

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Fourteenth Legislature

OF THE

State Of Maine

VOLUME III

FIRST REGULAR SESSION
June 15, 1989 to July 1, 1989
Index

communities and reject this Amendment. Thank you Mr. President.

THE PRESIDENT: The Chair recognizes the Senator from Cumberland, Senator Brannigan.

Senator BRANNIGAN: Thank you Mr. President. Mr. President, men and women of the Senate. I just think that the Amendment that is being offered is a fair one. We are talking about all towns along the coast who have clam flats that are open, that they treat the ten percent nonresidents in the same way, they usually do charge them higher fees, which is allowed, and they have to submit a plan to the state in how they are going to do all of this. Some towns, as Senator Clark, from Cumberland, has said, many towns are now getting to the point where they have more people who want commercial digger licenses, than they have licenses. So, they are going to have to decide who gets them and who doesn't get them, as they do for nonresidents. So, all the nonresident people are asking is that they be treated in the same way as the residents in that town. Thank you.

THE PRESIDENT: The pending question before the Senate is the motion by Senator BRANNIGAN of Cumberland, to ADOPT Senate Amendment "A" (S-300).

The Chair ordered a Division.

Will all those Senators in favor of the motion by Senator BRANNIGAN of Cumberland, to ADOPT Senate Amendment "A" (S-300), please rise in their places and remain standing until counted.

Will all those opposed, please rise in their places and remain standing until counted.

19 Senators having voted in the affirmative and 8 Senators having voted in the negative, the motion by Senator BRANNIGAN of Cumberland, to ADOPT Senate Amendment "A" (S-300), PREVAILED.

Which was PASSED TO BE ENGROSSED, as Amended in NON-CONCURRENCE.

Sent down for concurrence.

On motion by Senator BUSTIN of Kennebec, ADJOURNED until Friday, June 16, 1989, at 8:30 in the morning.

ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
85th Legislative Day
Friday, June 16, 1989

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

Prayer by Senator Michael Pearson of Penobscot.

The Journal of Thursday, June 15, 1989, was read and approved.

Quorum call was held.

Committee of Conference

Report of 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) have had the same under consideration and ask leave to report: that they are unable to agree

(Signed) Senator BERUBE of Androscoggin, Senator ESTY of Cumberland, Senator CARPENTER of York - of the Senate.

Representative GWADOSKY of Fairfield, Representative MAHANY of Easton, Representative WENTWORTH of Wells - of the House.

Came from the Senate with the Committee of Conference Report read and rejected and that Body having asked for a second Committee of Conference and having appointed the following members of the Senate to the Committee: President PRAY of Penobscot, Senator DUTREMBLE of York, Senator CAHILL of Sagadahoc.

On motion of Representative Gwadosky of Fairfield, the Committee of Conference Report was rejected.

On further motion of the same Representative, the House voted to join in a new Committee of Conference in concurrence.

PAPERS FROM THE SENATE

The following Joint Resolution: (S.P. 654)
JOINT RESOLUTION MEMORIALIZING CONGRESS
AND THE PRESIDENT OF THE UNITED STATES
TO URGE THE RETENTION OF SMALL ISSUE
INDUSTRIAL DEVELOPMENT BONDS

WE, your Memorialists, the Members of the One Hundred and Fourteenth Legislature of the State of Maine, now assembled in the First Regular Session, most respectfully present and petition the President of the United States and the Members of the United States Congress, as follows:

WHEREAS, current federal law provides for the elimination of the tax-exempt status for small issue industrial development bonds sold by states to provide capital at reduced interest rates for establishment and expansion of manufacturing enterprises; and

WHEREAS, the availability of small issue industrial development bonds is critical to Maine's economic development providing expansion, diversification of the manufacturing sector, and quality jobs, protecting industry from foreign competition and encouraging productivity, capacity, and quality critical to the long-term stability of the State's manufacturing base; and

WHEREAS, in the past 5 years, small issue industrial development bonds have resulted in investments of approximately \$300,000,000 in Maine and the retention or creation of over 29,000 Maine jobs and have enhanced the tax base of municipalities throughout the State; and

WHEREAS, issuance of small issue industrial development bonds for United States manufacturers is an important investment in protecting and strengthening United States manufacturing entities, providing quality jobs, helping to ensure that jobs are retained in the United States and not exported overseas, and assisting in reducing the trade deficit; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully urge that legislation be enacted forthwith which will eliminate the pending sunset on small issue bonds under Section 144 of the Internal Revenue Code of 1986, as amended, so that no interruption in the availability of small issue industrial development bonds occurs; and be it further

RESOLVED: That a duly authenticated copy of this Memorial be submitted immediately by the Secretary of State to the Honorable George H.W. Bush, President of the United States, to the President of the Senate and to the Speaker of the House of Representatives of the Congress of the United States, and to each Member of the Maine Congressional Delegation.

Came from the Senate, read and adopted.
Was read and adopted in concurrence.

Unanimous Leave to Withdraw

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act to Amend the Law Relating to Automobile Leases" (S.P. 238) (L.D. 568)

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

Divided Report

Majority Report of the Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-287) on Bill "An Act to Establish an Advisory Committee on Home Health" (S.P. 580) (L.D. 1642)

Signed:

Senators: GAUVREAU of Androscoggin
TITCOMB of Cumberland
RANDALL of Washington
Representatives: MANNING of Portland
ROLDE of York
BOUTILIER of Lewiston
BURKE of Vassalboro
PEDERSON of Bangor
DELLERT of Gardiner
PENDLETON of Scarborough

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

Signed:

Representatives: CLARK of Brunswick
HEPBURN of Skowhegan
CATHCART of Orono

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-287)

Reports were read.

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

Representative MANNING: Mr. Speaker, Men and Women of the House: I move that the House accept the Majority "Ought to Pass" Report.

This bill would allow a very important segment of our Human Resources society to get a little better handle on what is going on with the Department of Human Services -- that is the home health agencies. The home health agencies, as many of you know, have played a real important role in the last few years

especially with the elderly population leaving hospitals sicker than they have been in the past. It would give them the ability to get home health agencies involved with their families and other loved ones. This bill would set up another Medicaid advisory committee for them so that we could maximize again the best dollars we could find in the system to help this area.

This was brought to my attention because, quite frankly, there was a real concern the first of this year when the home health agencies across the state as a whole were told that they had to (in some cases) pay back the Department of Human Services, retroactively as far back as a couple of years ago. Quite frankly, some of these patients were dead which they had taken care of. The department had gone back in and done a retrospective look at things.

I think they feel very frustrated and they want to get a good handle on their own home health part of the elderly segment of the Human Services Department. This bill would allow that. I hope you go along with the Majority "Ought to Pass" Report.

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

Representative CLARK: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to vote against the Majority Report. I would like to briefly explain the reasons why.

If you will recall, earlier this week, the Representative from Gardiner, Representative Dellert, spoke against the Advisory Council on Mental Health, suggesting that what was going to happen was a proliferation of advisory councils. Here is the first one, as I think the Chair of the Committee will admit. The reason that I believe that the Advisory Council on Mental Health is appropriate and this one is not, however, is that that Advisory Council on Mental Health will be DHS people and service providers advising the mental health people. This commission is appointed by the Department of Human Services to advise the Department of Human Services. So in essence, we will have people advising the people that appointed them so we will have a very tight loop. We talked about that with the Committee on Aging and the same kind of problem is going to emerge if we enact this piece of legislation.

I urge you to reject the Majority Report so we can go on and accept the Minority Report.

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

Representative BOUTILIER: Mr. Speaker, Men and Women of the House: I will speak very briefly on this issue. I do feel this is a very important bill and I will tell you why. In the past five years or so, we have had a lot of rhetoric on the importance of home health care and the importance of keeping the elderly and other citizens in their homes as long as we can. But we have not put our money where our mouth is. We have invested in all kinds of other types of vehicles for providing health care but we have not invested the money that is needed in home health care that justifies the incredible demand that there will be in that type of health care provider sector.

This advisory committee, which does have a sunset by the way, would allow that industry an effective and proper voice for it in state government. In front of our committee, the Department stated that they do not implement nor develop home health care. We all know that state regulations and state monies are the determining factor of how much home health care is developed and how much of it is started for the citizens of the state. So, for them to say that

they don't develop or promote home health care, is semantics. This advisory committee is going to say that we want to develop and promote home health care and we are going to have those home health care providers have a voice on this advisory committee that is going to tell the legislature and the administration how to best promote and develop that vital and needed resource.

It is true that there are members on this committee that feel very strongly that home health is the best form of health care and it is the most cost effective. That may be so, but we have not seen an effort by this department in either this administration or previous administrations to match the bucks to where the rhetoric has been. If we are going to have a balanced growth policy in health care in this state, it means funding based on needs for both nursing homes, hospital beds, boarding homes and home health care. We need to have a voice for all of those entities in Augusta as far as the administration and the legislature.

I would hope that if you are in support of proper development and promotion of home health care that you will support this advisory committee.

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

A vote of the House was taken.

91 having voted in the affirmative and 18 in the negative, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (S-287) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read a second time and passed to be engrossed as amended in concurrence.

Non-Concurrent Matter

An Act to Establish the Mental Health Advisory Committee on Medicaid (S.P. 467) (L.D. 1252) (H. "A" H-434 to C. "A" S-184) which was passed to be enacted in the House on June 14, 1989.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-184) as amended Senate Amendment "B" (S-288) thereto in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Increase the Authority of the Department of Human Services to Assess the Medical and Active Treatment Needs of Individuals Applying for Admission to Nursing Homes (H.P. 1012) (L.D. 1410) (H. "A" H-474 to C. "A" H-461) which was passed to be enacted in the House on June 14, 1989.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-461) as amended by Senate Amendment "A" (S-301) thereto in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Amend the Nonresident Clam Digging Laws" (H.P. 620) (L.D. 843) on which the Report "A" "Ought Not to Pass" Report of the Committee on Marine Resources was read and accepted in the House on June 15, 1989.

Came from the Senate with the Report "B" "Ought to Pass" Report of the Committee on Marine Resources

read and accepted and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-300) in non-concurrence.

Representative Mitchell of Freeport moved that the House adhere.

Representative Allen of Washington moved the House recede and concur.

The SPEAKER: The Chair recognizes the Representative from Freeport, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: Yesterday, we debated this bill at great length and I hope we don't have to do it again. I hope you will vote against Representative Allen's motion and you will vote no in this particular case.

The issue that this bill addresses as it is amended is mainly a local control issue. There are a number of communities in this state that will have to rewrite their ordinances to accommodate the Senate Amendment. It is a local control issue, it takes local control away and it is going to force a number of towns to rewrite their ordinances. I hope you will vote against the motion to recede and concur and will vote for the motion to adhere.

It seems to me that it is highly irresponsible for us to take an action that will repeal an ordinance that was legally enacted in the town of Brunswick, approved by its town council, approved by the Department of Marine Resources, so that five constituents of Representative Higgins can be happy. If we pass this bill, that is basically what we are doing, we are pleasing five people in Scarborough and we are taking a legally enacted ordinance from the town of Brunswick and kicking it out and telling them they have to go back to the drawing boards and do it again. So, I hope you will vote no and then vote yes on the motion to adhere.

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

Representative ALLEN: Mr. Speaker, Men and Women of the House: I would urge you this morning to vote to recede and concur so that we can agree with the bill as it has been amended in the other body.

We did debate at length yesterday the issue of non-resident clam licenses but I just want to make a couple of points. One, clams, like other marine resources, are in fact state resources. They belong to the people of the state and the courts have upheld this over and over again. As a matter of fact, the colonial ordinances that prohibited people from recreating on our beaches allowed for fishing, fouling and navigation in those areas and clamming has been determined one of those fishing activities. That is an activity and a right that belongs to all people of this state. The clam resource of this state belongs to all people.

In an attempt to manage that resource, we have turned over our responsibility for managing those resources to the local communities. That has been upheld and approved by this legislature over and over again. I am not disputing that here this morning.

In drawing up those municipal clam ordinances, this legislature has set parameters. We have not blindly said to communities, go and set up whatever ordinances you wish, the state has no interest. On the contrary, when it comes to the issue of residents of that particular town or my constituents who don't reside in that coastal community, what we have said is, 90 percent of the clam licenses you issue in your town, be it Brunswick or Freeport, have to go to residents of your town. You have to only allow ten percent of my constituents or non-residents of your community to clam in your particular flats. So, we have already set up one standard.

Another standard that we have set up is, if you have charged your resident clam diggers \$10 for a license, you can charge non-resident clam diggers, i.e. my constituents, up to ten times that amount, \$100. We have set a ceiling of \$150 because in the past some communities were establishing non-resident license fees at a level that was absolutely impossible to accommodate. So, this legislature has taken that action. We have in effect amended local ordinances by doing that because the original language of this particular provision did not set a ceiling. We have come back and in effect forced local communities to change their ordinances. All we are saying this morning by our action of receding and concurring is that if a particular town, Brunswick for instance, thinks the lottery is a good way to issue commercial clam digging licenses, people earning their living by clamming, if the lottery is a good idea, then it is a good idea for the people who reside in that town as well as for those people who do not reside in that town. So, if you are going to issue licenses on a first-come, first-serve basis in Brunswick, you must do that for residents and non-residents.

While I am talking about Brunswick -- I spoke to one of their Representatives this morning and it is really not going to impact the existing status quo in Brunswick because there are enough resident licenses to accommodate all the resident license holders in Brunswick. They are really not going to technically be impacted by this particular issue. So, if Brunswick wants to say resident and non-resident people are going to be subject to a lottery, so be it, they are. The practical implication of that is the residents aren't going to be affected because all of them that want it are currently getting licenses. So, it has absolutely no practical impact in that particular town.

What we are saying, loud and clear (I think is appropriate public policy) is that we are treating Maine citizens, regardless of the town they live in, in a fair and equitable manner. We are not setting up dual standards. If a particular town thinks a lottery system is a good way, a fair way, a manageable way to issue commercial clam digging licenses, then in fact it is and it doesn't matter whether you live in the town of Brunswick or the Town of Somerville.

So, I would urge this body, if you were concerned yesterday about local control, we are in fact allowing for local control but simply saying, you treat Maine residents the same. I would urge you this morning to recede and concur.

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

Representative RYDELL: Mr. Speaker, Men and Women of the House: Before we do vote, I think I need to remind people, in light of what has been said previously, that yes, the state has turned over the management of that resource to the local communities with state guidelines. For those local communities, the fact that they have management of that resource, that includes paying for the management with their tax dollars. All the communities are asking is that they be allowed to determine whether in fact it is appropriate to use the same mechanism for their residents and their non-residents. That may be all right for some communities but, in other communities depending upon the number of residents and non-residents licenses available, it may be more appropriate to use two different systems. All we are saying is that each local community which is paying for the management of that resource with their tax dollars that they be allowed to determine what is the

most appropriate manner of treating both the residents and the non-residents in that community.

I hope you will not vote to recede and concur. please vote no on the pending motion.

The SPEAKER: The Chair recognizes the Representative from Princeton, Representative Moholland.

Representative MOHOLLAND: Mr. Speaker, Men and women of the House: I hope you would go along with the Chair, Representative Mitchell, on this bill this morning. This is a local control bill. All of my little towns are deathly against this recede and concur. Most of the little towns down my way seed down their own flats and when the other towns, away from these small towns, dig their clams -- they all try to get into the other towns. I think by doing this you would kill the whole clam industry. I do hope you go along with Representative Mitchell.

I ask for a roll call.

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

Representative HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I, too, urge you to vote yes on the pending motion in front of us today.

I know that Representative Mitchell would have you believe that perhaps it is five constituents that happen to live in my town that are affected by this and therefore it is not a statewide issue. I guess perhaps that may be somewhat true but I think it is an issue that is going to affect the coastline of Maine more and more as the access to coastline becomes a little bit more difficult and development takes place and those sorts of things.

I know that I have some constituents but I also know that Buxton, Saco, Old Orchard Beach, obviously some of Representative Allen's constituents, are in the same situation. I do take it very personally because there may be five people that reside in my district but they are five honest, hard working people who want to simply make a living. They have felt as if they have been discriminated against for years. I think that is unfair.

We currently have statutes on the books that are guidelines to local municipalities in how they have to issue their licenses. Representative Allen gave you the perfect example of how that works. We have statute after statute that sets forth guidelines within which the state obligates the communities to work. To say that this is a local control issue, I think, really begs the question because it really is not. This bill has come back from the Senate, is one of fairness, one of equity and one of consistency. I don't want it to be confused with anything else that has been talked about here today or yesterday because that is the tact that has been used. The only thing we are talking about here is the method in which those licenses are issued. That is all. This bill doesn't tell them how many they are going to issue, what time of the year they are going to issue them or anything else about it. It only deals with the method in which the municipality issues that license. It seems just patently fair to me that, if you are going to require the non-residents of a community to be subjected to a lottery, that the residents ought to be subjected to that same lottery and vice versa.

This bill is not trying to preclude any method whatsoever. If the community wants to do first-come, first-serve, if they want to do it by lottery, if they want to send in registrations, if they want people to show up at midnight on Christmas Eve, this doesn't address that. All it says is, if you are

going to do it one way for residents, you are going to do it the same way for non-residents.

I can't think of anything fairer than that and I don't think that it gets involved with the issue of local control. We already have guidelines, we already tell the municipalities that they can't charge more than ten times more for a non-resident license than they do a resident license. That is a guideline that is currently on the books. We also say you have to give at least ten percent of those licenses, whatever the local community decides, at least ten percent of those licenses have to be given to non-residents. That is because non-residents are Maine citizens too. They pay taxes, they pay taxes that run the Department of Marine Resources. Some of those communities, mine included, have a local clam commission. They raise thousands of dollars every year to pay for the operation of that commission -- no question about the fact that my municipality as well as Brunswick and Freeport have a stake interest in how those resources are managed. However, they also charge non-residents ten times more to get that license to pay for the resource. They also ask the State Department of Marine Resources to get involved in overseeing the program, making sure that it is okay. The state has to give its authority with the clam management program and God only knows the state has people running around checking to make sure everyone has a license, that people are not digging in closed areas, the state has money involved in this too.

It seems to me that those arguments fall by the wayside. The issue here is strictly one of consistency and fairness.

When I called my local clam digger last night to tell him what happened yesterday, it was about seven o'clock. I talked to his wife, she said, "I am sorry, he is not here, he is out digging clams in the rain." Now, I am only trying to protect his right to do that. It is not a job that I would want and it is surely not a job that many of us here would want either. They have chosen that as their vocation, that is clearly their decision, but I think it is still our responsibility to direct and to assist and to make sure that all the residents of this state, not just those who happen to live in a community that have clams, are treated fairly. That is all that this amendment does. I hope that you would vote yes on the motion to recede and concur.

The SPEAKER: The Chair recognizes the Representative from Freeport, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, Men and Women of the House: I would just make two points. In most cases, the non-residents are not charged ten times more. The upper limit is set and in my particular community and I think in Brunswick they charge \$100 for residents and \$150 for non-residents, not ten times more. The most important point I would like to make right now is whether you think you are treated fairly or not (I guess) is going to depend on whether you get a license or not. If you have to go through a lottery and you don't get a license, you think you are treated unfairly and if you wait in line and you are number six and there are five licenses given out -- and that happened to one of Representative Higgins' constituents last year -- he thought he was treated unfairly and he went and sued us over it. So, fairness seems to me to depend on whether you get the license through the system that is in operation or you don't get the license in operation. I think that this is a matter that can best be dealt with on a local level.

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

Representative MARSH: Mr. Speaker, Ladies and Gentlemen of the House: I would urge members of the House to look at this as a non-partisan, conservation, home rule issue. There are no clam flats in West Gardiner, Litchfield, Farmingdale or Randolph, the towns that I represent. But I can speak with some authority because my family owns land which abuts some of the most productive clam flats in the State of Maine. My father-in-law was a career employee with the Department of Marine Resources and he taught me a lot about clams. I have been a licensed clammer myself and at one time supplemented my income by clamming. I speak today out of respect for the town of Brunswick and other towns along the coast which have adopted strong municipal ordinances.

The town of Brunswick has been in the clam business from a regulation point of view since 1947. They have a budget which exceeds \$50,000. They have a committee which is very strong, made up of a cross-section of the population, from a doctor down the line to a clam digger. They hire a full-time officer and an assistant. They have an air boat, they have a monitoring system, a sampling system and a reseedling system. The state, as far as I am concerned, mandates enough now. As far as I am concerned, for the state to mandate beyond what we do now, I feel, flies in the face of logic and home rule and I certainly would encourage you to vote no.

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

Representative LOOK: Mr. Speaker, Ladies and Gentlemen of the House: The town of Brunswick has addressed a concern that occurred in their town as an answer to a problem that erupted. It was an issue of conduct by those persons who were seeking non-resident licenses. As a former town clerk, I have experienced just such harassment. I tell you, it does happen, it is not easy to deal with and it should not happen in such instances. However, it did and I personally feel that the town of Brunswick has found a way to deal with this problem and they have addressed it and it apparently is working. Therefore, I support the position that the town of Brunswick has a right to address that problem and has done so in a workable manner. I urge you to support the position of opposing the motion to recede and concur.

The SPEAKER: The Chair recognizes the Representative from Princeton, Representative Moholland.

Representative MOHOLLAND: Mr. Speaker, Men and Women of the House: I hope you will go along today with Representative Mitchell. We work mighty hard down in Washington County. All those little small towns have put up a lot of ordinances, they have had meeting after meeting, Representative Look and myself have set in on them time after time after time. They want to stay with local control.

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

Representative BEGLEY: Mr. Speaker, Men and Women of the House: I represent Waldoboro, which I believe has as many clam diggers as almost any community in the state. I urge you strongly to support the recede and concur motion.

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

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

The SPEAKER: The pending question before the House is the motion of Representative Allen of Washington that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 92

YEA - Aikman, Allen, Ault, Bailey, Begley, Boutilier, Burke, Butland, Carroll, D.; Carter, Cote, Donald, Dutremble, L.; Erwin, P.; Farnsworth, Farnum, Foss, Garland, Graham, Greenlaw, Gurney, Hale, Handy, Hanley, Hastings, Hepburn, Hickey, Higgins, Hoglund, Hutchins, Kilkelly, LaPointe, Lebowitz, Lisnik, Lord, MacBride, Macomber, Marsano, Martin, H.; McGowan, McPherson, McSweeney, Merrill, Murphy, Nadeau, G. R.; Paradis, E.; Parent, Pederson, Pendleton, Pines, Pouliot, Reed, Richards, Ridley, Rotondi, Ruhlin, Seavey, Sheltra, Small, Stevens, P.; Stevenson, Strout, B.; Tardy, Telow, Townsend, Webster, M.; Whitcomb.

NAY - Adams, Aliberti, Anderson, Anthony, Bell, Carroll, J.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Conley, Constantine, Crowley, Curran, Daggett, DiPietro, Dore, Farren, Foster, Gould, R. A.; Gwadosky, Heeschen, Hichborn, Holt, Hussey, Joseph, Ketover, Lawrence, Libby, Look, Mahany, Manning, Marsh, Marston, Mayo, McCormick, McHenry, McKeen, Melendy, Michaud, Mitchell, Moholland, Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pineau, Plourde, Priest, Rand, Richard, Rydell, Sherburne, Simpson, Smith, Stevens, A.; Strout, D.; Swazey, Tannaro, Tracy, Lupper, Walker, Wentworth.

ABSENT - Brewer, Dellert, Dexter, Duffy, Jackson, Jacques, Jalbert, Larrivee, Luther, Mills, Nadeau, G. G.; Rolde, Skoglund, The Speaker.

Yes, 67; No, 69; Absent, 14; Vacant, 1; Paired, 0; Excused, 0.

67 having voted in the affirmative, 69 in the negative, with 14 being absent and 1 vacant, the motion to recede and concur did not prevail.

Subsequently, the House voted to Adhere.

COMMUNICATIONS

The following Communication:

STATE OF MAINE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
JOINT SELECT COMMITTEE ON CORRECTIONS
June 15, 1989

The Honorable John L. Martin
Speaker of the House
114th Legislature
Dear Speaker Martin:

We are pleased to report that all business which was placed before the Joint Select Committee on Corrections during the First Regular Session of the 114th Legislature has been completed. The breakdown of bills referred to our committee follows:

total number of bills received	20
Unanimous reports	17
Leave to Withdraw	5
Ought to Pass	4
Ought Not to Pass	1
Ought to Pass as Amended	7
Ought to Pass in New Draft	0
Divided reports	2
Carry Over	1

Respectfully submitted,
S/Beverly Miner Bustin S/Rita B. Melendy
Senate Chair House Chair
Was read and ordered placed on file.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative CASHMAN from the Committee on Taxation on Bill "An Act to Reduce the Amount of Materials from the Waste Stream by Encouraging Recycling" (H.P. 27) (L.D. 25) reporting "Ought Not to Pass"

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

Ought to Pass in New Draft/New Title

Representative RUHLIN from the Committee on Labor on Bill "An Act to Require a 90-day Delay in the Hiring of Replacement Workers during a Labor Dispute" (H.P. 663) (L.D. 905) reporting "Ought to Pass" in New Draft under New Title Bill "An Act to Ensure a Cooling-off Period before the Hiring of Permanent Replacement Workers during a Labor Dispute" (H.P. 1259) (L.D. 1756)

Report was read and accepted, the Bill read once. Under suspension of the rules, the Bill was read the second time, passed to be engrossed and sent up for concurrence.

