

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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
80th Legislative Day
Friday, June 9, 1989

Bill "An Act to Clarify the Application of Insurance Holding Company Laws to Holding Companies of Domestic Insurers"

S.P. 399 L.D. 1043
(C "A" S-223)

Bill "An Act to Establish a State Arbitration Program for Lemon Motor Vehicles"

S.P. 517 L.D. 1413
(C "A" S-222)

Bill "An Act Providing Confidentiality for Public Sector Job Applicants" (Emergency)

S.P. 486 L.D. 1328
(C "A" S-232)

Bill "An Act to Limit the Granting of Injunctions in Labor Disputes"

S.P. 372 L.D. 996
(C "A" S-231)

Which were READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended.
Sent down for concurrence.

Bill "An Act to Extend the Eligibility of Retired Teachers for Group Health Insurance"

S.P. 337 L.D. 898
(C "A" S-221)

Bill "An Act Regarding Reimbursement for Out-of-district Special Education Placements" (Emergency)

S.P. 283 L.D. 729
(C "A" S-215)

Bill "An Act to Require Written Leases for Long-term Tenancies"

S.P. 351 L.D. 933
(C "A" S-216)

Bill "An Act to Protect the Integrity of the Civil Service System and to Set Standards for the Contracting of Service by the State"

S.P. 391 L.D. 1036
(C "A" S-220)

Bill "An Act Concerning the Regulation of Cable Television"

S.P. 401 L.D. 1045
(C "A" S-213)

Bill "An Act Related to State Preemption of Firearms Regulation"

S.P. 370 L.D. 994
(C "A" S-218)

Which were READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended.
Sent down for concurrence.

Off Record Remarks

Senator KANY of Kennebec was granted unanimous consent to address the Senate off the Record.

Off Record Remarks

Senator KANY of Kennebec was granted unanimous consent to address the Senate off the Record.

On motion by Senator KANY of Kennebec, ADJOURNED until Friday, June 9, 1989, at 1:00 in the afternoon.

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

Prayer by Reverend Edward Hatch, Palermo Christian Church.

The Journal of Thursday, June 8, 1989, was read and approved.

Quorum call was held.

PAPERS FROM THE SENATE

The following Communication:

Maine State Senate
Augusta, Maine 04333

June 8, 1989

The Honorable John L. Martin
Speaker of the House
114th Legislature
Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Fisheries and Wildlife, the Governor's nomination of Ogden E. Small, O.D. of Caribou for reappointment and Eugene L. Churchill of Orland for appointment to the Inland Fisheries and Wildlife Advisory Council.

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate

Was read and ordered placed on file.

The following Communication:

Maine State Senate
Augusta, Maine 04333

June 8, 1989

Honorable Edwin H. Pert
Clerk of the House
State House Station 2
Augusta, Maine 04333

Dear Clerk Pert:

Please be advised that the Senate today appointed the following conferees to the Committee of Conference on the disagreeing action of the two branches of the Legislature on Resolution, Proposing an Amendment to the Constitution of Maine to Provide for 4-Year Terms for Senators and Representatives (H.P. 808) (L.D. 1120):

Senator BERUBE of Androscoggin
Senator ESTY of Cumberland
Senator CARPENTER of York

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate

Was read and ordered placed on file.

Unanimous Leave to Withdraw

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act Amending the Tree Growth Tax Law to Dedicate Penalty Proceeds to Purchase Public Parks and Open Space" (S.P. 505) (L.D. 1393)

Report of the Committee on Banking and Insurance reporting "Leave to Withdraw" on Bill "An Act Related to Medical Liability Insurance" (S.P. 209) (L.D. 487)

Report of the Committee on Labor reporting "Leave to Withdraw" on Bill "An Act to Ban the Use of Tape Recorders for Reporting Work Delinquency" (S.P. 565) (L.D. 1593)

Report of the Committee on Labor reporting "Leave to Withdraw" on Bill "An Act Relating to Vocational Rehabilitation under the Workers' Compensation Act" (S.P. 307) (L.D. 806)

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

Divided Report

Majority Report of the Committee on Education reporting "Ought Not to Pass" on Bill "An Act to Amend the Law Concerning the Reimbursement Rates for General Adult Courses Offered by Adult and Community Education Programs" (S.P. 612) (L.D. 1707)

Signed:

- | | |
|------------------|---|
| Senators: | ESTES of York
BOST of Penobscot
GILL of Cumberland
O'GARA of Westbrook
CROWLEY of Stockton Springs
HANDY of Lewiston
PARADIS of Frenchville
OLIVER of Portland
NORTON of Winthrop
O'DEA of Orono
AULT of Wayne
KILKELLY of Wiscasset |
| Representatives: | |

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

Signed:

Representative: SMALL of Bath
Came from the Senate with the Majority "Ought Not to Pass" Report read and accepted.
Reports were read.

Representative Crowley of Stockton Springs moved that the House accept the Majority "Ought Not to Pass" Report.

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

Representative SMALL: Mr. Speaker, Men and Women of the House: I hope that you will not vote for the "Ought Not to Pass" Report so you can then vote for the Minority "Ought to Pass" Report.

This bill deals with adult general education courses and the state's reimbursement of the costs to the program. Currently, under present law, adult ed courses are separated into categories to determine what percentage of the costs of the course will be paid by the state and what percent will be paid by the locals. Courses which deal with high school completion, basic literacy, GED, vocational or for handicapped persons are free to the students, the state pays 75 percent of the salaries for teachers and 75 percent of the fringe benefits. The local district picks up the remaining 25 percent. This will not change under this bill if it passes.

The second category is general education courses which are non-lifeskill or avocational courses. Examples are rug braiding, chair caning or aerobic dancing. The state currently is paying 50 percent of the cost of these courses and the local pays 50 percent but, in many cases, the locals charge the students a fee to pay their share of the costs.

This bill, if it were to pass, would eliminate the state's share of cost for leisure courses. A point of contention in committee was, when does a leisure course become a vocational course and when does chair caning switch from the pastime to a money making venture? There is no set answer to this, each course would be determined by rules set by the Department of Education in consultation with other adult ed directors and adult ed teachers. In many cases, the description and content of the course will

be the determination. No one taking an aerobics class would likely be able to go out and teach a class; thus it would be considered an avocational course and require a fee. I doubt that a "Learn to Knit" class would produce many professional knitters although an advanced knitting class might.

However, that is not for me to determine, it is the experts in the adult education field who know the course context and more importantly, who knows those who are taking the courses and why. There are some very good arguments on the other side that leisure classes bring adults into the school setting so maybe they will continue with other courses.

I would agree that this is a wonderful concept but I am not sure it is an affordable one or it should be our top priority at this time when education initiatives and programs are being cut.

Enacting this bill will save approximately \$90,000 and it will also allow the Department of Education to fulfill a commitment they made to the Appropriations Committee to eliminate the fee that the state is paying for avocational courses.

I would hope that you would reject the "Ought Not to Pass" so you can then vote for the "Ought to Pass." Mr. Speaker, I request a roll call.

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

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: The reason for the 12 to 1 vote against this bill is because we felt the bill is flagrantly flawed. The subsidy for lifeskills program will be almost impossible to determine. For example, if the Department of Education is going to decide whether a course is going to further someone's vocation or avocation from one end of this state to the other, it would be almost impossible. There are no definitions for lifeskills. To give you an example, a friend of mine, a professor of biology, a gal who lives in Fort Kent, took a course during the last session on small engine repair. She took this course for her own personal use around her home. She should not be entitled under any circumstances for a subsidy for taking this small engine repair course for her own needs. Yet, two or three people next to her taking exactly the same course would be entitled to this. I don't see how they are going to make the determination.

It says "To Enhance the Capacity as a Citizen or a Worker" -- I think all of these things are very unclear, nebulous and would be impossible to administer and that is why the committee, I believe, went against the bill.

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

Representative SMALL: Mr. Speaker, Members of the House: I agree that in the bill there is nothing that would delineate what courses of vocational or avocational or lifeskill -- that is the rules and regulations procedure. I want it to be clear that, right now, the Department of Education is making that determination on deciding whether it is a general course or a vocational course so that is being done right now. General courses, the leisure skill courses, are receiving a 50 percent reimbursement from the state. Vocational and competency courses are receiving a 75 percent reimbursement, so they are making that determination right now. Then what they would have to do is make the determination on general skill courses of whether they are truly avocational or would they have some vocational benefits but I believe if they are able to make the determinations now, certainly after consulting with adult ed directors and teachers that they would be able to

make the determination on a case by case, course by course basis.

Again, I hope that you will reject the "Ought Not to Pass" Report.

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

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

The SPEAKER: The pending question before the House is the motion of Representative Crowley of Stockton Springs 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. 66

YEA - Adams, Aliberti, Allen, Anthony, Ault, Bell, Boutilier, Brewer, Burke, Carroll, D.; Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Curran, Daggett, Dipietro, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnsworth, Farnum, Gould, R. A.; Graham, Gurney, Gwadnosky, Hale, Handy, Heesch, Hichborn, Hickey, Hogle, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, LaPointe, Larrivee, Lawrence, Libby, Lisnik, Luther, Macomber, Mahany, Manning, Marston, Martin, H.; Mayo, McGowan, McHenry, McKeen, McPherson, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Murphy, Nadeau, G. R.; Norton, Nutting, O'Gara, Oliver, Paradis, E.; Paradis, J.; Paradis, P.; Paul, Pederson, Pendleton, Pineau, Plourde, Pouliot, Priest, Rand, Richard, Ridley, Rolde, Rotondi, Rydell, Seavey, Sheltra, Simpson, Skoglund, Smith, Stevenson, Strout, D.; Swazey, Tammaro, Tardy, Telow, Townsend, Tracy, Tupper, Walker.

NAY - Aikman, Anderson, Bailey, Begley, Butland, Carroll, J.; Carter, Chonko, Dellert, Dexter, Donald, Farren, Foss, Garland, Greenlaw, Hanley, Hastings, Hepburn, Higgins, Hutchins, Lebowitz, Look, Lord, Marsano, McCormick, Merrill, Pines, Reed, Richards, Sherburne, Small, Stevens, A.; Strout, B.; Webster, M..

ABSENT - Cashman, Cathcart, Conley, Foster, Jackson, MacBride, Marsh, Nadeau, G. G.; O'Dea, Parent, Ruhlman, Stevens, P.; Wentworth, Whitcomb, The Speaker.

Yes, 101; No, 34; Absent, 15; Vacant, 1; Paired, 0; Excused, 0.

101 having voted in the affirmative and 34 in the negative with 15 being absent and 1 vacant, the Majority "Ought Not to Pass" Report was accepted in concurrence.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-232) on Bill "An Act Providing Confidentiality for Public Sector Job Applicants" (EMERGENCY) (S.P. 486) (L.D. 1328)

Signed:

Senators: GAUVREAU of Androscoggin
HOLLOWAY of Lincoln

Representatives: CONLEY of Portland
RICHARDS of Hampden
HASTINGS of Fryeburg
ANTHONY of South Portland
STEVENS of Bangor
MacBRIDE of Presque Isle
COTE of Auburn
HANLEY of Paris

FARNSWORTH of Hallowell

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (S-233) on same Bill.

Signed:

Senator: HOBBS of York

Representative: PARADIS of Augusta

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-232)

Reports were read.

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

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

Representative RICHARDS: Mr. Speaker, Ladies and Gentlemen of the House: "The right to be left alone is, indeed, the beginning of all freedom" -- that was a statement that was made in 1952 by Justice Douglas.

In looking at both of these amendments, you should ask what compelling purpose are we trying to pursue in having the scrutiny of all applicants for jobs including the person who is ultimately hired. Shouldn't the real purpose be not to scrutinize the effectiveness, the exercise of discretion, wisdom and decision making in our elected officials? That is where the focus is. It is the ultimate decision of our elected officials whether it be a mayor, a councilor, a selectman, a town manager, or some other person that is given the authority to make that decision that we should scrutinize. We should scrutinize, confront, test and we as the public, judge, in determining the wisdom of our elected officials choices in choosing that successful public job applicant.

What happens then is that a person who has gone through the applicant interview process is hired, that person's records are open to the public for public inspection. That is where the scrutiny should be, not for all applicants that apply for a job. If the public disagrees or disapproves, whatever reason the decision the public officials have made, they are accountable for their actions. The voting booth is where they will be judged.

