argument is that, we as a legislative body, can charge the state (that is, society) with defending the rights of a minority group because that is the beauty of government.

The state can be an advocate for people. The instrument of state can be an advocate of people if we deem it to be necessary to protect the rights of certain people. His argument is flawed in that he suggested that it is a privileged position. I think that is where the error lies in the argument that if the Human Rights Commission is going to argue on behalf of homeless, on behalf of women who have been discriminated against, on behalf of a race of people that have been maligned, they are not advocating necessarily those people, they are advocating that it is not a privilege to want to live in a house, to want to have shelter, it is not a privilege to want to have employment to sustain one's self, it is not a privilege to live in society and enjoy the rights which the constitution so beautifully enumerates. I think that is the argument that we must look at, that those are not privileges as we think of them as privileges, they are necessities today. It is necessary to have shelter in this climate, it is necessary to have a job to sustain oneself, it is necessary to mix with other people and to enjoy life as you understand it. I think that from that point of view that we ought to support this amendment and we ought to continue to support the bill because I think that basically is what this group of people is asking of us in this 114th Legislature. I would urge support of the gentleman's amendment.

The SPEAKER: A roll call has been ordered. The pending question before the House is adoption of House Amendment "B" (H-319).

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

Representative JALBERT: Mr. Speaker, pursuant to House Rule 7, I wish permission to pair my vote with Representative Burke of Vassalboro. If she were present and voting, she would be voting yea; I would be voting nay.

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

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

The SPEAKER: The pending question before the House is adoption of House Amendment "B" (H-319). Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL NO. 49

YEA - Adams, Aliberti, Allen, Anthony, Boutilier, Brewer, Butland, Carroll, D.; Cathcart, Chonko, Clark, M.; Coles, Conley, Constantine, Crowley, Daggett, Dellert, Dipietro, Donald, Dore, Farnsworth, Graham, Gwadosky, Hale, Handy, Hastings, Heeschen, Hickey, Hogle, Holt, Joseph, Ketover, Kilkelly, Larrivee, Lawrence, Luther, Mahany, Manning, Mayo, McCormick, McKeen, Melendy, Mills, Mitchell, Nadeau,

G. G.; Nadeau, G. R.; Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pederson, Pineau, Pouliot, Priest, Rand, Rolde, Ruhlin, Rydell, Simpson, Skoglund, Small, Stevens, P.; Swazey, Tammaro, Townsend, Tracy, Walker.

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

ABSENT - Carter, Cashman, Foster, Hanley, Jackson, Moholland, The Speaker.

PAIRED - Burke, Higgins, Jalbert, Pendleton.

Yes, 71; No, 68; Absent, 7; Vacant, 1; Paired, 4; Excused, 0.

71 having voted in the affirmative and 68 in the negative with 7 being absent, 1 vacant and 4 having paired, House Amendment "B" was adopted.

Representative MacBride of Presque Isle requested a roll call on engrossment in non-concurrence.

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 Winslow, Representative Carter.

Representative CARTER: Mr. Speaker, a question through the Chair. On the last vote I distinctly pushed my vote to indicate nay. Someone called my attention to the fact that my light was out just before you closed the vote. I would like to make sure that I am recorded as nay. That has happened before.

The SPEAKER: The Chair would suggest that the only way that that can happen is if the button in front of you is pushed which would then negate the vote.

The Chair would make note of the fact that you should notice your vote prior to announcement.

The pending question before the House is passage to be engrossed in non-concurrence.

The Chair recognizes the Representative from Lisbon, Representative Jalbert.

Representative JALBERT: Mr. Speaker, pursuant to House Rule 7, I wish permission to pair my vote with Representative Burke of Vassalboro. If she were present and voting she would be voting yea; I would be voting nay.

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

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

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

ROLL CALL NO. 50

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

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

ABSENT - Cashman, Foster, Hanley, Jackson, Moholland, The Speaker.

PAIRED - Burke, Higgins, Jalbert, Pendleton.

Yes, 71; No, 69; Absent, 6; Vacant, 1; Paired, 4; Excused, 0.

71 having voted in the affirmative, 69 in the negative, with 6 being absent, 1 vacant and 4 having paired, the Bill was passed to be engrossed as amended by Committee Amendment "A" and House Amendment "B" in non-concurrence and sent up for concurrence.

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

Bill "An Act Concerning Municipal Regulation of Shellfish Resources" (EMERGENCY) (S.P. 354) (L.D. 955) (S. "A" S-151 to C. "A" S-141)

TABLED - May 26, 1989 (Till Later Today) by Representative MITCHELL of Freeport.

PENDING - Passage to be Engrossed.

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

**TABLED AND TODAY ASSIGNED**

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

SENATE DIVIDED REPORT - Majority (9) "Ought Not to Pass" - Minority (4) "Ought to Pass" - Committee on Banking and Insurance on Bill "An Act to Insure Maintenance of Financial Responsibility by All Motorists" (S.P. 172) (L.D. 329)

- In Senate, Minority "Ought to Pass" Report read and accepted and Bill passed to be engrossed.

TABLED - May 26, 1989 by Representative RYDELL of Brunswick.

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

On motion of Representative Gwadosky of Fairfield, retabled pending the motion of Representative Rydell of Brunswick to accept the Majority "Ought Not to Pass" Report and later today assigned.

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

SENATE DIVIDED REPORT - Majority (10) "Ought to Pass" as amended by Committee Amendment "A" (S-146) - Minority (2) "Ought Not to Pass" Committee on State and Local Government on Bill "An Act Relating to the Director of the Bureau of Health" (S.P. 379) (L.D. 1015)

- In Senate, Majority "Ought to Pass" as amended Report read and accepted and Bill passed to be engrossed as amended by Committee Amendment "A" (S-146) as amended by Senate Amendment "A" (S-155) thereto.

TABLED - May 26, 1989 by Representative GWADOSKY of Fairfield.

PENDING - Acceptance of Either Report.

On motion of Representative Gwadosky of Fairfield, retabled pending acceptance of either report and later today assigned.

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

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

TABLED - May 26, 1989 by Representative PRIEST of Brunswick.

PENDING - Motion of same Representative to indefinitely postpone Bill and all accompanying papers.

On motion of Representative Gwadosky of Fairfield, retabled pending the motion of Representative Priest of Brunswick to indefinitely postpone Bill and all accompanying papers and later today assigned.

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

An Act to Make Allocations for the Operating Expenditures of the Intergovernmental Telecommunications Fund, Department of Administration, for the Fiscal Years Ending June 30, 1990, and June 30, 1991 (EMERGENCY) (H.P. 531) (L.D. 716) (C. "A" H-223)

TABLED - May 26, 1989 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

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

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

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)

TABLED - May 26, 1989 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

On motion of Representative Manning of Portland, under suspension of the rules, the House reconsidered its action whereby L.D. 415 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-322) and moved its adoption.

House Amendment "A" (H-322) was read by the Clerk and adopted.

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

(Off Record Remarks)

Representative Carter of Winslow moved that the House reconsider its action whereby the House voted to recede and concur on Bill "An Act to Improve Compliance with Truck Weight Limits" (H.P. 36) (L.D. 36) which was passed to be engrossed as amended by Committee Amendment "A" (H-277) in the House on May 25, 1989, came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-277) as amended by Senate Amendment "A" (S-169) thereto in non-concurrence.