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-541) on Bill "An Act to Provide for the Licensing of Counseling Professionals and to Create a Board of Counseling Professionals Licensure" (H.P. 684) (L.D. 936)

Signed:

Senators: BALDACCI of Penobscot
HOBBINS of York
WHITMORE of Androscoggin
Representatives: ALLEN of Washington
STEVENS of Sabattus
GURNEY of Portland
GRAHAM of Houlton
LIBBY of Kennebunk
SHELTRA of Biddeford
MARSTON of Oakland
TELOW of Lewiston
REED of Falmouth

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

Signed:

Representative: CONSTANTINE of Bar Harbor
Reports were read.

On motion of Representative Allen of Washington, the Majority "Ought to Pass" Report was accepted and the Bill read once.

Committee Amendment "A" (H-541) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read the second time, passed to be engrossed as amended and sent up for concurrence.

Divided Report

Later Today Assigned

Majority Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-563) on Bill "An Act to Establish Occupational Health and Safety Standards for Operators of Video Display Terminals" (H.P. 481) (L.D. 661)

Signed:

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

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
TAMMARO of Baileyville

Reports were read.

On motion of Representative McHenry of Madawaska, tabled pending acceptance of either report and later today assigned.

(At Ease)

The House was called to order by the Speaker.

Divided Report

Majority Report of the Committee on State and Local Government reporting "Ought Not to Pass" on Bill "An Act to Reduce the Number of Full-time Legislative Staff Employees" (H.P. 1180) (L.D. 1635)

Signed:
Senators: BERUBE of Androscoggin
ESTY of Cumberland
Representatives: LARRIVEE of Gorham
JOSEPH of Waterville
ROTONDI of Athens
HEESCHEN of Wilton
GWADOSKY of Fairfield
DAGGETT of Augusta

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-564) on same Bill.

Signed:
Senator: CARPENTER of York
Representatives: WENTWORTH of Wells
HANLEY of Paris
McCORMICK of Rockport
BEGLEY of Waldoboro

Reports were read.

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

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

Representative HANLEY: Mr. Speaker, Men and Women of the House: I must admit I am a little shocked this morning that the good Representative from Waterville has gotten up and moved the "Ought Not to Pass" Report. I thought that with the recent turn of events that in fact that she would go along the Minority "Ought to Pass" Report.

I guess having the Speaker's memo to all of us dated June 7th saying that "Inasmuch as the state faces a critical shortfall in tax revenues and it is apparent that a number of cost-saving cuts and program adjustments will be necessary to restore fiscal integrity to the budget process, it is only fair and reasonable that the House accept its share of responsibility for trimming state spending. Accordingly, I am establishing the following cost-cutting measures that will be in effect until

further notice. Overtime and accrual of compensatory time for partisan employees is suspended." That was one item, just one of four items that is in the Speaker's memo that would be addressed.

There were also a number of articles in the newspaper immediately after that memo passed through that the Speaker had taken a hard line on spending within the House and that we, members of this House, members of this legislative body, would have to have our own fiscal restraint and that not only the people out there would have to take this task on themselves.

It is well-documented that Maine's legislative staff has ballooned seemingly unrestrained within the past decade. The staff payroll in 1980 was \$1.8 million. In 1989, it was \$7.4 million. Just within this last two years, from the 113th to the 114th, permanent staff wages raised to \$4.1 million. That is a 20.8 percent increase from the 113th Legislature to the 114th Legislature -- 20.8 percent increase on permanent staff wages.

Seasonal staff wages now is at \$902,000. That represents a 22 percent increase. This isn't from 1980, it was from 1987, the 113th Legislature, to this current Legislature. Those are the percent increases that we are dealing with.

The size of the staff in 1982 was 112, in 1989, 204.

The bill before you today has been totally gutted from the original bill that I put in. The original bill would have put a limit of 100 full-time staff for the Maine State Legislature. This would have come about through attrition and through removal, not the firing of any employees. But, in the spirit of compromise, I gutted my entire bill and the bill before you today is the Committee Amendment (H-564).

What this bill now does is establish a moratorium that will enable no more legislative staff hiring until after the Advisory Committee on Legislative Structure and Operation has come back with their report. Ladies and gentlemen, this is a moratorium for legislative staff until such time as the Advisory Committee on Legislative Structure and Operation reports back with their April 1 deadline.

If I can just read from the bill -- and it does have an emergency enactor on it. It says, "Whereas a consultant will review the role of partisan and non-partisan staff in the legislative process to include the approximate number of staff persons to undertake the roles assigned to these tasks and whereas the consultant may recommend staff changes that could be very difficult to implement if new staff positions and functions are created before the consultants report is issued."

I, for one, put a lot of faith in the advisory committee. I say, let's not put ourselves in a hole before this committee has time to return with recommendations.

I have not had the opportunity to speak with the good Representative from Eagle Lake on this matter, but based on his recent position, I expect both of us to agree on this matter.

I urge you to follow my light and hopefully the Speaker's so that we can reject the Majority Report and accept the Minority "Ought to Pass" Report. The people of our state will be proud to see us tightening our own belt and putting our own house in order.

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: One of the pleasures that I have had this session was the opportunity to go back and serve on the State Government Committee albeit

for a short time. But during the last month, I have had an opportunity to go back to a committee that I have enjoyed. I had the opportunity to chair that committee for approximately four years and enjoyed the nature of the bills that came before that particular committee.

The bill before you now is the last of a series of so-called "good government" bills sponsored by the Representative from Paris, Representative Hanley. And, as Representative Hanley has indicated, he is very concerned about the operation and structure of this legislature and he has evidenced that by numerous pieces of legislation that he has submitted throughout the year. I won't go through the list of bills but it has been everything from making it less costly and more efficient to shortening the session, to curtailing the second session, to calling for adjournments several times, to putting a limitation on the number of terms which legislators may serve. No shortage of good ideas from the Representative from Paris, Representative Hanley.

I would submit to you, ladies and gentlemen of the House, that the bill before you is not a "good government" bill. The bill before you is not a "good" bill. Rather, I would describe the bill before you as a "feel good" bill. I say that because, for all practical purposes, if enacted, this bill would do absolutely nothing as the Representative knows full-well. But, at the same time, it is a very easy bill to consider, to even perhaps consider passing and for a short time, albeit a short time, you kind of feel like you have done something. It is a feeling not unlike eating Chinese food.

Representative Hanley said that his original bill would have put a cap at 100 employees, partisan and non-partisan employees. But, in the spirit of compromise, he has changed that and is now offering this amended version. What he didn't mention is, that during the public hearing, he was asked if he had had the courtesy to discuss how the original bill (which would have capped the amount of legislative employees at 100) would have affected the various offices of the Office of Policy and Legal Analysis, Revisor of Statutes, the Law Library, the Office of Fiscal and Program Review, but he had never taken the time to discuss that with them. Now, in the spirit of compromise, he is offering us this amended version under the guise that because we are now studying (the study that we all agreed on) the operation and effective operation of this legislature that we should in fact perhaps consider freezing the number of employees, make sure that no additional employees are going to be added between now and the end of that study. What are the chances that any additional new employees are going to be added between now and the end of that study? Absolutely none.

Has there been a problem with non-partisan and partisan employees? Well, let me give you an example of how that can work. Earlier this year, as you know, when the numerical differences in the House change, the Majority party picked up ten additional seats, the Minority party lost ten seats, the staffing patterns on House leadership are based on the ratio of legislators you have versus the number of staff you can have. We brought to the attention of the Minority Office that in fact because they lost ten seats, they were going to have to make a decision to either lose a staff person if we were going to hold the line on the number of employees or the Majority Party was going to have to pick that up. We gave them the option. Lo and behold, they said, "No, no, hold the line? No, we don't want to hold the

line, we want our people." There is a clear example of how staff can be added.

Is there a problem with non-partisan employees?

Excuse me, Mr. Speaker, I understand Representative Hanley is chewing gum and I am finding it extremely disturbing.

Obviously I am in error.

Representative Hanley has discussed the ballooning of precipitous growth in the legislative budget and in the number of employees. Yet, he has been strangely silent about the explosive growth in our own state government. Just yesterday, Representative Foss reminded the members of this House that the state budget submitted by this Governor is a half a billion dollar increase over the last budget. Representative Hanley is strangely silent about the hiring binge that this Governor has gone on in the last couple of years, a Governor who would have added 1,000 new full-time state employee positions in just four years. Where does Maine stand in terms of partisan/non-partisan positions in comparison with other states? Well, if one were to check with NCSL, who compares the various figures, you will find that we are fourth in New England and that we are in the bottom six of all states east of the Mississippi in terms of legislative staff, despite the fact that we are one of the few states in the country that has the Law Library with 15 employees as part of our legislative budget.

During the public hearing, Representative Hanley discussed his philosophy on Parkinson's Theory, that if you have more time to do the work, you will take more time. If you have more people to do the work, you make more work for them.

I have looked for weeks and weeks to try to find Parkinson's Theory. I have looked in dictionary's, I have looked in psychological books, I have called people up, friends and relatives -- finally in frustration last week, I took a copy of Representative Hanley's speech on the floor about three weeks ago in which he described in detail Parkinson's Theory, I sent it to world's famous Ripley's in Chicago and I got it back yesterday with the same speech and written on top of it, "We don't believe it."

The increase in staff, whether it is partisan or non-partisan -- and I have been a member of the legislative council for only three years but I have checked back and particularly with the non-partisan staff and looked at the records during the last five years and I have yet to find a single instance where a new, particularly a non-partisan staff person, has been added that did not have the unanimous support of both Democrats and Republicans on the legislative council. The reason for that is that the council knows full-well that as the federal government continues to pile more and more responsibility upon this legislature, that as legislation becomes more legalistic and more sophisticated, that it is imperative that we continue to marginally increase the numbers if we are indeed serious about manning a part-time legislature. The trend in our state is no different than any other state. But the records show clearly that we are in the bottom half, the bottom third of most states, based on the size of our state and based on the size of our budget.

I am amazed, once again, that Representative Hanley would consider this, compared to the growth in this state budget and compared to the number of employees that are being hired throughout this state.

I would submit to you that this bill, as most of the bills that have been submitted this year, have been designed more for positive press than for

positive results. It is illogical and should be rejected out of hand for that purpose.

Mr. Speaker, I move that this bill and all its accompanying papers be indefinitely postponed.

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

Representative HANLEY: Mr. Speaker, Ladies and Gentlemen of the House: It is always a pleasure to listen to the good Representative from Fairfield, Representative Gwadosky. He always has a kind word and a little humor to spice up his address.

I guess I would ask the same indulgence that we gave the Representative from Fairfield on June 14th around five-thirty to read through an article. And, speaking of positive press, it is an article that Representative Gwadosky penned himself. It was in the Lewiston Sunday Sun Journal, March 19th. It is titled, "The Study the Legislature Should Pinpoint Weaknesses." I guess, since Representative Gwadosky is going to take an attack and not take a positive look on this bill that maybe I should also take an attack route on this.

Representative Gwadosky, if I can quote him in his article, said, "Yes, the number of staff members in the legislature has increased by 39 over the past five years." I am not sure where those number come from but I will take him at his word. "I, and many others, are convinced that if we had not increased the staff by that much however, we very well would have had a full-time legislature by now. The reality is that if the staff is not increased to handle the growing number of complex issues facing state government, the amount of time law makers spend in Augusta, handling those issues, must be increased. Like it or not, we are facing a different set of circumstances than we did just ten to fifteen years ago."

If I could also read from the Portland Sunday Paper, this is from a member of the other body, the Assistant Majority Leader, it says, "The Democrats say lawmakers have been able to retain their citizen status through the increase of staff. If they were forced to do research, mailings, and clerical work they might well become full-time." Quote, "If we want a part-time legislature, we have got to have full-time staff to help us with the load, otherwise the public is going to suffer."

Ladies and gentlemen of the House, I submit for your approval, a breakdown of partisan staff. I have a roster of Senate employees and House employees in front of me, revised June 1989. For the partisan staff (maybe my addition isn't the greatest -- I might be off by one or two) from the roster before me, I have down for partisan staff 78 for the Democrats in both the House and the Senate. There is also 19 clerks that serve at the will of this body and at the will of the Chairs of the respective committees. I don't think it is necessary for me to point out that a few of the clerks that do in fact clerk the joint standing committees have been losing legislative candidates from the Democratic party. Now, with that in mind, there is 78 Democrat partisan staff along with 19 clerks, that comes to 97 partisan staff.

Now, let's take a look on the other side of the aisle. On the Republican side, and Representative Gwadosky did make a good point to point out the fact that we did ask for another staff member in the House. Yes, we did and that brought up our staff members in the Minority Office to seven. In the other body, the Minority Office has four. Ladies and gentlemen of the House, if we are talking about and the good Representative from Fairfield, Representative Gwadosky stated that it was necessary

to have a full-time staff to retain our citizen status, I cannot see the connection between 97 staff on one end of the aisle and 11 staff on the other side. That is not the breakdown of this body. The breakdown of this body is 64 percent Democrats to 44 Republicans. This partisan staff is nine times greater. Ladies and gentlemen of the House, if this is truly a part-time legislature and a full-time staff, as Representative Gwadosky would have us believe, and would have all the people in the State of Maine who read his article believe, that the full-time staff necessitates a part-time legislature or is fouled up along with it, I would ask the good Representative, why is there such a disparity between the number of partisan staff on both sides of the aisle? This bill before you would put a moratorium on the number of staff so that when the advisory committee comes back, then we can make a legitimate ruling.

If I was on the other side of the aisle on this, I would be very reluctant to go to the press and say "Yes, we in fact do have 97 partisan staff, the other party has 11 partisan staff." I couldn't, in good conscience, bring that point up, but Representative Gwadosky has certainly given me the forum to do just that with his attack on me and the so-called "good government" bills that I have put forth.

For once, I would like to see this body take a fiscally responsible measure and say, yes, we are putting our faith in this advisory committee, let's not tie their hands. If there is not going to be any more staff needed, as the good Representative pointed out, what is the fault in voting for this and making a policy statement (as we do every day here) to the people of the state that, "Yes, we are going to tighten our belts, we are going to be fiscally responsible, and we are not going to put ourselves in a hole before we even get started."

Mr. Speaker, I request a roll call on the indefinite postponement.

The SPEAKER: Pursuant to House Rule 1, the Chair has only done this twice as being presiding officer -- needs to clarify and to clearly illustrate inaccurate statements made by the Representative from Paris, Representative Hanley.

There are 14 members, 14 staff people in the Clerk's Office, 10 people in this chamber, 2 full-time and 2 part-time in the document room -- the Chair would pose the question to the Representative from Paris, Representative Hanley, whether or not any of these people do not provide the same services to members of the Republican Party as they do to the members of the Democratic Party? Is it his desire that they stop providing those services at this time, effective immediately?

Representative HANLEY: Thank you Mr. Speaker, being the realist that I am, yes there are very similar chores that are provided to both parties by the staff that you mentioned. Yet, I am aware of other services that are not equally provided to both parties.

The SPEAKER: Will the Representative state those at this time?

Representative HANLEY: Mr. Speaker, I would be glad to. There is one very glaring difference and that was a letter that was sent out by the Clerk of this House to Democratic members as far as mailing. None of the Republican members received that memo which said, "If you have a list of up to 200 people within your district, then you could just leave these with the Clerk's Office and those would be mailed to you." I, for one, and we discussed this in caucus, no one received this similar memo. That was not a service that was offered through that memo to us.

That is one, Mr. Speaker. If you would like to discuss it further, I would be glad to meet you after the session.....

The SPEAKER: The Chair would respond to it now. The Chair would advise the Representative from Paris, Representative Hanley, that the letter to which he refers was a letter which was sent to Representative Bell, was intercepted by Representative Begley, then given to the minority floor leader. It was erroneously and illegally opened by the Representative from Waldoboro. I am sorry, it was addressed to her and was in the wrong envelope and was mailed to a Freshman member of this body. It was not returned to the Clerk but given to the Republican floor leader.

The mailings -- two for example, -- you might want to check. Representative Hanley, with the Representative from Belfast, Representative Marsano, that the mailing is done for, the Representative from Fryeburg, Representative Hastings and there are others as well.

Representative Marsano may state his point of order.

Representative MARSANO: Mr. Speaker, the question was whether or not the letter was sent. I have had nothing but respect for what the Clerk has done for me. I appreciated that. We made it clear in our caucus that they could approach him but the gentleman from South Paris makes the point that such a letter was not sent to members of the Republican caucus. That is the only point that the gentleman made, Mr. Speaker.....

The SPEAKER: The Chair would advise the Representative that the offer has been provided and has been used by members of the Republican Party as well as members of the Democratic Party. The Representative from Belfast, Representative Marsano, knows that full-well.

Representative MARSANO: I have made the point, Mr. Speaker, that the gentleman from South Paris is simply saying that the letter was not sent to the members of the Republican caucus and the Speaker's comments ought to be on that point and that point alone, sir.

The SPEAKER: The Chair would advise the Representative that letters were in fact sent to some Republicans and the Chair would be happy to provide those whenever you feel ready for it. It is obvious the purpose of the Representative from Paris, Representative Hanley, is and the Chair will not tolerate it as a member of this body.

The pending question is the motion to indefinitely postpone, a roll call having been requested.

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

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

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

Representative HEPBURN: Mr. Speaker, Ladies and Gentlemen of the House: I think some of the comments that we have heard here today have revolved around the size of the staff in the Maine Legislature as compared to that of those of other states. It was mentioned that when you compare the size of the staff of the Maine Legislature with those of other states east of the Mississippi River, ours is quite low. Yes, that is true but that is like comparing apples

to oranges. Should the Maine Legislature have more staff than the New York Legislature, a state with 15 or 16 times our population? I should hope not. Is it appropriate that the New Jersey Legislature has more staff than we have? I would think that that is appropriate. Does Pennsylvania have more staff? Of course. Massachusetts? I would think so. Ohio? Yes. Illinois, Michigan, Florida, Indiana, there are a lot of big states east of the Mississippi River and the fact that we just happen to be in the bottom quartile of states east of the Mississippi River in terms of staff, I don't think is at all amazing, it is certainly appropriate.

Getting back to the bill, this is a good bill, it simply requires that we maintain the status quo until we have this committee look at our operations. Very simple. If we don't want to do that, then we shouldn't even have the committee.

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

Representative JOSEPH: Mr. Speaker, Men and Women of the House: I am concerned about the fact that the Representative from Paris has taken the time of this good body to engage in a monologue on good government. I am very concerned because the good government items that we have had before us has been crafted directly from their handbook and sometimes does not apply to a part-time legislature such as the one here in the State of Maine. Good government includes good attendance. Good government includes working in work session on your committees. Good government includes good attendance in this body in participation in all areas.

This bill should be.....

The SPEAKER: The Chair would inquire why the Representative from Paris, Representative Hanley, arises?

Representative HANLEY: The statements from the good Representative from Waterville, Representative Joseph, regarding the genesis behind the bills.....

The SPEAKER: The Chair would inform the Representative that she is within her rights to state her attitude as to why the bill was introduced.

Representative HANLEY: If it is incorrect?

The SPEAKER: Would the Representative please take his seat -- if he wishes to correct it afterwards, it is not a point of order.

The Chair apologizes to the Representative from Waterville on behalf of members of the House for being interrupted.

Representative JOSEPH: Thank you, Mr. Speaker. The committee heard this bill, the committee listened to this bill and considered this bill. However, this committee crafted a bill to deal with the study of the structure and oversight of this body and the other body, the full legislature. This bill affects the full-time staff people in the legislative staff office of the Information Services, Office of Policy and Legal Analysis, Revisor's Office, Fiscal and Program Review -- there is no intention, as you have already heard, to create any new positions or to change the staff at this point. However, the overwhelming fact of why you should be voting to indefinitely postpone this bill is that it is definitely unconstitutional. According to Article IV of the Maine Constitution, Section 4, each House does determine the rules of these proceedings and it goes on.

Therefore, I do hope that we will indefinitely postpone this piece of legislation because any law that binds this legislature is repealed by implication. The Constitution does provide that each body of the legislature governs itself by rules

adopted by this body. This bill is not a good bill, it is not a good government bill and I urge you to indefinitely postpone this piece of legislation.

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

Representative BELL: Mr. Speaker, Ladies and Gentlemen of the House: I feel bad that this situation has arisen. It seems the Clerk of the House is getting the blame. Being a new legislator, when I first came here, I asked a lot of questions and I got different answers from different people when I asked how many pieces they mailed out and I got all kinds of numbers. So, I went into the Clerk's Office and asked him what the guidelines were and what could we do? How many do some send out because I had been hearing all kinds of figures. The memo was more or less of a response to what I wanted to know. I wanted to know what the largest amount was allowed. My mistake was I made my list of the people I wanted to send out to (being new and fairly honest, I think) and I just flipped the paper over and made my list on it when I should have used regular paper. Otherwise, this wouldn't be happening today. The thing is, what I had asked basically -- I got figures from all over, I got figures that are higher than what I send. I got figures lower -- I just wanted to know what the average was that people sent out and that is where the memo came from. I feel bad, I wouldn't have asked the question and got it on paper and nobody would have been hurt today. I feel very badly about this and I hope the House will consider that.

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

Representative WENTWORTH: Mr. Speaker, Ladies and Gentlemen of the House: I agree with our Chairman, Representative Joseph. I think we have one question here dealing with the number of employees, we have a study underway to determine whether we need more or less so let's wait until that time and get on with the bill.

The SPEAKER: The Chair recognizes the Representative from Casco, Representative Simpson.

Representative SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I have been enjoying listening to this debate and it made me think back to a situation I had experienced when I was in college, which was to work in the New Hampshire Legislature as an aide to the Speaker of the House there.

I was curious just what the ratio staff was in the majority party in New Hampshire, which is, as you know, held by the Republicans and I called a friend of mine. His name is Dick Amidon, who is the Administrative Aide to the Speaker who told me basically (I think some of you will find this kind of amusing) what the situation is over there. In New Hampshire, the minority party has four staff people in comparison to about 45 the majority party has. Those four staff people, by the way, have to be approved by the Speaker of the House as do the Clerk's staff, as do the majority staff. In fact, in New Hampshire, the majority leader is appointed by the Speaker so if people are complaining about the situation here, I think they ought to reconsider that and remember what we have here, I think, is a situation where we are trying to serve part-time and in order to do that, we are going to need competent people, people who work in the best interests of the people of the state in a partisan way but in a way that, I think, certainly brings Maine up-to-date in terms of state government and how we try to do our business here.

I know Representative Hanley that New Hampshire is not that far away from Paris and you and I might

want to go over there some time and just visit and talk with people and see how things work over there. Believe me, my experience here in the Maine State Legislature I have both the competency and the level of debate on issues to be far superior than New Hampshire. New Hampshire likes to pride itself on its numbers and as one of the true citizen legislatures but in my experience, the ability for people to serve in the Maine State Legislative system that we have here, is far greater than it is in New Hampshire. We don't need to get into the details beyond what I have given you but that is just one example -- basically, the Speaker of the New Hampshire House of Representatives controls directly the appointment of all staff, both majority party and minority party.

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 make just one point. I have been bothered frequently through the session by the acrid, partisan remarks that fly back and forth here. I am disappointed that that has happened with this particular bill which I see as an ill-advised proposal to cap the number of staff, totally.

I guess my principal concern today has been the remarks that tend to indicate or suggest that our non-partisan staff do not work non-partisanly. I have been extremely satisfied with the service I have received from all non-partisan staff that works for this legislature. I am, to be sure, a member of the majority party but I am not in any leadership role or a committee chair or anything of the like. The suggestion of the Representative from Paris, Representative Hanley, that some of those staff members are in some sense partisan and thus are theoretically favoring me over him or over other members of the minority party, I find to be rather offensive, I really do. I have found that the Committee Clerk, I serve on the committee with him, I have seen the committee clerk, the legislative aide, the drafting people have all served Representative Hanley as well as they have served me. I do not think of them as partisan anyway. In fact, I have found a quality of service of the non-partisan staff in this body to be extremely high and I rise really to express that and express my chagrin about that.