I ask you, is the press overstepping the bounds of propriety and decency? Do we take gossip which is the resource of the idle and the vicious and say that it is okay to use it to perpetuate a trade which is then pursued in an industry of the media? To say we do not care how it is used is to condone and assault on our individual privacies.

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

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: I rise to explain the difference between the Majority Report and the Minority Report.

The Majority Report would make public the records of the job applicants who is eventually hired for the job after he or she has been hired. Everyone else who applies, the applications, the fact that they applied is not public information.

On the Minority Report, the report moved by the Representative from Augusta, Representative Paradis, everybody who is interviewed, their applications are public records and the newspapers, television stations, and the rest of it, all those media, can do as they have been doing for the past year or so and that is, publish in the paper the names, where they come from, all the people who are applying for a job in the public sector, a government job.

It was the strong testimony of the Maine Municipal Association and a wide-range of public officials that publishing the information in the paper about who is applying for the jobs has a chilling effect on the application process -- that is to say, people do not like to apply for a job in a nearby town if they know that everybody in their town is going to know that they have applied for that job. If they don't get hired, it makes it more difficult for them to continue functioning in that job. In the private sector, we have all in our private lives applied for jobs or, in many cases, received job applications and I am sure we have all had the experience that we don't want it known generally speaking if we are applying for another job while we are already in an existing job because what happens if our employer finds out? Our employer might say, this is really somebody that is not interested in staying here and you get on a side track, you don't get treated the same way.

The purpose of Committee Amendment "A" in the Majority Report is it tried to the degree possible to recreate in the public sector that same benefit that employers in the private sector have and that employees in the private sector have of applying for a job without having it be spread all over the newspapers that you are applying for another job in another town. As a consequence you will have the substantially improved effect on the job application process that it will encourage people to be able to apply for jobs without having it be known all over the place -- which jobs you are applying for and the fact that you are out there looking.

It is the argument of the press that having this information be public information does at least provide a check against the governmental process to make sure there is no political favoritism. It is true that you can know perfectly well that there is no political favoritism if you know all the people who applied and were interviewed and then the one that was ultimately hired. You have to weigh that really against the harm that it does to the application process. It seems to me if we care about government, we have to say, the best thing you can do is to encourage the best possible people to apply for these governmental jobs and that is what Committee Amendment "A" proposes to do. As a consequence, I signed the Majority Report and I urge you to vote against this Minority "Ought to Pass" Report so we can go on and vote for the Majority Report, which would allow people in the public sector to be able to apply for jobs without having everybody in that town and every surrounding town know that they have done so.

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

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: On this lovely Friday afternoon, this is the third and last Divided Report of the Committee on Judiciary so I will be very brief. Out of 160 or so bills that were referred to our committee, we achieved a unanimous consensus on about 157 of them and I think that is a very good track record.

I would like to briefly explain that the good Senator from York and I signed the Minority "Ought to Pass" Report because we felt there could be some amount of confidentiality in the job application process but the degree to which the Majority Report suggested was both unrealistic and unnecessary.

Last summer, Maine started an important and new trial period for local government applications. The Law Court of the State of Maine decided in the case of Bangor Daily News vs. the city of Bangor that

people who were under consideration by local government in important local positions had to be open to scrutiny of the general public as far as to their qualifications and to their name. Before that decision was handed down, local governments had routinely refused to provide any information regarding the candidates that they were considering.

L.D. 1328, the bill that we have before us and the amendment, was introduced to cut off that experiment and rather prematurely. We really don't have much of a track record as to what the Supreme Court of this state has let us do. It has only been in effect for several months.

The Majority Report of the Judiciary Committee would bring us back, not only prior to the Supreme Court opinion, but would make every application for public jobs, whether it be on the local level, county level or state level, a completely confidential process. We know, just recently, in the city of Brunswick there was an application and opening for town manager. After they had looked at several resumes, the town fathers and mothers interviewed many people but the top three of those candidates, they took their applications and resumes and contacted their employers to find out what type of candidate they were seriously considering. That is the spirit of the Minority amendment that I am proposing the House accept this afternoon. That isn't a closed process at that point, they want to know who they are going to hire by looking into their past job and their past experience. At that point, no one has the audacity to say that that is a completely closed process.

Let me share with you one thing that I do happen to know quite a bit about having participated for a year in the Department of Personnel -- applications for Maine State Trooper -- the application is private, the exam is private, the oral interview is private, the physical agility test is private, you can do pretty much all four of those things if you are a candidate for a Maine State Trooper in the privacy of your own application. However, if you have passed all of these procedures and you are now at the point of going before the State Police and passing a lie detector test, they are going to contact your employers, singular and plural, your family, friends and they want to know everything they can and should know before they decide to send you to the academy for 16 weeks. It isn't private at that point, it is very much public, they want to know everything about you and they ought to know everything about you. Do you actually believe in reality that they are not going to go to your employer and ask them, "How is he or she doing on the job? Is she or he honest, dependable, reliable -- is this the type of person we want in the Maine State Police?" So when they say that this procedure as outlined in L.D. 1328 and in the Majority Report ought to be completely confidential, they are not facing reality, they know that it isn't so. They also know that the status quo we have today really doesn't follow that. Why that type of a statement -- I don't know, I am not the sponsor of the bill, I am not presenting the bill, the Maine Municipal Association and the administration are presenting the bill -- I can't go along with that stringent a qualification, I don't think it is healthy.

Most other states permit what the Minority Report is suggesting that we do, most of the other states in this country. In the state of Georgia, the Supreme Court just ruled two months ago, and this is from their opinion, "It would make a strange rule, indeed, to hold that a person who applies for a public position, to serve the public, and to be paid by the

public, has the right to keep secret from the public, the very existence of such an application." If at the point of the hiring authority is serious about a certain candidate, A,B or C, they are going to contact their employer, then I think the public has some opportunity and some right to know. After all, isn't it our money that is paying, not only for the process, but for the person's position, the salary of that person?

I really think as we consider this this afternoon, the experiment that is in effect right now because of the Maine Supreme Court, is not a bad one. Maine had never intended, according to the court, that the process for applying for public jobs be completely confidential from A to Z. They said the legislature never intended that. I asked that we not have the old smoke-filled rooms of years ago, that only certain people knew who had applied for a position. The process as we know it has changed a great deal since then.

Please permit the fresh air of democracy to come and disturb the stale, dank atmosphere of normalcy. I urge you to accept the Minority "Ought to Pass" Report.

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

Representative HANLEY: Mr. Speaker, Members of the House: I would just like to applaud the courage of the good Representative from Augusta for using that final quote that the "whole committee" had worked on during the work session and used that for the benefit of the House. I would just like to point out though to the good Representative from Augusta and his smoke-filled room picture he tried to paint for this body is not true. It wouldn't be true under his bill and it would not be true under the Majority Report.

I do not wish to stand up here and spend more time legitimizing the position of the good Representative but as you can tell, it is an 11 to 2 report. It was a bill that was handily defeated in the other body.

If you had been present during the work session, you would have noticed the position that the newspapers and the press were taking as far as where this bill would be going and the arrogance that they espoused during that whole process.

What the Majority Report will do is it will keep those resumes of applicants available to the public when it gets down to the point where a person is going to be hired. That is when the public needs to know. At that time, when an individual is going to be hired and is going to be part of the public office, then let their position be known. Let's not have a chilling effect on all those people who would otherwise apply for a public office or public position but, because of the circumstances surrounding their present job in a tenuous nature of retaining their current job, they are reluctant to go forward in the process.

I would ask that you reject the pending motion so you can accept the Majority "Ought to Pass" Report.

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

Representative HASTINGS: Mr. Speaker, Ladies and Gentlemen of the House: First, I would like to apologize and let me tell you that I will be very brief today and not keep you long in this House. It is Friday afternoon after all.

I rise though to speak in opposition to the pending motion because this bill does not stop anyone from publicly announcing his or her candidacy for a position. You must have all been involved with either hiring or being hired by someone and there is

with a fear at times of what is going to happen to your present job if you seek another job. Because of that fear, there is a chilling effect on the pool of applicants to the various jobs especially in state government. It was not the legislature nor the court that said that "thou shalt open the files of all applicants" rather it was the court interpreting the present law which has, for many years, been interpreted by those who administered it which previously had given confidentiality to many of the applicants to various jobs in this state, local and county governments. The Supreme Court just simply said that, as written, the exemption currently under the Freedom of Access Law did not apply and, therefore, the names should be available. It certainly said the legislature had every right to make it apply if it chose to do so.

This particular amendment adopts a current function that we have been using for many years and it allows those who review and hire a window of calm in seeking and investigating all candidates.

I am perfectly willing and want the press to freely investigate all public servants, once they become public servants. Robert Frost said in his poem "Many a Wall" because you must keep in mind that this bill does create a small wall. He said, "Before I build a wall, I'd ask to know what I was walling in or walling out." This particular bill, by its Majority Report, walls out the fear of loss of your present job to an applicant, walls out fear of loss of pride to an applicant, walls out fear of loss of commendation among my peers and supporters. This law leaves those who win, those hired, to the diligent scrutiny of the press but the law harbors those who from necessary investigations and inflammatory criticism and sometimes searches of those who do not prevail in getting the job. It protects those who do not prevail but it allows the press free access to those who prevail in getting the job.

The law as it is crafted by the Majority Report balances the needs of a free press and the hopes of hiring the best to the public service. This law is a wall to create and give safe harbor to each applicant until hired. Once hired, it leaves each applicant to the fortunes of the rolling and rocky sea, that is the press can fully investigate.

I strongly urge you to reject the present motion before you and adopt the Majority Report.

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

Representative ALLEN: Mr. Speaker, Men and Women of the House: I urge you this morning to accept the Minority Report and would like to add a different perspective than what you have been accustomed to hearing so far within this debate.

I live in a very small town of 1,000 people and I represent other small towns of the same size. In our community, we are covered by various newspapers but who is going to be hired say for principal of our local school, it is not really news worthy and, as a matter of fact, there is not a lot of interest within the press so to speak to find out who the applicants are for our local jobs. We are small communities, we have no newspapers or any kind of press established in our towns and unless something outrageous happens in town, for the most part you never hear of the town of Washington or other small towns in my area.

The perspective that I would like you to think about today is the importance of some of these public officials, public employees who are hired by our small towns and, in the case of Washington, it would be the school principal. Washington's center of activity rotates around what happens at school. What is happening at school very much sets the tone for

what is happening in town so it serves as a focal point for our community and what happens there is very important to all of the people in our town. As a matter of fact, our parent-teacher association is very active in what goes on at school and is always a community event. It is never restricted just to those people who happen to have children at school. This past year our school board was in a position of hiring a new principal and the people in town were very much interested in who had applied for the position and we went to our school board members to talk about that. The superintendent's interpretation of the Right to Know Law, however, is that he was the only one who had the right to know anything about the applicant including who they were so the decision by the school board was made after the superintendent made that single recommendation of only one name to the school board. They did not have access to those names, even school board members could not access that.

The Majority Report would maintain that kind of situation, that kind of mentality. That was very frustrating to the people I represent. I am talking about regular people who wanted access, regular taxpayers who wanted access for the names of people who had applied to that particular position. We are not press people, we have nothing to gain personally, we were just really concerned about who was going to be hired in our particular school. We were denied access to that and told if we wanted that information, we could go to Superior Court in order to compel the school district to do that. We obviously couldn't afford to do that and our avenue was cut off.

If the Bangor Daily News had asked for that information, they may have gotten it, but there wasn't a lot of interest in the press to do that.

I rise to support the Minority Report because it really means a lot to taxpayers in some instances to be very much involved in what is happening to their communities. The Right to Know Law is a public right to know. We have established that as a public policy in this state and only enacted certain exemptions so I would urge you to accept the Minority Report.

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

Representative DAGGETT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to speak briefly on this issue having served on the local level on a school board. While I might agree with the Representative from Washington, Representative Allen, that it is entirely possible for a superintendent to withhold that kind of information from a school board, I would suggest that the problem is with the school board not taking hold of the authority that it, in fact, has. We have lots of debates about local control and sometimes we have elected officials who are not fully cognizant of the kind of control that they have.

I think it is very difficult for people who are applying for jobs in the public sector when they know the kind of scrutiny that may happen in the press. I think the job rightly belongs in an oversight with those elected officials and the people who are doing the interviewing. My concern is, and I hope you will defeat the Minority Report, when the hiring begins to be played out in the press, people who are reading the names of those people who are applying for jobs, are simply unable to determine what the qualifications are by reading names. Many of us are acquainted with people but that does not mean that we are in a position to decide whether or not they should have a job.