On further motion of the same Representative, tabled pending his motion to reconsider and specially assigned for Wednesday, May 31, 1989.

(At Ease to the Gong)

The House was called to order by the Speaker.

The Chair laid before the House the following matter: Majority Report of the Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-309) on Bill "An Act to Require Administrators of Boarding Care Facilities to Obtain Continuing Education" (H.P. 914) (L.D. 1280) and Minority report of the same Committee reporting "Ought Not to Pass" on same Bill which was tabled earlier in the day and later today assigned pending the motion of Representative Manning of Portland that the House accept the Majority "Ought to Pass" Report.

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

Committee Amendment "A" (H-309) was read by the Clerk and adopted and the Bill assigned for Second Reading Wednesday, May 31, 1989.

The Chair laid before the House the following matter: Bill "An Act Concerning Municipal Regulation of Shellfish Resources" (EMERGENCY) (S.P. 354) (L.D. 955) (S. "A" S-151 to C. "A" S-141) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

On motion of Representative of Mitchell of Freeport, tabled pending passage to be engrossed and specially assigned for Wednesday, May 31, 1989.

The Chair laid before the House the following matter: SENATE DIVIDED REPORT - Majority (9) "Ought Not to Pass" - Minority (4) "Ought to Pass" - Committee on Banking and Insurance on Bill "An Act to Insure Maintenance of Financial Responsibility by All Motorists" (S.P. 172) (L.D. 329) (In Senate, Minority "Ought to Pass" Report read and accepted and Bill passed to be engrossed) which was tabled earlier in the day and later today assigned pending the motion of Representative Rydell of Brunswick that the House accept the Majority "Ought Not to Pass" Report.

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

Representative ALLEN: Mr. Speaker, Men and Women of the House: I rise this morning as cosponsor of this legislation and also as a member of the Minority Report and urge you to vote against the "Ought Not to Pass" Report. The reason I cosponsored this bill and the reason I signed the bill out of committee is because, two years ago, the 113th Legislature made a policy decision and that policy decision was that

people should be financially responsible if they are going to drive on our state's highways. As a matter of fact, I quote from that legislation and its purpose: "The Legislature finds that the economic damage inflicted by uninsured motorists goes uncompensated in many cases due to the failure of motorists to maintain liability insurance or other means to insure just compensation for victims of accidents. The present law (remember, this is two years ago) condones the financial irresponsibility of those motorists until they have already inflicted injuries or damage for which they may be unable to provide compensation. The purpose of this subchapter is to reduce the likelihood that financial irresponsible motorists will operate on the state's highways by instituting a requirement that motorists provide evidence of financial responsibility pursuant to this subchapter." That was a legislative finding two years ago so, on the one hand we said we believe that motorists should be financially responsible, that they should be financially responsible prior to inflicting injuries or damage. That was a piece of legislation that had been a long time in coming. It took many, many years in order for the legislature to come to that final determination but ultimately it did.

At the same time two years ago, even though we had this particular legislative finding, we also created a loophole that allowed motorists to continue to drive on Maine highways with our blessing. That loophole says you can be stopped for a moving vehicle violation or you can have an accident causing damage to another vehicle or to another person driving that vehicle or a passenger in that vehicle and still not be insured. The loophole says that after you have been stopped or after you have had an accident, you have until 24 hours before your court attendance to procure insurance. That is after the fact, folks. Lot of people are being injured by uninsured motorists and that is happening with our approval. So, on the one hand, we have a piece of legislation that requires financial responsibility and then, on the other hand and in the same piece of legislation, we create a loophole that allows people out of that.

The legislation you have before you this morning in the Minority Report would close that loophole. You could still be stopped for a motor vehicle violation or be involved in an accident and let's say you didn't have your insurance card on you -- you still have up to 24 hours before your court appearance to show your card. This would require that you have insurance at the time of the accident, it would close that loophole we created two years ago.

It is a tiny step forward, I think it is a necessary step, people have had ample opportunity to get used to the law. As a matter of fact, shortly after we passed the so-called mandatory insurance law two years ago, I had two calls from two constituents who believed, according to reports that they had read in the newspapers, that the legislature in fact passed mandatory auto insurance. They believed that until they had their accidents and then they found out, loud and clear, that while we said on the one hand that we were going to require insurance, we created a loophole to allow people out of that. They were irate. That was my purpose for signing as a cosponsor of this legislation and I would urge this legislature to reaffirm its action of two years ago and reject the Majority "Ought Not to Pass" Report and go on to accept the Minority "Ought to Pass" Report.

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

Representative RYDELL: Mr. Speaker, Men and Women of the House: We do have a mandatory insurance law on the books. It is required that to drive a motor vehicle in this state you have insurance. Unfortunately, like many other laws, like the laws that require you to have a license to drive a motor vehicle or to have your motor vehicle properly registered, not everyone has insurance. Two years ago, it was with great difficulty that the legislature passed the financial responsibility law. To avoid any cost of implementing this mandated insurance, the Banking and Insurance Committee chose a model which requires a motorist to show evidence of insurance on request of a law enforcement officer. Eight states, including Maine, have some version of this type of law. Because this was a new requirement and because representatives of low income groups argued that the new law would be a financial hardship for Maine citizens with low income and because Mainer's are so dependent, regardless of their income, on private automobile transportation, the committee devised this system whereby a person who could not show proof of insurance upon request by a law enforcement office, could purchase insurance, show proof to the court up to 24 hours prior to the designated court date, and avoid any fine. The object was to encourage people to purchase insurance, not to force them to pay fines. We want the people to use their money to purchase automobile insurance and not on fines.

Some committee members, members of this legislature, and members of the insurance lobby were very skeptical as to the effectiveness of the law. Some members of the insurance industry argued that automobile insurance costs would rise because of this law but that has failed to happen. Maine has one of the more favorable automobile insurance rates in this country.

We have been successful in dramatically reducing in just one year the number of uninsured motorists on our highways. According to data kept by the Bureau of Motor Vehicles, the number of uninsured was approximately 15 percent of Maine's motorists at the time the law went into effect. That has now been reduced to 9 percent one year later. Actually it was January that we received this data. Unfortunately, the computers do not allow us to receive data in the interim bases so we will have to wait until later in this year to know to what degree that has been further reduced.

George Storer, the Director of License Control for Motor Vehicle concluded that Public Law 1987, Chapter 341 "appears to have a substantial impact on reducing the numbers on insured motorists." According to the 1987 legislation, the entire law would have a sunset review in 1991. Those people who felt that we ought to have a stronger law, those people who felt that we should have no law at all -- they will have their opportunity to be a part of that sunset review. We will have a three year trial in which to judge this new law, sufficient time for the public to become educated and to get used to the idea of purchasing insurance and sufficient time to tell us whether or not our current law is effective.

Actually, contrary to expectations, many of the people who were without insurance on January 1, 1988, were not reckless drivers, they were not even young drivers, many of them were average Maine citizens, middle-aged citizens, who because they thought they were careful drivers, did not think they needed insurance. But just as soon as the law went into effect and it was now against the law to drive without insurance, they contacted insurance agents and made that purchase.