The basic bill here is the question of whether it is a good idea to cap the number of staff totally. I see nothing in this bill that argues about how staff are allocated, I only see a question of whether or not to cap the number of staff. As to that issue, I agree with Representative Gwadosky that we have an increasingly complex legislature here and we simply have to keep abreast of the increasingly complex issues that are brought to us by the federal government and by the increasingly complex nature of life as we go further and further into the 20th Century and on into the 21st Century. It is a simple fact of life that the issues will continue to get more complex and we simply have to keep abreast of them. It is for that reason that I do not think this is a good bill.

I would urge support for the indefinite postponement.

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

Representative BEGLEY: Mr. Speaker, Men and Women of the House: I would just like to clarify a point that Representative Anthony was making. I think it was made earlier that we are no longer talking about the cap. I just want to be sure that

we clarify that. We are now talking about a moratorium until the report comes back. I just wanted to make sure that everybody understood that.

As a member of the State and Local Government Committee, I am very proud to be on this bill and I encourage you all to vote against the indefinite postponement.

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

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

Mr. Speaker, was all Democrats supposed to receive a copy of this memo from the Clerk?

The SPEAKER: The Chair would answer in the negative. It was mailed to one Representative.

Representative DIPIETRO: Because I never received it and that was why I asked that question.

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

Representative DORE: Mr. Speaker, Ladies and Gentlemen of the House: I just want to speak very briefly. I will speak to the point about the Clerk of the House. A few months ago, the Clerk came to me and said, "You seem a little stressed out." I said, "I have a dying parent." About a week later, I went into his office and said, "Ed, I cannot seem to keep up with my work, my mailings. Can I pay one of the Pages to do it at night?" Ed said, "No Susan, you cannot, we do this for anyone who comes in and asks." I came looking and I offered to pay and I was told that that would be taken care of for me from now on. That is the kind of sensitivity this man shows. He is aware when you are in trouble and if you seek help, he makes an effort to do that for you.

I think he is an extremely compassionate man. I think he does treat me differently than other members of the House -- we share a love of chocolate desserts. I bring him desserts and I think I get a bigger smile for it and I think that is all I get for it. I am absolutely appalled that anyone would suggest that Ed Pert would act any differently than with complete honesty and complete candor. I am very sorry Ed that you had to be put through this.

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

Representative BELL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to make one further comment. Being involved in this makes me feel awfully, awfully bad with the insinuation that it seems to throw on to the Clerk.

At the time I went into his office to ask him, he was tied up and said he would get back to me. It was a personal memo that he sent back to me regarding the question I asked, nothing more. For anyone to make it look like it is a setup, I feel very sorry.

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

Representative MARSANO: Mr. Speaker, Ladies and Gentlemen of the House: I cannot believe that, in any way, that the Clerk should feel attacked. If he does, I would like on behalf of the Republican Party to say that everything, with the exception of his enthusiasm for chocolate, that Representative Dore said. I have found to be the case with respect to the Clerk of the House.

The Clerk of the House has always responded, I think, well to any requests that we have made from the Republican Office. He obviously walks in a very fine line. I hope that he is not offended by anything that has been said here today. There has been a clarification of the point that was made with respect to the dialogue made between the Speaker and Representative from Paris and I hope that it will not

influence action on the bill. The bill should be voted on, as the Representative from Waldoboro said, the merits of the proposition. I hope that if the Clerk feels in any way offended by anything that I have said here on the floor, he will accept this public apology.

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

Representative HANLEY: Mr. Speaker, Men and Women of the House: I want to correct some of the comments made by Representative Dore and Representative Anthony.

First Representative Dore, I made no remarks to the character of the Clerk, I have the upmost respect for the Clerk and he has, in every action that I have requested assistance, responded rapidly and with a smile and I have no qualms with the Clerk. He has done an admirable job on both ends of the aisle. As the speaker from Belfast pointed out, he walks a fine line on egg shells between not being too supportive of one over the other.

As to Representative Anthony, the quality of service I have no complaints on that either. I hope that my remarks made no leanings that I was dissatisfied or thinking that the non-partisan staff affected one party over the other. The quality of service has been excellent and I am very much impressed and I don't know the reason why -- maybe I gave the wrong intonation when I spoke, that was not my point. The reason that I even brought that up, I was put on the spot by the Speaker to respond to a question and given that, being put on the spot, I had only one option.

I still wish you would vote against the indefinite postponement of this bill.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: With our Clerk, his compassion doesn't stop in his office. I will say publicly for myself, wife and family that I was so glad that I could turn to Ed in the last five or six months. I never saw a man show me so much compassion and understanding. What happened to my family -- thank God, we have people like Ed. If anyone here picks up anything that Ed does and twist it, I take exception to that and offense personally. As far as I am concerned, Ed will always be a very, very close friend of mine.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of the Representative from Fairfield, Representative Gwadosky, that L.D. 1635 and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 93

YEA - Adams, Aliberti, Allen, Anthony, Bell, Boutilier, Burke, Carroll, D.; Carter, Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Conley, Constantine, Cote, Crowley, Daggett, DiPietro, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnsworth, Farnum, Gould, R. A.; Graham, Gurney, Gwadosky, Hale, Handy, Heeschen, Hickey, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, LaPointe, Lawrence, Lisnik, Lord, Macomber, Mahany, Manning, Marston, Martin, H.; Mayo, McGowan, McHenry, McKeen, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Murphy, Nadeau, G. G.; Nadeau, G. R.; Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pederson, Pineau, Plourde, Pouliot, Priest, Rand, Richard, Rotondi, Ruhlman, Sheltra, Simpson, Smith, Stevens, A.; Stevens, P.; Strout, D.; Swazey, Tammara, Tardy, Telow, Townsend, Tracy, Walker, Wentworth, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, Begley, Butland, Carroll, J.; Curran, Dellert, Dexter, Donald, Farren, Foss, Foster, Garland, Greenlaw, Hanley, Hastings, Hepburn, Hutchins, Lebowitz, Libby, Look, MacBride, Marsano, Marsh, McCormick, Merrill, Paradis, E.; Parent, Pendleton, Pines, Reed, Seavey, Sherburne, Small, Stevenson, Strout, B.; Tupper, Webster, M.; Whitcomb.

ABSENT - Brewer, Hichborn, Higgins, Jackson, Larrivee, Luther, McPherson, Norton, Richards, Ridley, Rolde, Rydell, Skoglund.

Yes, 96; No, 41; Absent, 13; Vacant, 1; Paired, 0; Excused, 0.

96 having voted in the affirmative and 41 in the negative with 13 being absent and 1 vacant, the motion did prevail. Sent up for concurrence.

(At Ease)

The House was called to order by the Speaker.

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

COMMUNICATIONS

The following Communication:
STATE OF MAINE

OFFICE OF THE SECRETARY OF STATE

June 16, 1989

To Edwin H. Pert, Clerk of the House of Representatives of the One

Hundred and Fourteenth Legislature:

In compliance with the Constitution and laws of the State of Maine, I hereby certify that a Special Election was held on June 15, 1989, in Representative District 133, for the purpose of electing a Representative to the One Hundred and Fourteenth Legislature: Mary F. Cahill of Mattawamkeag received a plurality of all votes cast in District 133, as contained in a report to the Governor on June 16, 1989, appears to have been elected Representative to the One Hundred and Fourteenth Legislature.

IN WITNESS WHEREOF, I have caused the Great Seal of the State of Maine to be hereunto affixed this sixteenth day of June in the of our Lord, One Thousand Nine Hundred and Eighty-nine.

S/G. William Diamond
Secretary of State

Was read and ordered placed on file.

The following Communication:

STATE OF MAINE

OFFICE OF THE SECRETARY OF STATE

June 16, 1989

To the Honorable John L. Martin, Speaker of the House of Representatives of the One Hundred and Fourteenth Legislature:

In compliance with the Constitution and laws of the State of Maine, I have the honor to herewith report the return of votes cast in Representative District 133 at the Special Election held on June 15, 1989, according to a review of the returns made by the Governor, to fill the vacancy that existed in the district as follows:

District 133
Mary F. Cahill, Mattawamkeag 976
Ralph M. Hooke, Winn 782
Others 3

S/G. William Diamond
Secretary of State

Was read and ordered placed on file.

At this point, the Speaker announced the presence in the Hall of the House of Representative-elect MARY F. CAHILL from Mattawamkeag. The Speaker appointed the following Representatives to escort the Representative-elect to the Office of the Governor to take and subscribe the oath necessary to qualify her to enter upon her official duties:

REPRESENTATIVE MICHAUD OF EAST MILLINOCKET
REPRESENTATIVE GWADOSKY OF FAIRFIELD
REPRESENTATIVE MAYO OF THOMASTON
REPRESENTATIVE MAHANY OF EASTON

Subsequently, Representative MICHAUD of East Millinocket reported that the necessary oath had been taken by the Representative to qualify her to enter upon her official duties.

At this point, the Speaker assigned Seat 140 to Representative Cahill of Mattawamkeag. (applause, the members rising)

CONSENT CALENDAR

First Day

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

(S.P. 121) (L.D. 187) Bill "An Act to Amend the Laws Relating to Truants, Dropouts and Alternative Programs" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (S-290) (Representative OLIVER of Portland - of the House - Abstaining)

(S.P. 589) (L.D. 1651) Bill "An Act to Clarify Negotiability of Recruitment and Retention Adjustments" (EMERGENCY) Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-291)

(S.P. 481) (L.D. 1302) Bill "An Act to Amend and Improve the Laws Relating to Education" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (S-292) (Representative NORTON of Winthrop - of the House - Abstaining)

(S.P. 607) (L.D. 1701) Resolve, to Create the Commission to Study the Establishment of a State and Tribal Partnership to Encourage Economic Development Committee on Housing and Economic Development reporting "Ought to Pass" as amended by Committee Amendment "A" (S-294)

(S.P. 562) (L.D. 1565) Bill "An Act to Improve the Sardine Inspection and Grading Programs" Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-297)

(S.P. 396) (L.D. 1040) Bill "An Act to Simplify Reporting Requirements for Workers' Compensation Insurers and Self-insurers" Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (S-298)

(S.P. 509) (L.D. 1397) Bill "An Act to Amend and Clarify the Laws Relating to Services to Infants and Young Children, Ages 0 through 5, Who are Handicapped or at-risk for Developmental Delay" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (S-299)

(S.P. 590) (L.D. 1652) Bill "An Act To Protect Maine Businesses against Workers' Compensation Insurer Rate Gouging" Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (S-302)

(H.P. 1238) (L.D. 1729) Bill "An Act to Promote Greater Access to Health Screening" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-565)

(H.P. 1125) (L.D. 1568) Bill "An Act to Regulate Development Along Certain Water Bodies" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-566)

(H.P. 999) (L.D. 1388) Bill "An Act to Improve Retraining Opportunities for Maine Workers" Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-567)

(S.P. 645) (L.D. 1738) Bill "An Act to Amend the Maine Coastal and Inland Surface Oil Clean-up Fund to Provide for Adequate Resources to Respond to a Major Coastal Oil Spill" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-303)

(S.P. 563) (L.D. 1566) Bill "An Act to Establish the Office of Substance Abuse Services within the Executive Department" Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-306)

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.

ENACTOR

Constitutional Amendment
Later Today Assigned

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Commit State Support of Affordable Housing (H.P. 1255) (L.D. 1754)

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

On motion of Representative Priest of Brunswick, tabled pending final passage and later today assigned.

PASSED TO BE ENACTED
Emergency Measure

An Act Modifying the Territory of the Lucerne-in-Maine Village Corporation (S.P. 628) (L.D. 1722)

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. 109 voted in favor of the same and 1 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 Authorize a Cooperative Agreement for the Construction and Operation of a Vocational Center Located in School Administrative District No. 33 (H.P. 1171) (L.D. 1625) (C. "A" H-482)

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

FINALLY PASSED
Emergency Measure

Resolve, to Establish a Charter Commission to Review Androscoggin County Government (S.P. 523) (L.D. 1430) (C. "A" S-285)

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 1 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

FINALLY PASSED
Emergency Measure

Resolve, Creating the Special Commission to Study and Evaluate the Status of Education Reform in Maine (S.P. 561) (L.D. 1564) (C. "A" S-266)

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. 112 voted in favor of the same and 3 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

FINALLY PASSED
Emergency Measure

Resolve, to Provide for the Evaluation of Fire Safety Standards in Buildings Occupied by State Workers (S.P. 583) (L.D. 1645) (C. "A" S-275)

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. 110 voted in favor of the same and none against and accordingly the Resolve was finally passed, 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) (S. "A" S-272)

An Act to Clarify the Law Concerning Retired Teachers' Health Insurance and to Compensate Retired Teachers Who Are Ineligible for That Insurance (S.P. 337) (L.D. 898) (H. "A" H-480 to C. "A" S-221)

An Act Dealing with Removal of Dislodged Lobster Gear (S.P. 419) (L.D. 1130) (H. "A" H-516 to C. "A" S-234)

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.

PASSED TO BE ENACTED

An Act to Clarify the Definition of State Employee under the State Employee Labor Relations Act (S.P. 442) (L.D. 1195) (C. "A" S-269)

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

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

Representative WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: I move indefinite postponement of this bill and all accompanying papers. I would request a roll call.

This bill would have an extremely harmful impact upon state government if it were to be enacted. Under this bill, high-level management employees would become members of bargaining units represented by unions. This is not a good idea. It is essential

to the state that positions clearly aligned with management be confidential. The state is entitled to the undivided loyalty of its upper-level employees and those employees are entitled to be free from potential conflicts of interest. If this bill is passed, employees with substantial responsibility for developing and implementing the state's policies could be bargaining for the union against the state. It is worthy of note that, under existing laws, these confidential positions in the classified service have all the protections of the civil service law and rules including "cause" protection. Further, they are not patronage jobs but must be filled pursuant to the civil service system.

Finally, this bill will also be extremely detrimental to the state because it will require the state to go to the Maine Labor Relations Board before creating any new, confidential classifications. This system would be entirely unworkable. Only after a lengthy MLRB hearing process could positions in the new classification sphere established and approved by the budget process and then the recruitment efforts could begin. This would conflict with the state's need to fill positions as quickly as possible. The problem is not remedied by Committee Amendment "A" and, despite the language of the amendment, a position cannot be established or approved until the bargaining unit or confidential status is determined.

I strongly urge you to support the motion to indefinitely postpone this bill.

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

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

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

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: This bill does not take any high-level position in state government and place them in bargaining units. It does not.

What it does is allow taking bargaining units and putting them into management, into administration, and to what we call unclassified and confidential, taking them out of bargaining. Therefore, that makes those employees work at the will of the administration.

We have about 600 employees who are possibly being affected. The State Labor Relations Board has had these 600 different employees under consideration now for approximately 6 years and they still have not come to a decision. These 600 employees don't know one day to the next whether they are going to be taken out of the labor union and lose their protection. They are able to work quite effectively when they are protected but when you take them out, you are making patronage jobs. That's what you do — you take them out of the bargaining unit, it is now considered a patronage job. I assure you that this House has shown that they do not like (for instance) the enforcement officers, which we did with DEP this session. Overwhelmingly, this House said, no, they ought not to be working at the whims of the administration. They ought to be left and able to enforce the laws and if we do not remove this vague language in the statute, the administration can take our state employees right out of the bargaining unit and make them patronage jobs. I don't think any one of us wants to do that.

I think the employees can work very effectively the way it is now. By removing that, they can come to the State Legislature and I truly believe that we ought to take that language out so that these employees can do their jobs, feel secure and do an effective job for the state and not be at the whims of the administration.

Presently, what the administration does is they appoint who will be on the Maine Labor Relations Board and when they ask for certain positions to be looked at, I assure you that there is a little weight behind it and there is a possibility of abuse. I am not saying that it has been abused but there is a possibility. In the past, as you know, I believe there were 6 positions at the DEP that this House overwhelmingly said, it ought not to be in the administration. They ought not to be answerable directly to the administration, they ought to be able to do their job. I believe this House spoke very, very eloquently and very positively when they said no, they ought not to be under the thumb of the administration, they ought to be able to enforce the laws the way they see fit, the way they are trained, the way it should be. Therefore, that is why we want to remove that vague language and if the administration wishes to reclassify other employees, then they come to the legislature and do it. If there is a new unit that is being created, the administration has the right to classify whomever they wish.

I hope that you will vote against the present motion so we can enact this bill.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I have the highest respect for the gentlelady from Cape Elizabeth. She is very capable and I think she is very sincere in what she said but I am afraid of this bill if it doesn't go through. In 30 years that I worked for the state, repeatedly we had attempts to take more and more people out of the bargaining units. That is not good. I hate to use the word "union busting" but I have a feeling that is what it amounts to.

Back 30 years ago, you had two echelons of people, you had the people at the very top who were appointed by the Governor and they ran the departments. Then you had the lower echelon, which was the state employees. Over the years, as technology has become more and more sophisticated, you now have state employees who are highly educated, highly qualified who earn very good salaries and they could be classified as being in high enough positions to be in position of policy making. That is what we have to be afraid of because somebody can come out very highly qualified in the technology fields and because he or she may be making a high salary, it could very well be interpreted by the administration that because of the high salary category they are in, you should be unclassified. An attempt was made by all Governors, ever since I was an employees of the state, to unclassify people.

Who is to determine what is policy decision? A few years ago, one of our Governor's said to some of the higher echelons, if you become unclassified, we will make you what we call confidential and I, as Governor, will give you an increase in salary. But that salary will not be part of your regular retirement salary. These same people, when it came time for them to retire, found out that they were at a lower rate to retire. They came before the committee I am on, Aging, Retirement and Veterans Committee, and wanted that corrected.

It is not right to turn around because of increased technology and higher salaries of some of the employees and leave it up to probably a few to determine that they should be unclassified and then be at the mercy of the administration.

I ask that you vote against the motion to indefinitely postpone.

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

Representative KETOVER: Mr. Speaker, Ladies and Gentlemen of the House: The state employees are major policy influencing positions as well as those in confidential and collective bargaining related roles have always been excluded from collective bargaining related roles. This language has served no identifiable purpose, it only creates doubt, vagueness is very much a part of this, and uncertainty which could result in curtailment of career ladders for hundreds of state employees.

This bill would not add any positions to the bargaining unit, it merely prevents current unit positions from being taken out. Dozens of these positions seeking to remove hundreds of state employees from collective bargaining have been pending before the labor board for more than 6 years. Now they could have done something with these positions during this time but couldn't because of the vagueness of the language in question.

Earlier this session, this body passed, unanimously, and voted overwhelmingly to reclassify 6 division directors' positions at the DEP. The Governor has signed it into law. And action was taken because those positions were involved in the enforcement of environmental standards and we did not want to them subject to undue political influence. Yet those very same positions are among the ones the administration seeks to remove from the protection of collective bargaining. In effect, the language in question may allow the administration to use the labor board to circumvent the will of this legislature.

I urge you to support enactment of this bill.

The SPEAKER: The pending question before the House is the motion of the Representative from Cape Elizabeth, Representative Webster, that L.D. 1195 and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 94

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

NAY - Adams, Aliberti, Allen, Anthony, Ault, Bell, Boutillier, Burke, Cahill, M.; Carroll, D.; Carter, Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Conley, Constantine, Cote, Crowley, Daggett, Dipietro, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnsworth, Foster, Gould, R. A.; Graham, Greenlaw, Gurney, Gwadosky, Hale, Handy, Heesch, Hickey, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, LaPointe, Lawrence, Lisnik, Macomber, Mahany, Manning, Marston, Martin, H.; Mayo, McGowan, McHenry, McKeen, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Nadeau, G. G.; Nadeau, G. R.; Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pederson, Pineau, Plourde, Pouliot, Priest, Rand, Richard, Ridley, Rotondi, Ruhlin, Rydell, Sheltra, Smith,

Stevens, P.; Strout, D.; Swazey, Tammaro, Tardy, Townsend, Tracy, Walker.

ABSENT - Brewer, Hichborn, Jackson, Larrivee, Luther, Rolde, Simpson, Skoglund, The Speaker.

Yes, 47; No, 95; Absent, 9; Paired, 0; Excused, 0.

47 having voted in the affirmative and 95 in the negative with 9 being absent, the motion did not prevail.

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

PASSED TO BE ENACTED

An Act to Amend the Liquor Laws Relating to Wine Tasting (S.P. 485) (L.D. 1327) (S. "A" S-271 to C. "A" S-252)

An Act Relating to Returned Check Charges (S.P. 498) (L.D. 1372) (C. "A" S-283)

An Act to Establish a State Arbitration Program for Lemon Motor Vehicles (S.P. 517) (L.D. 1413) (H. "A" H-500 to C. "A" S-222)

An Act Relating to Certain Proprietary Information of Insurance Agents and Brokers (S.P. 519) (L.D. 1426) (C. "A" S-263)

An Act to Amend the Mandatory Shoreland Zoning Law (S.P. 585) (L.D. 1647) (C. "A" S-267)

An Act to Require Installation of Sewage Pump-out Facilities at Certain Marinas (S.P. 600) (L.D. 1677) (H. "A" H-511 to C. "A" S-243)

An Act to Prohibit Unfair Rating Practices in Small Group Health Insurance (S.P. 611) (L.D. 1705) (C. "A" S-282)

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.

PASSED TO BE ENACTED

An Act to Reduce the Potential for Violence During Labor Disputes (H.P. 292) (L.D. 404) (C. "A" H-417 and S. "A" S-262)

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

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Reed.

Representative REED: Mr. Speaker, Ladies and Gentlemen of the House: I move that this item be indefinitely postponed.

We spoke about this bill earlier and I want to raise just a couple of those prior points for your consideration. It was a concern of the minority signers that this item was very likely preempted by federal legislation. A further concern was that it did not adequately address the problem.

At the time we spoke about this earlier, I was prevented by what I felt to be good judgment and possibly the rules of the House of discussing another matter that was before the Labor Committee which I am pleased to report was before the House this morning with the unanimous support of the Labor Committee, item 6-2 on your calendar. All members of the Labor Committee believe it is a much more effective means of addressing this problem, it is unanimously supported and we hope, sincerely, that it will indeed address the problem, therefore, it is my opinion that L.D. 404 is no longer necessary and I hope you will support the motion for indefinite postponement.

I request a roll call, Mr. Speaker.

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

Representative PINEAU: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to bore you anymore with debate. We went through this. In

response to my seatmate in the committee, I have seen what happens to you in the unanimous committee reports when we get down to the end of things. I hope you remember where you were and why you were there and I am sure you will vote against this motion.

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

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: 404 is needed, 404 is the one that is more likely to prevail as far as constitutionality preemption. The members on my committee all know full-well -- the question has been asked and has been addressed that this is the bill that could survive over the preemption problem more than the other bill that will be a unanimous report. We signed on the unanimous report because we feel anything is better than nothing. I assure you, this bill is the best vehicle to address the problem that is facing this state.

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 Falmouth, Representative Reed, that L.D. 404 and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 95

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

NAY - Adams, Aliberti, Anthony, Bell, Boutilier, Burke, Cahill, M.; Carroll, D.; Carter, Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Conley, Constantine, Cote, Crowley, Daggett, Dipietro, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnsworth, Gould, R. A.; Graham, Gurney, Gwadosky, Hale, Handy, Heeschen, Hickey, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, LaPointe, Lawrence, Lisnik, Macomber, Mahany, Manning, Marston, Martin, H.; Mayo, McGowan, McHenry, McKeen, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Nadeau, G. G.; Nadeau, G. R.; Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pederson, Pineau, Plourde, Pouliot, Priest, Rand, Richard, Rotondi, Ruhlin, Rydell, Sheltra, Smith, Stevens, P.; Swazey, Tammaro, Tardy, Townsend, Tracy, Walker, The Speaker.

ABSENT - Allen, Brewer, Hichborn, Jackson, Larrivee, Luther, Ridley, Rolde, Simpson, Skoglund.
Yes, 52; No, 89; Absent, 10; Paired, 0; Excused, 0.

52 having voted in the affirmative and 89 in the negative with 10 being absent, the motion did not prevail.

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

PASSED TO BE ENACTED

An Act Making It Illegal to Possess Lobsters Caught Illegally (H.P. 693) (L.D. 945) (S. "A" S-261)

An Act to Amend the Budget to Fund a Position in the Department of Environmental Protection to Review Hydropower Applications (H.P. 748) (L.D. 1052) (C. "A" H-505)

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.

PASSED TO BE ENACTED

An Act to Amend the Laws Relating to Sex Offenses (H.P. 763) (L.D. 1067) (C. "A" H-503)

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

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

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: Before we enact this bill, I have been asked to make a short statement for the Record. As most of you know, the Judiciary Committee has considered about 160 bills and about 97 percent of those were unanimous committee reports. The problem with unanimous committee reports is that it gets very little debate and very little explanation. It was the request of several of the groups that appeared before our committee that I make a brief statement to explain the importance of L.D. 1067 to our criminal law process.

This bill, as finalized, makes a number of both substantive and non-substantive modifications for the Maine Criminal Code relating to sex crimes.