I also believe that it is difficult for people who are applying for jobs when they have a current job, when their coworkers or their employees may know that they are applying elsewhere. There have been a number of times when people have mentioned that to me.

I hope you will defeat this proposal so we can go on to accept the Majority "Ought to Pass" Report.

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

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

If the Minority Report was adopted, would this apply to every college graduate who applies for a job at teaching? Would this apply to every high school graduate who applies for a job in a public sector? Would this apply to every college graduate who applies for a job in the public sector?

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

The Chair recognizes the Representative from Augusta, Representative Paradis.

Representative PARADIS: Mr. Speaker, Men and Women of the House: In answer to the Representative from Lisbon, my good friend Representative Jalbert, yes it would apply. It would apply to every job on the local, county and state level and it would be more stringent than the status quo that we understood even prior to the Bangor decision of the Maine Supreme Court.

In our report, the Minority Report, seeks to keep just one little window open. It says if you are serious about a person, you are serious about a group of people, let the public fresh air be permitted to shine on at least that part because everyone will know about it. There isn't any question as to the people being aware because you are going to be contacting their employer. As one Representative in this body just suggested to me a few moments ago, that it would be irresponsible to hire someone in a public position and not contact his or her employer prior to that hiring.

What the Minority Report does is to recognize reality. What I believe the Majority Report does is to make a very blanket, all encompassing statement in saying, that is secret. I would hope that this body would approve the Minority Report and let that fresh air shine in.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: This will create pure chaos. Can you imagine a Clerk Typist I at any of the departments of the State of Maine -- if there is 15 applications, everyone of those names will be made public. If some young man comes out of the University of Maine and applies for a job in the engineering department, his name will come out and you will have complete chaos, everybody running for the job.

I think many of you people know that Lisbon is a small town and every year when the town report comes out, there is only one thing that many look forward to and that is the list of unpaid taxes. They didn't care about what the conditions of the town is, that is all they wanted to see -- the unpaid taxes. You are going to subject a young lady and a young man who has worked hard to get a degree and that young person will either apply in the Portland High School system or the Sanford High School system or the Lisbon school system and it is going to come out that that young person has applied at three different places -- what kind of an image is that going to leave?

I believe in free speech but I will tell you about something that happened in my hometown. The town manager resigned to go somewhere else and a group of town managers applied for it, they listed the names and unfortunately there was a name there of which one of the councilors was not aware that his town manager had applied for the job in Lisbon. There is no need of that. If you want to find out about that, there is a way of doing that. Let's protect the integrity of a young person, anyone.

I specifically asked the questions of my good friend, the Representative from Augusta, Representative Paradis, if this will be limited to the administrative part. I don't mind if in Bangor, they listed the names of the candidates for Chief of Police, City Manager or even the Departments of the State of Maine which should be made public, that is a different ball game altogether, but this would encompass every little person who is trying to go out and get a job.

I would ask that you defeat the Minority Report.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the Representative from Augusta, Representative Paradis, that the House accept the Minority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

19 having voted in the affirmative and 92 in the negative, the motion did not prevail.

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

Committee Amendment "A" (S-232) was read by the Clerk and adopted and the Bill assigned for second reading later in today's session.

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-218) on Bill "An Act Related to State Preemption of Firearms Regulation" (S.P. 370) (L.D. 994)

Signed:

Senators: MATTHEWS of Kennebec
BALDACCI of Penobscot
DILLENBACK of Cumberland

Representatives: PRIEST of Brunswick
LAWRENCE of Kittery
LAPOINTE of Auburn
PAUL of Sanford
MURPHY of Berwick
STEVENS of Sabattus
JALBERT of Lisbon

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (S-219) on same Bill.

Signed:

Representatives: PLOURDE of Biddeford
BEGLEY of Waldoboro
TUPPER of Orrington

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-218)

Reports were read.

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

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

Mr. Speaker, Men and Women of the House: This bill deals with the question of Maine's firearm policy. The bill says that the state will preempt the field of firearms regulations with two

exceptions. The first exception is the exception which allows towns to pattern ordinances exactly on existing state law but to have civil penalties so they can enforce those ordinances and collect the civil penalties.

The second exception allows towns to regulate discharge of firearms within their borders. That allows them, for example, to prohibit hunting in certain areas of the town and it also allows regulation of areas such as rifle ranges. So there is a provision in there that allows towns to regulate and deal with the safety aspect of discharge of firearms.

The issue that this bill presents to you is who decides firearms policy in the State of Maine. Does the state decide that? Does the legislature and Governor decide it? Or do the individual legislative bodies of over 400 municipalities in this state decide firearm policy? There is no question that the state has constitutional rights to regulate the area of firearms. Indeed, if you look at the Constitution of Maine, Article 8, part 2nd under Municipal Home Rule, this is absolutely clear. Section one states "The inhabitants of any municipality shall have the power to alter and amend their charters on all matters not prohibited by constitution or general law." It is clear that if we prohibit by general law municipalities from certain aspects of firearms regulation, the Constitution allows us to do that.

Indeed, there is no question that Maine people feel strongly about the area and the issue of firearms regulations. In November of 1987, the people of Maine passed a Constitutional Amendment. It was a short amendment but, again, I want to read it to you. Section 16 of Article I of the Constitution states "Every citizen has the right to keep and bear arms and this right shall never be questioned." Maine has dealt carefully with firearms in a number of areas. Most of you, I am sure, are aware of the hunting laws which regulate the way you can use firearms while hunting. You probably also are aware with the issue of concealed weapons permits Maine has in Chapter 252 of Title 25 a very carefully cut out law on the issuance of concealed weapons permits. It details what questions are to be asked, investigation can be had, what waiting periods are allowed.

The State Supreme Judicial Court in a 1980 case has stated that the state has preempted the area of issuance of concealed weapons permits. Despite this clear Maine policy, at least one official of one municipality has attempted to enforce ordinances which conflict with Maine firearms policies.

The Chief of the Portland Police has resurrected a 1900 ordinance which prohibits carrying a loaded firearm in a public place between sunset and sunrise. This obviously directly conflicts with concealed weapons permit law in this state. The law in the state is, if you have a properly issued and valid concealed weapons permit, you are permitted to carry that weapon under that permit and that permit does not recognize any difference as to when the firearm is carried. For example, a person carrying a payroll or receipt at night from a store or bank having a valid concealed weapon permit is permitted to carry a weapon under that permit. The Portland ordinance, however, does not permit him to carry that weapon.

Even hunters themselves may be in danger while traveling through the city of Portland if, in fact, they carry a rifle in their car through a public place and they may be subject to arrest for violation of this ordinance.

Consider what is possibly the situation if every town were to enact similar or differing ordinances.

Consider what would happen if a quarter of the towns were to enact this type of ordinance. Think about what you might be subject to if you were traveling from York or Kittery up to Fort Kent to hunt, you would conceivably have to know the ordinances in each and every municipality in which you passed, a difficult if not impossible task.

It is obvious that Maine and Maine's citizens need a uniform firearms law, laws which they can know and upon which they can rely. If towns feel that they need special types of firearms ordinances, firearms powers or if they think that Maine's law needs amending, then they have a simple solution. They are well represented, they can have their legislators come up to us, present a bill, and we will consider it.

The law which this bill represents has been enacted in 35 states throughout the country so this is not a new or untried law.

I would say to you that state uniformity will prevent a patchwork of local ordinances governing firearms from rising up. I will submit to you that enactment of this bill will prevent a series of costly lawsuits from taking place to determine whether or not ordinances violate state firearms policy or not. The citizens of all towns in Maine, both those towns which are large and those towns which are small, have a right to have firearms legislation considered on a uniform basis with the interests of the entire state taken into account and to rely on which those laws are. They have a right to travel from one place in the state to another without fear as to whether the state issued a state valid firearms permit, concealed weapons permit is valid or not. They have the right to hunt and to rely upon the hunting statutes and not be worried whether a town decided that it doesn't like those statutes and is prohibited from carrying firearms in certain areas.

For these reasons, I would urge you to accept this bill and to accept the Majority Report.

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

Representative PLOURDE: Mr. Speaker, Men and Women of the House: I urge you to vote against the pending question before us. The only thing that I can really acknowledge from my colleague from Brunswick is, who should decide on regulating firearms? The reason I say that is because my community and the 490 other communities are going to lose a right, a right that is very basic, that is a fundamental one and that is to enact ordinances to provide the protection, the safety and the general welfare for all the people within our communities. Because it is special, a special right granted from a home rule provision by the state under the statutes as well as the Constitution, the state deemed it necessary through its wisdom and good common sense that this right should be given to them.

The question before us is, should we take that right away relating to firearms? The reason some people and groups feel we should take that away because it conflicts with uniformity in laws. Let me tell you today, there are nine, only nine communities in this state that have laws regulating firearms. Compare hundreds of communities in our state who have laws that conflict among each other dealing with zoning, public safety, health, sanitation, and we could go on -- does that mean that we, as a legislature, preempt all these categories as well? Of course not.

The second point I would like to bring out is abuse or potential abuse -- there is very little evidence that exists now. Even so, we have the

avenues to address that problem through the same systems when citizens from this state feel that they are being abused by state law.

The third point I would like to bring out is the constitutional rights. There are many court cases, there were review reports that indicate differently as far as whether these laws are against constitutional rights. In fact, I am happy to mention that the 90.9 percent of ordinances may seem burdensome, inconvenient, but not different than when we are required to meet the qualifications for other licenses and permits through our trades and occupations or professions and a variety of other activities. Are we to preempt those requirements?

Men and women of the House, the issue is not really firearms, it is whose responsibility to meet the needs of its people who may have many unique problems to be solved. It is the one who understands and recognizes those problems and who can best react to provide those solutions without having their hands tied. It is our local governments who have many of those unique problems, who have already been given those tools through the Home Rule provisions. It has the resources in place to carry out those obligations to provide, protect the safety of others.

What the Majority Report does is deny and strip that institutional right to do its job, nothing more, nothing less. The Majority Report only gives the municipality the piece of the puzzle to solve a potential problem. Is that truly fair for anyone who is asked to do its job to protect and preserve the safety of others?

Mr. Speaker, I thank you and I request a roll call.

The SPEAKER: The Chair recognizes the Representative from Shapleigh, Representative Ridley.

Representative RIDLEY: Mr. Speaker, I would like to pose a question to the good gentleman from Brunswick, Representative Priest.

I have here a permit, it says on the top of it, State of Maine, Resident Permit to Carry a Concealed Weapon. The question I would like to ask is, who would issue this permit when it is time for renewal? Would it be as it is now, the town of Shapleigh where I live, signed by the board of selectmen or would I have to get it from the State of Maine?

Also, when I purchased it or when I received this permit, would these same rules apply if this bill is passed?

The SPEAKER: Representative Ridley of Shapleigh has posed a question through the Chair to the Representative from Brunswick, Representative Priest, who may respond if he so desires.

The Chair recognizes that Representative.

Representative PRIEST: Mr. Speaker, Men and Women of the House: Those are reasonable questions. The answer is, the law concerning the issuance of concealed weapons permits, if this bill is passed, will remain precisely as it is now and it will not be changed by the town in which you may live but rather you will be able to rely on state law. State law now, as you know, says that the issuance of concealed weapons permits is handled by municipal offices with a designee, that will be precisely the same.

The regulations governing the issuing of concealed weapons permits is set out very carefully in Chapter 252 of Title 25 and those will remain precisely as they are now.

The SPEAKER: The Chair recognizes the Representative from Wiscasset, Representative Kilkelly.

Representative KILKELLY: Mr. Speaker, Colleagues in the House: I rise this morning to speak in support of the Majority Report on L.D. 994. With the

acceptance of this report, we would put a law in place that would clearly guarantee all citizens of the State of Maine equal protection. 35 other states currently have firearms preemptions, Vermont passed its preemption only last year.

Why did these states pass these laws? Because they looked, as we should look, at the experience of states without preemption. For example, in the state of Ohio, many communities both large and small, have a variety of firearms legislation including local handgun registration laws. Many of these local ordinances are unknown to residents of other communities. For example, a gentleman passing through the town of University Heights, Ohio with his firearm, which was legally owned in the Ohio community where he lived and legally carried under state law, was questioned by a police officer while sitting in his car in a parking lot. Not realizing that he was in violation of a local ordinance, he readily admitted that he had an unloaded gun in the trunk of his vehicle. He was subsequently arrested for not having registered the firearm. This particular case was in litigation for many years and his conviction was upheld.