The bill before you would do away with that grace period. It would say if you get stopped by an officer for a moving violation or you are involved in an accident which does damage, you will not have that period of up to 24 hours before your court date to purchase and show proof of your insurance, you will have to pay the fine. This bill does not require to show proof of insurance at the time you come to court. In effect, it gives an additional period of 30 days, if you haven't gotten it at the end of that 30 days, then the Registry of Motor Vehicles can take steps to remove your license or your registration.

I can't tell you and the majority of the Committee can't tell you that requiring the people to pay their fines, regardless of whether or not they have purchased insurance prior to their court date, will reduce the number of uninsured motorists. What we do know is that people would pay for the insurance or for the fine and maybe they would choose to pay the fine and get away, again, getting the insurance because we would have removed the carrot of the grace period which says, if you buy the insurance, then you don't have to pay the fine, you can save the money for the fine. We also know that it would surely add to our already clogged court docket. Last year state troopers issued 639 summonses for lack of proof of insurance but fines were paid in only 279 cases. Now that may not have been to liking of the state police who perhaps wanted to go to court more often but for me and the majority of the committee what that said was, 360 of those people are paying insurance, showed proof of purchase prior to their court date. No court time was taken up and all of these people purchased insurance. Whatever the court costs were to the 279 who had to go to court because they didn't purchase their insurance, those costs would be more than doubled and the court time would be more than doubled because the additional 360 who complied with the law would have had to go to court and be fined. Perhaps it was really the incentive of not being fined, of saving that fine of up to \$100 that was the incentive that got them to take of it before their court date. The goal of getting them insured was met without any punitive measure.

We will keep monitoring the data from the motor vehicles and we are monitoring compliance and we will be ready to make any new recommendations to the legislature in 1991.

May I remind you that states that have mandatory insurance of the type that requires showing proof of insurance prior to registration still have uninsured motorists on the road. No state has been able to reduce that down to zero. In fact, very few states, even those that have had their law in effect for more than five or six years, have gotten it down to about 6 percent. Ours is already down -- as of January, to 9 percent.

Recently, there were comments from the Director for this region of the American Association of Motor Vehicle Administrators who said that the Maine approach which we now have in place is the only reasonable way to address this insurance issue. The other way is costly and is administratively difficult so the majority of the Banking and Insurance Committee ask that you let the grace period extend into the 1991 sunset review and give L.D. 329 an "Ought Not to Pass" and I would just remind you that L.D. 329 does not require people to show up in court with proof of insurance so the loophole is not really being closed. So, let us allow this law to run its three year sunset period.

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

Representative POULIOT: Mr. Speaker, Ladies and Gentlemen of the House: I will be brief. Two years ago, this House took an important first step in protecting Maine citizens traveling on its highways by enacting the so-called mandatory insurance bill. However, when we passed that law two years ago, as has been stated, we left a huge loophole. That loophole permitted uninsured motorists who were found in violation of the law to obtain insurance within 24 hours of their court date and, thereby, escaping legal liability.

While the law that we passed two years ago has proven to be successful in part, this remaining loophole remains a glaring void. L.D. 329 proposes to close that loophole by no longer permitting those who are in violation of law to escape liability simply by obtaining insurance 24 hours before their court date; rather, in order to escape liability, a person will have to show that they had insurance at that time of either the accident or the stop. If a person does not have such proof, then they will be subject to a \$100 fine.

All this bill is asking to do, (and I support everything that has been said on this floor) is it just asking to put some teeth into the law. If I abide by the law and I have my insurance card like the majority of you have your insurance cards, what is wrong for the one who cannot produce that insurance card and when he goes back in 24 hours he has just purchased one, why should he be afforded the same privileges as everybody else? What is wrong in fining this person \$100? That is all the bill is asking to do, put some teeth into it. That is why I urge you to support the Minority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Buxton, Representative Donald.

Representative DONALD: Mr. Speaker, Men and Women of the House: I rise in support of the Minority Report on L.D. 329. Basically, the purpose of this bill is to strengthen the mandatory auto insurance law in the state. The law that was passed in the 113th Legislature was a good first step but it had a loophole, a big, big loophole. What is happening now is people are finding out about that loophole and more and more people are learning that they can skirt the issue of getting insurance and the purpose of this law is to tighten up that loophole.

Clearly it was the intent of the 113th Legislature to require that all drivers have auto insurance and not to be able to go out and buy the insurance after the fact. There is no justification for continuing the status quo, we all deserve the protection by auto insurance and I urge you to reject the Majority Report so we can go on and accept the Minority Report just as the other body has done.

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

Representative CLARK: Mr. Speaker, Ladies and Gentlemen of the House: I was very fortunate last session to serve on the Banking and Insurance Committee and I was on the Minority Report in opposition to a mandatory liability insurance policy. I do have to tell you I have seen this bill in action, I have seen it work and I think it is working. There is a sunset on it that is going to take effect in 1991 and I think we ought to give it a chance to see if it is going to work.

There are a lot of problems with this, I grant you, but what we are trying to do is help people get insurance and the last thing we want to do is make them go to court and pay a fine, particularly when they cannot afford to buy insurance. I have problems with the amendment in the other bill that is being

drafted by the sponsor. I know a number of people right now who are getting their insurance policy and not getting their insurance cards. What is going to happen to those poor people who have bought their insurance but haven't gotten their card when they are pulled over by the state police or local police and summonsed to court?

I would like to ask you to at least give this a chance, we have another two years of it and see if it does work and then come up with a bill that will probably make it work.

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

Representative CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: Some of the things I will say in a few brief remarks have already been said. I am glad they have been and I will repeat those because I think this subject needs a great deal of emphasis and repeating of certain facts. So, I hope you will be persuaded after I am done to support this bill with a vote against the motion that is on the floor.

A reliable estimate that was given to us in the Banking and Insurance Committee was that there are more than 75,000 motorists out there. 75,000 motorists roaming Maine's highways without insurance. I think you will admit that is grossly unfair to the rest of us who try to act responsibly and then have to turn to our own insurance when struck by uninsured motorists. For the past year, some of you folks, including some of you here I suspect, have deluding yourselves seriously that Maine has a mandatory automobile insurance law. It doesn't, absolutely not. What it has is only marginally better than nothing. Uninsured drivers continue to enjoy the state's sanction privilege of being able to destroy property and injure others without having to accept financially responsibility for their actions, however damaging or irresponsible those actions may be.

The present law has so little meaning. This is my understanding from testimony before the committee, that the present law has so little meaning that the state police will not even ask for the evidence of insurance in most cases because it is so shallow and meaningless.

Two years ago, a few of us in this legislature responded to a great public demand and attempted to get a good bill passed, to get the uninsured drivers off the roads or to require that they get insurance like the rest of us do. There was a public demand, a great public demand for it that we responded to. On my questionnaire that year, no less than 90 percent of the responses favored mandatory insurance. I guess you can guess who those other 10 percent were. Representative Rydell has already told you that the Secretary of State's office estimates that 9 percent now drive without insurance. That 9 percent, listen to this, are 76,000 drivers. What the legislature passed that year and what is on the books today, you have heard it three or four times, is a phantom that permits (and you heard this too) a person after an accident occurs, (after) no matter how severely harmed a victim may be, how maimed or killed or incapacitated for life, they granted to uninsured motorist up to 30 days to get insurance that will do his victim or victims no good at all nor will it help any other victim who may suffer by his hand in the interim.