The most important non-substantive modification are changes to both the name of Chapter 11 from Sex Offenses to Sexual Assaults and the name of the present crime of gross sexual misconduct, which is Title 17a, M.R.S.A. 253 to the term gross sexual assault. Each such change is designed to more accurately describe the nature of the criminal behavior included therein.

The most important substantive modifications include the elimination of the present distinction between rape, 17a, 252(1) and gross sexual misconduct accomplished by compulsion which is 17a, 253(1). Second, providing to those who are obviously, profoundly mentally disabled further protection from sexual predators.

Third, creating within the newly titled crime of gross sexual assault a new Class B crime, 17a, 252, 253 (2h) addressing parents or surrogate parents who engage in sex with their children.

Fourth, creating within the same newly titled crime, a new Class C crime, 17a, 253 (2i) addressing key mental health professionals or those who pass themselves off as such who are engaged in psychotherapy or therapy akin to psychotherapy with a patient or client engage in sex with that patient or client.

Ladies and gentlemen, the Statement of Fact, which accompanies the finalized L.D. before us accurately and in some detail speaks to all of the modifications of the Maine Criminal Code relating to sex crimes including, of course, that I have highlighted. I will not attempt to further elaborate except in one regard and that is to the elimination of the Class A crime of rape, a crime necessitating actual proof of penetration at trial in favor of a Class A crime of gross sexual assault necessitating proof of direct physical contact only.

It is worthwhile to point out that the representatives of the entity most directly involved in dealing day to day with sex crimes namely victim advocates and prosecutors expressed to our Judiciary

Committee their approval of this new change because the victims would no longer be required to give testimony on the fact of penetration.

This bill that we are about to enact is a major step forward for the State of Maine in addressing this ugly aspect of sexual crime. The Maine Rape Coalition, and in particular Peg Ricker, deserves our highest praise for her diligence, both in drafting this bill and in staying with us every day that we had work session. One other person deserves also to be mentioned and that is the Assistant Attorney General, Charles Leadbetter who worked with us diligently in explaining to us how coherent the Maine Criminal Code is and explaining to us the different sections of that code and how necessary it was for us to place them in the correct context. District Attorney Janet Mills representing the prosecutors worked very hard with us also and deserves our respect and our praise.

I urge that we enact this legislation.

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

PASSED TO BE ENACTED

An Act to Enhance the Status of Vocational-technical Education in Maine (H.P. 815) (L.D. 1127) (C. "A" H-507)

An Act to Strengthen Criminal Drug Laws in the State by Allowing Forfeiture of Firearms and Other Dangerous Weapons (H.P. 826) (L.D. 1158) (C. "A" H-336 and S. "A" S-258)

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

ENACTOR

Later Today Assigned

An Act Regarding Minimum Lot Sizes and Other Municipal Regulations Concerning Mobile Home Parks (H.P. 866) (L.D. 1205) (S. "A" S-280 to C. "A" H-510)

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

On motion of Representative Priest of Brunswick, tabled pending passage to be enacted and later today assigned.

PASSED TO BE ENACTED

An Act Concerning Substance Abuse Treatment for Probationers (H.P. 1153) (L.D. 1607) (C. "A" H-513)

An Act to Amend the Lobster and Crab Fishing License Law (H.P. 1215) (L.D. 1687) (S. "A" S-278 to C. "A" H-459)

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

FINALLY PASSED

Resolve, Authorizing the Director of the Bureau of Public Lands to Convey Certain State Property Within the City of Biddeford (S.P. 617) (L.D. 1712) (C. "A" S-284)

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

**ORDERS OF THE DAY
UNFINISHED BUSINESS**

The following matters, in the consideration of which the House was engaged at the time of

adjournment 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 Increase the Penalty for Destruction of Law Enforcement Canines (H.P. 1092) (L.D. 1525) (C. "A" H-487)

TABLED - June 15, 1989 (Till Later Today) by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

On motion of Representative Paradis of Augusta, under suspension of the rules, the House reconsidered its action whereby L.D. 1525 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-487) was adopted.

The same Representative offered House Amendment "A" (H-570) to Committee Amendment "A" (H-487) and moved its adoption.

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

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

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

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

An Act to Establish the Bureau of Juvenile Corrections (H.P. 1147) (L.D. 1590) (C. "A" H-496)

TABLED - June 15, 1989 (Till Later Today) by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

On motion of Representative Melendy of Rockland, under suspension of the rules, the House reconsidered its action whereby L.D. 1590 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-496) was adopted.

The same Representative offered House Amendment "A" (H-569) to Committee Amendment "A" (H-496) and moved its adoption.

House Amendment "A" (H-569) to Committee Amendment "A" (H-496) 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.

At this point, the Speaker announced that the Bill Held on the calendar was released to the other body.

The Chair laid before the House the following matter: RESOLUTION, Proposing an Amendment to the Constitution of Maine to Commit State Support of Affordable Housing (H.P. 1255) (L.D. 1754) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Gwadosky of Fairfield, under suspension of the rules, the House

reconsidered its action whereby L.D. 1754 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-537) and moved its adoption.

House Amendment "A" was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: This amendment adds a fiscal note to this Constitutional Amendment.

Subsequently, House Amendment "A" was adopted.

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

(Off Record Remarks)

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

Representative Paradis of Frenchville was granted unanimous consent to address the House:

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: I want to be on the Record changing my Roll Call vote on L.D. 994 when I inadvertently voted no when I meant yes.

(At Ease)

The House was called to order by the Speaker.

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

CONSENT CALENDAR

First Day

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

(S.P. 540) (L.D. 1475) Bill "An Act to Implement, Administer and Enforce the United States Emergency Planning and Community Right-to-Know Act of 1986" (EMERGENCY) Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-307)

Under suspension of the rules, Consent Calendar Second Day notification was given, the Senate Paper was passed to be engrossed as amended in concurrence.

(H.P. 123) (L.D. 160) Bill "An Act to Make Supplemental Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1990 and June 30, 1991" (EMERGENCY) Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-577)

On motion of Representative Carter of Winslow, was removed from Consent Calendar, First Day.

Report was read and accepted, the Bill read once, Committee Amendment "A" (H-577) was read by the Clerk.

Representative Carter of Winslow offered House Amendment "A" (H-591) to Committee Amendment "A" (H-577) and moved its adoption.

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

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

Representative MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will vote not to accept Committee Amendment "A." Committee Amendment "A" is an exact copy of a bill that was heard in the Transportation Committee I believe either on Monday or Tuesday. It received a unanimous "Ought Not to Pass" Report which has already been accepted by this House. I think if you will notice, the fiscal note will be \$100,000 out of the Highway Fund which can only come from something like the paving accounts or things of that nature. I hope you will not vote for this.

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

Representative CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I beg to differ with my good friend from South Portland. This amendment is not identical to the one that was submitted to the Committee on Transportation. It is quite different.

I would like to relate to this House what has occurred and has happened to me that has really shook me up. I am sure that if many of you in this chamber stops and think, you will realize that you have experienced the same thing and were not aware of what was happening. We have a very, very serious situation on I-95, very serious. Now, what I tried to do was call attention to this problem by introducing a bill that had no teeth in it, which is the one that the Committee reported out "Ought Not to Pass."

You have heard me before refer to the longitudinal ruts that exist on I-95. Unfortunately, in inclement weather, rain or snow, those longitudinal ruts change to longitudinal canals. When you get involved in one of those canals, your automobile hydroplanes. I happen to have a car that weighs over two tons and I have been driving for over 50 years and I have never experienced anything like this before. Can you imagine what happens to a person driving a Toyota or any other small compact car when they get caught in one of those canals? Let me tell you what happens. I read about it in the editorial in my local newspaper, the car invariably leaves the road, rolls over, and the person driving could be killed. It happens more often than we are aware of.

I have tried to do some research and I have to admit I didn't have much time because the bill that I introduced earlier was a bill that was allowed in by the council under late filing rules. I did have the opportunity to check with the Department of Public Safety and inquired as to how many accidents that they had on the stretch of road between Waterville and Augusta on I-95. Whenever I raised the issue, I was told that it was a problem peculiar to that section of I-95. They told me there were 177 accidents last year on that stretch of road, 177 accidents. And all this time, I have been under the impression that I-95 was the safest road in the state.

I decided to do some more research, ask more questions. I wanted to know how many accidents happened on 95 across the state last year and how many of those accidents occurred during inclement or foul weather. Well, I have got the figures, ladies and gentlemen. On the safest road in the state, 2,090 accidents last year, 2,090 accidents. And, 45 percent of those accidents took place during inclement or foul weather. 313 of them occurred on wet highways. 628 of them occurred when conditions ranged from ice, snow or slush.

I have experienced hydroplaning with my car under wet conditions and under conditions where there was slush on the road this spring. The first time it occurred, I said, "Gee whiz, my tires must be all shot or there is something wrong with the front end." With the schedule that we have been keeping on the Appropriations Committee, I don't have time to play around so the next time I was home, I drove the car to the garage and I told the mechanic to put two tires on and line this front end up. That is exactly what they did. Three days later I am coming down the same stretch of road, rain storm -- I hydroplaned again, not once, but twice. When I brought this to the attention of the Transportation Committee, one member told me, "You have got to slow down." He said, "I have been driving for over 50 years also and I have never hydroplaned." I said, "It is no wonder, the vehicle you drive weighs 50 tons." Another member told me, "You know we can't go with this because there is an enforcement problem. You know the state troopers take their lives in their own hands when they try to enforce the law under these conditions."

Ladies and gentlemen of the House, what do you think happens to the people who don't know about those conditions? The troopers know, but John Q. Public doesn't know. I didn't know, and how many of you know that it is very dangerous on I-95 when there is water or snow on it?

I have been told that if you exceed 45 miles an hour on wet pavement, your car hydroplanes. The more I talked to people, the more I find that it happens up in Houlton, it happens all along I-95. Last Saturday, a member of my committee walked in and said, "Don, it happened to me this morning. I hydroplaned coming up." It is a very, very dangerous situation but the public does not know.

The problem is, how do we tell the public? Some other members have experienced this problem so they put bills in to deal with it. They tell me that there is a pilot project scheduled for next year, they are going to put electronic signs on I-95 from Newport to Augusta so that the Commissioner can control the traffic during times of inclement weather -- next year. How many lives are we going to lose before that takes place?

They have an electronic sign in Freeport, it was put there for this purpose. It is the only place on I-95 that they have such a sign, such a warning to the motorist. The Commissioner already has the power to lower the speed limit. I asked the Commissioner what can we do to deal with this situation? He said, "I don't know, let me think about it." Well, one week went by and I went in to see the Commissioner and said, "How are we doing?" He said, "I am still thinking." Two weeks go by and I asked him, "Gee, I haven't got the answer yet."

The answer, ladies and gentlemen, is in this amendment. This requires that the Commissioner will determine by rules and regulations what inclement weather is and then the speed limit will be lowered to 45 miles an hour whenever he determines that it is proper for safety reasons.

I would think that the prime purpose of a Transportation Committee would be safety first. This amendment is safety.

I hate to be responsible for somebody losing his life on I-95 because this legislature did not do its job. We have to warn our fellow citizens that I-95 is very dangerous especially with those longitudinal ruts that exist from Kittery to Fort Kent during rain or snow storms. I would hope, ladies and gentlemen, that you would join me in voting for this amendment.

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

Representative MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: If this amendment is different than the bill, I apologize because it is very, very similar, let me put it that way.

I guess the whole thing is Mr. Carter has said he has driven these roads 40 and 50 years and so have I. At this point in my life, I have never hydroplaned that I know of.

I just feel that if we have to pass a law that tells people to slow down when the weather is bad, I think we are saying that the people of this state are not very intelligent people. I think every one of us here, if it is raining, if it is snowing, if the roads are bad, I think we automatically slow down.

The gentleman from Waterville talked about a condition that exists between Augusta and Waterville, I believe it is in the Sidney area, but the Bill doesn't say the Sidney area, the Bill is the whole length of I-95. At the present time on the Turnpike, I am sure you have all seen the signs that say, in inclement weather when the sign is lit, you drive a certain speed limit, whatever it is. I am not quite sure what it is.

Another thing is, I am not a lawyer but I think as far as enforcement goes, if you put a sign up out there that says 45 miles an hour, you already have a sign up there that says 65 miles an hour, which sign do you enforce, the 65 or the 45? I think that could be a great problem and I don't understand how the police or whoever is going to administer this law can handle that.

Another thing, I am not quite sure if the Commissioner of Transportation can give us a definition of inclement weather that would satisfy the needs of this particular bill.

I would hope you would vote against the amendment.

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

Representative STROUT: Mr. Speaker, Men and Women of the House: I rise today to assist my good friend from South Portland, Representative Macomber, and try to tell you why I would urge you to vote no on this today, the same way as I voted two days ago in committee reporting this out "Ought Not to Pass." I realize that there is probably some situations on that interstate that does create some problems. I voted the other day and the reason I did is because I don't think that this is the right way to go right now. We put together another bill earlier in the session for a pilot project to be implemented in Newport next year, that is what the committee agreed on.

To come in at this late stage with this tied to the budget, I think, is wrong. That was my problem Wednesday, it is still my problem today and hopefully, as we look at this more in the future, maybe we can correct it. I think at this late stage in the 114th session, it would not really make sense for us to put an amendment of this type on to tie up another \$100,000 that we might be able to use on something else.

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

Representative BAILEY: Mr. Speaker, Ladies and Gentlemen of the House: Just a couple of points I would like to make. I am sure that without any discussion here on my part that hydroplaning can be a problem on wet highways and hydroplaning increases with speed. So, there can be problems out on the interstate highways or out on U.S. Route 2, whatever,

as the rain increases, the hydroplaning can increase as you increase your speed.

One point I would like to make -- the 2,090 accidents -- that figure in itself is a statistic which doesn't have a lot of meaning unless you compare it to one millions miles of vehicle miles traveled to find out what the actual accident rate is.

The other problem that I had with it is the 45 miles per hour -- how this is going to be enforced out there on the highway because it is going to be up to each individual officer what inclement weather is. As you can see with the fiscal note, there is considerable cost attached to this bill. I would urge you to vote against this.

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

Representative DUFFY: Mr. Speaker, Ladies and Gentlemen of the House: I would ask you to support this amendment. Last Saturday, I drove up from here to Bangor and it was raining very hard. I couldn't understand, when I kept getting into a certain spot in the road that I was hydroplaning and then it dawned on me that those were the canals that Representative Carter just talked about. I spent more time trying to keep out of those trenches and to keep from sliding and I could only do 45 and I was still hydroplaning. There should have been some notice to the people on the road that this was indeed was a dangerous situation. I ask you to support the amendment.

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

Representative HALE: Mr. Speaker, Ladies and Gentlemen of the House: The Transportation Committee does realize that a problem exists. There are speed limit signs there telling people on 95 that with certain roads conditions to slow down to 45 miles an hour. As the other Representatives have presented to you, there is a study going on. There is money allocated for that and the flashing signs will be installed if the study warrants it. The Department of Transportation has assured us that this will be done.

The concern that the committee had was that the study wasn't completed, we did not have enough man power to enforce it. I didn't even know what hydroplaning was -- but because of the unanimous "Ought Not to Pass" and in order to give the Transportation Department an opportunity to complete their study, we are asking you to vote against this amendment and ask the people in your districts to read the speed limit signs and slow down.

The SPEAKER: The Chair recognizes the Representative from Eliot, Representative McPherson.

Representative MCPHERSON: Mr. Speaker, Ladies and Gentlemen of the House: Wouldn't we really be better off if there was a problem between here and Waterville to take the \$100,000 and put it into pavement to correct the situation there? That seems to be the worst place. I drive from here to Kittery every week and I really don't have a problem and I drive a small car.

The good gentleman from Winslow himself said before the Transportation Committee that it would be practically impossible to enforce this law.

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

The SPEAKER: The Chair recognizes the Representative from Princeton, Representative Moholland.

Representative MOHOLLAND: Mr. Speaker, Ladies and Gentlemen of the House: That stretch between Bangor and Waterville is about the only section where there are a few ruts. If you drive your pickup or

car around 60 miles an hour, 65 miles an hour, it only weighs about eight or ten pounds. The only thing that causes hydroplaning is speed. You can take a tractor trailer and come up through there 70 miles and hour and your tractor trailer will hydroplane. It depends on how hard it is raining and how much water is on the ground.

We have gone through the committee with other bills and I don't see any reason why we should pass this bill today.

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

Representative CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I sit here in my seat in utter amazement. A Transportation Committee whose first objective should be safety on the highways, safety ladies and gentlemen -- I-95 is supposed to be the most safest road constructed in this country. You have heard the committee members tell you that they agree there are ruts in the road, ruts that hold water, ruts that run from Kittery to Fort Kent, tailor made for an accident.

You know I wish I had duplicated the copy of the editorial written by a reporter in Waterville, Maine who was driving down to Augusta in his Toyota going about 50 miles an hour, he left the median strip hydroplaning, rolled over his car, totaled it and the article reads that he was quite addled trying to unbuckle himself from his seat belt, he was trapped in upside down in his car. He said it was quite an experience. That man was very lucky. But, how do we know when an aged person, an aged woman, you read the newspapers all the time, they lose control of their car, they don't know what caused it. The first thing you think is "Gee, I must have dozed off or I am not paying attention or it has got to be my fault, it can't be the road, the roads are not built to do those things. They are supposed to be safe." If you exceed 45 miles an hour, you will hydroplane, I am told. I am not an engineer, I am not a safety expert, I just try to use a little common sense.

We should do our utmost to warn our fellow citizens, which is who I am speaking for, not a fellow committee member, but John Q. Public who is not aware of these conditions. The state troopers know but did you people know before I brought it up? That is just the way John Q. Public reacts when you bring it to their attention. They don't know the potential danger. If you have the common sense to slow down, do you think that that big rig that weighs 50,000 tons is going to slow down? They fly right by you and blow you off the road. This is common sense legislation, first line of defense, safety first and we should all support it. I hope you will join me.

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

Representative MARTIN: Mr. Speaker, Men and Women of the House: I happen to drive the same model car and same year as Representative Carter does and I drive from here to Van Buren at least once every two weeks. I do get caught in snowstorms, slush, mud and everything else, you name it. There is no I-95 north of Houlton. I have to dodge the trucks, try to pass cars when I can, but even if the speed limit says 65 and you can only go 35, you go 35, and you don't need anybody to tell you that.

I resent being told that the Transportation Committee is not concerned with safety. I also resent the fact that trying to attach \$100,000 to our highway budget which is just barely making it at this late date in the session. I also wonder why we should have a public hearing at this late date in the session and if the sponsor of the bill doesn't get his way in committee, he can present an amendment and

pass it on the floor of the House. I ask you to please vote to indefinitely postpone this amendment.

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

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

I would like to know what kind of signs would be erected, the regular metal signs or the flashing light type?

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

The Chair recognizes the Representative from Winslow, Representative Carter.

Representative CARTER: Mr. Speaker, Ladies and Gentlemen of the House: To answer the question, as far as I am told, the signs will be the same type that you have that states 65 miles an hour except that this one would say 45 miles an hour in inclement weather. It is up to the commissioner to determine by rules and regulations what inclement weather is and notify the public.

The SPEAKER: The Chair recognizes the Representative from Princeton, Representative Moholland.

Representative MOHOLLAND: Mr. Speaker, Ladies and Gentlemen of the House: My good friend, Representative Carter, is talking about hydroplaning on I-95, the road from Portland to 95, all the way to Augusta or Gardiner, is nothing but cement. You can hydroplane on that too if you have a half an inch of rain and you are going 60 and 65 miles an hour. You do the same on any alternate route. So, it is not a matter of too many ruts, it is a matter of speed and a little bit of knowledge. I, too, drive that road from here to Princeton, Maine very week and I do hydroplane because sometimes I am going a little too fast. Sometimes I get a little dopey and start to go to sleep but I am telling you today, the only thing that can make you hydroplane is speed and water. I hope you do away with this bill.

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

A vote of the House was taken.

Representative Carter of Winslow requested a roll call vote.

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

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

The SPEAKER: The pending question before the House is the motion of Representative McPherson of Eliot that House Amendment "A" to Committee Amendment be indefinitely postponed.

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 Representative Clark of Millinocket. If he were present and voting, he would be voting yea; I would be voting nay.

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

ROLL CALL NO. 96

YEA - Aikman, Anthony, Ault, Bailey, Begley, Bell, Butland, Carroll, J.; Constantine, Curran, Daggett, Dellert, Dipietro, Donald, Farnsworth, Farnum, Farren, Foster, Garland, Graham, Greenlaw, Gurney, Hale, Hastings, Heeschen, Hepburn, Hussey, Hutchins, Kilkelly, Larrivee, Lebowitz, Libby, Look, MacBride, Macomber, Manning, Marsano, Marsh, Marston, Martin, H.; McKeen, McPherson, Merrill, Mitchell, Moholland, Murphy, Nadeau, G. R.; Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, E.; Parent, Paul, Pederson, Pendleton, Pines, Plourde, Priest, Reed, Richards, Seavey, Sheltra, Sherburne, Small, Smith, Stevens, A.; Stevens, P.; Stevenson, Strout, B.; Strout, D.; Tamaro, Telow, Townsend, Tracy, Tupper, Walker, Webster, M.; Wentworth, Whitcomb.

NAY - Adams, Aliberti, Allen, Boutilier, Burke, Cahill, M.; Carroll, D.; Carter, Cashman, Cathcart, Chonko, Clark, M.; Conley, Cote, Dore, Duffy, Dutremble, L.; Erwin, P.; Foss, Gwadosky, Handy, Hickey, Higgins, Hoglund, Holt, Jacques, Jalbert, Joseph, Ketover, LaPointe, Lawrence, Lisnik, Luther, Mahany, McGowan, McHenry, McSweeney, Melendy, Michaud, Nadeau, G. G.; Paradis, J.; Paradis, P.; Pineau, Pouliot, Rand, Ridley, Rotondi, Rydeil, Swazey, Tardy.

ABSENT - Anderson, Brewer, Coles, Crowley, Dexter, Gould, R. A.; Hanley, Hichborn, Jackson, Lord, McCormick, Mills, Richard, Rolde, Ruhlin, Simpson, Skoglund, The Speaker.

PAIRED - Clark, H.; Mayo.

Yes, 81; No, 50; Absent, 18; Paired, 2; Excused, 0.

81 having voted in the affirmative and 50 in the negative with 18 being absent and 2 paired, the motion did prevail.

On motion of Representative Gwadosky of Fairfield, tabled pending adoption of Committee Amendment "A" and later today assigned.

(H.P. 315) (L.D. 429) Bill "An Act Regarding State Forest Practice Laws" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-573)

On motion of Representative Michaud of East Millinocket, was removed from Consent Calendar, First Day.

On further motion of the same Representative, was committed to the Committee on Taxation.

(H.P. 1060) (L.D. 1482) Bill "An Act to Prohibit Dumping Waste on Sebago Lake" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-574)

Under suspension of the rules, Consent Calendar Second Day notification was given, the House Paper was passed to be engrossed as amended and sent up for concurrence.

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

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative PRIEST from the Committee on Legal Affairs on Bill "An Act to Amend the Laws Governing the Purchase of Liquor from Agency Liquor Stores" (H.P. 1239) (L.D. 1731) reporting "Ought Not to Pass"

Representative HIGGINS from the Committee on Appropriations and Financial Affairs on Bill "An Act to Issue a General Fund Bond Issue in the Amount of \$5,000,000 to Fund a Property Tax Deferral Revolving

Fund for Elderly Persons" (H.P. 879) (L.D. 1222) reporting "Ought Not to Pass"

Representative CARROLL from the Committee on Appropriations and Financial Affairs on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$6,000,000 for the Development and Implementation of Solid Waste Site Acquisition" (H.P. 854) (L.D. 1186) reporting "Ought Not to Pass"

Representative HIGGINS from the Committee on Appropriations and Financial Affairs on Bill "An Act to Fund Asbestos Removal in State Facilities and Public Schools" (H.P. 551) (L.D. 748) reporting "Ought Not to Pass"

Representative FOSS from the Committee on Appropriations and Financial Affairs on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$25,000,000 to Protect Ground Water Quality and Public Health through the Cleanup and Closure of Municipal and Abandoned Solid Waste Landfills" (H.P. 493) (L.D. 673) reporting "Ought Not to Pass"

Representative FOSS from the Committee on Appropriations and Financial Affairs on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 for Municipal Service Piers" (H.P. 1020) (L.D. 1421) reporting "Ought Not to Pass"

Representative CARROLL from the Committee on Appropriations and Financial Affairs on Bill "An Act to Authorize a Bond Issue in the Amount of \$5,000,000 to Provide Funds for the Development of Affordable Housing" (H.P. 1204) (L.D. 1674) reporting "Ought Not to Pass"

Representative CHONKO from the Committee on Appropriations and Financial Affairs on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$1,000,000 for a Low-interest Loan Program for Sewerage System Access or Septic System Replacement" (H.P. 1049) (L.D. 1460) reporting "Ought Not to Pass"

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

The following items appearing on Supplement No. 5 were taken up out of order by unanimous consent:

CONSENT CALENDAR

First Day

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

(H.P. 952) (L.D. 1320) Bill "An Act to Create a State Fund to Provide Workers' Compensation Insurance Coverage to Employers" Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (H-578)

(H.P. 59) (L.D. 80) Bill "An Act Concerning Boating and Other Water-based Activities" Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-579)

(H.P. 1231) (L.D. 1716) Bill "An Act Relating to Transportation of Hazardous Materials by Railroad" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-580)

(H.P. 735) (L.D. 1012) Resolve, to Establish the Commission to Study Foreign Ownership and Investment in Maine Land and Business Committee on Housing and Economic Development reporting "Ought to Pass" as amended by Committee Amendment "A" (H-582)

(H.P. 1126) (L.D. 1569) Bill "An Act Concerning the Teaching of Cosmetology" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-583)

Under suspension of the rules, Consent Calendar Second Day notification was given, the House Papers

were passed to be engrossed as amended and sent up for concurrence.