In the state of Illinois, citizens with legal handguns risk arrest every time they innocently drive through Morton Grove, Oak Park or other Chicago suburbs that have passed handgun bans.

Maine has one of the highest per capita rates of gun ownership in this country and, at the same time, we have one of the lowest rates of crime involving guns. Everyone deplors violence in any way and especially in using firearms. However, limiting the rights of Maine's citizens clearly violates the spirit of the referendum Constitutional Amendment that was passed in 1987 that upheld our long traditional belief of the right of gun ownership. It does nothing to keep guns away from criminals.

This bill also has economic implications. Many millions of dollars pour into this state each year because of the tourist industry. How do we define tourists? Do we limit it to Hawaiian shirts, shorts, cameras and boats? I think not. I think it is important that we understand that many people come into this state to enjoy the natural beauty and to enjoy hunting and fishing. What message does this legislation send to out-of-state hunters? Clearly it is that you may travel in this state with an understanding that the rules are not going to change from one town to another. Welcome to Maine, obey the laws and we appreciate your support of our economy.

My final point and a very disturbing comment that I have heard relates to the Portland City Ordinance. I heard a comment that there is not a great concern about the hunters and the other law-abiding citizens that travel through the city, only criminals. Well, this implies to me that the local ordinance could or would be selectively enforced. Selective enforcement breeds contempt for the law and creates a society of privileged citizens and lesser citizens. Who would be selected for enforcement? Would it be poor people who drive around in suspicious shabby looking cars or would it be the very rich who drive around in suspicious elegant looking cars? What will this do to our already crowded court system and what benefit will be served?

I raise all of these points to support the Majority Report. The Minority Report only serves to limit the numbers of cities that can set their own standards. In other words, it is still a patchwork but a different size patchwork with the same problems.

I urge your support of the Majority Report on L.D. 994 as it will guarantee a fair, consistent and uniform firearm law across the State of Maine.

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

Representative CURRAN: Mr. Speaker, Men and Women of the House: I have in my hand here the firearms ordinances of the city of Westbrook, which were revised as recently as 1987. I show these to you to show you that they are tailor-made to fit the people of Westbrook. They were made by Westbrook people, they are made to fit the needs of Westbrook people and they are not intended to fit the needs of anyone anywhere else in the state but in Westbrook.

I have to say that I am somewhat surprised to find that this bill got this far. It is well-intentioned, I know, but however well-intentioned it may be or the amendment may be, it makes an elementary and profound mistake of lumping various and differing needs into one basket.

Try telling a Westbrook policeman that his problems with gun regulations are the same as those problems in Hiram, for instance, or vice versa or that the circumstances in Island Falls or in Cherryfield are the same as they are in my town or in your town, they are not.

I talked with the Chief of Police in Westbrook about this yesterday afternoon and the day before yesterday and it was his contention then and I support it that each areas circumstances are so different, each municipality's crime patterns are so unique that only those people close to it can reasonably evaluate it. These matters must be locally administered. It is our turf to protect and we must be able to decide how we are going to be able to do it. That is not to say that we shouldn't have some minimum standards and uniform standards, which we do. I think those are necessary. We should be doing more perhaps on the state level and give the state the stick to deal with shirking towns that it needs to have but not in this all-enveloping way. That is what this law would have us do.

I talked with the Mayor of Westbrook yesterday afternoon. At first, being a mild man, he was only mildly provoked by this bill. Then I read it to him slowly and clearly, "No political subdivision of the state may adopt any order, ordinance, rule or regulation concerning the sale, purchase, purchase delay, transfer, ownership, use, possession, bearing, transportation, licensing, permitting, registration, taxation or any other matter pertaining to firearms." Then he was incredulous and I ask you if you can blame him?

When I was on the City Council in Westbrook, we had strenuous debates about the appropriateness of various gun regulations. There is strong feeling about it, whoever has to deal with it. We had tough times with it but at least, and this applies to you, at least we were on sight, reflecting our own needs and not playing by rules that were adaptive to towns that have none of our problems but which have problems that we don't have and don't understand. You see why I ask you to please vote against this bill, it is far, far too comprehensive, it is destructive of the local control back home that we find so precious and that we guard so jealously. It is too harsh and it is counterproductive in its attempt to address the very real issues that exist out there. It deprives us of one of the tools to do our own work the way we should.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: I would like to start off by commending the Committee on Legal Affairs for at least attempting to solve what has turned into a

ridiculous and ludicrous situation in the State of Maine. I have felt all along that a town did not have the right to control firearms on a town-to-town level. The United States of America left the feudal system when we went to war with Great Britain and I would hate to see us go back to that feudal type of system. We would all have our own little stone walls in 491 different communities and would do things in 491 different ways.

There seems to be a person you are forgetting about in this law, the people who are honest, decent, everyday hardworking people, who obey the laws of the state, which is probably about 95 percent or greater of the people in this state. Do you realize how confusing it would be if the state allowed every town to pass hunting and fishing laws of this state, for your own little section of the state, for your own little section of river that runs through the city or town? We don't allow that. How would it be if we allowed every city along Interstate 95 to control the speed limit because we have a lot of accidents in the Waterville area? If we slowed down those big 18 wheelers down to 35 miles an hour, it might save some lives and protect the security and sanctity of my people in the city of Waterville. We don't allow that. Could you imagine if you allowed each town along the Kennebec River to pass ordinances dealing with water quality or the color and foam? Can you imagine that? What would a paper company deal with then if every single town along the river had a different set of standards to go by? What if we allowed every single town to propagate dealing with subdivisions, with septic systems which set back on lakes, rivers and streams? Can you imagine the chaos that would occur in the State of Maine and the people we are sworn to represent.

Uniform, statewide laws are there not to deprive any community of any rights, not to take any rights from any citizens because they make sense, good old-fashioned common sense, something I know we hate to use in state government, but once in awhile we have just got to do it.

Talk about somebody being incensed -- how about the people in the state who want to obey our laws and who is going to have to have a book four miles thick to tell you about every single ordinance that you are going to pass from Kittery to Moosehead Lake, Maine? Talk about ridiculous. If you have a problem with the way our state laws deal with handguns and firearms, come to the state and make a change statewide so everybody knows what the laws are. Then you won't make criminals out of the God-fearing people that we represent.

You know there is a mentality that is sweeping across the state, that has swept across this country and it is a dangerous mentality, it believes if you make it more difficult for people to obtain and use firearms, you will cut down on crimes, the crimes that are serious in the State of Maine. Men and Women of the House, wake up and look around, the criminals do not obey laws, they do not obey your ordinances and you can pass books full of laws and they are still not going to obey them. All you are going to affect is the people who want to obey those laws. You make them clear, articulate, uniform across the state and those people will obey them but your criminals that you are out to get are not going to obey them. They don't do it now and they won't do it later. You won't be depriving any community of any rights because those should be on a statewide basis because it makes common sense. Give your people something they can understand and they will respond to that. If you start having 491 different ordinances dealing with firearm control in this

state, you are going to have a mess on your hands and we will have nobody else to blame but ourselves.

I commend Legal Affairs for doing the right thing and, once and for all, we can deal with the problems on a statewide basis, level ground, and everybody will know where they are playing from. It truly makes sense and I urge your support.

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

Representative PAUL: Mr. Speaker, Ladies and Gentlemen of the House: I rise today in support of L.D. 994. I am not a gun collector although I do own several guns for hunting purposes. I have hunted the Maine woods for 47 years and appreciate the fact that in these years, I have been able to exercise my right to bear arms for that purpose. I strongly believe that no governmental body should infringe on an individual's rights to keep and bear arms.

Prior to becoming a legislator, as some of you well know, I was a police officer in the town of Sanford for 26 years, and I must tell you that my views differ a great deal from the good Chief of Police in Portland in regard to gun control. What may have been allowed or disallowed in Philadelphia does not mean that those same views should be forced on Maine people.

L.D. 994 will in no way lessen the current federal or state firearm laws nor will it negate current local firearm ordinances to regulate the discharge of firearms as it allows for local regulation regarding the legal discharge of firearms within their jurisdiction. This bill will also permit localities to write local ordinances that conform exactly with current Maine statutes to aid in local law enforcement efforts. I have contacted the Chief of Police in Sanford and he fully supports this bill.

Today I speak from my own personal opinion and although I have a great respect for Maine's sporting associations, I am not a member of any. I strongly believe in uniformity of gun laws for all law-abiding citizens. I should be able to travel without harassment from Sanford to Fort Kent, from Fryeburg to Calais, Maine freely providing that I am within uniform gun law provisions.

During my five years as a member of this body, I have seen pass across my desk some very, very important legislation, approximately 18,000 pieces of proposed legislation, but I tell you today that none has created as much direct contact with this Representative to vote for a bill as has L.D. 994. This has got to be a good bill, I strongly believe in this and I hope you will overwhelmingly support it.

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

Representative FARNUM: Mr. Speaker, Ladies and Gentlemen of the House: I support the bill, support it for different reasons than what people have spoken for already. I go into history -- the Indian War started in South Berwick, Maine and if it hadn't been for the right of people to carry guns in that area, we would have lost. The Revolutionary War was fought by men who had the right to carry guns, in the War of 1812. Let me speak of the Civil War and the Battle of Gettysburg, the 20th Maine stopped the southern forces until the northern forces could gather. If it hadn't been for the gun-wise, gun-trained men of the 20th, we would have lost the Battle of Gettysburg.

I do not belong to any gun clubs either but I represent three in my area. They are for this bill. I am sure that if these gun-wise people were called to defend their country, they would be the first to do it.

Please support this bill.

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

Representative JALBERT: Mr. Speaker, Men and Women of the House: I think we should lay to rest one thing, once and for all, this has nothing to do with Home Rule. I was a town official when Home Rule was first proposed and we studied on it. Home Rule gives to each municipality the right to determine issues which are inherent to each town and city. This has nothing to do with it.

I think my good friend from Waterville, Representative Jacques, hit the nail on the head when he said, if we create 437 separate entities or little republics within the State of Maine, you are going to have chaos.

This bill merely says that no city or town can go out on their own, half-cocked, and start their own laws and regulations. When we held a hearing on L.D. 994, I expected a normal hearing. I saw the TV cameras and unbeknownst to us, we were not limited to the local TV stations but we were covered by CBS out of New York. If I had known that I was going to be on Dan Rather's show, I would have gotten a haircut and maybe have put on a blue shirt and a red tie but that was orchestrated, staged. The next night when it came on the CBS news out of New York, they made some glance shots over to the committee but the big part of it was showing the city of Portland, Maine and equating the same problems as they have in Philadelphia, Pennsylvania. I have been to Philadelphia and I have been to Washington, D.C. often this past year, to Boston and New York -- you have jungles -- the city of Portland is a beautiful city and it is not a jungle by any stretch. Far from it but that is what we are trying to do, if someone is trying to equate what is happening in the big cities that it will happen in the city of Portland, Maine and everywhere else in Maine. I say again, even the minority members admit that there is some validity to this because they want to turn around and have this apply only to the small towns and cities and not apply to town and cities over 15,000 so they must know there is validity to this bill. Under their proposal, they would have the big cities exempt and the small towns conforming.

I would ask you at this time -- there has been a lot of work put into it, I will repeat like my good friend from Sanford, I am not a member of NRA, I am not a member of SAM (in the 113th, they supported my opponent) but I urge you to support the Majority Report.

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

Representative HANDY: Mr. Speaker, Members of the House: I keep hearing talk about protecting those who are law-abiding, hardworking citizens who obey all the laws of the state and their municipalities. There is one element, I think, we are forgetting and I would like to explain that by setting an example. The Chief of Police in the state's second largest city, my own town of Lewiston, related a story to me. The story goes like this -- it's a good thing they have a three day waiting period in my city because in at least one instance, he believes they were able to save the life of at least one individual, possibly two or more. When a young woman went to purchase a handgun and the person there indicated that she would have to wait and there would be a background investigation, the clerk in turn notified the police department (as our Lewiston ordinances require) and the police department did their routine background check. Come to find out, this person wasn't a criminal in the sense of the

word that has been used today, but she was an individual that had some serious personal problems and her goal was, presumably, not to go out and commit a crime, but to commit suicide. Without a waiting period, and this bill before you today would erase every waiting period that exists and all the provisions that was cited by the good Representative from Westbrook, Representative Curran, because we had a waiting period, the local law enforcement agency, not the state, was able to get to that individual's husband and, subsequently, get the help that that troubled individual needed.