When I went home from the legislature that year, I was accosted everywhere I went, at Kiwanis, church, on the street, everywhere I went around my district my people could not understand what we had done here with such a meaningless thing.

I have told some of my friends here about my son, Andrew, my son the pedestrian who was walking across the street in Atlantic City and was mowed down by a motorist. He suffered a long time over that. He lost a year of college and who knows, surely he doesn't nor his mother or I, how he will suffer from all those breaks in his bones in years to come? Perhaps you have heard this expression, the man who hit him was judgment proof, he was 67 years old, he had no assets except his Social Security check and the clothes on his back and the old junk heap that he plowed into my son with but he had insurance, not much but he had some insurance because the state of New Jersey said that he had to have insurance.

I wish you would contemplate this for a moment -- if that had happened in Maine today, he wouldn't have to have insurance until 24 hours before his court appearance -- in this case, he went to jail incidentally -- until 21 hours before his court appearance which may very well be 30 days after the accident and a lot of good that would do anyone. Listen to this, if that had happened in Maine and the motorist had been a young mother or father of modest means trying to cut corners by not buying auto insurance, that Representative Rydell is so correctly concerned about and for the wrong reasons, I might say that person would unfortunately be subject to suit and to judgment and to disclosure periodically for the next 20 years and payment of the judgment of any accumulation of assets over that period of time so that person will never be able to recover financially. The whole family then would become a long list of victims of that accident. We are misguided if we think we are doing that family any favors by not requiring them to be insured. We are not at all. This bill was an incentive bill that would require (after an accident) that the motorist produce within 24 hours proof of insurance that was in force at the time of the accident. Everyone in the State of Maine will benefit from this bill if you pass it. It is a popular item in spite of the Majority Report. Don't vote for the Majority Report, it leads you down the primrose path to irresponsibility. Everyone will benefit, including everyone of us in this chamber if you reject the Majority "Ought Not to Pass" Report and you pass this bill. We are all potential victims, so are our children, our mothers, our brothers and sisters and neighbors. Potential victims all of us, sadly enough and sadly enough, this bill (even now) does not do nearly enough. There is only a \$100 fine on it but at least, as someone has said, it is a step in the right direction so please do not let anyone here talk you out of it.

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

Representative KETOVER: Mr. Speaker, Men and Women of the House: I served in the 113th Legislature when we passed this legislation. I, too, am in favor of mandatory auto insurance. The majority of the Committee are in favor of mandatory auto insurance. Currently, an officer may request proof of financial responsibility of liability insurance when an operator commits a moving violation and when a vehicle is involved in an accident. The bill requires that the owner of a vehicle or the operator to be insured for liability or have proof of financial responsibility at the time the operator commits a moving violation. This bill will serve to close one of the loopholes in the statute which frustrates law enforcement officers. Last year, the state troopers issued and you heard my good friend, Representative Rydell tell you that there were 639 summons for failure to provide proof of insurance.

There were only 279 that were found guilty and paid a fine. It would appear that 360 purchased insurance prior to going to court; thereby negating prosecution. The fine, as you heard, is only \$100 but to a lot of people \$100 may put food on their tables or help to pay for their rent. So, you have heard that there was 75,000 people in this state who do not have auto insurance, it is their choice as it is with health insurance, they cannot afford it so what do you do? You take priorities. To make it as strict as they want to make it, it will make it very difficult for those people who cannot afford it.

I agree that all of them should be insured. I, too, have been hit by an uninsured motorist and have had to pay the costs. The claims that we have talked about are real. We have only had this law on the books for one year. We felt that the data showed that 14 to 15 percent were uninsured one year ago. Today that data shows that we have reduced that so it is now down to 6 percent. It shows you something is happening out there, it is working, not as well as maybe some of you would like it to work, but it is working. The one complaint that we heard about state troopers is that they didn't ask for proof of insurance when they approached a car. They have made that commitment to do that every time they approach a car.

The Motor Vehicle Bureau said that they had tried registration -- you have to understand, there is over 800,000 registrations and it could be very costly. The court system -- you have heard about the court problems that we are having today, we are overcrowded, we are jammed, this would be a terrible paper jam. We cannot submit this to our courts in the way that we are doing it today. This committee thought about this a long time and we felt the majority of the committee felt that we wanted to give it two more years to sunset this to see if it is going to work by the state troopers asking for proof. That is why we did what we did.

The bill will provide a solution that would be cost effective and address, we hope, the root of the problem.

I hope that you will go with the Majority "Ought Not to Pass" Report.

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

Representative JOSEPH: Mr. Speaker, Men and Women of the House: It was not my intention to speak on this piece of legislation today but as a signer of the Majority Report, I felt that it was important to give you a historical perspective of mandatory automobile insurance.

In the 112th Legislature, I sponsored a very strong piece of legislation in order that this Legislature might consider mandatory automobile insurance. Needless to say, it was turned down by the committee and therefore it never saw "the light of day." However, in the 113th Legislature, I again sponsored with Representative Handy, another piece of legislation that would again make our mandatory automobile insurance a very strong piece of legislation. That was considered by the Banking and Insurance Committee with five or six other pieces of legislation. A compromise was agreed upon and we have the present law.

Again this year, I was involved in some mandatory automobile insurance laws and just today we enacted a piece of legislation 10-13 on your calendar, "An Act to Require Mandatory Checking of Motorist Maintenance of Financial Responsibility". This requires state troopers to ask for proof of insurance. The law no longer states that they may decide whether they are going to do that or not. The reason I give you this

historical perspective is because it is difficult perhaps for you to vote against this bill and it was difficult for me too. However, because we do want the current law strengthened as it is today to actually be a law where we can encourage people to purchase automobile insurance that we do not penalize these people prior to them knowing that they are required to have automobile insurance. This allows people to become accustomed to that idea. I do encourage you to support the Majority Report.

I agree that we do need strong laws. However, when we agreed to a compromise piece of legislation last year, two years ago, we felt that a sunset date of 1991 would give us the opportunity to review where we are, where we want to be and how well the current law is working. I encourage you to vote for the Majority Report.

I would like to respond to Representative Curran's remarks. We all feel badly about his son's accident. However, we know that in New Jersey they require proof of financial responsibility only after a reportable accidents. Therefore my friends, I do hope that you will support the Majority Report.

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

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

It seems that the only argument that I have heard to go along with the Majority "Ought Not to Pass" is the fact that it is only at \$100. Was there any consideration in the committee to put it up around \$400 or \$500 which would have made the judge have the ability to say you could have bought insurance or you can have the fine?

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

The Chair recognizes the Representative from Brunswick, Representative Rydell.

Representative RYDELL: Mr. Speaker, Men and Women of the House: No, there was no discussion of a fine that was more than \$100. The fine is up to \$100, it need not be \$100.

In fact Representative Manning, I would think probably the only effective way would be to have a law that required the state police to impound the vehicle that they stopped and the driver did not have insurance. But, that is not the question before us today. I think that the only difference is between paying the fine of anywhere up to \$100 or requiring that the person purchase insurance prior to their court date. There was no discussion of making that fine \$400 or \$500.