The following items appearing on Supplement No. 6 were taken up out of order by unanimous consent:

CONSENT CALENDAR

First Day

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

(H.P. 905) (L.D. 1262) Bill "An Act to Revise the Medical Examiner Act" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-584)

(H.P. 1136) (L.D. 1579) Bill "An Act Regarding the Training Costs of Police Officers" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-585)

(H.P. 1176) (L.D. 1630) Bill "An Act to Strengthen an Injured Employee's Right to Rehabilitation and to Improve the Workers' Compensation Rehabilitation System" Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-586)

(H.P. 927) (L.D. 1293) Bill "An Act to Amend the Municipal Limit for School Debt" (EMERGENCY) Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-587)

(H.P. 1144) (L.D. 1587) Bill "An Act to Establish Greater Communication in the Rule-making Process and to Provide Better Standards for the Adoption of Rules" (EMERGENCY) Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-588)

Under suspension of the rules, Consent Calendar Second Day notification was given, the House Papers were passed to be engrossed as amended and sent up for concurrence.

The following items appearing on Supplement No. 8 were taken up out of order by unanimous consent:

CONSENT CALENDAR

First Day

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

(S.P. 84) (L.D. 84) Bill "An Act to Amend the Laws Governing the Operation of a Watercraft While Under the Influence" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-309)

(S.P. 462) (L.D. 1247) Bill "An Act to Expand the Maine Job Training Partnership Program" Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (S-310)

(S.P. 460) (L.D. 1245) Bill "An Act to Amend Commercial Driver License Laws" Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-311)

(S.P. 643) (L.D. 1735) Bill "An Act to Amend the Teacher Retirement System Laws to Allow Contributions for Associates in Education" (EMERGENCY) Committee on Aging, Retirement and Veterans reporting "Ought to Pass" as amended by Committee Amendment "A" (S-312)

(S.P. 649) (L.D. 1744) Bill "An Act Concerning the Public Utilities Commission" Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (S-313)

(S.P. 382) (L.D. 1018) Bill "An Act to Provide a Special Adjustment for Hospitals Having Unusually Low Financial Requirements per Case" (EMERGENCY)

Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-317)

Under suspension of the rules, Second Day Consent Calendar notification was given, the Senate Papers were passed to be engrossed as amended in concurrence.

The following item appearing on Supplement No. 11 was taken up out of order by unanimous consent:

PAPER FROM THE SENATE

Ought to Pass as Amended

Report of the Committee on Judiciary reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-276) on Bill "An Act to Protect Maine Workers from Needless Injury and Death by Creating the Offenses of Work-related Manslaughter and Work-related Aggravated Assault" (S.P. 508) (L.D. 1396)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-276) as amended by Senate Amendment "A" (S-318) thereto.

Report was read and accepted, the Bill read once. Committee Amendment "A" (S-276) was read by the Clerk.

Senate Amendment "A" (S-318) to Committee Amendment "A" (S-276) was read by the Clerk and adopted.

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

Under suspension of the rules, the Bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" as amended by Senate Amendment "A" thereto in concurrence.

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

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

The Chair laid before the House the following matter: Majority Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-563) on Bill "An Act to Establish Occupational Health and Safety Standards for Operators of Video Display Terminals" (H.P. 481) and (L.D. 661) Minority Report reporting "Ought Not to Pass on the same bill which was tabled earlier in the day and later today assigned pending acceptance of either report.

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

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

I know that you have heard a lot about this bill, the VDT, which is the video display terminal. There has been a lot of lobbying in the halls, there has been a lot of work in the Labor Committee.

What you have before you today is not the bill itself, it is not what has been discussed in the hallways. It is the amended version which is on your desk today and the amended version is under Filing 563.

I would like to tell you what that bill does. The amendment presented to you today is the result of many hours of work. It addresses the concerns of workers without placing great burden on the employers. I think it is important to explain what this bill does and what it doesn't do because it is very different from the original bill.

First, the amendment has taken out all mandatory standards requiring employers to provide specific kinds of lighting features and computer equipment, which could be very costly. It will also affect very few employers by applying only to those with 25 or more terminals. So, it will exempt all small businesses and, as a matter of fact, many large businesses.

The amended version also extends eligibility only to those employees who work long extended hours at the VDT's which is the video display terminals which are used on computers. We are not talking about the average secretary who answers the phone, does filing or other kinds of tasks during the day. We are talking about workers who spend more than four consecutive hours a day, every day, at the video display terminals.

The amended bill also, as I said before, cuts out the mandatory work station standard. All it does is set guidelines to help employers reduce lighting and glare problems and it provides employees the option, the option ladies and gentlemen, not a requirement, of having an adjustable chair. The amendment also gives the employee the option, again the option, to take leave from work once a year for an eye examination. The employer is not the one that is going to pay, it is the employee who is going to pay for that eye examination.

Finally, the bill guarantees annual examination and training for the employee on the proper use of the VDT's. The majority believes this is a common sense, practical, small step. It makes sense to make the investment now with this bill rather than later with Workers' Compensation Ladies and gentlemen, that is the bottom line with this bill. It is to prevent, prevent Workers' Compensation cases in the future.

If you, ladies and gentlemen, do not believe that there will be cases before the Workers' Compensation, you are dreaming. I remember full-well when I first started in the legislature 17 years ago in the Labor Committee, we had a bill to try to address the problem of asbestosis. The committee and the majority of the Representatives and Senators turned that down. Why? Because they claimed scientifically you cannot prove that there is a problem. But, ladies and gentlemen, you all know -- I am sure that you know, back in the '40's, the big industries knew that cancer was hazardous, it was harmful to the health of the people of the State of Maine and the people throughout the nation, but by hook or by crook, they had us and they refused to pay for the rightful responsibility that they have to pay. Put it off, put it off, put it off -- well, ladies and gentlemen, they have put it off and it is part of the problem that this state has today. We have to pay for those problems that we have had in the past. So, let's address this problem today. Let's not wait five years down the road and say, "Oh yes, it is a problem." Those people are having problems with their nerves, they are having problems with their eyes, their backs -- let's address it right now for our employers as well as our employees. It is a bill to educate and to try to prevent. We have taken a lot of teeth out of it but it is one step, a very small step, but a positive step.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Cumberland, Representative Butland.

Representative BUTLAND: Mr. Speaker, Ladies and Gentlemen of the House: L.D. 661 received more interest than any other piece of legislation before the Labor Committee. On that, Representative McHenry is right. These two folders here represent the body

of both oral and written testimony received. At no time was there conclusive evidence that tied the use of VDT's to any injury or condition. L.D. 661 is premature and overly inclusive and should not be enacted. It places the cart before the horse. It provides a solution to a problem that has yet to be identified or quantified. I believe that it will have a chilling effect on our ability to attract clean, well-paying jobs to the State of Maine. No other state in the Union has enacted such legislation.

My opposition to L.D. 661 is not simply a knee jerk reaction to yet another invasion on Maine's businessmen and women. I would not be speaking against this measure today if there were any doubt in my mind.

When I am not involved with this legislature, I work for a sporting goods company in Freeport, Maine. I have worked for this company for almost five years with the majority of that time being spent utilizing a VDT. I use it on a continuous daily basis. In the off-season, that represents about six or seven hours per day and during our peak season, nine to ten hours daily. I have never suffered any ill effects, headaches or any degradation of vision during that period.

The concerns with VDT's reminds me of the flap created by the introduction of the television many years ago. You must remember that a VDT is really a cathode-ray tube, much like the Speaker has to his right. That is the same type of tube that is in your television at home for your picture tube. Being a baby boomer, mine was the first generation to grow up with TV as a consistent, but not constant companion, and I can still remember my mother yelling at me to get out from the front of the TV. She would then list of a litany of purported dangers associated with TV usage, all of which have proved to be unfounded. Therefore, I would urge you to vote against the pending motion so that we may vote for the "Ought Not to Pass" Report.

Mr. Speaker, I respectfully request a roll call.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Brewer, Representative Ruhlin.

Representative RUHLIN: Mr. Speaker, Ladies and Gentlemen of the House: I want to point out a couple of things and correct what may have been a misunderstanding. First of all, the Labor Committee did identify, (I did) -- we asked somebody over at the Workers' Compensation system to check through their files and we did identify some Worker Compensation cases which we felt were directly related to VDT use.

What I really want to point out to you is a piece of information. Most states throughout the nation, like Maine, do not have a code in the Workers' Compensation system so you can identify that injury. The state of Ohio that does have a code and, once they started putting that code in, the carpal tunnel syndrome, which is one of the injuries which could result to the wrist from over-use or repetitive use of the VDT, they found that with the use of VDT's, that injury to the body increased 81 percent. Now, if you feel there is not relation between VDT use and carpal tunnel syndrome, which is a very difficult injury to get over, then I think maybe 81 percent doesn't mean that much. Certainly, when you look at 81 percent and VDT use, you really have to look at the connection, it is causative.

The second thing I want to say -- we worked two years ago, we are still working this year to try to correct very persistent problems in the Workers' Compensation system. Yet, here we are complaining that the system is costing too much, we don't get enough benefits from it and we are allowing something

to happen right under our noses, right under our noses, that, on a long-term basis, could have catastrophic effects on the Workers' Compensation system. If you allow a worker to make themselves vulnerable to the carpal tunnel syndrome and it shows up in ten years down the road and all of a sudden because we didn't have a law on the books that required us to keep track of that over-use of the VDT's, then we are hit with a Workers' Compensation problem that is going to make the problems of the past very, very minor. You know that those have been anything but minor.

I ask you to take into consideration when you vote today the effects that unregulated, unsupervised use of VDT's may very well have on our Workers' Compensation system in the future.

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

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

It was stated that there were no mandatory requirements in this amendment. I am referring to what in the printed calendar is Amendment (H-563). I would ask if it is known if in fact that is the amendment that is being voted on here today because that seems to have some definite requirements?

The SPEAKER PRO TEM: Representative Hastings from Fryeburg has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Madawaska, Representative McHenry.

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I said that there was no mandatory requirements as far as the lighting and equipment, the terminals.

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

Representative CONLEY: Mr. Speaker, Men and Women of the House: In listening to the Representative from Cumberland, Representative Butland, I got kind of a charge out of listening to his explanation about watching TV. What he forgot to tell you is that when he was watching TV, he was sitting there with a big bowl of popcorn in front of him and probably laying on the couch not even paying much attention to what was going on. That is a little bit different than the person who sits in front of a VDT all day long typing away and working in a very crunched position. That person, who suffers very frequently from the type of disease that Representative Ruhlin is talking about, carpal tunnel syndrome, which is irreversible and very often involves an operation of the wrists or arms of that employee. That, my good friends, is much different than watching TV. I don't think people should be confused by that.

Basically what you are being asked to do here is to do something for the people who really represent in many ways, the modern day sweatshop employees. I don't mean that in a derogatory way, I just mean that what they do is very repetitive, very difficult, and does cause a great deal of damage to the body. I would ask you to go along with the Majority Report.

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

Representative ANTHONY: Mr. Speaker, I wish to pose a question through the Chair.

My question is to members of the Majority Report. I recognize that there are increased health problems of people who work repetitively at VDT's and I recognize that there are various suggestions that were made. I am wondering what sort of professional evidence or testimony was presented that, giving the

15 minute breaks and the other things, would in fact alleviate or reduce the incidence of either carpal tunnel syndrome or eye problems at an early age? What evidence is there to make that causal connection? I just plead ignorance on this one.

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

The Chair recognizes the Representative from Portland, Representative Rand.

Representative RAND: Mr. Speaker, Men and Women of the House: One of the problems that we have and probably why all other states do not have legislation on the books is that we cannot present a lot of real well thought out or well worked out evidence, we just know -- similar to the asbestosis problems of the '40's. We just know that repetitive action, motion of the hands, if the machines are used improperly, these will indeed cause disorders.

As far as the vision, which I believe the Representative is interested in and that was his question, the only thing that I have on that is that a study was done at the University of Berkley in California in 1988 and it found that VDT operators in their 20's and 30's suffer vision problems and complaints, not commonly developed until after the age of 40. One of the recommendations was that a periodic rest break be given the eyes to possibly help alleviate this problem.

I would like to note also at this time that our own state employees are given a 30 minute rest period from VDT work. They are given alternative work every two hours. We compromised and negotiated down to the 15 minute break. This bill actually is a mechanism by which we can set some minimal standards and we are hopeful that after (I believe this is the 3rd attempt) that we will be able to get this legislation passed. It is an educational tool to be used if VDT's are used properly. If the operators know how to use them properly and if some small consideration is given to the employees, the operators, when it comes to glare on the screens and their ability to use good body mechanics when they are operating and doing their jobs, then we are going to be preventing a lot of the injuries that people want statistics on right now that we just don't have.

We have to remember that this type of industry is fast growing, particularly in the State of Maine, the banking industry, the University System, almost all of our businesses are getting into the heavy use of VDT's. I would really hope that this body will pass this legislation.

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

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Limestone, Representative Pines.

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

Is there a fiscal note on this for the data collection?

The SPEAKER PRO TEM: There is a fiscal note on the bill.

The Chair recognizes the Representative from Limestone, Representative Pines.

Representative PINES: Mr. Speaker, Could we have the amount please?

Committee Amendment "A" was read by the Clerk. (fiscal note included therein)

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is the motion of Representative McHenry of Madawaska that the House accept the Majority "Ought to Pass" Report.

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

Representative STROUT: Mr. Speaker, pursuant to House Rule 7, I wish to pair my vote with Representative Clark of Millinocket. If he were and present and voting, he would be voting yea; and I would be voting nay.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative MARTIN: Mr. Speaker, I wish to be recorded as voting yea.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is the motion of Representative McHenry of Madawaska that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 97

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

NAY - Aikman, Anderson, Ault, Bailey, Begley, Butland, Carroll, J.; Curran, Dexter, Donald, Farnum, Farren, Foss, Foster, Garland, Greenlaw, Hastings, Hepburn, Higgins, Hutchins, Lebowitz, Libby, Look, MacBride, Marsano, Marsh, McCormick, McPherson, Merrill, Moholland, Paradis, E.; Paradis, J.; Parent, Pendleton, Reed, Richards, Seavey, Sherburne, Small, Stevens, A.; Stevenson, Strout, B.; Tammara, Telow, Webster, M.; Wentworth, Whitcomb.

ABSENT - Brewer, Hanley, Hichborn, Jackson, Richard, Rolde, Skoglund.

PAIRED - Clark, H.; Strout, D..
Yes, 95; No, 47; Absent, 7; Paired, 2; Excused, 0.

95 having voted in the affirmative, 47 in the negative, with 7 being absent and 2 having paired, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (H-563) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read the second time, passed to be engrossed as amended and sent up for concurrence.

The following item appearing on Supplement No. 4 was taken up out of order by unanimous consent:

REPORTS OF COMMITTEES
Divided Report

Majority Report of the Committee on Energy and Natural Resources reporting "Ought to Pass" as

amended by Committee Amendment "A" (H-571) on Bill "An Act to Strengthen Land Use Management in Maine's Unorganized Territories" (EMERGENCY) (H.P. 183) (L.D. 248)

Signed:
 Senators: KANY of Kennebec
 LUDWIG of Aroostook
 ERWIN of Oxford
 Representatives: MITCHELL of Freeport
 SIMPSON of Casco
 HOGlund of Portland
 JACQUES of Waterville
 COLES of Harpswell
 MICHAUD of East Millinocket

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-572) on same Bill.

Signed:
 Representatives: DEXTER of Kingfield
 LORD of Waterboro
 GOULD of Greenville
 ANDERSON of Woodland

Reports were read.

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

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

Representative DEXTER: Mr. Speaker, Ladies and Gentlemen of the House: One way to confuse an old man is haul him right out of a hearing and come back to a desk looking like this.

I would hope that you would vote against this Majority Report. What we would do with that is to throw out the baby and keep the bath water. I cannot believe that we would do something like this. What you are trying to tell the people in this Majority Report is that more work is less work.

What we are trying to do is to keep land in forest areas, thereby, with 40 acres a person would tend not to subdivide but if you are going to put me through all the hoops of Site Location and Review and so forth, that hundred acres I have up there, instead of selling two lots off that, I am going to divide that 20 times. So, I am going to have to spend that money anyway so I might as well go ahead and do it.

I am going to sit down and collect my thoughts, it has been a hard afternoon and I am sure there will be somebody following me.

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

Representative GOULD: Mr. Speaker, Men and Women of the House: I would hope that you would reject the Majority "Ought to Pass" Report. The reason is simply this, the reason that this was brought up had to do with some people in Lake View Plantation. They were quite concerned about the fact that much of the land around them was being subdivided and they had absolutely no choice about it because it was being subdivided into 40 acre lots. Now Representative Dexter has told you about 40 acre lots and the reason that we have allowed the exemption but this Majority Report would actually do nothing for people in the situation that the Lake View Plantation find themselves in. All it would do is slow it down slightly. If I were a big land developing corporation, this really wouldn't bother me a great deal. So, I hope that what you will do is look over the Minority "Ought to Pass" Report and see how the Minority "Ought to Pass" Report would help the people of Lake View Plantation and anyone else who is interested in protecting their own well being and welfare.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Freeport, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, Men and Women of the House: There are a lot of subtle little issues with this bill. I think the most important issue is the issue of the fairness with which we treat our citizens. If you or I have some land and we want to subdivide it and make a little money, the chances are we would have to go to our local planning board and if it is over 20 acres and we divide it into any lots that are under 40 acres, we have to go to the DEP and get a permit. There is only one exception and that is for the large lot subdivision. The large lot subdivision, where every lot is over 40 acres and, in that particular case, you are exempt from all of the review by all of the agencies. There was a very controversial bill to sort of eliminate this large lot subdivision exemption and it was held by the Energy and Natural Resources Committee a year ago. There was a compromise bill passed, a compromise that I didn't go along with but it was nonetheless passed, and in that compromise, the Land Use Regulation Commission was asked to do a study. They did a study and found out that about 17,000 acres of Maine's land was subdivided without any review last year by five companies, five companies only. While Representative Gould will say it isn't a problem for big development companies, it will be a problem for the big development companies because they are the only ones that ever take advantage of this.

The other reason for passing this bill, I think more than any other single reason is because it will be good planning. It is an artificial division of land when you have a law that forces you to divide it a certain way in order to avoid a review.

If anyone has ever flown across the United States, after you fly across the center of the country, you look down from the airplane and you will see that all the land is divided into squares and all the squares are 160 acres and that is the way this country is divided. The bulk of the United States is in 160 acre lots because Congress passed a law in the early 1830's saying that that was the way the land was going to be divided. That is the way they gave it out and that is the way it was set up, whether or not it was based on any fact or good planning or anything else, that is the way things are. When you have a law like this, you are going to have the wildlands of Maine divided into 40 acre lots, no reason other than the fact that this law is in place, regardless of good planning and regardless of anything else. It is good planning, I know people don't like planning, but it is good planning to get rid of this particular exemption and secondly, it is imminently fair to most of the people we will represent because most of the people that we represent don't come in with a 40 acre subdivision lot. In fact, there are only five developers who have taken advantage of this particular exemption under the DEP laws. I urge you to accept the Majority Report.

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

Representative LORD: Mr. Speaker, Ladies and Gentlemen of the House: This bill will not affect the organized territories. I want you to understand that, once and for all.

Last year, we went round and round and we come up with the conclusion that in the organized territories, if the planning board wanted to do an audit, they could take on the subdivision and make sure that you did that through the process. However, we left this up in the organized territories alone.

The Minority Report would give the same authority that the organized territories have if Committee

Amendment "B" is passed. I think it is a good thing. I really believe if you want a good manageable lot for cutting timber, you have got to have sizeable acreage. Forty acres is a pretty good chunk of land but if you go ahead and take that 40 acres and put it down into 2 acre lots or 5 acre lots, it is going to be pretty hard to get anybody or a bunch of landowners to agree to do some forestry. I think this will help. I think it is going to help maintain a viable forestry industry up north if you pass Committee Amendment "B" and I would urge you to do that.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Harpswell, Representative Coles.

Representative COLES: Mr. Speaker, Ladies and Gentlemen of the House: Today, you may have noticed that the Forest Practice Act appears on your desk. That Act is called "An Act to Implement Sound Forest Practices." That Act, I believe, is an Act that finally will see long-term lasting benefits for the State of Maine. The central part of that Act or the future health of our forests and the future prosperity on the part of our economy that depends upon our forests, is to assure that our forests are managed properly. If forest land is fragmented, management difficulties increase diametrically. The 40 acre exemption promotes fragmentation of forest ownership.

In the testimony that the committee heard on this bill, considerable concern was expressed by people who owned relatively small parcels of land, a few hundred or possibly a thousand or two acres, land which they view as their retirement fund, their bank in case of family emergencies or the means by which they plan to educate their children.

The Majority Report takes those concerns fully into account and fully provides measures to ease them. It does so by saying that in any given five year period, you can sell off ten lots, up to 10 lots of 40 acres or more without any subdivision review. It goes beyond that, it says that if you give this land to your family, to any blood relative, any lot so given of any size whatsoever, is also exempt from subdivision review. That particular provision exists in the organized territories right now but it has never in the unorganized territories.

If you read the Majority Report carefully you will see that it takes great care to assure small landowners that they will be able to sell their land easily when they need to. It assures large forest landowners again because of the 10 lot exemption, that they will be able to make forest land transactions without having to go through some ridiculous subdivision review. It also assures that anyone who is in the business who has speculated on forest land, buying large parcels solely for the purpose of dividing them rapidly and selling as quickly as possible, will have to go through a subdivision review so, in the future, the people of this state and the other taxpayers in the unorganized territories will not be stuck with the burden of upgrading roads and providing fire and emergency services without any review of a few hundred lot subdivision. If any one of the organized territories suggested that a hundred, two hundred or three hundred lot subdivision should occur without review, the towns in this state would rise up in rebellion. That can happen in the organized territories and the planning board for the organized territories in fact has asked us to give them the authority to review these large subdivisions. I ask you today to help us give them that authority.

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

Representative JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: Thank you Mr. Speaker. I really appreciate the fact that you are up there on the rostrum and I have the privilege of doing your job for you this afternoon.

Originally, I had voted in a different form than I have today. One of the concerns that I had was that we would just force people to have 40 acre exemptions which some call a loophole. I want to assure you that originally when it was conceived, it was an exemption (and just that) to keep large tracts of land in large tracts of land.

My concern was that if we forced too much review that somebody would say, well, I am going to have review it. Instead of dividing it into four ten acre lots or so many five acre lots, I will just divide it into the smallest lot I can -- 40, one acre lots, get the most money I can because I am going to spend more money to have that reviewed.

Well, after we had the public hearing and the people came to testify and the Department was for it, I guess the Governor is for the bill dealing with removing the 40 acre exemption, I started thinking about things. Then I noticed with great interest that all the editorials in the State of Maine, all the editorials, the conservative papers, the liberal papers, all of them said that the committee was being, indeed, irresponsible to allow this 40 acre. They took exception with the word "exemption" and they called it a loophole to continue without the legislature taking a responsible position and dealing with this so-called loophole exemption or whatever you want to call it.

When the committee reconsidered their vote and we discussed it again, I think some of the members of the committee came up with the proposal (that was lined out for you by Representative Coles) which made an awful lot of sense to me. This still allows the people who own their land that want to be able to divide their land up for their family without paying the cost of having reviewed as a subdivision. It says that as long as you deal with less than 10 lots in five years so, if you are not in the business of speculating, that will not hurt you a bit. If you are in the business of speculating, buying large tracts of land, cutting them up and turning over a quick profit, yes this will hurt you.