If there is not a better reason for retaining local control in this area, that has got to be it. What might be good for Kittery may not be good for Fort Kent, what might be good for Bethel might not be good for Belfast. The good Representative from Lisbon indicated that Portland isn't a jungle -- it may not be a jungle but the forces are making their way into the streets. In Portland, not 48 hours ago, a drug store was robbed at gunpoint. In the suburb of Portland, in the town of Windham, an armed robbery at a bank -- does that not tell you something? People haven't thrown their guns away, they are using them.

I submit to you men and women of the House, our society has changed drastically, so drastically that we, who want to remain secure in our homes, will not be if this legislation passes because, to borrow a phrase and turn it around a little bit, "more than just the criminals will have guns." I hope that you will defeat this legislation.

The SPEAKER: The Chair recognizes the Representative from Orrington, Representative Tupper.

Representative TUPPER: Mr. Speaker, Ladies and Gentlemen of the House: You probably wonder why I am on the Minority Report. For the first time, I have gone against my good chairman, Representative Priest from Brunswick, but I have grave reservations about the state occupying and preempting the entire field of firearm regulations and removing them from local control. I believe we have two issues here. One, firearms for hunting and two, firearms for the protection of the public welfare. Both these issues are the citizens' constitutional right. I would urge you all to read the article "Guns Under Fire" in the red State Legislature magazine that came last month, especially Page 13.

I am not antigun, I have two standing in the corner at home and my late husband was an avid duck and bird hunter. I would like to cite a little incident for you for your information. Even though the city of Portland is not in my district, I am a native and grew up in the city of Portland and, during World War II, Portland was the largest naval base on the eastern seaboard. The city was teeming with servicemen and people who came to work in the shipyard. We had crime and disturbances in the streets and they increased steadily. They increased enough so that Principal Arthur Lowe of Portland High School cancelled our Junior Prom because he did not want to be responsible for students to be injured on the streets at night. During that time, Portland Police Department enforced laws and ordinances as the city saw fit. Today, Portland is one of the larger city's on the eastern seaboard with difficulties and problems and with growth and with growth comes all kinds of crime, especially drug-related.

Let us not tie the hands of our local law enforcement officers. Let them regulate and enforce law and ordinances to benefit their community under their control.

I would like to quote from the State Legislature magazine. President Bush is a lifetime member of NRA

and he told the legislators, "I believe we can find accommodations between the legitimate interests of the sportsmen and the interests of the police chiefs in protecting their people who put their life on the line every single day." I believe in this and I think we can meet on a common ground in the future and straighten out this issue.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I would like to correct a little bit of the history lesson you got here today and that was the French & Indian War was started in South Berwick — well, at that time, South Berwick was a part of Berwick, history will tell you that it was started in Berwick, not South Berwick.

Another thing I would like to say on this bill is that I come from an area probably a lot larger than the city of Portland, which is the largest city in this state. There are a few of us in this legislature who represent the southern Maine area, which surrounds the Portsmouth, New Hampshire area which has a lot more people than the city of Portland or surrounding areas. We are in a section of about 400,000 people today, I call that a large municipality.

This bill, in no way, prevents the State of Maine from passing any bill relating to firearms. If someone wants a three day waiting period, bring it back to this legislature, we can discuss it, if the majority of the people in the state want that, we can do it. It does, however, prevents individual towns from passing bills that go against the wishes of the state as a whole and protects our constitutional right to bear arms.

It has been stated by a person who recently moved to Maine that he intends to change the sportsman's mentality of our state. I guess he wants to put his big city, out-of-state rules into effect here in the State of Maine. Under his plan, only the criminal can be assured that he can attack with safety. The rest of us would not be allowed to carry a gun at night in Portland.

I urge you here today to send him a clear message that we are very happy and content with our sportsman's mentality, it has served us well for over 160 years, let's keep things the way Maine people want to live and not the way outsiders want us to live. I beg of you today to vote for the Majority Report and preserve our way of life.

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

Representative BEGLEY: Mr. Speaker, Men and Women of the House: I encourage you today to support the Minority Report. This is the same bill as the Majority except for the amendment which exempts communities with 15,000 or over in population. I sincerely believe that larger communities have problems and may need ordinances for peaceable living that smaller rural areas do not need.

Since I am a person who lives in a rural area, I am certainly not comfortable taking away existing rules and regulations and ordinances that some of these larger communities have already passed. This is just what we would be doing if we went with the straight 994 except for the discharge of firearms which has been pointed out to you earlier by Representative Priest. I sincerely believe that with a denser population, problems do arise that do not exist in the smaller communities to the same degree.

On another point, folks have mentioned to me that a council form of government is not as accessible as a town meeting. Now my response to that is, that the right to petition or assemble for peaceful purposes,

is protected for all of us in our Constitution. This very session we have passed a law through this legislature clarifying that no community can hinder in any way the circulation of a petition so citizens in larger communities do have a system to be involved in making decisions that affect the quality of their community living. Let's let them use that system.

I urge you to vote against the pending motion so that we may accept the Minority Report.

The SPEAKER: The Chair recognizes the Representative from Athens, Representative Rotondi.

Representative ROTONDI: Mr. Speaker, Ladies and Gentlemen of the House: I am very proud to be a cosponsor of L.D. 994 because I believe that it is time that we guarantee to Maine citizens that all would share equally in the Maine Constitutional protection of the right to keep and bear arms. As we all know, inequity in the application of laws leads to discrimination and disenfranchisement. If we do not accept the Majority Report, we would be actively promoting discrimination by exempting the citizens of any community with a population of 15,000 or more from the protections offered by this bill.

The Minority Report renders this bill useless and exempts the very citizens that proponents of the Majority Report are trying to protect, law-abiding gun owners in large communities who are often innocent victims of restrictive gun control measures.

I believe that on this issue there are two Maines, one where individual freedom is respected and nurtured and another where potentially these freedoms can be subjugated by the whims of city and town officials. Freedom and civil rights should not be subject to town boundaries nor should they be abridged because you happen to live in a larger community. Individual freedom properly exercised should be enjoyed by all.

The Majority Report of the committee on L.D. 994 preserves and protects the rights of all Maine citizens and I urge you to support the Majority "Ought to Pass" Report.

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

Representative STEVENS: Mr. Speaker, Men and Women of the House: Having had a store in a small community for 30 some years and also having a permit to carry a concealed weapon and with all the banks in the larger cities of populations of more than 15,000, I would hate to be breaking the law every night when I took the cash receipts to the bank.

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

Representative ADAMS: Mr. Speaker, Men and Women of the House: I have never spoken in this chamber before. It is prudent of the new legislator, I have been told, that they reserve their first speech for that subject that is closest to their heart or better yet, closest to their constituents. This is it.

I have the dubious honor of representing the district where Maine's first and only crack factory was busted a few weeks ago on a street much like the one where you live, a symbol and a symptom of the sudden ways in which Maine's society grows daily more complex, in ways that we could never have anticipated and would certainly never have wished. Yet I come from a very small town in Oxford County where hunting is a tradition and a way of life, well understood. There are more people on the block where I now live than there are in the town that I come from. I have seen life both ways. I have seen the different needs and I have seen the common sense given those different needs dictate different answers.

The purpose of the bill before us today is to strip away community control over the one field

surest to strike sparks in a legislative body and that is (a) local control over local laws and (b) those local laws for the purpose of addressing unspecified grievances on the part of a few. This sweeping preemption law would apply equally as you have already heard to all persons whether you live in Berwick, Brunswick, Portland or Stoneham.

Fellow members, like it or not, Maine wakes up every morning to a very complex 20th Century. In light of those changing times, we need wiser local laws, not less of them, we need more prudence, not preemption. Where and whose rights, I ask you, are being violated under our present local laws anywhere in the state? There are nine Maine communities that have some form of firearm regulation that is unique to them. The lists occupies barely two pages in its brevity, there it is.

In Bangor for example, the sale of ammunition cartridges is forbidden to children under the age of 16 without their parents permission. In Portland, you are not allowed to carry a loaded gun from sunset to sunrise. Lewiston prohibits concealed weapon permits to certain persons convicted of certain drug offenses. There is no challenge there to the constitutional right to bear arms, which Maine people certified strongly against in 1987. There is no denial there of the traditional values of the hunting culture in our countryside where the local laws have been designed to meet special needs.

In our cities, the constant flow of strangers into such communities on your streets just like yours or just like the one where I live, it inevitably results in certain prudent cautions that will be necessary to reflect the growth patterns of Maine life. This bill sweeps all of that reality aside and replaces those local ordinances with what? With nothing. It offers no replacements, it offers no equal state standards, it offers no equal state protection, it simply refers us to the barely page and a half of state laws regarding discharge of guns in certain municipalities and permits.

Members of the House, the intent of this bill is not to create uniform laws but undo laws. It is not for wise regulation but imposes no regulation to effectively prohibit the local communities in which you and I live from responding to the dictates of the local citizens and our local needs. I submit that if the problem is with one or in nine of Maine communities that have the local regulations, then is not the proper form to address those grievances in those local communities? If the problem is with one or nine police chiefs in those one or nine local communities, is not the proper form to address that problem, those local communities? Not this sweeping statewide regulation.

In over 30 other states, preemption laws have been presented, Maine's is based entirely upon that of the state of Missouri, almost precisely word for word, of which I have here. All of those 30 have been promoted and that promotion is paid for by one of the best focused and best financed of all lobbyist groups in this United States today, the NRA. The NRA brings such proposals as this to bodies such as ours in forums such as this because this is where they may have the easiest and best effect, that is to place pressure upon 150 of us in this body and at the next election which they may do far easier than they may appeal to 150,000 Mainer's in the court of public opinion. Back in those nine towns where the local needs are seen and where the people know the local laws are working, have Mainer's in any of those nine communities aforementioned risen to protest their local laws to you, to this body? Do you see any rush of people to pass outrageous local laws in any of

those nine communities to inconvenience the honest hunter?

The Maine history of local control is as long and is as important as the tradition of hunting. In Maine, it is legal under our state statutes for a community to enact a Tupper canine control law than that of the state if the community sees that need. And if they so wish, shall we then give our communities greater latitude in their leash laws than in laws designed to protect people? Nationally, the NRA has had much to say about the need for consistency in state laws; hence their preemption laws in 30 other states and now ours. I would remind you that this same faction that is promoting this bill has consistently opposed all forms of statewide handgun regulation or registration, all forms of standard waiting periods -- those persons looking for consistency in this measure, I submit, are looking for consistency all on one side -- theirs and that side based on emotion, not on reason. We are Maine, we are not Manhattan but we do not live in a vacuum, we live in the real world and in that world, drugs and crime are increasing and we need local control to combat those local problems where they occur.

Fellow members of the House, governing is always difficult, it requires that we put our communities first above convenience and that we put the future above the now. Stripping our communities of their local laws, leaving them with nothing in the face of troubled times, leaving control of firearms and ammunitions solely to the whims of the free market with no local control and no comprehensive state law in their place, is not protecting our loved ones. It is not promoting the well-being of our communities. It is not safeguarding that street like the one that I live on or the one where you live.

I would like to read a quote to you from a national magazine. "We deserve the same treatment accorded the victims of eminent domain proceedings. Only after the public need for such action is proved beyond the shadow of a doubt can such property be taken. The burden of proof lays heavily on those who confiscate our rights or our real estate and that same burden of proof is the least we should demand of those who would deprive us of our personal property and of our civil rights." That quote is from Mr. J. Warren Cassidy, the Executive Vice President of the National Rifle Association of America. I agree with him. We must be cautious in the field of individual or community rights. If laws made people perfect, we would still have prohibition. We must move with caution in the field of personal rights and in local control. As we move into a future that I promise you will be ever more complex and more contradictory, even in Maine, than you can ever have imagined.

I say we need the exchange of ideas, we need the local control that is borne of local debate, we need local options borne of local needs, especially in this crucial and complex field.

When our wants and our rights collide, far harder answers are required of us than anything offered by this sweeping simplistic and very deceptive bill. I urge your defeat of the Majority Report for L.D. 994.

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

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

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

Brunswick, Representative Priest, that the House accept the Majority "Ought to Pass" Report.

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

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

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Melendy.