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

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

Why are we considering the person causing a bad accident to be excused from paying \$100 when no consideration is being given for the victim whose car or person may have been badly injured?

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

The Chair recognizes the Representative from Brunswick, Representative Rydell.

Representative RYDELL: Mr. Speaker, Men and Women of the House: In response to that question, in this particular bill, consideration is not being given to the victim. However, in another part of the legislation that was passed in 1987, we are requiring that the Motor Vehicle Division keep track of those persons who are injured in accidents involving uninsured drivers and that the Legislative Council



authorize a study to go back to a sample of those persons and do a telephone or written survey which will be done this summer to determine what the effect has been. The results of that survey will be part of our sunset review and will be part of a data that we will use in making our recommendations for changes in the law in 1991.

The SPEAKER: The Chair recognizes the Representative from Buxton, Representative Donald.

Representative DONALD: Mr. Speaker, Men and Women of the House: I think the issue is very simple. I think what we need to do is to support the Minority Report. When the 113th Legislature passed the legislation at that time, everybody back home thought we had mandatory auto insurance. Now increasingly, people back home are realizing there is a loophole, a big loophole, they can get around it. Let's do what the people back home thought we had done already and let's support the Minority Report so that we can assure that most motorists out there will have insurance.

The SPEAKER: The pending question before the House is the motion of Representative Rydell 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.

A vote of the House was taken.

Representative Webster of Cape Elizabeth requested a roll call vote.

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 Millinocket, Representative Clark.

Representative CLARK: Mr. Speaker, Men and Women of the House: One thing I want to stress is, this is not a mandatory liability. No matter what we do here today, this is not a mandatory liability.

It has been brought to our attention today that 75,000 uninsured motorists are still out there. There is no guarantee that these 75,000 uninsured motorists are going to be insured tomorrow. So, this is not a mandatory liability insurance as has been mentioned earlier.

The SPEAKER: The pending question before the House is the motion of Representative Rydell of Brunswick that the House accept the Majority "Ought Not to Pass" Report.

The Chair recognizes the Representative from Waterville, Representative Joseph.

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

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Carter.

Representative CARTER: Mr. Speaker, pursuant to House Rule 19, I respectfully request to be excused from voting.

The SPEAKER: The Chair will grant the request of Representative Carter to be excused from voting pursuant to House Rule 19 because of a possible conflict of interest.

The pending question before the House is the motion of Representative Rydell of Brunswick 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. 51

YEA - Adams, Aikman, Anderson, Anthony, Begley, Boutilier, Carroll, D.; Carroll, J.; Clark, H.; Conley, Erwin, P.; Farnsworth, Farren, Garland, Gould, R. A.; Gurney, Hoglund, Holt, Hutchins, Jalbert, Ketover, Larrivee, Marsano, McHenry, McKeen, Michaud, Mitchell, Moholland, Nadeau, G. R.; Norton, O'Dea, Oliver, Paul, Pederson, Pines, Priest, Rand, Rolde, Rotondi, Rydell, Sherburne, Simpson, Smith, Strout, D.; Tammaro, Tracy, Walker.

NAY - Aliberti, Allen, Ault, Bailey, Bell, Brewer, Butland, Cashman, Cathcart, Chonko, Clark, M.; Coles, Constantine, Cote, Crowley, Curran, Daggett, Dellert, Dexter, DiPietro, Donald, Dore, Duffy, Dutremble, L.; Farnum, Foss, Graham, Greenlaw, Gwadosky, Hale, Handy, Hastings, Heesch, Hepburn, Hichborn, Hickey, Hussey, Jacques, Kilkelly, LaPointe, Lawrence, Lebowitz, Libby, Lisnik, Look, Lord, Luther, MacBride, Macomber, Mahany, Manning, Marsh, Marston, Martin, H.; Mayo, McCormick, McGowan, McPherson, McSweeney, Melendy, Merrill, Mills, Murphy, Nadeau, G. G.; Nutting, O'Gara, Paradis, E.; Paradis, J.; Paradis, P.; Parent, Pendleton, Pineau, Plourde, Pouliot, Reed, Richard, Richards, Ridley, Ruhlin, Seavey, Sheltra, Skoglund, Small, Stevens, A.; Stevens, P.; Stevenson, Strout, B.; Swazey, Tardy, Telow, Townsend, Tupper, Webster, M.; Wentworth, Whitcomb.

ABSENT - Foster, Hanley, Higgins, Jackson, The Speaker.

PAIRED - Burke, Joseph.

EXCUSED - Carter.

Yes, 47; No, 95; Absent, 5; Vacant, 1; Paired, 2; Excused, 1.

47 having voted in the affirmative, 95 in the negative with 5 being absent, 1 vacant, 2 paired and 1 excused, the motion did not prevail.

Subsequently, the Minority "Ought to Pass" Report was accepted, the Bill read once and assigned for second reading, Wednesday, May 31, 1989.

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 following matter: SENATE DIVIDED REPORT - Majority (10) "Ought to Pass" as amended by Committee Amendment "A" (S-146) - Minority (2) "Ought Not to Pass" Committee on State and Local Government on Bill "An Act Relating to the Director of the Bureau of Health" (S.P. 379) (L.D. 1015) which was tabled earlier in the day and later today assigned pending acceptance of either report.

Representative Joseph of Waterville moved that the House accept the Majority "Ought to Pass" Report.

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

Representative MCCORMICK: Mr. Speaker, Ladies and Gentlemen of the House: There seems to be some confusion on this bill. The Department of Human Services was concerned about the wording of this bill as it came out of committee with the Committee Amendment. The Senate Amendment (S-155) corrects the problem that the department pointed out. I would



urge you to support Senate Amendment (S-155) to this bill.

The way the bill was worded it technically could exclude persons who were specifically trained for administrative positions like the Director of the Bureau of Health. This is a simple correction to allow people specifically trained for this type of work to apply for this position.

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

Committee Amendment "A" (S-146) was read by the Clerk.

Senate Amendment "A" (S-155) to Committee Amendment "A" (S-146) was read by the Clerk.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: I am a cosponsor on this bill with my co-chair and we felt that the original bill was something that we needed to take a look at. The Department has had a lack of leadership in this particular role for a number of months now. Therefore, we decided to put in a bill that would mandate that that person would come in front of us. We went along with the Committee Amendment and I feel that the Committee Amendment is a good amendment. It designates that the person in charge shall be a physician with public health experience. I have some grave misgivings with the Senate Amendment though. Therefore, I would hope that we would not go along with the Senate Amendment.

I think that our past experience with having a physician with public health experience, (I am referring to Doctor Nersesian who was in there for many years) we were able to garner a lot of knowledge from that particular person with his background as a public health physician. I think this opens it up too much. I think it allows the present situation to continue and that is one of the reasons why we put the particular piece of legislation in.

Last week, the public health community (a number of them) contacted me and said they were very much against this amendment, they weren't against the Committee Amendment, they were against the Senate Amendment. With that, I would hope that we would not go along with the Senate Amendment.

Mr. Speaker, I move that Senate Amendment "A" be indefinitely postponed.