I guess the bottom line, when I looked at the whole picture, and the fact that every editorial writer in all the papers (not that I put an awful lot of faith in editorial writers) agreed and rarely do you see all of them agree. We were being, indeed, irresponsible if we didn't at least look at this situation.

I think the Majority Report looked at the situation and dealt with it in what I considered to be a responsible manner. It is not the best, it is by far from the worst, it was responsible and that is why I changed my vote and signed with the Majority Report.

Mr. Speaker, I would ask for the yeas and nays.

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

Representative ANDERSON: Mr. Speaker, Men and Women of the House: Normally, our committee doesn't come out with a Divided Report. I respect the people on the other side but this is my feeling and I guess I have to say it -- this is nothing more than a way to control growth or trying to, (whether we can or not, I don't know). This is what it amounts to and, in the process of doing this, I think we are taking

away landowner rights that they have had for several years now. No matter what we do, we are still going to have growth. This is just a method of trying to stop that and, in the process, like I said, I think we are taking away individual rights.

The 40 acre lots that we are talking about and being divided doesn't necessarily mean -- it is just a line divided on a 40 acre lot if we divide up a woodlot, it doesn't mean that the trees are all going to be cut off. When you subdivide and make them lots smaller, then generally they are made for house lots so I think we should keep the exemption.

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

Representative DEXTER: Mr. Speaker, Men and Women of the House: I now have my second wind. Dig out your knives because we are about to cut some wrists here and become blood relatives, that is how we do it, that is how the Indians did it, I am part Indian and I am proud of it. That is one way to get around that.

As far as editorials go, that is just one man's opinion. Editorials are fine if they agree with you -- right? If they don't, boy, I got another name for them.

Planning -- has anybody here ever dealt with LURC? If you have 40 acres and you want to do something with that after you have made 40 acres out of it -- just try dealing with them, I think you will find there is some planning there all right -- about 6 months to a year later, if you have any hair, you will tear out some of it.

Affordable housing -- we talk about affordable housing, we keep passing all these laws and we up the cost of the lots and then they scream because nobody can afford to buy one. One of my daughters and her husband bought a lot, they built a house, the lot was an acre and it cost \$4500. I did some rough calculation and \$2500 of that was due to regulations passed by this body.

Compromise -- I hear the word compromise -- compromise means many things. In this case, it means that you keep grabbing and grabbing until you don't have any rights left. Like MacArthur said, "I will return." You give them this this year, they will be back next year. I know, I have been 13 years on that committee and I have seen so many bills "An Act to Clarify Subdivision Laws" that I can't even sleep nights -- An Act to Clarify -- boy, when you see those words, you want to shudder. Ahhhh!!!!

What about fiscal impact? I heard the words "that more work is less work" -- now, when does that ever happen? When I was a young fellow back during the Depression, you worked for 50 cents a day if you could find a job, they had nine cord of wood in one pile that was split up for a cook stove and they had six cord that was split up for a heater -- the guy tried to tell me that that would be the same amount of wood to put that nine cord in and pile it up as that six cord. Like one good friend of mine says, "I was born in the night but it wasn't last night."

Forty acre exemption -- the big developers will simply go back to chop the land into many small parcels and swallow the cost of bureaucratic review.

I hope that you will give the Minority Report a chance here. It is local control, you have heard that -- that's what we want, isn't it? It will solve Lake View's problem and the Majority Report doesn't as you have heard. So vote no.

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

Representative LORD: Mr. Speaker, Men and Women of the House: I would like to call your attention to Page 2 of Committee Amendment "B" -- read that

underlined paragraph. They up there in the LURC territory will be getting exactly the same authority that we have in municipalities. What more do you want?

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

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Freeport, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, Men and Women of the House: Before you vote, I would just remind you that this is not an exemption and most of the citizens of the state have been able to take advantage of -- in fact, only five corporate citizens of the state took advantage of this particular exemption in the last year or so. It is not affecting you or I or our friends and relatives because we are not in the 40 acre subdivision business. Only five large reality companies are in it.

Secondly, I would like to pose a question through the Chair to some of the supporters of Report B -- in many of our unorganized territories, no one exists and if no one lives there, who are the people who sent a petition into LURC to protect that land and ask for those subdivisions to be reviewed? If there is a township and no one lives there -- the amendment says the residents of a township -- who gets to fill in that petition and submit it to LURC so that that subdivision can be reviewed?

The SPEAKER PRO TEM: The Chair would remind the body that we are not debating Committee Amendment "B."

The Chair recognizes the Representative from Fryeburg, Representative Hastings.

Representative HASTINGS: Mr. Speaker, Members of the House: When subdivision first came in and they put a 40 acre provision in that said that those lots which were 40 acres and more were not subject to the regulations of towns and dividing them, it made a lot of sense to those of us who live in rural Maine.

We already know we have exemptions if we gift things to our children, we can gift a lot every five years out of a piece of land but a 40 acre exemption made a lot of sense. Most of us living certainly south of Augusta live on lots of land that are less than 40 acres. However, there are lots of people in Maine that own land of more than 40 acres in size. What is being asked is admittedly only in unorganized townships but that those unorganized areas would no longer have the ability to go through a process of gifting more than a certain number of lots or selling more than a certain number of lots within a specified time without going through the major expensive subdivision regulation and cost that the state has in force. Believe me, it is expensive to subdivide in this state.

What you are really saying is that, from now on, there probably will be smaller lots subdivided in 40 acres in the unorganized townships because if I as a developer have to go through the process of getting approval to subdivide, I certainly will not use 40 acre lots because the cost of delay is money to a developer, the size is money to developer and lastly, the cost of getting roads and services is money to a developer. It costs more to go from lot to lot to lot which is 20 acres in size than it does to lot to lot which is only a half acre or one or two acres in size. So what you are really doing by this bill is

upping the price of land considerably. The people in the state yelling at us about affordable housing -- this does not bring affordable housing to Maine. It raises the cost of land. Anyone that would deny that knows nothing about the developing business.

Forty acres is a large piece of land and in the wisdom of the legislature when it originally passed that law that exempted those lots, it was saying that that was a large enough piece, we don't have to worry about regulations pertaining to it other than for the building the house on it. What you are now doing is expanding it throughout the rest of the state, eliminating that provision, creating greater costs, higher land charges. I think it is a bad bill and I hope that you would vote against the Majority Report.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Casco, Representative Simpson.

Representative SIMPSON: Mr. Speaker, Men and Women of the House: I just want to make one very brief comment. If you listen to the Representative from Freeport, Representative Mitchell, and you heard what he said, that five companies have used this exemption -- we are talking about the unorganized territories, that is the key point.

My good friend, Representative Hastings from Fryeburg, just pointed out to you some of the issues that you are talking about in terms of cost of housing. When you do subdivide land, we are told, on average, you are looking at about \$2,000 per lot added to the cost. If you are the buyer of that property, you are also getting some protections that you would otherwise not be getting. You are getting the protections of the review. I don't disagree with anything that Representative Hastings said but I wanted to point out to you what Representative Mitchell said, only five corporations are using that exemption so the logical point is, what happens next? You buy your 40 acre lot and what is going to happen next is that it is going to be subdivided further so you are just adding another layer of costs to what Representative Hastings was talking about. When it was said, that without this exemption, you are going to see smaller lots, well indeed you will in some cases. In some other cases, it might be easier to get your piece of property reviewed if it is larger but the point is, this exemption (call it a loophole exemption) being used for one very specific purpose to accelerate land sales without review. Those eventual properties will be reviewed and it will add just one more layer of costs.

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

Representative DONALD: Mr. Speaker, Ladies and Gentlemen of the House: I just wanted to make a comment on this in that I believe the real purpose for subdivision in communities is to make sure that residential subdivision has proper septic systems and sideline requirements and so forth. Your typical person buying a 40 acre or larger parcel is going to use this for something different. It is either going to be timber harvest, gravel pit use, other types of commercial use.

I agree totally that if this exemption does not continue, this will result in smaller lots being developed. I would encourage you to defeat this bill.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: I hope none of you bought the argument of the Representative from Kingfield that he was confused. He is about as confused as that old fox that sits on the hillside waiting for a chicken to get out from underneath the fence.

Whether you vote for this bill or against it really doesn't mean an awful lot to me. The city of Waterville is not involved, we have screwed up the city of Waterville about as much as we can in our division and subdivision and everything else.

The problem comes when you allow the 40 acre exemption and then a town loses control. They want local control until somebody comes in, takes over those 40 acre lots and starts doing what they want to do with them and believe me, you can say whatever you want, the town has absolutely nothing to say about it, vis-a-vis Lake View Plantation. Then the town comes to the Maine Legislature and says, "Look, we are in trouble, you have to help us out." That is what happened here. If the towns want local control, then when these people come in and you don't mind having a thing to say about what they do with your land in those unorganized territories and townships, so be it. I just want to be on Record as voting to be responsible today so I can show my editorial writer in my paper and maybe they will write one good editorial about me this year. How you vote on it is irrelevant to me.

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

Representative GOULD: Mr. Speaker, Ladies and Gentlemen of the House: I have got to clarify one thing so that you understand exactly where we are coming from. Last year, the Energy and Natural Resources Committee gave two towns the right to review all 40 acre subdivisions. We gave them the choice of reviewing all 40 acre subdivisions.

The bill that we are discussing today has absolutely nothing (and I repeat, absolutely nothing) to do with organized towns. They already have that authority.

I want to make another thing perfectly clear -- under the Majority Report, no 40 acre lot will be reviewed unless (and this is a big unless) more than 10 of them are sold. A 400 acre plot is a pretty big plot. If it is not done properly, that 400 acre lot, subdivided into ten 40 acre lots will be a great source of pollution. So, we want to make sure that we know exactly which report does exactly what. We want to make sure that we know which report will give people in unorganized territories the opportunity to review 40 acre lots. Look it over carefully and then make your decision.

The SPEAKER PRO TEM: A roll call has been ordered. The pending motion before the House is the motion of Representative Jacques of Waterville that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 98

YEA - Aliberti, Allen, Anthony, Bell, Boutilier, Burke, Cahill, M.; Carroll, D.; Carter, Cashman, Cathcart, Chonko, Clark, M.; Coles, Conley, Constantine, Cote, Crowley, Daggett, Dore, Dutremble, L.; Erwin, P.; Farnsworth, Graham, Gwadosky, Hale, Heeschen, Hickey, Hoglund, Holt, Jacques, Jalbert, Joseph, Ketover, LaPointe, Larrivee, Lawrence, Lisnik, Luther, Macomber, Mahany, Manning, Marston, Martin, H.; Mayo, McGowan, McHenry, McKeen, McSweeney, Melendy, Mills, Mitchell, Nadeau, G. G.; Nadeau, G. R.; O'Dea, O'Gara, Oliver, Paradis, P.; Paul, Pineau, Plourde, Pouliot, Priest, Rand, Rotondi, Ruhlin, Rydell, Sheltra, Simpson, Smith, Swazey, Tammaro, Tardy, Townsend, Tracy, Walker, The Speaker.

NAY - Adams, Aikman, Anderson, Ault, Bailey, Begley, Butland, Carroll, J.; Curran, Dellert, Dexter, Dipietro, Donald, Duffy, Farnum, Farren, Foss, Foster, Garland, Gould, R. A.; Greenlaw, Handy,

Hastings, Hepburn, Higgins, Hussey, Hutchins, Kilkelly, Lebowitz, Libby, Look, Lord, MacBride, Marsano, Marsh, McCormick, McPherson, Merrill, Moholland, Murphy, Norton, Nutting, Paradis, E.; Parent, Pendleton, Pines, Reed, Richards, Ridley, Seavey, Sherburne, Small, Stevens, A.; Stevens, P.; Stevenson, Strout, B.; Strout, D.; Telow, Tupper, Webster, M.; Wentworth, Whitcomb.

ABSENT - Brewer, Clark, H.; Gurney, Hanley, Hichborn, Jackson, Michaud, Paradis, J.; Pederson, Richard, Rolde, Skoglund.

Yes, 77; No, 62; Absent, 12; Paired, 0; Excused, 0.

77 having voted in the affirmative, 62 in the negative with 12 being absent, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (H-571) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read the second time, passed to be engrossed as amended and sent up for concurrence.

The following item appearing on Supplement No. 16 was taken up out of order by unanimous consent:

REPORTS OF COMMITTEES
Divided Report

Majority Report of the Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-603) on Bill "An Act to Amend the Definition of Freshwater Wetlands in the Natural Resources Protection Act" (H.P. 129) (L.D. 173)

Signed:

Senators: LUDWIG of Aroostook
ERWIN of Oxford
KANY of Kennebec
Representatives: DEXTER of Kingfield
GOULD of Greenville
JACQUES of Waterville
SIMPSON of Casco
ANDERSON OF Woodland
LORD of Waterboro
COLES of Harpswell
MICHAUD of East Millinocket

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-604) on same Bill.

Signed:

Representatives: MITCHELL of Freeport

Reports were read.

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Freeport, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, Men and Women of the House: I guess there is probably no doubt where a 12 to 1 Report is going to go but I don't want to miss the opportunity to tell you where I stand on the issue.

Freshwater wetlands are an endangered resource and they are poorly protected by Maine law. In fact, they are so poorly protected that the Army Corp of Engineers has come in and taken over the regulation of freshwater wetlands in 19 southern Maine towns. You will be happy to know that I am joined by some very prominent supporters in my effort to protect freshwater wetlands. My most prominent supporter is our President, President Bush, who has indicated that, as far as he is concerned, there should be no net loss of wetlands while he is President. I am also supported by the Governor of this state, Governor McKernan.

Many people who know the value of wetlands, know that they are the most valuable habitat for wildlife and they are a great protection against floods and other damages. They also (naturally) clean up a lot of pollution.

The Majority Report, in my opinion, is a silly, silly scheme, it is the most watered-down, ineffective, do nothing bill I have ever seen. All it says is, if you are going to develop some land, you have to identify the wetlands that are on that land and present it on a map to the planning board. There is not a good planning board in the State of Maine that doesn't already require that. It does nothing.

I sure hope that you don't vote for Report A and think that you are doing anything to protect freshwater wetlands because you are doing absolutely nothing. It is absolutely nothing, no more. I would urge you to vote against this do nothing Majority Report and vote for Report B, the report that actually goes out and takes a bold step forward and protects freshwater wetlands.

Mr. Speaker, I request a roll call.

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

Representative LORD: Mr. Speaker, my Learned Colleagues: Here we go, round and round again. We went around and around on this last year. The committee determined that ten acres was small enough. Some of the people that came to our meeting quite often -- as a matter of fact, I guess 95 percent of the time, didn't agree with us so they came in with another bill, -- let's reduce it down to one acre. Finally we decided that if a developer comes in with a subdivision plan, he must designate that on the plan, then the planning board (and I think we have got some pretty good planning boards in this state) will go out and look at it or get somebody who has some expertise in it to look at it and see what should be done with that wetland, if it is a wetland. A lot of them are puddles, I don't call that wetland. I think we have come a long way. I think we should go along with the Majority Report.

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

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

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

Representative DORE: Mr. Speaker, I would request from Representative Mitchell an answer to two questions.

First of all, could you tell me where the NRC and the Maine Audubon Society stand on this?

Second, exactly what does proposal B do?

The SPEAKER PRO TEM: Representative Dore of Auburn has posed a series of questions through the Chair to Representative Mitchell of Freeport who may respond if he so desires.

The Chair recognizes that Representative.

Representative MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: The Natural Resources Council and the Audubon Society both supported the initial effort to reduce the definition of a freshwater wetland from ten acres to one acre. They were both involved in a group that met for several weeks throughout the session and drafted a bill which would require a permit to fill, drain, or otherwise alter wetlands under ten acres if it was a valuable

wetland. If it was determined to be a wetland that didn't contribute to our eco-system, then it wouldn't be treated, but if it was a valuable wetland, that particular wetland would be regulated. So, there was a value judgment made in the Minority Report that the agency who is administering the law, the DEP, is going to have to make. It reduces the protection threshold from ten acres down to one acre, but it puts this other pivotal sort of decision for the DEP where they have to decide whether it is valuable or not.

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

Representative HOLT: Mr. Speaker, Men and Women of the House: I would simply like to make the observation that my hometown has what is considered a pretty good planning board. I have been dismayed to see that a wetland where I used to watch ducks and other creatures of the wild is being filled in to expand a cemetery.

I would like to say that we need much stronger protection of freshwater wetlands. Apparently in the coastal areas, it seems to me from what I see from development going on in my district, we have just barely learned to value saltwater wetlands but we hardly appreciate the very great importance of freshwater wetlands. I should very much like us to follow Representative Mitchell's lead.

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

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

I was just reading in this morning's Lewiston Sun Journal that the Corp of Engineers has stopped the project of development in the Industrial Park in Lisbon because it is in a wetland. The project was three-quarters completed and it said that they have received all the necessary permits from the planning board and so on. My question is either to the majority or minority signers -- would either one of these reports have prevented an occurrence such as this?

The SPEAKER PRO TEM: Representative Jalbert of Lisbon has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Freeport, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, Men and women of the House: The Majority Report which does nothing wouldn't help you because doing nothing is doing nothing. The Minority Report, if it were implemented, would set the stage for the state to take over the administering of the Corp of Engineer permits. But, because wetlands aren't being protected in our state, the Corp has taken over the protection in those southern towns in York County, 19 towns. If we had a good strong wetlands law, it is my understanding that we could take over and administer that program for the federal government but because the law is weak and has some holes in it, we can't do it. So, I guess the answer is that Report B, if it were enacted, would result in your not having to have that denied by the Corps.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: I thank you again for this privilege this afternoon.

Those of you who have been around here and know me -- do you think that I would vote for a bill that did nothing when it came to the protection of wetlands in the State of Maine? I have hunted and

fished all my life and I would rather hunt and fish than almost anything else that I could think of doing.

We sent this bill over to that subcommittee and Representative Lord is exactly right, originally we came down and defined wetlands as ten acres. We knew it wouldn't cover all the wetlands (there are some other problems I will talk about later) and that was last year. We sat Representative Mitchell aside along with the subcommittee and said, come back and see if you can have some language that can be worked out, that can be done. They came back with some language but the key was, it was not something that could be done. There was opposition, the whole thing blew up, the motion was made "Ought Not to Pass" and the Bill was killed.

There was a person who came to our committee from Representative Lord's district that had made a suggestion during the public hearing. He is a developer. I am told he is one of the more conscientious developers. He builds homes for people and he does a good job. He made a suggestion that, once again, made sense. Now, I know that that baffles us sometimes but the suggestion actually made sense. He said, if you want to do some good, you make sure that when someone submits their plan for a subdivision that a wetland or a potential wetland be identified on that plan so that your local zoning and planning board can then, if they are inclined to, put on their boots, go out and look the area over and say, yes indeed, this area does deserve extra special protection, whether it be half an acre, 40 acres or 12 acres or whatever the case may be.

Dr. Owens from the University of Maine came down and he told us of a story that happened in the town of Orono. You will probably think there is not an awful lot of wetland left in the town of Orono, but there was one. It was about an acre and a half in size and the developer was going to build some buildings there...

(I am getting tired of having to speak louder in order to compete with everybody behind me. Somebody will think I am angry because I am raising my voice but that is not the case.)

Dr. Owens told us that the developer came along and that he was going to look at filling in the wetland to build a building on it and then having to turn around and dig a hole on the other side that would take care of the natural runoff of the development. The Orono planning board, lo and behold, but their boots on, went out and looked the situation over and they suggested to the gentleman, "Why don't you just use the natural wetland that is there to take care of your runoff? If could do that and deal with it in the manner in which Mother Nature always deals with runoffs, then you won't have to spend money to dig a hole and then fill another place up to build buildings on it." The developer said, "I should have had my V-8 this morning, gee, that makes a lot of sense, I will do it." Nobody was mandated to do anything. The two sides got together, the wetland was preserved in the town of Orono and we didn't spend a lot of money doing studies and back and forth.

The problem with the direction that we were going is in Representative Joseph's district -- some friends of mine bought a piece of land from the city of Waterville and when they bought the piece of land, the city of Waterville said, it is not a wetland. They came to me and said "What should we do?" I said, "Get in touch with DEP, get in touch with Fish and Wildlife and have them tell you whether it is a wetland or not." Fish and Wildlife said, "It is not a wetland. We don't consider it a wetland, go see DEP." DEP came along and said, "It is not a wetland,

we don't consider it a wetland." They then went and got a permit to cut some trees, they put in some dirt and they were ready to build a building. In the meantime, we got a new ace over in DEP who just got out of college and he said, "I think that is a wetland." So, he went over to them and said, "You are going to stop what you are doing because I think this is a wetland." They said, "We have a letter from DEP, we have a letter from Fish and Wildlife, this is not a wetland. These are the experts." He said, "That doesn't matter because the legislature changed the law and that letter is no good any more." So, now I had to go back to DEP and say, "DEP, is this a wetland?" "No, it is not a wetland." Fish and Wildlife, "Is this a wetland?" "No, it is not a wetland."

The point I am trying to make is wetlands are very difficult to clearly identify. You have hundreds of different kinds of wetlands. Some wetlands can be very small in size and extremely important to the eco-system of the area and some can be huge and completely useless to the major eco-system of the area. What we are trying to do is take one positive step that will make more sense than all the other laws that we can pass and that is get the people together, let the town planning boards and zoning boards go look at it and indeed get all the advice they can. Soil and Water Conservation Commission, Fish and Wildlife will help them, DEP will help them and if they come to the conclusion that this needs special protection, we will work to give it that special protection. Never mind ten acres, five acres, four acres, three acres, it is an arbitrary figure, it is one that we picked out because we tried to find a figure that could be manageable a year and a half or two years ago when we dealt with the bill -- that is where ten acres came from, it is not a magic number, men and women of the House.

They came to us with a map from the town of Waldoboro and showed us what areas would be affected if we changed the law from ten acres to one acre, it was three-quarters of the town. Talk about an expense, talk about delays and ultimately in the long run, the fish and wildlife and the natural resources probably wouldn't be afforded any more protection.

If anyone in this House honestly thinks that I would vote for a do nothing bill that would do anything to hurt the out-of-doors of the State of Maine, you just woke up last night. My record doesn't show that, 11 years of service in this body doesn't show that, and my signing on this report certainly doesn't show that. We tried to do something that was doable, responsible and a major step in the right direction and that is the Majority Report and that is the report I urge you to vote for.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Freeport, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, Men and Women of the House: Representative Jacques is right, there was a subcommittee formed and we did go off and meet. There were four members of the subcommittee and about 40 development lobbyists there and it was really difficult to get anything done because the lobbyists were outnumbering the members of the legislature by a large margin. I know it has been difficult. Many developers have had problems with the DEP but mistakes we have made in the past shouldn't influence us in the future. We should take the right step now.

Committee Amendment "A", if it is such a good amendment, after the wetland has been identified, it doesn't tell you what you are supposed to do with it. It just says identify it. Identify it and then

do nothing. So, basically it is a burden for the developer that is not going to result in the protection of anything.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I still don't have the answer I wanted like to get.

This shows an example of exactly what has happened. This sixteen and a half acres and it says here that the planning board and other town officials will be invited to attend the hearing with the Corp of Engineers in about a week. I have got to go to those people and tell them what this body, this legislature, will do.

I know what happened here, apparently the development corporation and the town officials and the planning board and the building inspector in being over-zealous to bring in extra taxable property went off half-cocked without checking into it. I still haven't got the answer. I know that the dye is cast here, there is nothing much we can do, the project has been stopped, different companies that were moving in have gone somewhere else -- can this be prevented?

In my town, we sit on a 40 acre aquifer which takes in the whole area when you go from Lewiston towards Brunswick. The very spot to which they started to work on is right on top of the aquifer within half a mile of where the big main water supply for the town is. Somewhere, something is wrong, someone should have done something. I would like some kind of a guarantee -- which one of these reports -- will the Majority Report make it a study as the Representative from Freeport says or will the Majority do the thing? I still do not have the answer.

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

Representative LOOK: Mr. Speaker, I would like to pose two questions through the Chair.

I would like an explanation of the meaning of Amendment "A" and my question is, does Amendment "A" address only the issue as it applies to subdivision use?

Does Amendment "B" address the definition and usage of location as a general use?

The SPEAKER PRO TEM: The Chair would remind the body that Amendment "B" is not before the body.

Representative Look of Jonesboro has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Freeport, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, Men and Women of the House: Committee Amendment "A" amends Title 30a which is the section of the law that deals with the municipal subdivision law, so it only deals with municipal law.

Committee Amendment "B" on the other hand amends Title 38 which is the State Environmental Law, the DEP law.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is the motion of Representative Jacques of Waterville that the House accept the Majority "Ought to Pass" Report.