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

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

ROLL CALL NO. 67

YEA - Aikman, Aliberti, Allen, Anderson, Ault, Bailey, Bell, Boutilier, Brewer, Burke, Butland, Carroll, D.; Carroll, J.; Carter, Chonko, Clark, H.; Coles, Constantine, Cote, Crowley, Daggett, Dexter, Dipietro, Donald, Duffy, Dutremble, L.; Erwin, P.; Farnsworth, Farnum, Farren, Foss, Garland, Gould, R. A.; Graham, Greenlaw, Gwadosky, Hale, Hanley, Hastings, Hepburn, Hichborn, Hickey, Higgins, Holt, Hussey, Hutchins, Jacques, Jalbert, Kilkelly, LaPointe, Larrivee, Lawrence, Lebowitz, Libby, Lisnik, Look, Lord, Luther, Mahany, Marsano, Marston, Martin, H.; McGowan, McKeen, McPherson, Merrill, Michaud, Mills, Moholland, Murphy, Nadeau, G. R.; Norton, Nutting, Paradis, E.; Paradis, J.; Paradis, P.; Paul, Pederson, Pendleton, Pines, Pouliot, Priest, Reed, Richard, Richards, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Seavey, Sheltra, Simpson, Skoglund, Small, Stevens, A.; Stevenson, Strout, B.; Strout, D.; Swazey, Tamaro, Tardy, Telow, Townsend, Tracy, Walker, Webster, M.; Wentworth, Whitcomb.

NAY - Adams, Anthony, Begley, Clark, M.; Curran, Gurney, Handy, Heeschen, Hoglund, Joseph, Ketover, Macomber, Manning, McCormick, O'Gara, Oliver, Plourde, Rand, Sherburne, Smith, Tupper.

ABSENT - Cashman, Dellert, Dore, Foster, Jackson, MacBride, Marsh, McHenry, McSweeney, Mitchell, Nadeau, G. G.; O'Dea, Parent, Pineau, Stevens, P.; The Speaker.

PAIRED - Cathcart, Conley, Mayo, Melendy.
Yes, 109; No, 21; Absent, 16; Vacant, 1; Paired, 4; Excused, 0.

109 having voted in the affirmative and 21 in the negative with 16 being absent, 1 vacant and 4 paired, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (S-218) was read by the Clerk.

Representative Plourde of Biddeford offered House Amendment "B" (H-463) to Committee Amendment "A" (S-218) and moved its adoption.

House Amendment "B" (H-463) to Committee Amendment "A" (S-218) was read by the Clerk.

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

Representative PRIEST: Mr. Speaker, Ladies and Gentlemen of the House: With all due respect to the Representative from Biddeford, I move that House Amendment "B" be indefinitely postponed.

If you will compare the proposed Committee Amendment "B" to this amendment, you will find they are close to being identical. This essentially would limit the effect of the bill to those towns of under

15,000 and would not have the bill affect those towns of over 15,000. I can assure you that no evidence was presented to the Legal Affairs Committee when this bill was being dealt with that this concept is warranted or that the number 15,000 has any basis in fact or there is any reason for adopting it. This amendment is simply an effort to get around the action which has been taken by this House and I would urge you to indefinitely postpone.

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

Representative PLOURDE: Mr. Speaker, Men and Women of the House: The Minority Report originally indicated that there was definitely a need for the communities that have a population of 15,000 or more. That would incorporate 11 communities out of the 490 in the state. Presently, there are nine of those communities that have local ordinances dealing with firearm regulations. What the Majority Report does or what this amendment does is it essentially provides those same communities to continue the firearm regulation.

The good gentleman from Waterville, Representative Jacques, mentioned that he wanted uniformity and I am quite sure that many of you here would like to see that as well. But this bill does not do that, it simply wipes out the nine communities in their best judgment and wisdom that passed firearm regulations to preserve and protect the safety of their citizens. What this body is doing is denying that right. Therefore, I hope that you will defeat the indefinite postponement motion.

Representative Tracy of Rome requested a roll call.

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

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

The SPEAKER: The pending question before the House is the motion of Representative Priest of Brunswick that House Amendment "B" be indefinitely postponed.

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

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

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Melendy.

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

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

ROLL CALL NO. 68

YEA - Aikman, Aliberti, Allen, Anderson, Ault, Bailey, Bell, Boutilier, Brewer, Burke, Butland, Carroll, D.; Carroll, J.; Carter, Clark, H.; Coles, Constantine, Cote, Crowley, Daggett, Dellert, Dexter, Dipietro, Donald, Duffy, Dutremble, L.; Erwin, P.; Farnsworth, Farnum, Farren, Foss, Garland, Gould, R. A.; Graham, Greenlaw, Gwadosky, Hale, Hanley,

Hastings, Hepburn, Hichborn, Hickey, Higgins, Hoglund, Holt, Hussey, Hutchins, Jacques, Jalbert, Joseph, Kilkelly, LaPointe, Larrivee, Lawrence, Lebowitz, Libby, Lisnik, Look, Lord, Luther, Mahany, Marsano, Marston, Martin, H.; McGowan, McKeen, McPherson, Merrill, Michaud, Mills, Murphy, Nadeau, G. R.; Norton, Nutting, Paradis, E.; Paradis, J.; Paradis, P.; Paul, Pederson, Pendleton, Pines, Pouliot, Priest, Reed, Richard, Richards, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Seavey, Sheltra, Simpson, Skoglund, Small, Stevens, A.; Stevenson, Strout, D.; Swazey, Tamaro, Tardy, Telow, Townsend, Tracy, Walker, Webster, M.; Wentworth, Whitcomb, The Speaker.

NAY - Adams, Anthony, Begley, Clark, M.; Curran, Gurney, Handy, Heeschen, Ketover, Macomber, Manning, McCormick, O'Gara, Oliver, Plourde, Rand, Sherburne, Tupper.

ABSENT - Cashman, Chonko, Dore, Foster, Jackson, MacBride, Marsh, McHenry, McSweeney, Mitchell, Moholland, Nadeau, G. G.; O'Dea, Parent, Pineau, Smith, Stevens, P.; Strout, B..

PAIRED - Cathcart, Conley, Mayo, Melendy.

Yes, 110; No, 18; Absent, 18; Vacant, 1; Paired, 4; Excused, 0.

110 having voted in the affirmative and 18 in the negative with 18 being absent, 1 vacant and 4 paired, the motion to indefinitely postpone House Amendment "B" (H-463) to Committee Amendment "A" (S-218) did prevail.

Subsequently, Committee Amendment "A" was adopted and the Bill assigned for second reading later in today's session.

Divided Report

Majority Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (S-231) on Bill "An Act to Limit the Granting of Injunctions in Labor Disputes" (S.P. 372) (L.D. 996)

Signed:

Senators: ESTY of Cumberland
MATTHEWS of Kennebec
Representatives: PINEAU of Jay
TAMMARO of Baileyville
RAND of Portland
McHENRY of Madawaska
McKEEN of Windham
LUTHER of Mexico
RUHLIN of Brewer

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

Signed:

Senator: WHITMORE of Androscoggin
Representatives: REED of Falmouth
BUTLAND of Cumberland
McCORMICK of Rockport

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-231)

Reports were read.

On motion of Representative McHenry of Madawaska, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (S-231) was read by the Clerk and adopted and the Bill assigned for second reading later in today's session.

Non-Concurrent Matter

An Act Relating to State Personnel Administration (S.P. 100) (L.D. 119) (H. "A" H-271 to C. "A" S-104)

which was passed to be enacted in the House on June 1, 1989.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-104) as amended by Senate Amendment "C" (S-235) thereto in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Establish State Guidelines for Child Support Awards" (H.P. 706) (L.D. 967) which was passed to be engrossed as amended by Committee Amendment "A" (H-349) in the House on June 2, 1989.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-349) as amended by Senate Amendment "A" (S-226) thereto in non-concurrence.

On motion of Representative Gwadosky of Fairfield, tabled pending further consideration and specially assigned for Monday, June 12, 1989.

Non-Concurrent Matter

An Act Regulating the Sale of Grave Markers by Funeral Establishments (H.P. 434) (L.D. 599) (C. "A" H-241) which was passed to be enacted in the House on May 30, 1989.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-241) as amended by Senate Amendment "A" (S-224) thereto in non-concurrence.

The House voted to recede and concur.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative CARTER from the Committee on Appropriations and Financial Affairs on Bill "An Act to Assist Municipalities with Respect to Harbor Improvements" (H.P. 234) (L.D. 318) reporting "Ought Not to Pass"

Was 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 Add Uniformity to the Veterans' Property Tax Exemption Law" (H.P. 269) (L.D. 381) reporting "Leave to Withdraw"

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

Ought to Pass as Amended

Representative DUFFY from the Committee on Taxation on Bill "An Act Concerning the Taxation of Entertainment Rentals, Services and Equipment" (H.P. 975) (L.D. 1353) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-446)

Report was read and accepted, the Bill read once.

Committee Amendment "A" (H-446) was read by the Clerk and adopted and the Bill assigned for second reading later in today's session.

Divided Report

Majority Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-439) on Bill "An Act Regarding the

Review of the Workers' Compensation Denials" (H.P. 919) (L.D. 1285)

Signed:
 Senators: ESTY of Cumberland
 MATTHEWS of Kennebec
 Representatives: PINEAU of Jay
 REED of Falmouth
 McHENRY of Madawaska
 McKEEN of Windham
 LUTHER of Mexico
 TAMMARO of Baileyville
 RUHLIN of Brewer
 RAND of Portland

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

Signed:
 Senator: WHITMORE of Androscoggin
 Representatives: BUTLAND of Cumberland
 McCORMICK of Rockport

Reports were read.

On motion of Representative McHenry of Madawaska, the House accepted the Majority "Ought to Pass" Report, the Bill read once.

Committee Amendment "A" (H-439) was read by the Clerk and adopted and the Bill assigned for second reading later in today's session.

Divided Report

Majority Report of the Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-443) on Bill "An Act Granting Student Rights and Requiring School Boards to Adopt Written Policies Regarding Student Rights and Responsibilities" (H.P. 827) (L.D. 1159)

Signed:
 Senators: ESTES of York
 BOST of Penobscot
 GILL of Cumberland
 Representatives: SMALL of Bath
 KILKELLY of Wiscasset
 NORTON of Winthrop
 PARADIS of Frenchville
 CROWLEY of Stockton Springs
 O'GARA of Westbrook
 AULT of Wayne

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-444) on same Bill.

Signed:
 Representatives: O'DEA of Orono
 HANDY of Lewiston
 OLIVER of Portland

Reports were read.

Representative Crowley of Stockton Springs 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 specially assigned for Monday, June 12, 1989.

Divided Report

Majority Report of the Joint Select Committee on Corrections reporting "Ought to Pass" as amended by Committee Amendment "A" (H-445) on Bill "An Act to Transfer Jurisdiction over County Jails from County Government to the Department of Corrections" (H.P. 857) (L.D. 1189)

Signed:
 Senators: MATTHEWS of Kennebec
 BUSTIN of Kennebec
 Representatives: MELENDY of Rockland

MAYO of Thomaston
 ANTHONY of South Portland
 DORE of Auburn
 SMITH of Island Falls
 GREENLAW of Standish
 MANNING of Portland

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

Signed:
 Senator: PERKINS of Hancock
 Representatives: STROUT of Windham
 LIBBY of Kennebunk
 HEPBURN of Skowhegan

Reports were read.

Representative Melendy of Rockland moved that the House accept the Majority "Ought to Pass" Report.

On further motion of the same Representative, tabled pending her motion that the House accept the Majority "Ought to Pass" Report and specially assigned for Monday, June 12, 1989.

CONSENT CALENDAR

First Day

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

(S.P. 602) (L.D. 1688) Bill "An Act to Amend Maine's Unclaimed Property Act" Committee on Business Legislation reporting "Ought to Pass"

(S.P. 399) (L.D. 1043) Bill "An Act to Clarify the Application of Insurance Holding Company Laws to Holding Companies of Domestic Insurers" Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (S-223)

(S.P. 517) (L.D. 1413) Bill "An Act to Establish a State Arbitration Program for Lemon Motor Vehicles" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-222)

There being no objections, under suspension of the rules, Second Day Consent Calendar notification was given, the Senate Papers were passed to be engrossed or passed to be engrossed as amended in concurrence.

(S.P. 337) (L.D. 898) Bill "An Act to Extend the Eligibility of Retired Teachers for Group Health Insurance" Committee on Aging, Retirement and Veterans reporting "Ought to Pass" as amended by Committee Amendment "A" (S-221)

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

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

Committee Amendment "A" (S-221) was read by the Clerk.