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

Representative JOSEPH: Mr. Speaker, Men and Women of the House: Senate Amendment (S-155) simply allows a person who is a physician or a nurse who has medical training as well as being educated and experienced in the field of public health administration to hold the position of Director of the Bureau of Public Health. We agreed that this person must be a strong, well-qualified person to administer that particular position. We also agreed within our committee, the majority, that we were not dealing with any one personality, that presently the laws do not support or actually define who would be the Director of the Bureau of Public Health. We did not feel that by saying that that person must be a physician without stating that that person must also have the administrative skills was responsible. We felt that this would further clarify what our intentions are.

I would like to say that this Senate Amendment has the support of the prime sponsor of this bill. I have not heard from the public health community. However, they did recommend the original amendment, the Committee Amendment, to us. Then we realized there was nothing in that Committee Amendment that

said that these persons trained in the medical field would have administrative skills as well.

I encourage you to vote against indefinitely postponing the Senate Amendment.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: If this piece of legislation goes through, the present situation doesn't change. I think that was the concern that we had, at least I had, that the present situation ought to be changed. With this particular amendment, we didn't even need the bill. I would hope that you would go along with the indefinite postponement of Senate Amendment "A."

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

Representative HOLT: Mr. Speaker, Men and Women of the House: As a person with some past experience in public health and a continuing interest in the subject, I would like to say to my colleagues in this honorable body that the amendment before us will increase the ability of this state to have a very well-qualified person at the head of the Bureau of Health. You all understand we have physicians as division directors, you must also understand that the modern professional Registered Nurse can have university training, can have long experience out in the field working in public health, as well as excellent administrative experience.

I, for one, would not like to see a field of good candidates narrowed if we defeat this amendment. I ask your consideration. This does not say we would not have a physician at the head of the Bureau of Health, it gives us more opportunity to look at a large variety of well-qualified candidates for public health in the field of the future in medicine.

This is the era of public health, there are many, many assaults on our public health, we want the very best qualified people available as the heads of our bureau of health.

Representative Manning of Portland was granted permission to address the House a third time.

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: I would like to indicate to this body the people who have the most concerns with Senate Amendment "A" are the people who came in front of the Human Resources Committee time and time again dealing with public health-related issues. They are the people who want to narrow the scope, they are the people who were glad that the bill was in and they looked at different things that happened over the last couple of years.

Whether or not somebody with administrative ability would have known what to do at Jay when they had the chlorine leak, whether or not they would have the ability to deal with other issues such as shutting down restaurants and things like that, this piece of legislation is going to open this up to any person who has a public health background.

I really feel that we ought to be looking at a physician in this particular department. It has worked well in the past when the department head was a physician and had public health experience. It didn't work well when the physician did not have public health experience. I would hope that we go along with the indefinite postponement.

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

Representative BEGLEY: Mr. Speaker, Men and Women of the House: I would encourage you to vote against the indefinite postponement and vote to support this amendment. I would reaffirm what Representative McCormick, Representative Joseph and Representative Holt have been saying. I do believe

that the Department of Human Services feels that this will give them more leeway and flexibility to pick a person who would be best qualified in all areas for this health position.

The SPEAKER PRO TEM: The Chair will order a vote. The pending question before the House is the motion of Representative Manning of Portland that Senate Amendment "A" to Committee Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

23 having voted in the affirmative and 74 in the negative, the motion to indefinitely postpone did not prevail.

Subsequently Senate Amendment "A" to Committee Amendment "A" was adopted.

Committee Amendment "A" as amended by Senate Amendment "A" thereto was adopted and the Bill assigned for Second Reading Wednesday, May 31, 1989.

The Chair laid before the House the following matter: Bill "An Act to Extend Seasonal Liquor Licenses Under Certain Circumstances" (H.P. 130) (L.D. 174) which was tabled earlier in the day and later today assigned pending the motion of Representative Priest of Brunswick that L.D. 174 and all accompanying papers be indefinitely postponed.

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

Representative PRIEST: Mr. Speaker, Men and Women of the House: I moved to indefinitely postpone this bill because I think it poses a danger to the state liquor store system. If you will recall, this bill will allow the Liquor Commission to convert seasonal liquor stores to year-round agency stores even though they are closer than 10 miles from a state store.

At the present time, the law allows six seasonal agency stores. The Liquor Commission has opened four and I want to read to you where they are, Old Orchard, Trenton, Waterboro and Kennebunk. Therefore, the Liquor Commission can open two more seasonal stores if it wishes and, under this bill, could convert those stores into year-round stores.

This bill will allow direct agency store competition with state liquor stores. It allows the Liquor Commission to put a year-round agency store within a few miles of a state store. The bill doesn't require a seasonal store to be in an isolated rural area in order to be converted. Indeed, if you look at the bill, one of the factors for determining whether or not you are going to convert is and I quote, "the total volume of sales of the store while licensed as a special seasonal agency liquor store" -- obviously, that could encourage a store which is doing a large business because it is competing in an area already served by a state store to be converted over.

Under this bill, the Commission could allow a Shop'N Save store, for example, to be an agency store and to compete directly with the state store in Old Orchard or in Kennebunk. It seems to me that the bill would also give an unfair advantage to seasonal liquor stores and allow them access to markets which a regular agency store could not have.

The bill is unfair. I think it will harm the state stores which exist in areas near seasonal stores and I think it will decrease sales to state stores. It is for these reasons that I would urge you to support the motion to indefinitely postpone this bill and all its accompanying papers.

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

Representative LORD: Mr. Speaker, My Learned Colleagues: I won't tell any cow stories today, I will get right down to business.

This bill says that, in order for a seasonal store to become a year-round licensed store, two factors must be included, first, it must be economically feasible and second, it must be in the best interests of the people served.

The towns that have seasonal stores have been mentioned, Old Orchard, Trenton, Waterboro and Kennebunk. It would seem to me that when the Liquor Commission makes its determination, if it proves that these stores are going to affect the other stores, they wouldn't get it. It isn't circumventing the ten mile thing, it is an exception. We have passed many bills here, many laws that gives you an exception to a bill that has already passed. I don't buy that for one minute.

Representative Priest mentioned it is going to hurt state liquor stores. Okay, this morning I talked with Mr. Marcotte regarding the Sanford store. In 1987, year ending June 30th, the Sanford store did \$1,078,550 worth of business. In 1988, the same period, it did \$1,102,435. Our little seasonal store in Waterboro was in effect, we were going, didn't affect it a bit -- as a matter of fact, it went up. Also, this happened while the sales of liquor nationwide was going down six percent, so they did pretty well over there.

If you want to take this year from July 1st through the 30th of April, they have done \$976,889 worth of business and last year in the same period of time, they did \$889,897 worth of business. That is up 8.7 percent while the whole rest of the state is only up 3.3. It hasn't hurt that store one bit.

I say that we should allow this to happen. If other seasonal stores come on in the future, the Liquor Commission will have good data and pertinent information as to whether or not those stores should be converted to a permanent store.

I would ask that you folks go along the way you did last week and down this motion to indefinitely postpone and pass it and send it across the hall so they can work on it.

I ask that when the vote is taken, it be taken by the yeas and nays.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I would ask again that you support my good colleague, the Representative from Waterboro.