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 Representative Clark of Millinocket. If he were present and voting, he would be voting yea; I would be voting nay.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is the motion of Representative Jacques of Waterville that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 99

YEA - Aikman, Aliberti, Allen, Anderson, Ault, Bailey, Begley, Bell, Burke, Butland, Cahill, M.; Carroll, D.; Carroll, J.; Carter, Cashman, Chonko, Coles, Cote, Crowley, Dexter, Dipietro, Donald, Duffy, Dutremble, L.; Erwin, P.; Farnum, Farren, Foss, Foster, Garland, Gould, R. A.; Graham, Greenlaw, Gurney, Gwadosky, Hale, Handy, Hastings, Hepburn, Hickey, Higgins, Hoglund, Hussey, Jacques, Joseph, Ketover, LaPointe, Larrivee, Lebowitz, Libby, Lisnik, Lord, Luther, MacBride, Macomber, Manning, Marsano, Marston, Martin, H.; McCormick, McGowan, McHenry, McPherson, McSweeney, Melendy, Merrill, Michaud, Moholland, Murphy, Nadeau, G. G.; Norton, O'Gara, Paradis, E.; Paradis, P.; Parent, Paul, Pederson, Pendleton, Pineau, Pines, Plourde, Pouliot, Reed, Ridley, Rotondi, Ruhlin, Sheltra, Sherburne, Simpson, Small, Smith, Stevens, A.; Stevenson, Strout, B.; Strout, D.; Swazey, Tammaro, Tardy, Telow, Townsend, Tracy, Walker, Webster, M.; Wentworth, Whitcomb.

NAY - Adams, Anthony, Boutilier, Clark, M.; Conley, Constantine, Daggett, Dore, Farnsworth, Heesch, Holt, Hutchins, Kilkelly, Lawrence, Look, Mahany, Marsh, McKeen, Mills, Mitchell, Nadeau, G. R.; Nutting, O'Dea, Oliver, Priest, Rand, Richards, Rydell, Seavey, Stevens, P.; Tupper.

ABSENT - Brewer, Cathcart, Curran, Dellert, Hanley, Hichborn, Jackson, Jalbert, Paradis, J.; Richard, Rolde, Skoglund, The Speaker.

PAIRED - Clark, H.; Mayo.

Yes, 105; No, 31; Absent, 13; Paired, 2; Excused, 0.

105 having voted in the affirmative, 31 in the negative with 13 being absent and 2 paired, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (H-603) was read by the Clerk and adopted.

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

(At Ease)

At this point, the Speaker resumed the Chair.

The House was called to order by the Speaker.

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

The following item appearing on Supplement No. 7 was taken up out of order by unanimous consent:

REPORTS OF COMMITTEES
Divided Report

Majority Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-581) on Bill "An Act to Reform the Workers' Compensation Law to Prevent Mandatory Relocation and Family Hardship" (H.P. 675) (L.D. 924)

Signed:

Senators: ESTY of Cumberland
MATTHEWS of Kennebec
Representatives: MCHENRY of Madawaska
MCKEEN of Windham
LUTHER of Mexico
PINEAU of Jay
RUHLIN of Brewer
TAMMARO of Baileyville
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
REED of Falmouth
McCORMICK of Rockport

Reports were read.

Representative McHenry of Madawaska moved that the House accept the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Reed.

Representative REED: Mr. Speaker, Men and Women of the House: Not so very many months ago, Maine workers were at considerable risk. The risk was that their employers might no longer be able to obtain vital Workers' Compensation Insurance coverage to provide funds to pay medical bills and benefits if they should (unfortunately) be injured at their work.

Representatives of labor, of insurers, both insurance companies and self-insurer employers, employees, legislature and the executive branch all came together to address that problem. They worked together and they worked hard. As those of us who were members of the 113th Legislature know, they worked very hard. It wasn't easy. It wasn't always particularly peaceful and it never was exactly what any one interest group really wanted but it did work. Maine workers continue today to be protected by vital Workers' Compensation Insurance.

What came out of that coming together was a very fragile combination of crystal-thin compromise bound together with the gossamer threads of trust. The legislature agreed to modify certain aspects of the Workers' Compensation legislation. The insurers agreed to provide continuing and expanded markets for the availability of that insurance and the legislature and the employers agreed that an expansive and effective plan of injured employee rehabilitation would be implemented to assure that injured workers would be able to return to the ultimate level of performance and earnings that they were capable of. That plan is working.

The voluntary Workers' Compensation Insurance market is growing, not rapidly yet I will grant you, but it is growing. There are more and more insurers returning to the voluntary market.

The rehabilitation system that I spoke of a moment ago is going to happen. It will be reported from the Labor Committee to this body very soon.

L.D. 924, unfortunately, in my opinion and the opinion of others, breaks those threads of trust that I spoke about. It changes the rules in ways that could add major costs to our Workers' Compensation Insurance system.

Now, lest you feel that I hold myself to you as an expert on Workers' Compensation Insurance, I do not. I know more about it than I did when we came here in January but I am not an expert. The

statement that I just made about major additional costs comes from, and this is a quote ladies and gentlemen, the testimony of the Superintendent of Insurance before the Labor Committee on May 8th of 1989 when L.D. 924 was heard. This is a quote, "This bill would undo one of the most significant reforms of the 1987 Special Session legislation by allowing employees who are quite capable of working to remain on compensation benefits because the economy of their immediate locality did not afford them work." Hence, the statement that I made is not my assessment, it is the assessment of an expert.

As I said, we are changing the rules, I fear, with this bill. Can we afford to gamble again with the ability for Maine workers to be covered by Workers' Compensation insurance? Does this legislature really want to say, "We are not going to keep our word folks, we are going to change the rules now that the process is under way." I hope that is not what we want to do. Not only are we changing the rules, but we are changing them retroactively, ladies and gentlemen, back (if you look at the proposal) to November 20 of 1987. By enacting this bill we would be saying, remember that trust, forget it, it is all gone, the rules are changed, we want to go back to where we were.

Ladies and gentlemen of the House, I don't think this legislature wishes to do that and I do not believe this legislature wishes to gamble again by exposing Maine workers to a marketplace where they may not be able to be insured. Therefore, I hope that you will defeat the motion to accept the Majority Report.

Mr. Speaker, I respectfully request a roll call.

The SPEAKER: The Chair recognizes the Representative from Brewer, Representative Ruhlin.

Representative RUHLIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to speak to you for a moment as a person who served on the Labor Committee at that time, I refer to it perversely as a time of good time. We did work hard. We came to an agreement that we all put a lot of trust in. I like the term gossamer strings because it was very fragile and knit together so it was a full package.

At that time, I think we all made a commitment that we felt, until the new system had a chance to work, we should do nothing to change that which would have any major economic impact. I, and I think all of those who served on that committee at that time, have always been very consistent and firm in that belief.

This particular bill though is referring to mandatory relocation as it involves what we call permanent/partial impairment versus total incapacity. In researching this bill, I went through the testimony that was used in the rate case setting when this was first applied as law and what its effect would be to the economic impact to the insurance companies. I quote to you directly this afternoon from that testimony (it is on page 12 of the testimony of the Spring of 1988 in the testimony involving the rate setting case) ".08 percent of the total disability economic impact on the Workers' Compensation system in the State of Maine." That is not major? At the time when we did it, we felt it may very well be an important thing, no one liked it but we felt it might have an important economic impact. I checked those hearings and found out that we were taking people from Eastport, Maine and forcing them to move to Kittery, Maine just to save .08 percent. It's ludicrous, it's loathsome. We were forcing a burden on the people of this state and there really wasn't the economic benefits to offset it. In that case, I felt perfectly justified as a

member of the committee who was there in 1987 to say that this was still keeping the faith of November of 1987. Very soon, you will be hearing the rehab bill which we now refer to that November compromise as November of '87 and June of '89, those were agreements that were struck. I feel very strongly that if you look at that testimony as I did and recognize that we are talking in fact of .08 percent, I hope when you consider that and the offset of forcing people to move from one part of the state to another part of the state I think then, you will vote with the Majority 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 Chair recognizes the Representative from Rockport, Representative McCormick.

Representative MCCORMICK: Mr. Speaker, Ladies and Gentlemen of the House: A few days ago, I spoke on a bill that affected small business and that one happened to relate to unemployment. I mentioned at that time that there was going to be a number of other bills coming through the Labor Committee, all of which would, in one way or another, impact on small business. I just want to remind you at this point that this is just one of those many and there are several of them coming up that are going to impact quite heavily on Workers' Compensation. If you have gotten as many calls from small businesses as I have, you are aware of the amount of increase in Workers' Compensation costs to small businesses over the last two years and they are predicting another one this year, without even knowing about these bills that are working their way through the legislature now.

I urge you, if you care anything about your small businesses in this state and the jobs that those businesses provide to the citizens of this state, even though this is a small increase according to Representative Ruhlin, all of these increases add up. That is how the Workers' Compensation system got in trouble to begin with and if we continue this, we are going to be in trouble again.

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

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: It is always nice to be able to say that we are doing something to hurt small business or we are doing something to help small business, but back in 1987 when we passed this legislation, I said on the floor of this House, what we are doing here is hurting the working people and the small businesses of this state will not see one iota of what they felt that they would be seeing. That is a decrease in their premium dollar. They have not seen any decrease, they have seen increase.

I want you to understand that what we are talking about is the method by which the commissioners must rank or place the injured employee in total or partial. That method is already in the law. It is in law and it is applied universally the way it is in this amendment.

I assure you, ladies and gentlemen, if I am injured, being from Madawaska, being from any rural area, what the commissioner presently has to do when he rules on my case as to whether I am partial or total. He must consider if I am able to work with

the injuries that I have received (maybe I have lost two legs and one arm) but he or she must look at Ed McHenry and look at what I am able to do, look at my education and look at the whole State of Maine and say, "Yes. Mr. McHenry can probably do a job in Portland and therefore Mr. McHenry is not total." He then puts me in partial. When I am in partial, after maximum medical improvement, I then have 400 weeks of benefits. During that time, (as Representative Reed has stated) I will be eligible if we pass that bill for training for another job. But imagine ladies and gentlemen, I have lost two legs and an arm but I am considered only partial. In my immediate area, there is no way that I could find employment but the qualifications to become total has to be throughout the state.

After the 400 weeks, I (or whoever has been injured in the rural area) have to sell my home which I paid \$60,000 for -- in order to get the same home in Portland, do you realize how much I would have to pay for that home? Probably \$200,000. Is that fair to go get a job which will be paying probably less money than I am receiving now? Is that fair? Is that humane? You are talking a very minute percentage of people and you are saying we are going to be cruel to those people, those hard working men and women of this state and we are going to apply this standard and it is not a fair standard. To my knowledge, throughout this nation, there is not one other state that applies such a drastic standard. Besides this, do you realize that when the NCCI applied for an increase in Workers' Compensation that this very subject was brought up by an intervenor, McLeague's firm, and asked them how much of a savings did this interpret and how much of a premium cut has this interpreted? It was never considered so how can you say that this is going to hurt the small business? How can you say this is right? It isn't right at all.

Came to think of it, the same person who pushed for it in the State of Maine has gone to Alaska and (I believe) has had the state of Alaska apply the same thing. I may be wrong but I think they did. But it is totally inhumane, unfair, unjust, uncalled for on people who want to work for a living. What kind of encouragement do we give them when we hurt the people who are hurting the most? It is not right, it is not just, it just isn't right. And, in the name of small business -- well, let me tell you also that the Workers' Compensation, most of the people are in the assigned risk in the State of Maine, there are extremely very, very few people who are not in the assigned risk. Do you know what the assigned risk does? That gives these nice, kind, well-organized, business people of the insurance industry 30 percent of every premium dollar right off the top into their pockets -- not accountable and then the 70 percent remains for administration and paying the employees, the injured employees. Small wonder that small business is up in arms.

Every two years, I have proposed a state fund which would be an authority to take care of this problem to help small business, but the Chamber of Commerce in this state who, I believe, is run by the insurance companies (apparently the high mucky muck) and the Chamber of Commerce have a little something to gain by misleading the small business people by writing to us every year. I know that I received hundreds and hundreds of letters and postcards telling me to support the Workers' Compensation reform in 1987. I called some of them, they all believed that their premiums were going down. They were misled by somebody. Who was it? Certainly not I. They were misled in believing that it was a

premium cut that they would get if we cut the benefits of the working men and women. We have cut the benefits on the working men and women and we did not cut the rates to the employers. These are facts, this is not fiction, this is the truth. If you want to be inhumane, fine, vote against the bill, discourage people from working. You are sending all these employees, not the total and permanent and the partial -- do you know what you are doing? You are sending all these people on welfare after seven years if they do not go through a rehab program successfully. If they are unable to find a job, it will be on the taxpayers. Fine, put the burden on the taxpayers, it is an employee who got hurt in an employer's workplace but put it on the taxpayers.

Ladies and gentlemen, I hope that you remember when we discuss other bills that there is an opportunity and every two years there has been an opportunity for this state to have a state fund which sounds -- it is like swearing apparently but that is the way that we will have to go if we want to help small business, to create an authority and to have a Workers' Compensation fund, which would not be tax dollars as has been said by the Governor of this state. It would not be taxpayers dollars, it would be funded through bonds.

I thank you ladies and gentlemen and I hope you do the humane thing and help our working men and women who are hurting the most.

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Reed.

Representative REED: Mr. Speaker, Ladies and Gentlemen of the House: I want to take just one more moment if I may beg your indulgence. The good Representative from Madawaska, Representative McHenry, was concerned a moment ago about folks being misled. I am concerned that inadvertently you may be misled by which section of the Workers' Compensation code this bill amends. It amends Section 54b which is not the partial impairment section that relates to the 400 week limitation that Representative McHenry spoke of but it is the permanent Section 54b rather than 55. I just want to make that clear.

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

Representative HALE: Mr. Speaker, Ladies and Gentlemen of the House: I have worked on two Workers' Compensation reforms. The last one is the one that they are trying to change right now. This came out of our committee as a unanimous report after months and months of working on it. We did have hundreds of postcards telling us to support the small business person. I kept telling them, you are going to pay in addition to the ten percent an additional 35 percent. They did not believe it. We had to come up with 65 percentage points. We were invited to the Governor's Office for the signing of this bill they are trying to change right now. We put out a model piece of legislation. We worked and worked and worked. I tell you, ladies and gentlemen of this House, it is not the injured worker that is at fault, it is the insurance company. They are the people that send a person to the doctor time and time again. They are the people that sends a person with a back injury to a psychiatrist and psychologist. They keep that small employer's experience and exposure rating -- up. To disrupt someone that has been seriously injured and force them out of their own territory is wrong.

We had a good piece of legislation and I urge you to stick with the Majority "Ought to Pass" that protects the worker the way it was intended. If there is any problem with the rates, then it is the insurance company and it is not your workers here in

the State of Maine. I have seen them cry because they can't go to work. I have seen them beg for jobs. I have seen it in my own family. They won't hire them. There is no one that can afford to leave their own area and their home and go anywhere in the state and buy a home. If you have got a home to sell right now, you can't sell it anyhow. They have got to have the support of their friends and their family. This is what this piece of legislation is going to do.

Again this year -- over a 20 percent hike. We have given back to the insurance companies almost every single solitary reduction in rates that this state gave them and if they are crying wolf, they are creating the situation. I urge you to vote for the Majority Report.

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

ROLL CALL NO. 100

YEA - Adams, Aliberti, Allen, Anthony, Bell, Boutilier, Burke, Cahill, M.; Carroll, D.; Carter, Cashman, Cathcart, Chonko, Clark, M.; Coles, Conley, Constantine, Cole, Crowley, Daggett, Dipietro, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnsworth, Gould, R. A.; Graham, Gurney, Gwadosky, Hale, Handy, Heeschen, Hickey, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, LaPointe, Larrivee, Lawrence, Libby, Lisnik, Luther, Macomber, Mahany, Manning, Marston, Martin, H.; Mayo, McGowan, McHenry, McKeen, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Nadeau, G. R.; Nutting, O'Dea, O'Gara, Oliver, Paradis, P.; Paul, Pederson, Pineau, Plourde, Pouliot, Priest, Rand, Richard, Ridley, Rotondi, Ruhlin, Rydell, Sheltra, Simpson, Smith, Stevens, P.; Swazey, Tannaro, Tardy, Telow, Townsend, Tracy, Walker, The Speaker.

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

ABSENT - Brewer, Clark, H.; Hanley, Hichborn, Jackson, Nadeau, G. G.; Paradis, J.; Rolde, Skoglund.
Yes, 93; No, 49; Absent, 9; Paired, 0; Excused, 0.

93 having voted in the affirmative and 49 in the negative with 9 being absent, the Majority "Ought to Pass" Report was accepted, the Bill was read once.

Committee Amendment "A" (H-581) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read the second time, passed to be engrossed as amended and sent up for concurrence.

The following item appearing on Supplement No. 9 was taken up out of order by unanimous consent:

PAPERS FROM THE SENATE

Divided Report

Majority Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (S-314) on Bill "An Act to Clarify the Provisional Payments Provision of the Workers' Compensation Law Regarding Disability and Medical Payments" (S.P. 555) (L.D. 1558)

Signed:

Senators: ESTY of Cumberland
WHITMORE of Androscoggin
MATTHEWS of Kennebec
Representatives: McCORMICK of Rockport
BUTLAND of Cumberland
REED of Falmouth
McHENRY of Madawaska

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (S-315) on same Bill.

Signed:

Representatives: LUTHER of Mexico
McKEEN of Windham
RUHLIN of Brewer
PINEAU of Jay
TAMMARO of Baileyville
RAND of Portland

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-314)

Reports were read.

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

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I move that the House accept the Majority "Ought to Pass" Report.

Apparently today is "Labor" day.

If you read the report, you will find it peculiar. What this bill intends to do is to have the Superintendent of Insurance take care of a problem that we on the committee felt, the majority felt, that we could not address properly. It had to do with employees who are caught in limbo.

Workers' Compensation refuses to pay the case and the insurer refuses to pay the case. So, what we did was we agreed in committee that we would put it on to the Superintendent of Insurance to come up with a solution to the problem. There are people out there who need an operation and neither party wants to pay, not Workers' Compensation and not the insurer. What happens to that person is his or her doctor will not operate until somebody says, we will pay, so they are in limbo. Therefore, it is a complicated issue, it is something that we (I thought) knew pretty well what to do. I was with the minority as far as the thinking and the feeling that someone ought to pay.

When we had Workers' Compensation and you had sickness and health insurance -- sickness and health insurance is not supposed to pay for any injury that occurs at the workplace and vice versa. So, when an injury occurs at the workplace and it is being contested, the insurer may say that, "Well, it happened at the workplace so I am not going to pay." Workers' Compensation will say, "Well, we are not going to pay because it is being contested. Why should we pay?" So, the person who is in need of an operation -- for instance a back operation, they are in limbo, they cannot get a back operation because the doctor needs someone to say that they will pay.

It is a complicated issue. It is possible that it could be the sickness and health insurance that would be paying. It is possible because of a loophole in the law that Workers' Compensation should be paying but not sickness and health because of a loophole -- the person did not report it within 30 days of his knowing. It is contested and it ends up that the Workers' Compensation Commissioner decides "No, we will not pay." So, it is not an easy problem to solve. I felt, as the majority of the committee felt, that what we ought to do is give it to the Superintendent of Insurance who oversees these problems, look at it and come out with a good solution, some legislation if we have to or by rules

and regulations to resolve this problem. Someone ought to bite the bullet, someone ought to pay for that operation. Legally, who should do it? I don't know. I have my own feeling.

Where I work, there is no problem because my employer is self-insured and he has an agreement with Blue Cross-Blue Shield. If it is being contested, Blue Cross-Blue Shield takes it over. There are things that are not being paid by Blue Cross-Blue Shield and what is not paid, that is it. If you are not covered, how can they pay something that you are not covered for? So, it is not a simple matter.

I also have insurance for my wages. The insurance for my wages is \$150 a week. Well, on Workers' Compensation, I would be receiving more than \$150 but I get \$150 because that is the contract that we have with that insurance company. We cannot mandate that insurance company to give me what I should be getting, \$200 and some odd dollars, we cannot mandate that. Why should the insurer pay for a Workers' Compensation case? It is totally wrong, but I believe that the Superintendent of Insurance can come up with a solution to this problem. I truly believe that. If I am wrong, I am sure somebody in this state will find a solution and we will take care of it next time around.

I hope that if we prevail, the Superintendent of Insurance will find a solution to this problem which is feasible for the injured worker.

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

Representative LUTHER: Mr. Speaker. Ladies and Gentlemen of the House: I rise to ask you to vote against the Majority Report so that we can go on to pass the Minority Report. It is with sadness that I do this. I am sad that I am not on the same jacket as my House Chairman, Representative McHenry, for whom I have the greatest admiration and respect for his leadership garnered from 17 years of experience.

Bear with me while I explain why I felt it was necessary to do this.

"An Act to Clarify the Provisional Provisions of the Workers' Compensation Law Regarding Disability and Medical Payments." Keep in mind that I am not worried about union workers in this matter. Most of the bigger companies are self-insurers and one of their pockets will pay the medical bills. I am more concerned for those workers who are not in unions, many of whom pay for their own medical insurance. They do this at great financial sacrifice so their families will not be burdened with excessive medical bills.

A worker who, in many cases, pays the medical insurance out of his own pocket does so, so when an accident occurs, someone will pay the bill. But oftentimes what happens is the injured worker gets caught between two giant insurance companies. The medical people say nay, nay this is work-related. The Compensation people say, well maybe, we are not sure, we will think about it.

Ladies and gentlemen of the House, 90 days is all it takes for your credit rating to be ruined. The answer according to the Majority Report is to allow Superintendent Edwards to decide the matter.

I read from the Statement of Fact, "This amendment completely replaces the original bill and requires the Superintendent of Insurance, after consulting with the Chair of the Workers' Compensation Commission, to adopt rules regulating employers in health, disability and Workers' Compensation Insurance carriers. These rules are intended to ease the financial burden upon an injured employee whose work and compensation claim is controverted by the employer and who receives no

compensation for lost wages or for medical bills while the claim is pending."

Ladies and gentlemen, in our society there is surely a place for a dispassionate bottom line man, but I suggest that it is not here.

Superintendent Edwards testified many times before the Labor Committee. I never once detected the slightest concern for workers as individuals. He is a bottom line man. And, the bottom line is, if no monies are paid out, money must be saved.

Representative McHenry described the Majority Report to me as better than nothing but I say it is exactly nothing. I urge you to vote against it so we can pass the Minority Report.

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Reed.

Representative REED: Mr. Speaker, Men and Women of the House: I felt that this was one of the rare moments I should snatch which would enable me to agree with the distinguished Chairman of the Labor Committee and I hope you will support his motion.

Obviously, all members of the Labor Committee wanted to solve this problem, that is why you have two "Ought to Pass" Reports.

We found, however, as soon as we began to discuss it that we lacked expertise in certain areas and felt uneasy at our proposed solutions. There are such questions as a risk of preemption which we learned of which might mean that any bill that we might draft would not affect self-insurers. There are some constitutional concerns about unconstitutional takings if we were to say, all right disability insurer, you must pay regardless of whether this is a compensable injury or not, regardless of whether or not you have exclusions in your policy. We felt very uncomfortable and therefore we did feel comfortable saying to an official of this state, the Superintendent of Insurance, we the Labor Committee, feel there is a problem here, we want you to do it in a legal and proper way and that is what the Majority Report does. I hope you will support the motion of the distinguished Representative from Madawaska.

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

Representative PINEAU: Mr. Speaker, Men and Women of the House: I have to stand just so the Representative from Falmouth knows things are still as they were. I take offense to him saying that what we are doing on the Minority Report is not doing it in a legal and proper way. We see it as more of a decisive action. We see it as something that will get done and we won't get a report back the next half saying there is really nothing we can do, because what we have here is workers in a bind, hurt workers in a bind.

I just want you to know, whether you go with the Majority or the Minority Report, that we all did it legal and proper.

Representative Luther of Mexico requested a roll call vote.

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

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

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

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I will speak to you very

plainly and explain exactly how I came to the point of getting on this jacket the way it is.

I have been around long enough to know what is possible and what is not possible. I will put the bear on Joe Edwards' back and he has to come back to us with some good legislation that will help those people that we all want to help. That is the matter of the fact. Why try to get something through that may not be successful? That is my reason and my only reason. If he doesn't come up with a solution, I assure you there are other people in this state who are looking at this issue and will come up with some solution. I will demand a reason why he couldn't come up with a solution.

The SPEAKER: The pending question before the House is the motion of Representative McHenry of Madawaska that the House accept the Majority "Ought to Pass" Report.

The Chair recognizes the Representative from Thomaston, Representative Mayo.

Representative MAYO: Mr. Speaker, pursuant to House Rule 7, I wish to pair my vote with Representative Clark of Millinocket. If he were present and voting, he would be voting yea; I would be voting nay.