On motion of Representative Gwadosky of Fairfield, tabled pending adoption of Committee Amendment "A" and specially assigned for Monday, June 12, 1989.

(S.P. 283) (L.D. 729) Bill "An Act Regarding Reimbursement for Out-of-district Special Education Placements" (EMERGENCY) Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (S-215)

(S.P. 351) (L.D. 933) Bill "An Act to Require Written Leases for Long-term Tenancies" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-216)

(S.P. 391) (L.D. 1036) Bill "An Act to Protect the Integrity of the Civil Service System and to Set Standards for the Contracting of Service by the State" Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-220)

(S.P. 401) (L.D. 1045) Bill "An Act Concerning the Regulation of Cable Television" Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (S-213)

(H.P. 154) (L.D. 206) Bill "An Act to Prohibit the Establishment of Maximum Limit Reimbursement for Adjustments to the Prospective Rate for Nursing Staff Wages" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-436)

(H.P. 836) (L.D. 1168) Bill "An Act to Provide Adjustments in the Educational Funding Formula" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-437)

(H.P. 787) (L.D. 1099) Bill "An Act to Recover Windfall Profits from Bottle Deposits" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-438)

(H.P. 844) (L.D. 1176) Bill "An Act to Adapt the Maine Milk Pool Law to Potential Changes in Milk Pricing" Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-440)

(H.P. 201) (L.D. 281) Bill "An Act to Amend Certain Provisions of the Marine Resources Laws" Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-441)

(H.P. 869) (L.D. 1208) Bill "An Act to Create a New Crop and Livestock Research and Development Program" Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-442)

There being no objections, under suspension of the rules, Second Day Consent Calendar notification was given, 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.

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

**CONSENT CALENDAR
Second Day**

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

(H.P. 563) (L.D. 761) Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Alcoholism Prevention, Education, Treatment and Research Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1990, and June 30, 1991" (EMERGENCY) (C. "A" H-413)

(H.P. 342) (L.D. 461) Bill "An Act to Provide Complimentary Marine Resources Licenses to Certain Persons 75 Years of Age or Older" (C. "A" H-414)

(H.P. 798) (L.D. 1110) Bill "An Act Criminalizing the Unlawful Possession of Class Z Drugs" (C. "A" H-415)

(H.P. 1068) (L.D. 1490) Bill "An Act to Amend the Real Estate Brokerage License Laws" (EMERGENCY) (C. "A" H-421)

(H.P. 727) (L.D. 1004) Bill "An Act to Include Unorganized Territories as School Administrative Units" (C. "A" H-424)

(H.P. 979) (L.D. 1357) Bill "An Act to Increase the Penalty for Illegal Netting of Atlantic Salmon" (C. "A" H-425)

(H.P. 1192) (L.D. 1659) Bill "An Act to Facilitate District Court Judicial Administration" (C. "A" H-426)

(H.P. 980) (L.D. 1358) Bill "An Act to Amend the Law Concerning Taxing of Costs in Civil Actions" (C. "A" H-427)

(H.P. 1158) (L.D. 1612) Bill "An Act to Protect the Identity of Juveniles Prior to Hearing or Bind Over to Superior Court" (C. "A" H-428)

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

**SECOND READER
Tabled and Assigned**

Bill "An Act to Amend the Banking Code" (S.P. 635) (L.D. 1726)

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

On motion of Representative Rydell of Brunswick, tabled pending passage to be engrossed and specially assigned for Monday, June 12, 1989.

**PASSED TO BE ENGROSSED
As Amended**

Bill "An Act to Strengthen Maine's Restaurant Smoking Law" (H.P. 966) (L.D. 1344) (C. "A" H-409)

Bill "An Act to Enhance the Management of the Fish and Game Resources of the State of Maine" (H.P. 16) (L.D. 8) (C. "A" H-410)

Bill "An Act to Increase Funding of Legal Services for the Elderly" (H.P. 888) (L.D. 1232) (C. "A" H-411)

Bill "An Act to Reduce the Potential for Violence During Labor Disputes" (H.P. 292) (L.D. 404) (C. "A" H-417)

Bill "An Act to Allow Recovery for Wrongful Death of Unborn Children" (H.P. 408) (L.D. 551) (C. "A" H-429)

Bill "An Act to Establish a Commission on State Finance" (EMERGENCY) (H.P. 1113) (L.D. 1546) (C. "A" H-423)

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 ENGROSSED
As Amended**

Bill "An Act to Increase the Price Farmers Receive for Milk" (H.P. 443) (L.D. 608) (C. "A" H-430 to C. "A" H-416)

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

On motion of Representative Nutting of Leeds, the House reconsidered its action whereby Committee Amendment "A" (H-416) as amended by House Amendment "A" (H-430) was adopted.

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

On motion of the same Representative, House Amendment "A" was indefinitely postponed.

The same Representative offered House Amendment "B" (H-435) to Committee Amendment "A" (H-416) and moved its adoption.

House Amendment "B" (H-435) to Committee Amendment "A" (H-416) was read by the Clerk and adopted.

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

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

**PASSED TO BE ENGROSSED
As Amended**

Bill "An Act Regarding the Exclusion of Family Members under a Motor Vehicle Liability Insurance Policy" (S.P. 267) (L.D. 695) (C. "A" S-206)

Bill "An Act to Mandate the Use of Seat Belts" (S.P. 491) (L.D. 1333) (C. "A" S-212)

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

**PASSED TO BE ENACTED
Emergency Measure**

An Act to Increase the Family Allowance under the Unemployment Compensation Law (S.P. 344) (L.D. 914) (C. "A" S-194)

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. 104 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 Relating to the Maine Commission on Mental Health (S.P. 408) (L.D. 1074) (H. "A" H-387 to C. "A" S-166)

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. 106 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 Expand the Health Occupations Training Project (S.P. 535) (L.D. 1470) (C. "A" S-189)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 108 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**PASSED TO BE ENACTED
Emergency Measure**

An Act Making Additional 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 and the Exxon Oil Overcharge Case (H.P. 152) (L.D. 204) (S. "A" S-217 to C. "A" H-312)

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. 105 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 for the Preservation of Affordable Rental Housing in Maine (H.P. 948) (L.D. 1316) (H. "A" H-321 to C. "A" H-295)

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. 102 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 Provide a Secure Treatment Facility at the Maine Youth Center (S.P. 90) (L.D. 95)

An Act Providing for the 1989 Amendments Pertaining to the Finance Authority of Maine Act (S.P. 316) (L.D. 821) (C. "A" S-195)

An Act Relating to the Reemployment of Injured Workers Under the Workers' Compensation Act (S.P. 339) (L.D. 900) (C. "A" S-193)

An Act Regarding the Potential Health Hazards of Paint Removal by Means of Heat (S.P. 501) (L.D. 1375) (C. "A" S-192)

An Act to Prohibit the Irradiation Within the State of Food for Human or Animal Consumption (S.P. 533) (L.D. 1468)

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

An Act to Create a Northeast Interstate Dairy Compact (H.P. 614) (L.D. 837) (C. "A" H-374)

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

On motion of Representative Tardy of Palmyra, under suspension of the rules, the House reconsidered its action whereby L.D. 837 was passed to be engrossed.

On motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-374) was adopted.

The same Representative offered House Amendment "A" (H-450) to Committee Amendment "A" (H-374) and moved its adoption.

House Amendment "A" (H-450) to Committee Amendment "A" (H-374) was read by the Clerk and adopted.

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

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

**ORDERS OF THE DAY
UNFINISHED BUSINESS**

The following matters, in the consideration of which the House was engaged at the time of adjournment yesterday, have preference in the Orders

of the Day and continue with such preference until disposed of as provided by Rule 24.

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

An Act to Permit Law Enforcement Officers to Solicit Funds for a Law Enforcement Officers' Memorial (EMERGENCY) (S.P. 154) (L.D. 274) (C. "A" S-161)

TABLED - June 8, 1989 (Till Later Today) by Representative MAYO of Thomaston.

PENDING - Passage to be Enacted.

On motion of Representative Priest of Brunswick, under suspension of the rules, the House reconsidered its action whereby L.D. 274 was passed to be engrossed.

On motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (S-161) was adopted.

The same Representative offered House Amendment "B" (H-451) to Committee Amendment "A" (S-161) and moved its adoption.

House Amendment "B" (H-451) to Committee Amendment "A" (S-161) was read by the Clerk and adopted.

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

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

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

HOUSE DIVIDED REPORT - Majority (9) "Ought to Pass" as amended by Committee Amendment "A" (H-388) - Minority (4) "Ought to Pass" as amended by Committee Amendment "B" (H-389) - Committee on Taxation on Bill "An Act to Provide Comprehensive Property Tax Relief" (H.P. 776) (L.D. 1088)

TABLED - June 8, 1989 (Till Later Today) by Representative CASHMAN of Old Town.

PENDING - Motion of same Representative to accept the Majority "Ought to Pass" as amended Report.

On motion of Representative Nadeau of Saco, retabled pending the motion of the Representative from Old Town, Representative Cashman, that the House accept the Majority "Ought to Pass" Report and specially assigned for Monday, June 12, 1989.

TABLED AND TODAY ASSIGNED

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

Bill "An Act to Simplify the Process by Which People with Disabilities Are Able to Acquire Information and Apply for Services" (H.P. 1032) (L.D. 1438) (C. "A" H-391)

TABLED - June 8, 1989 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Engrossed.

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

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

An Act Concerning Public Water Supplies in the Mid-coast Area (EMERGENCY) (H.P. 1202) (L.D. 1672) (C. "A" H-340)

TABLED - June 8, 1989 by Representative CLARK of Millinocket

PENDING - Passage to be Enacted.

On motion of Representative Clark of Millinocket, under suspension of the rules, the House reconsidered its action whereby L.D. 1672 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-340) was adopted.

The same Representative offered House Amendment "A" (H-448) to Committee Amendment "A" (H-340) and moved its adoption.

House Amendment "A" (H-448) to Committee Amendment "A" (H-340) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Melendy.

Representative MELENDY: Mr. Speaker, Men and Women of the House: I want to take this opportunity to thank all of the many parties involved in reaching a compromise that is embodied in the bill before us. The Utilities Committee, in particular, has been working long and hard, not only this session but also over the last four years to find a solution to the problem of ensuring that adequate public water supplies will be available in the mid-coast region.

The original bill proposed to eliminate from the Charter of the Camden-Rockland Water Company the right to use water from Fish & Hobbs Pond because the people of Hope were concerned that use of the water in the pond could worsen the brown water contamination at the Union Chemical site. The compromise establishes a moratorium on the use of water from Fish & Hobbs Pond until the DEP certifies that taking water from the pond will not put the ground water or the ponds at risk of contamination.

In the meantime, the Utilities Committee recognized the critical need for a new source of water supply during the moratorium period and proposes through this bill to give the Camden-Rockland Water Company the right to take water from the Megunticook Lake. At the same time, the committee has agreed to create a multi-member watershed association to enable the neighboring town also to have access to water. We all feel very comfortable in the fact that the Department of Environmental Protection will control the drawdown for the protection of all concerned parties and of the lake. We believe that after five long years we have reached a compromise that all of us can live with.

I want to thank Chairman Clark and the Utilities Committee and their efforts at arriving at a solution for this problem for the people of the mid-coast area.

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

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

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

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

Resolve, to Establish a Blue Ribbon Task Force to Promote Equity of Opportunity for Women in the Public School System (EMERGENCY) (S.P. 389) (L.D. 1034) (C. "A" S-175)

TABLED - June 8, 1989 by Representative GWADOSKY of Fairfield.

PENDING - Final Passage.

On motion of Representative Crowley of Stockton Spring, under suspension of the rules, the House

reconsidered its action whereby L.D. 1034 was passed to be engrossed.

On motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (S-175) was adopted.

The same Representative offered House Amendment "A" (H-467) to Committee Amendment (S-175) and moved its adoption.

House Amendment "A" (H-467) to Committee Amendment (S-175) was read by the Clerk and adopted.

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

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

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

An Act to Ensure the Confidentiality of Emergency Medical Services Quality Assurance and Peer Review Activities (H.P. 341) (L.D. 460) (C. "A" H-297)
TABLED - June 8, 1989 by Representative MAYO of Thomaston.

PENDING - Passage to be Enacted.

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

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

An Act Concerning Pilferage of Shopping Carts and Bakery and Dairy Product Containers (H.P. 106) (L.D. 143) (H. "A" H-344 to C. "A" H-292)

TABLED - June 8, 1989 by Representative MAYO of Thomaston.