They have been talking about four seasonal agency stores. No mention has been made about the number of agency stores, the number would defy imagination. When the Liquor Commission determines that it is feasible to open up an agency store, they must have a good reason for it. As I mentioned last week, if you let them run the business, they will run it. All of a sudden we have a new philosophy, we have to tell them what to do but when it is another department, they should be left to do what they want.

We have opened up agency stores all over the place. They talk about if you let the agency store stay in Waterboro longer, you will hurt the one in Sanford. I know for a fact that there is an agency store just over the line from Auburn into Turner, none of the Auburn stores have suffered from it. We have opened one up in the Forks, we have opened them up north in Corners Township, all over the place.

I would like to ask if anybody knows the answer just how many agency stores we have -- you will find it is going to be quite a few. They are opening them up every day. The only thing here is, they are

saying that once we give you the seasonal license, you cannot go further than that season. As you know, the seasons in Maine change as far as the tourists coming in. You may have a situation in the Waterboro area where people come in for the Fall season -- if the Liquor Commission feels that there is a market out there, they should be given the right to determine if it should stay longer. I would ask that you vote against the motion to indefinitely postpone.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Kittery, Representative Lawrence.

Representative LAWRENCE: Mr. Speaker, Ladies and Gentlemen of the House: I oppose this bill and I opposed it in committee because it creates a special exemption for certain liquor stores. I am sure we would have all introduced this bill had we been in a similar situation as the Representative from Waterboro.

What occurred was that we created a special test marketing of seasonal liquor stores and a seasonal liquor store opened in Waterboro. The person saw an increase in revenue in this store, wanted to increase it to a year-round revenue, put a petition in the store asking people if they would like to have liquor sold year-round at the store, the petition was signed by the people buying the alcohol, they went to their Representative and asked him to introduce a bill that would allow this seasonal store to be exempted, be changed into a year-round liquor store within ten miles of the liquor store.

There is a reason why we have the ten mile limit within liquor stores and one of the reasons mentioned for this bill last time was that it would promote competition. I oppose the idea of competition in the liquor business. If you have ever driven into Boston and just before you get into Revere, you see the liquor stores spring up. One of them is Cappie's Liquor Store and you have the revolving neon signs promoting liquor saying "Take a Tanquary home tonight" or "Wouldn't a bourbon be good tonight?" That is not the policy in this state, we don't promote liquor. We don't actively advertise the sale and the consumption of liquor, we are a controlled state. The purpose of this ten mile limit is to protect the state's control over the liquor business.

I urge you to defeat this bill and indefinitely postpone it in order to preserve the state's control over the liquor business.

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

Representative MARTIN: Mr. Speaker, Men and Women of the House: I urge you to defeat the motion to indefinitely postpone this bill and give this bill a chance to see what the commissioner can do with it.

It definitely says, "An Act to Extend Seasonal Liquor Licenses Under Certain Circumstances."

I think Representative Lord probably has a special circumstance and I have a special circumstance, a very unique circumstance, that I think should be looked at.

They claim that the agency stores would be competing with the liquor stores. That is not true. They have to buy their liquor from the state liquor stores. The only thing they do is they probably have a few longer hours that they sell liquor. Ladies and gentlemen, remember they sell it for an eighty percent markup. As a retailer of 25 years or more, I have never sold anything to anybody for an eighty percent markup. So, I think we ought to be grateful that we have some people that are willing to take the gamble, sell the state's liquor when they have a special circumstance and the state will still make the profit. We are not going to hurt the state one bit, if anything, we are going to help it out. So,

please vote with me against this motion to indefinitely postpone.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Biddeford, Representative Plourde.

Representative PLOURDE: Mr. Speaker, Ladies and Men of the House: I rise this morning to support my committee who voted unanimously, almost unanimously, to support the seasonal system. However, what we are doing here is changing the rules of the game. We have a sunset law relating to these seasonal stores and let's review that this coming September. I believe there is no reason to change the rules, therefore support the indefinite postponement.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Sanford, Representative Paul.

Representative PAUL: Mr. Speaker, Men and Women of the House: Last Thursday, when this bill was on the floor of the House and a final vote was taken to reverse the Majority Report of the Legal Affairs Committee, it is safe to tell you that it is an understatement that you created quite a stir in the Legal Affairs Committee. We take our work very seriously as I am sure most of you do on other Joint Standing Committees.

This is my third term and generally I don't get up and have a lot to say. I generally do a lot of listening, but I am compelled today to let you know how I feel about this very important legislation. I originally hadn't planned to get up and speak to you.

I have a lot of respect for the good Representative from Waterboro, Representative Lord. I do understand what he is doing by helping out his constituents in his district. We must remember that, if this bill is passed and signed by the Governor, it will apply throughout the State of Maine.

There are two sides to this bill, a good side and a bad side. First, I want to tell you about the good side. If we want to allow an agency store in Waterboro to operate year-round, people will have easier access to liquor and they won't have to travel so far to Sanford. This could prevent accidents. I am sure allowing this store to sell liquor year-round would be good business and we are supposed to help out the small businessman. Rochester, New Hampshire isn't very far from the center of Waterboro. Maybe this would cut down on the amount of liquor that is bought in New Hampshire.

Now for the bad side. Easier access sometimes promotes abuse. By making an exception to the ten mile radius of a state-operated store, we are opening the door to many more agency stores which could eventually put our state-operated stores out of business.

Sanford has a store that does a million dollar business according to Mr. Marcotte. How do we replace lost revenue because this will affect other state stores? Many large cities in other states operate strictly on a privately-owned agency store. These stores are numerous and tend to be the focus of armed robberies. This past weekend I took it upon myself to drive from Sanford's state store to the center of Waterboro where the agency store is. This distance is eight and three-tenths of a mile. When I left Sanford, I had to go through a section of Main Street where the parade was forming (this was at 9:30) and as I got to Alfred, another group was forming for another Memorial Day ceremony, the trip took me 16 minutes to get to Waterboro.

You have heard both sides of this bill. I am sure you will cast your vote today with a lot of thought on both sides of this bill.

Again, and I do not say this lightly, I have a lot of respect for the Representative from Waterboro and also for the owner of this store because for many

years he was a neighbor of mine, a good neighbor, in the Town of Sanford.

I wish I could help them both but in good conscience, I feel I must vote not to extend the seasonal license at this time. I hope you will vote in support of the good Representative from Brunswick to indefinitely postpone this bill.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: We seem to dwell on the issue of the seasonal liquor stores and that they are competing with the Liquor Commission stores. We are forgetting about the regular agency stores. The agency stores are open from eight in the morning until eleven o'clock at night while the state liquor stores close at five. If that is not competing, I don't know what is. The agency stores are allowed to sell after noon on Sunday, the state liquor stores are not open. The agency stores were allowed to sell yesterday afternoon, Memorial Day, but the state liquor stores were closed. On Sunday, you can buy it in the afternoon at the agency stores but the state liquor stores are closed. If we are talking about who is competing with who, I believe the agency stores are competing much more against the state liquor stores than these seasonal ones. So, if we are to do something, let's say to the agency stores, you shall only keep those hours that the state liquor stores do. Let's not give advantage to someone who, on Christmas Eve, when the liquor stores are closed at five o'clock — I can turn around over the line in Turner and buy some liquor at eight or nine o'clock at night if I find out that I haven't got enough for the holidays. That is what you are going to get.

All we are asking here is, if you are going to get this on a competitive basis and run it like a business, let's run it like a business and not try to use some kind of excuse that we have set up precedent because precedent's are broken every day. I say at this time, let's try to give fairness to all. If you are going to give the seasonal store a chance, let's give a chance to everyone. I ask that you vote against the indefinite postponement.

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

Representative WENTWORTH: Mr. Speaker, Ladies and Gentlemen of the House: In York County, I don't think anyone would ever notice that there was another one added. There are so many agency stores in spite of the fact that we have a state discount store in our area also.

I would ask you to vote against the indefinite postponement and vote with Representative Lord.

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 PRO TEM: The Chair recognizes the Representative from Brunswick, Representative Priest.

Representative PRIEST: Mr. Speaker, Ladies and Gentlemen of the House: The question was asked as to how many state stores and how many agency stores are in the state. I asked that same question to Lynn Cayford of the Licensing Bureau and was told that there are approximately 70 state stores throughout the state and there are approximately 70 to 75 agency stores throughout the state so I would suggest that we are not overwhelming the state with agency

stores. I would also suggest that these agency stores are supposed to serve areas which are somewhat distant from regular state stores and that is the reason for the 10 mile limit. I would also suggest that this legislature has supported that 10 mile limit over some fairly vigorous opposition in the past and the present and I would urge you to continue to do so.

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

Representative LORD: Mr. Speaker, Ladies and Gentlemen of the House: I have been given to understand that when the committee worked on this bill, it was the opinion of the majority that they were willing to give a license to the Waterboro store but when they went to the Attorney General and asked if this could be done, the Attorney General said no, it would have to be for all of the stores and I think that was a darn good opinion. It showed me that there was a lot of sentiment on the committee that we should have this store.

I hope you will vote against the pending motion.

The SPEAKER PRO TEM: A roll call has been ordered. The pending motion before the House is the motion of the Representative from Brunswick, Representative Priest, that L.D. 174 and all its accompanying papers be indefinitely postponed.

The Chair recognizes the Representative from Rumford, Representative Erwin.

Representative ERWIN: Mr. Speaker, under House Rule 7, I request permission to pair my vote with the Representative from Vassalboro, Representative Burke. If she were present and voting, she would be voting yea; I would be voting no.

The SPEAKER PRO TEM: The pending motion before the House is the motion of the Representative from Brunswick, Representative Priest, that L.D. 174 and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

## ROLL CALL NO. 52

YEA - Adams, Aliberti, Allen, Anthony, Begley, Bell, Boutilier, Brewer, Carroll, D.; Cashman, Cathcart, Clark, H.; Clark, M.; Conley, Cote, Daggett, Dellert, Dore, Dutremble, L.; Farnsworth, Garland, Graham, Gwadosky, Hale, Handy, Heeschen, Hepburn, Hickey, Hogle, Holt, Hussey, Joseph, Ketover, Kilkelly, Larrivee, Lawrence, Luther, MacBride, Manning, Mayo, McHenry, McKee, McSweeney, Melendy, Mills, Mitchell, Moholland, Nadeau, G. R.; Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Parent, Paul, Pederson, Pineau, Pines, Plourde, Priest, Rand, Richard, Ruhlman, Rydell, Simpson, Skoglund, Smith, Stevens, A.; Stevens, P.; Swazey, Telow, Townsend, Tupper, Walker.

NAY - Aikman, Anderson, Ault, Bailey, Butland, Carroll, J.; Carter, Chonko, Coles, Constantine, Curran, Dexter, Dipietro, Donald, Duffy, Farnum, Farren, Foss, Foster, Gould, R. A.; Greenlaw, Gurney, Hastings, Hichborn, Higgins, Hutchins, Jacques, Jalbert, Lebowitz, Libby, Lisnik, Look, Lord, Mahany, Marsano, Marsh, Marston, Martin, H.; McCormick, McGowan, McPherson, Merrill, Murphy, Paradis, E.; Pendleton, Pouliot, Reed, Richards, Ridley, Rolde, Rotondi, Seavey, Sheltra, Sherburne, Small, Strout, B.; Strout, D.; Tardy, Tracy, Webster, M.; Wentworth, Whitcomb.

ABSENT - Crowley, Hanley, Jackson, LaPointe, Macomber, Michaud, Nadeau, G. G.; Stevenson, Tamaro, The Speaker.

PAIRED - Burke, Erwin, P.  
Yes, 76; No, 62; Absent, 10; Vacant, 1;  
Paired, 2; Excused, 0.

76 having voted in the affirmative and 62 in the negative with 10 being absent, 1 vacant and 2 paired, the motion did prevail. Sent up for concurrence.

(At Ease)

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

The Chair laid before the House the following matter: An Act to Make Allocations for the Operating Expenditures of the Intergovernmental Telecommunications Fund, Department of Administration, for the Fiscal Years Ending June 30, 1990, and June 30, 1991 (EMERGENCY) (H.P. 531) (L.D. 716) (C. "A" H-223) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Gwadosky of Fairfield, retabled pending passage to be enacted and specially assigned for Wednesday, May 31, 1989.

At this point, the Speaker resumed the Chair.

The House was called to order by the Speaker.

(Off Record Remarks)

On motion of Representative Strout of Corinth, Adjourned until Wednesday, May 31, 1989, at twelve o'clock noon.

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

In Senate Chamber  
Tuesday  
May 30, 1989

Senate called to Order by the President.

Prayer by Pastor Allan Kipp of the Community Church in Dresden.

PASTOR KIPP: Let us pray. Father we just ask You this day as we open business, Father God, that You would be upon us to give us clear minds. Father God that You would guide us and lead us in this state and Father God in our country. Father God that we would take and bring to pass a people that stand forth shining that do right, Father. We just thank You and just praise You for Your hand over this building and all that's said and done. And we just thank You, in Jesus name, Amen.

Reading of the Journal of Friday, May 26, 1989.

PAPERS FROM THE HOUSE  
Non-concurrent 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)

In Senate, May 19, 1989, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-183) AS AMENDED BY HOUSE AMENDMENT "A" (H-215), thereto, in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-183) AS AMENDED BY HOUSE AMENDMENTS "A" (H-215) AND "B" (H-317), thereto in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

COMMUNICATIONS

The Following Communication:

STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
AUGUSTA 04333

May 26, 1989

Honorable Joy J. O'Brien  
Secretary of the Senate  
114th Legislature  
Augusta, Maine 04333  
Dear Madam Secretary:

The House voted today to adhere to its former action whereby it indefinitely postponed Resolve, Requiring the Department of Educational and Cultural Services to Study Textbooks in Schools and School Libraries of the State (EMERGENCY) (H.P. 358) (L.D. 478).

Sincerely,  
S/Edwin H. Pert  
Clerk of the House

Which was READ and ORDERED PLACED ON FILE.

SENATE PAPERS

Bill "An Act Amending the Licensure Requirements for Plumbers"

S.P. 615 L.D. 1710

Presented by Senator BALDACCI of Penobscot