PENDING - Passage to be Enacted.

On motion of Representative Allen of Washington, under suspension of the rules, the House reconsidered its action whereby L.D. 143 was passed to be engrossed.

On motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-292) as amended by House Amendment "A" (H-344) was adopted.

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

On motion of the same Representative, House Amendment "A" was indefinitely postponed.

The same Representative offered House Amendment "B" (H-466) to Committee Amendment "A" (H-292) and moved its adoption.

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

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

Subsequently, the Bill was passed to be engrossed as amended Committee Amendment "A" as amended by House Amendment "B" thereto in non-concurrence and sent up for concurrence.

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

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

TABLED - June 8, 1989 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

On motion of Representative Gwadosky of Fairfield, retabled pending passage to be enacted and specially assigned for Monday, June 12, 1989.

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

An Act to Increase the Compensation for Part-time Deputy Sheriffs (H.P. 788) (L.D. 1100) (C. "A" H-209)
TABLED - June 8, 1989 by Representative JOSEPH of Waterville.

PENDING - Passage to be Enacted.

On motion of Representative Joseph of Waterville, retabled pending passage to be enacted and specially assigned for Monday, June 12, 1989.

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

PETITIONS, BILLS AND RESOLVES

REQUIRING REFERENCE

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

Agriculture

Bill "An Act to Increase Various License and Registration Fees of the Department of Agriculture, Food and Rural Resources" (H.P. 1243) (L.D. 1734) (Presented by Representative TARDY of Palmyra) (Cosponsored by Senator EMERSON of Penobscot and Representative WHITCOMB of Waldo)

Ordered Printed.

Sent up for Concurrence.

Appropriations and Financial Affairs

Bill "An Act to Provide Adequate Financial Resources for Suspected Child Abuse and Neglect Teams" (EMERGENCY) (H.P. 1242) (L.D. 1733) (Presented by Representative KILKELLY of Wiscasset) (Cosponsored by Representative ROLDE of York, Senator CLARK of Cumberland and Representative CARROLL of Gray) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.

Sent up for Concurrence.

Reference is made to (H.P. 808) (L.D. 1120) RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for 4-Year Terms for Senators and Representatives (H. "A" H-279)

In reference to the action of the House on June 7, 1989, whereby it Insisted and Joined in a Committee of Conference, the Chair appoints the following members on the part of the House as Conferees:

Representative GWADOSKY of Fairfield
Representative MAHANY of Easton
Representative WENTWORTH of Wells

The following items appearing on Supplement No. 2 were taken up out of order by unanimous consent:

PASSED TO BE ENGROSSED

As Amended

Bill "An Act Related to State Preemption of Firearms Regulation" (S.P. 370) (L.D. 994) (C. "A" S-218)

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

On motion of Representative Adams of Portland, the House reconsidered its action whereby Committee Amendment "A" (S-218) was adopted.

The same Representative offered House Amendment "A" (H-462) to Committee Amendment "A" (S-218) and moved its adoption.

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

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

Representative ADAMS: Mr. Speaker, Ladies and Gentlemen of the House: The purpose of the amendment laid before us on our desks is in fact to delay the date of L.D. 994, the date upon which it would become effective next year. This is a major change in law affecting the entire state and, as our debate has indicated, certain portions of the state in extremely profound ways that need no elaboration again in debate at this point. I believe it would be only prudent and proper to give us at least that much time to adjust things to the effects of the law as it shall be. I would urge members of the House to adopt the amendment laid before you.

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

Representative PRIEST: Mr. Speaker, I move that this amendment be indefinitely postponed.

Representative Tracy of Rome requested a roll call.

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

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

The SPEAKER: The pending question before the House is the motion of Representative Priest of Brunswick that House Amendment "A" (H-462) be indefinitely postponed.

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

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

The SPEAKER: The Chair recognizes the Representative from Rockland, Representative Melendy.

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

The SPEAKER: The pending question before the House is the motion of Representative Priest of Brunswick that House Amendment "A" (H-462) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 69

YEA - Aikman, Aliberti, Allen, Anderson, Ault, Bailey, Bell, Boutilier, Burke, Butland, Carroll, D.; Carroll, J.; Carter, Clark, H.; Coles, Constantine, Cote, Crowley, Daggett, Dellert, Dipietro, Donald, Duffy, Erwin, P.; Farnsworth, Farnum, Farren, Foss, Garland, Gould, R. A.; Graham, Greenlaw, Gwadosky, Hale, Hanley, Hastings, Hickey, Higgins, Holt, Hussey, Hutchins, Jacques, Jalbert, LaPointe, Larrivee, Lawrence, Lebowitz, Libby, Lisnik, Look, Lord, Luther, Marsano, Marston, Martin, H.; McGowan, McHenry, McKeen, Merrill, Michaud, Mills, Murphy, Nadeau, G. R.; Norton, Nutting, Paradis, E.; Paul,

Pendleton, Pineau, Pines, Pouliot, Priest, Reed, Richards, Ridley, Rolde, Rotondi, Rydell, Sherburne, Simpson, Skoglund, Small, Stevens, A.; Stevenson, Strout, D.; Swazey, Tamarro, Tardy, Telow, Townsend, Tracy, Walker, Webster, M.; Wentworth, The Speaker.

NAY - Adams, Anthony, Begley, Brewer, Clark, M.; Curran, Dutremble, L.; Gurney, Handy, Heeschen, Hoglund, Joseph, Ketover, Manning, McCormick, O'Gara, Oliver, Paradis, P.; Pederson, Plourde, Rand, Ruhlin, Sheltra, Smith, Tupper.

ABSENT - Cashman, Chonko, Dexter, Dore, Foster, Hepburn, Hichborn, Jackson, Kilkelly, MacBride, Macomber, Mahany, Marsh, McPherson, McSweeney, Mitchell, Moholland, Nadeau, G. G.; O'Dea, Paradis, J.; Parent, Richard, Seavey, Stevens, P.; Strout, B.; Whitcomb.

PAIRED - Cathcart, Conley, Mayo, Melendy.
Yes, 95; No, 25; Absent, 26; Vacant, 1; Paired, 4; Excused, 0.

95 having voted in the affirmative and 25 in the negative with 26 being absent, 1 vacant and 4 paired, the motion did prevail.

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

PASSED TO BE ENGROSSED

Bill "An Act to Limit the Granting of Injunctions in Labor Disputes" (S.P. 372) (L.D. 996) (C. "A" S-231)

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

The following items appearing on Supplement No. 3 were taken up out of order by unanimous consent:

PASSED TO BE ENGROSSED

As Amended

Bill "An Act Regarding the Review of the Workers' Compensation Denials" (H.P. 919) (L.D. 1285) (C. "A" H-439)

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

PASSED TO BE ENGROSSED

Bill "An Act Concerning the Taxation of Entertainment Rentals, Services and Equipment" (H.P. 975) (L.D. 1353) (C. "A" H-446)

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

The SPEAKER: The Chair recognizes the Representative from Yarmouth, Representative Foss.

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: This bill includes several new exemptions in the sales tax on the rental of video tapes and video equipment and I request that this bill be tabled so that I might have time to prepare an amendment.

Representative Webster of Cape Elizabeth moved that L.D. 1353 be tabled one legislative day.

Representative Mayo of Thomaston requested a Division on the tabling motion.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the Representative from Cape Elizabeth, Representative Webster, that L.D. 1353 be tabled one legislative day. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Representative Foss of Yarmouth requested a roll call.

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

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

The SPEAKER: The pending question before the House is the motion of the Representative from Cape Elizabeth, Representative Webster, that L.D. 1353 be tabled one legislative day. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 70

YEA - Aikman, Aliberti, Anderson, Anthony, Ault, Bailey, Begley, Butland, Carroll, J.; Curran, Daggett, Dellert, Donald, Farnum, Farren, Foss, Garland, Greenlaw, Handy, Hanley, Hastings, Higgins, Hutchins, Lebowitz, Libby, Look, Lord, Marsano, McCormick, Merrill, Murphy, Norton, O'Gara, Paradis, E.; Pendleton, Pines, Reed, Richards, Ridley, Sherburne, Small, Smith, Stevens, A.; Stevenson, Strout, D.; Telow, Tupper, Webster, M.; Wentworth.

NAY - Adams, Allen, Bell, Boutilier, Brewer, Burke, Carroll, D.; Carter, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Dipietro, Duffy, Dutremble, L.; Erwin, P.; Farnsworth, Gould, R. A.; Graham, Gurney, Gwadosky, Hale, Heeschen, Hickey, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, Larrivee, Lawrence, Lisnik, Luther, Manning, Marston, Martin, H.; Mayo, McGowan, McHenry, McKeen, Melendy, Michaud, Mills, Nadeau, G. R.; Nutting, Oliver, Paradis, P.; Paul, Pederson, Pineau, Plourde, Pouliot, Priest, Rand, Rolde, Rotondi, Ruhlin, Rydell, Sheltra, Simpson, Skoglund, Swazey, Tammaro, Tardy, Townsend, Tracy, Walker, The Speaker.

ABSENT - Cashman, Cathcart, Conley, Dexter, Dore, Foster, Hepburn, Hichborn, Jackson, LaPointe, MacBride, Macomber, Mahany, Marsh, McPherson, McSweeney, Mitchell, Moholland, Nadeau, G. G.; O'Dea, Paradis, J.; Parent, Richard, Seavey, Stevens, P.; Strout, B.; Whitcomb.

Yes, 49; No, 74; Absent, 27; Vacant, 1; Paired, 0; Excused, 0.

49 having voted in the affirmative and 74 in the negative with 27 being absent and 1 vacant, the motion did not prevail.

The SPEAKER: The Chair recognizes the Representative from Yarmouth, Representative Foss.

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: This bill does include a new sales tax on the rental of video tapes and video equipment and I have not been given the opportunity to amend and I request a roll call on engrossment.

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

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

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

ROLL CALL NO. 71

YEA - Adams, Aliberti, Allen, Anthony, Bell, Boutilier, Brewer, Burke, Carroll, D.; Carter, Chonko, Clark, H.; Clark, M.; Coles, Constantine,

Cote, Crowley, Curran, Daggett, Dipietro, Duffy, Dutremble, L.; Erwin, P.; Farnsworth, Gould, R. A.; Graham, Gurney, Gwadosky, Hale, Handy, Heeschen, Hickey, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, Larrivee, Lawrence, Libby, Lisnik, Luther, Manning, Martin, H.; Mayo, McGowan, McHenry, McKeen, Melendy, Michaud, Mills, Nadeau, G. R.; Oliver, Paradis, P.; Paul, Pederson, Pineau, Plourde, Pouliot, Priest, Rand, Ridley, Rolde, Ruhlin, Rydell, Sheltra, Simpson, Skoglund, Smith, Stevenson, Swazey, Tammaro, Tardy, Telow, Townsend, Tracy, Walker, Webster, M.; Wentworth, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, Begley, Butland, Carroll, J.; Dellert, Farnum, Farren, Foss, Garland, Greenlaw, Hanley, Hastings, Higgins, Hutchins, Lebowitz, Look, Lord, Marsano, Marston, McCormick, Merrill, Murphy, Norton, Nutting, O'Gara, Paradis, E.; Pendleton, Pines, Reed, Richards, Rotondi, Sherburne, Small, Stevens, A.; Strout, D.; Tupper.

ABSENT - Cashman, Cathcart, Conley, Dexter, Donald, Dore, Foster, Hepburn, Hichborn, Jackson, LaPointe, MacBride, Macomber, Mahany, Marsh, McPherson, McSweeney, Mitchell, Moholland, Nadeau, G. G.; O'Dea, Paradis, J.; Parent, Richard, Seavey, Stevens, P.; Strout, B.; Whitcomb.

Yes, 83; No, 39; Absent, 28; Vacant, 1; Paired, 0; Excused, 0.

83 having voted in the affirmative and 39 in the negative with 28 being absent and 1 vacant, the Bill was passed to be engrossed as amended and sent up for concurrence.

The Chair laid before the House the following matter: Bill "An Act to Simplify the Process by Which People with Disabilities Are Able to Acquire Information and Apply for Services" (H.P. 1032) (L.D. 1438) (C. "A" H-391) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

On motion of Representative Carter of Winslow, retabled pending passage to be engrossed and specially assigned for Monday, June 12, 1989.

(Off Record Remarks)

On motion of Representative Jacques of Waterville, Adjourned until Monday, June 12, 1989, at eight-thirty in the morning.