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

ROLL CALL NO. 101

YEA - Aikman, Aliberti, Anderson, Anthony, Ault, Bailey, Begley, Boutilier, Butland, Cahill, M.; Carroll, D.; Carroll, J.; Cashman, Coles, Cote, Crowley, Curran, Dellert, Dexter, Dipietro, Donald, Duffy, Dutremble, L.; Farnum, Farren, Foss, Foster, Garland, Gould, R. A.; Greenlaw, Gwadosky, Hastings, Hepburn, Hutchins, Jacques, Joseph, LaPointe, Larrivee, Lebowitz, Libby, Look, Lord, MacBride, Mahany, Manning, Marsano, Marsh, Martin, H.; McCormick, McGowan, McHenry, McPherson, McSweeney, Merrill, Michaud, Murphy, Norton, O'Dea, Paradis, E.; Paradis, P.; Parent, Paul, Pederson, Pendleton, Pines, Pouliot, Reed, Richard, Richards, Ridley, Seavey, Sheltra, Sherburne, Simpson, Small, Smith, Stevens, A.; Stevenson, Strout, B.; Strout, D.; Telow, Tupper, Webster, M.; Wentworth.

NAY - Adams, Allen, Bell, Cathcart, Clark, M.; Conley, Constantine, Daggett, Dore, Erwin, P.; Farnsworth, Graham, Gurney, Hale, Handy, Heeschen, Hickey, Hognlund, Holt, Hussey, Jalbert, Kilkelly, Lawrence, Lisnik, Luther, Marston, McKeen, Melendy, Mills, Mitchell, Moholland, Nadeau, G. R.; O'Gara, Oliver, Pineau, Priest, Rand, Rotondi, Ruhlin, Rydell, Stevens, P.; Swazey, Tamarro, Tardy, Townsend, Tracy, Walker.

ABSENT - Brewer, Burke, Carter, Chonko, Hanley, Hichborn, Higgins, Jackson, Ketover, Macomber, Nadeau, G. G.; Nutting, Paradis, J.; Plourde, Rolde, Skoglund, Whitcomb, The Speaker.

PAIRED - Clark, H.; Mayo.
Yes, 84; No, 47; Absent, 18; Paired, 2; Excused, 0.

84 having voted in the affirmative, 47 in the negative, with 18 being absent and 2 having paired, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (S-314) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read the second time, passed to be engrossed as amended and sent up for concurrence.

The following item appearing on Supplement No. 10 was taken up out of order by unanimous consent:

PAPERS FROM THE SENATE

Divided Report

Majority Report of the Committee on State and Local Government reporting "Ought Not to Pass" on Bill "An Act to Provide a Referendum to Abolish County Government and Authorize Reassignment of its Functions and Duties to Appropriate State and Municipal Departments and Agencies" (S.P. 312) (L.D. 817)

Signed:
Senator: CARPENTER of York
Representatives: LARRIVEE of Gorham
HANLEY of Paris
DAGGETT of Augusta
BEGLEY of Waldoboro
McCORMICK of Rockport
HEESCHEN of Wilton
JOSEPH of Waterville
ROTONDI of Athens
GWADOSKY of Fairfield
WENTWORTH of Wells

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-316) on same Bill.

Signed:
Senators: BERUBE of Androscoggin
ESTY of Cumberland

Came from the Senate with the Minority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-316)

Reports were read.

On motion of Representative Joseph of Waterville, the House accepted the Majority "Ought Not to Pass" Report in non-concurrence and sent up for concurrence.

The following items appearing on Supplement No. 12 were taken up out of order by unanimous consent:

CONSENT CALENDAR

First Day

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

(H.P. 1224) (L.D. 1696) Bill "An Act to Establish a Program to Prevent Spousal Impoverishment" (EMERGENCY) Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-594)

(H.P. 473) (L.D. 638) Bill "An Act to Promote Accountability in the Use of Excess Insurance" Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (H-595)

(H.P. 32) (L.D. 32) Bill "An Act Relating to the Collection of Specified Health Care Information" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-596)

(H.P. 1226) (L.D. 1698) Bill "An Act to Create the Maine Family Development Foundation" (EMERGENCY) Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-597)

(H.P. 196) (L.D. 276) Bill "An Act to Establish a Demonstration Project at the York Hospital" (EMERGENCY) Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-598)

Under suspension of the rules, Second Day Consent Calendar notification was given, the House Papers were passed to be engrossed as amended and sent up for concurrence.

(H.P. 609) (L.D. 833) Bill "An Act Relating to Drug Testing" Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-599)

On motion of Representative Marsano of Belfast, was removed from Consent Calendar, First Day.

Report was read and accepted, the Bill read once. Committee Amendment "A" (H-579) was read by the Clerk and adopted and the Bill assigned for second reading later in today's session.

The following item appearing on Supplement No. 13 was taken up out of order by unanimous consent:

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-592) on Bill "An Act to Authorize the Department of Human Services to Implement the Provisions of the United States Family Support Act of 1988" (H.P. 767) (L.D. 1071)

Signed:

Senators: GAUVREAU of Androscoggin

TITCOMB of Cumberland

Representatives: MANNING of Portland

ROLDE of York

BOUTILIER of Lewiston

CLARK of Brunswick

BURKE of Vassalboro

CATHCART of Orono

PEDERSON of Bangor

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-593) on same Bill.

Signed:

Senator: RANDALL of Washington

Representatives: DELLERT of Gardiner

HEPBURN of Skowhegan

PENDLETON of Scarborough

Reports were read.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: I move that the House accept the Majority "Ought to Pass" Report.

This is the son of ASPIRE. Last year we had ASPIRE, this year it is son of ASPIRE. As most people know, when you put a major piece of legislation together (as most of us have seen this year) you are always coming back to deal with the legislation because of things that have happened over previous year or the previous two years. This also has been complicated to some degree because of the fact federal legislation was passed during this past year dealing with the ASPIRE program that is run jointly by the Department of Human Services and the Department of Labor.

The Committee on Human Resources split, basically, on who should be making the decision, whether or not it should be made in statute or whether or not it should be made by the Department of Human Services in rules and regulations. The department came in and requested that most of the changes that would be done should be done by rules and regulations. The majority felt that those changes should be done in statute and tried to address those in statute. That is predominantly what the basic difference is between these two pieces of legislation. I hope you go along with the Majority "Ought to Pass" Report.

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

Representative PENDLETON: Mr. Speaker, Men and Women of the House: I hope you will reject the Majority Report so we can accept the Minority Report. The Majority Report promulgates rules of procedure as opposed to setting legislative policy. ASPIRE is only seven months old, yet those who opposed it last year don't want to give it a chance this year. Already numerous amendments have been made which tie the department's hands and would limit managers ability to make changes when programs or client needs change.

A lengthy and detailed evaluation is due next spring. We should wait for that report.

ASPIRE program managers have made changes when necessary and have responded to problems. Why is this detailed amendment necessary? Programs need to be managed by those who deal with the clients every day, not by advocates who only hear complaints. These amendments are administrative burdens. I believe the son of ASPIRE may have had a breach birth.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Dellert.

Representative DELLERT: Mr. Speaker, Men and Women of the House: I also hope that you will vote no on the Majority Report. The Majority Report is setting up administrative procedures which will cost many dollars. The Majority Report takes the fiscal note off, which means that the funds will have to be taken from direct services. Our job is to serve these young people, providing dollars and services. It will also cut into transportation and child care. Many of the things they want done is described in detail, medical transition policy requiring case managers to explain all options in detail including the contents of private policies, establishing time lines for DHS to make decisions on applications, establish time lines of payment for support services. All of these are administrative procedures that take time and dollars. We would far rather have that time and money put on the services of the young people that are working with the ASPIRE program.

I hope you will vote no on the Majority Report.

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

Representative CLARK: Mr. Speaker, Men and Women of the House: As a member of last year's Human Resources Committee, I certainly can assure you that great time and energy went into the ASPIRE legislation that was ultimately passed. You may recall in the late hours of the morning of, I think it was the last day we were there, the committee was able to come forward with a unanimous report about what we ought to do with this very important program.

There is no doubt that in the seven months that ASPIRE has been up and running, some very positive things have happened. Over 600 participants have in fact found jobs after additional job training. The department has met their goal of placing people with jobs at an average wage of \$5.50 an hour. On the other hand, over those seven months, a number of problems have come to our attention. There have been long delays in getting into the program that did not exist under the previous program which was the WEET Program. There have been chronic problems with the availability of support services for clients. There were significant expenditures for services like assessment and testing that were done at no additional costs under the WEET Program.

There have been excessive delays in reimbursing participants for child care, books and transportation

and for reimbursing vendors who have been willing to accept vouchers on behalf of these participants.

There have been complaints from community service providers like Adult Ed, that their services were not being used even though they were free.

MED ASPIRE currently has only 30 or so participants for reasons that cannot be adequately explained.

The Majority Report is an attempt to respond to these problems. Obviously, every new program has some problems, needs have to be shaken down. This is an attempt to do so. Clients have attempted to work with the department, advocates have attempted to work with the department about these problems and that has not been successful. So, you have before you legislation that will address those problems.

The hour is late and I smell popcorn and would like to cut this debate short so I won't go into all the specifics about how we have actually done that, although I would be happy to do so if there are questions. Let me assure you that this Majority amendment will make a good program better, will make us be first in line to qualify for federal money under the family support act, the so called "Jobs Bill" that was passed last year. I urge you to support the Majority Report so that we can continue to be a leader in this area.

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

Representative HEPBURN: Mr. Speaker, Ladies and Gentlemen of the House: I want to make this real easy for you folks here. On Committee Amendment "A", Page 3, are the four lines that really upset me incredibly about this report. It goes like this, "Participants residence -- There shall be no discrimination in the provision of family services program services or aid to families with dependent children cash assistance provided by this section to teenage parents on the basis of their live-in situation." Now, what does that mean? Well, I will tell you what it means. There is going to be a change here in federal regulations concerning how AFDC can be distributed by the state. It will allow states under certain circumstances to deny AFDC benefits to teens who are living outside, away from their parents, when their parents have the ability to monetarily sustain them. So, what we are doing if we adopt Committee Amendment "A" is, we are putting in to statutory language a requirement that, regardless of need, regardless of income level, the state must pay AFDC to rich kids if they decide they want to move out. Must pay -- there is no discretion by the department, no discretion by a social worker. All our hard working state employees, whatever judgment and education they have, we are throwing that out the window, we are putting in statute that the state must pay. If the kids had an argument with their parents about whether they were going to Tahiti or Bora Bora that year and move out, the state pays.

It is a bad report, ladies and gentlemen. I move indefinitely postponement of this report and request a roll call.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Dellert.

Representative DELLERT: Mr. Speaker, Men and Women of the House: I assure you that our ASPIRE program is already a top program with the national government. We are doing everything we can for these young people. As problems occur, the department is able to take care of each one. We do not need legislation to set up each one of these ideas and rules. Please, vote no on the Majority Report.

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

Representative MANNING: Mr. Speaker, Ladies and gentlemen of the House: Let me tell you some of the problems that have occurred in the last year with this great program that a lot of us held our nose and voted for in the last year in the wee hours of the night. A social worker was told that they had to downgrade some of the programs. They were negotiating with one recipient on whether or not she should receive ten cents a mile. I think everybody who files their expense check in this building tonight (if we go home tonight) will be filing it for 22 cents a mile. If it is 22 cents for us, why shouldn't it be 10 cents for them? If it is good for the goose, it is good for the gander. That is the problem with this program. They didn't fund it right, they weren't running it right.

To address the gentleman from Skowhegan about that person who is going to run off to Bora Bora -- let's talk about the child who got raped by her father and decided to keep the baby. Do you want that poor child back in the same home? Do you want that poor child who decided to take the baby -- we had a big debate here about a month ago saying she would be sheltered away from the father who raped her or the brother who raped her, so that if that child wants to keep the baby -- (I hear a lot of us talk about, the child should try to keep that baby -- set it up so that that person can continue their education, continue to keep the baby and hopefully, hopefully, stop that cycle that many of these people have found themselves in at the age of 14, 15 and 16 of having babies and then that child that was born to them ending up in the same cycle another 14 or 15 years down the road. That is the reason why we did that.

There are problems with this program and we are trying to address this program.

I do apologize to the women of this House if I offended them. I probably should have said, this is the daughter of ASPIRE.

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

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: I would first like to make a specific comment in reference to the prior speaker's statement. I, for one, as a member of this legislature, am very proud that we enacted ASPIRE last year. I think we made a major stride in helping our welfare recipients break their dependency. As far as this particular bill, I introduced this bill as I introduced another bill, first on ASPIRE on behalf of the Department of Human Services this session and both have been folded into this L.D. 1071.

I would like to explain to you the original intent of the two bills. The original intent was very simple. One, to clarify that the Department of Human Services has primary administrative authority for ASPIRE so that federal welfare reform can be easily implemented. And two, to repeal a sunset on MED ASPIRE until federal matching funds become available. We did not want anyone to go without extended medical coverage while federal changes were pending.

In its present form, the Majority Report of this L.D. 1071 violates the intent of my original bills. It is an attempt to micro-manage ASPIRE which is a fledgling program only a few months old. I believe that we should resist all attempts to make major changes in the philosophy of this program until there is more experience and the federal regulations are fully developed.

The authors of this amendment tell us that the changes are necessary because of all the complaints they have heard. Yet, they can't or won't come up

with any specific numbers and despite the fact that all ASPIRE decisions can be appealed, only a few fair hearings have been requested. The changes in ASPIRE including the Majority Report are premature and dictate program operations to the Department of Human Services and the Department of Labor before final federal regulations have even been promulgated.

I admire their presumed clairvoyance but I cannot accept their conclusions and I urge you to reject the Majority Report.

Mr. Speaker, I request a roll call.

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

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

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

Representative MANNING: Mr. Speaker, point of order? Did the Representative from Skowhegan make a motion that this Committee Amendment be indefinitely postponed?

The SPEAKER: The Chair would answer in the affirmative but the motion was out of order.

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

ROLL CALL NO. 102

YEA - Adams, Aliberti, Allen, Anthony, Bell, Boutilier, Burke, Cahill. M.: Carroll, D.; Carter, Cashman, Cathcart, Clark, M.; Conley, Constantine, Cole, Crowley, Daggett, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnsworth, Gould, R. A.; Graham, Gurney, Gwadosky, Hale, Handy, Heeschen, Hickey, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, LaPointe, Larrivee, Lawrence, Lisnik, Luther, Macomber, Mahany, Manning, Marston, Martin, H.; Mayo, McHenry, McKeen, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Nadeau, G. G.; Nadeau, G. R.; Nutting, O'Dea, O'Gara, Oliver, Paradis, P.; Paul, Pederson, Pineau, Plourde, Pouliot, Priest, Rand, Richard, Rotondi, Ruhlin, Rydell, Sheltra, Simpson, Smith, Stevens, P.; Tammaro, Tardy, Telow, Townsend, Tracy, Walker, The Speaker.

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

ABSENT - Brewer, Chonko, Clark, H.; Coles, Hanley, Hichborn, Higgins, Jackson, McGowan, Paradis, J.; Ridley, Rolde, Skoglund, Swazey.

Yes, 87; No, 50; Absent, 14; Paired, 0; Excused, 0.

87 having voted in the affirmative, 50 in the negative, with 14 being absent, the Majority "Ought to Pass" Report was accepted, the Bill was read once.

Committee Amendment "A" (H-592) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read the second time, passed to be engrossed as amended and sent up for concurrence.

The following items appearing on Supplement No. 14 were taken up out of order by unanimous consent:

PASSED TO BE ENACTED
Emergency Measure

An Act Increasing Indebtedness of Berwick Sewer District (H.P. 1064) (L.D. 1486) (C. "A" H-509)

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. 117 voted in favor of the same and 2 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 Amend the Charter of the Canton Water District (S.P. 609) (L.D. 1703) (H. "A" H-542 to C. "A" S-247)

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. 111 voted in favor of the same and 1 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 Amending Various Licensure Laws of Boards and Commissions within the Department of Professional and Financial Regulation (H.P. 225) (L.D. 305) (H. "A" H-535 to C. "A" H-404)

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. 125 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 Amend the Maine Consumer Credit Code to Add Provisions Relating to Credit and Charge Card Disclosures (H.P. 1002) (L.D. 1391) (C. "A" H-526)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 122 voted in favor of the same and 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

ENACTOR
Emergency Measure
Later Today Assigned

An Act to Clarify the Subdivision Laws (H.P. 1174) (L.D. 1628) (C. "A" H-521)

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

On motion of Representative Michaud of East Millinocket, tabled pending passage to be enacted and later today assigned.

PASSED TO BE ENACTED
Emergency Measure

An Act Creating the St. Francis Water District (H.P. 1200) (L.D. 1667) (C. "A" H-456 and H. "A" H-538)

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. 124 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 Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Laws (H.P. 1217) (L.D. 1689) (H. "A" H-539 to C. "A" H-476)

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

**FINALLY PASSED
Emergency Measure**

Resolve, to Create a Commission to Study Crab Fishing in Maine (H.P. 1034) (L.D. 1440) (C. "A" H-530)

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. 114 voted in favor of the same and 3 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

**ENACTOR
Emergency Measure
(Reconsidered)**

Resolve, to Establish the School Organization Study Committee (S.P. 534) (L.D. 1469) (C. "A" S-270)

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

On motion of Representative Crowley of Stockton Springs, under suspension of the rules, the House reconsidered its action whereby L.D. 1469 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" (S-270) was adopted.

The same Representative offered House Amendment "A" (H-576) to Committee Amendment "A" (S-276) and moved its adoption.

House Amendment "A" (H-576) to Committee Amendment "A" (S-276) 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.

**ENACTOR
(Reconsidered)**

An Act to Protect Tenant's Rights by Authorizing Municipalities to Escrow Certain Funds under the

General Assistance Laws (H.P. 1225) (L.D. 1697) (C. "A" H-514)

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

On motion of Representative Priest of Brunswick, under suspension of the rules, the House reconsidered its action whereby L.D. 1697 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-514) was adopted.

The same Representative offered House Amendment "A" (H-601) to Committee Amendment "A" (H-514) and moved its adoption.

House Amendment "A" (H-601) to Committee Amendment "A" (H-514) was read by the Clerk and adopted.

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

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

ENACTOR

Later Today Assigned

An Act Relating to Workers' Compensation Insurance (S.P. 122) (L.D. 188) (C. "A" S-264)

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

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

ENACTOR

Later Today Assigned

An Act to Allow Recovery for Wrongful Death of an Unborn Viable Fetus (H.P. 408) (L.D. 551) (S. "A" S-274 to C. "A" H-429)

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

Representative Foss of Yarmouth requested a roll call.

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

PASSED TO BE ENACTED

An Act to Promote Marine Research (S.P. 106) (L.D. 140) (C. "A" S-240 and H. "A" H-536)

An Act Concerning Law Enforcement Training (S.P. 431) (L.D. 1142) (C. "A" S-286)

An Act to Require a Permit to Hunt for Bear Prior to the Firearm Season on Deer (H.P. 116) (L.D. 153) (C. "A" H-525)

An Act to Prohibit Local Assessors from Using the Phantom House Lot Method of Valuation (H.P. 368) (L.D. 499) (C. "A" H-528)

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

ENACTOR

Later Today Assigned

An Act to Make the Department of Marine Resources Responsible for Coastal Search and Rescue (H.P. 670) (L.D. 918) (C. "A" H-531)

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

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

PASSED TO BE ENACTED

An Act to Increase the Property Tax Exemption for Veterans (H.P. 713) (L.D. 974) (C. "A" H-534)

An Act Regarding the Review of the Workers' Compensation Denials (H.P. 919) (L.D. 1285) (H. "A" H-540 to C. "A" H-439)

An Act to Amend Certain Laws Affecting the Department of Environmental Protection (H.P. 988) (L.D. 1366) (C. "A" H-529)

An Act Concerning Atlantic Salmon (H.P. 993) (L.D. 1382) (C. "A" H-520)

An Act to Establish the Child Welfare Advisory Committee and to Redesignate the Bureau of Social Services as the Bureau of Child and Family Services (H.P. 1024) (L.D. 1425) (C. "A" H-393; H. "A" H-418 and H. "B" H-532)

An Act to Provide a Minimum Level of State Educational Funding for Schools (H.P. 1033) (L.D. 1439) (C. "A" H-517)

An Act to Facilitate Collaboration Among School Agencies and Community Leaders Working on Behalf of At-risk Children (H.P. 1164) (L.D. 1618) (C. "A" H-519)

An Act to Ensure Notification and Participation by the Public in Licensing and Relicensing of Hydroelectric Dams and to Further Ensure the Equal Consideration of Fisheries and Recreational Uses in Licensing and Relicensing (H.P. 1167) (L.D. 1621) (H. "A" H-515 to C. "A" H-497)

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

FINALLY PASSED

Resolve, to Establish as a Demonstration Project Recreational Vehicle Dumping Stations (H.P. 1095) (L.D. 1528) (C. "A" H-522)

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

The following items appearing on Supplement No. 15 were taken up out of order by unanimous consent:

PAPERS FROM THE SENATE

Unanimous Ought Not To Pass

Report of the Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$1,000,000 for Private, Individual Sewerage Facilities Construction" (S.P. 73) (L.D. 63)

Report of the Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on Bill "An Act to Establish an Affordable Housing Demonstration Program" (S.P. 315) (L.D. 820)

Report of the Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 for Low-income Housing" (S.P. 483) (L.D. 1325)

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

**CONSENT CALENDAR
First Day**

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

(S.P. 629) (L.D. 1723) Bill "An Act to Create the Deer Isle Water District" (EMERGENCY) Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (S-319)

(H.P. 1246) (L.D. 1739) Bill "An Act Regarding Special Seasonal Agency Liquor Stores" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-602)

(H.P. 1141) (L.D. 1584) Bill "An Act to Protect the People of Maine from Exposure to Radioactive Waste" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-605)

Under suspension of the rules, Second Day Consent Calendar notification was given, the Senate Paper was passed to be engrossed as amended in concurrence and the House Papers were passed to be engrossed as amended and sent up for concurrence.

The following items appearing on Supplement No. 17 were taken up out of order by unanimous consent:

**CONSENT CALENDAR
First Day**

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

(S.P. 606) (L.D. 1700) Bill "An Act to Continue the Strategic Training for Accelerated Reemployment Program" (EMERGENCY) Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (S-322)

(H.P. 497) (L.D. 677) Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$50,000,000 to Fund a Capital Grants Program to Solid Waste Regional Commissions and Municipalities to Invest in Recycling Equipment and Facilities" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-608)

(H.P. 801) (L.D. 1113) Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$4,400,000 for Sewerage Facilities Construction" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-607)

Under suspension of the rules, Second Day Consent Calendar notification was given, the Senate Paper was passed to be engrossed as amended in concurrence and the House Papers were passed to be engrossed as amended and sent up for concurrence.

(S.P. 592) (L.D. 1669) Bill "An Act to Establish a Budget Committee for Kennebec County" Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-323)

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-323) was read by the Clerk.

On motion of Representative Gwadosky of Fairfield, tabled pending adoption of Committee Amendment "A" and later today assigned.

The following item appearing on Supplement No. 18 was taken up out of order by unanimous consent:

PAPERS FROM THE SENATE

Divided Report

Majority Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (S-296) on Bill "An Act to Promote Prompt and Peaceful Settlements of Labor Disputes" (S.P. 385)-(L.D. 1021)

Signed:

Senators: ESTY of Cumberland
MATTHEWS of Kennebec

Representatives: LUTHER of Mexico
McKEEN of Windham
McHENRY of Madawaska
TAMMARO of Baileyville
PINEAU of Jay
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
REED of Falmouth
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-296)

Reports were read.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative McHenry. Representative McHENRY: Mr. Speaker, I move that the House accept the Majority "Ought to Pass" Report.

This very good bill is a bill that pertains to strikes. Under the law presently, the Governor does have the authority to have a fact-finding team if he so wishes. Under this bill, it says that the Governor "shall" after six weeks, if he does not wish to take the power that he has and use it, he "shall" have a fact-finding team if either side of the dispute requests for such a move.

It is not a complicated bill but it is an avenue whereby the employees or the employer may request the Governor to have a fact-finding team to go and look things over.

In this nation presently, the President does that when we have a railroad strike, airline strikes and, on the state level, the Governor has that authority but in the IP strike he wished not to use it. For what reason, I do not know, but this says, let's not leave our citizens out in the dark, let's have some light, let's have the Governor appoint, at the request of either party, a fact-finding team and they will go in and report. That's all it does, it is very simple and very good for either side.

The SPEAKER: The Chair recognizes the Representative from Falmouth, Representative Reed.

Representative REED: Mr. Speaker, Men and Women of the House: The signers of the Minority Report object to this on three fairly clear issues, we think. First of all, as the good Representative from Madawaska said, the Chief Executive of this state does already have the authority. More importantly, we feel that this bill clearly doesn't blur the line between the body but it jumps both feet across the line and raises a serious separation of powers.

I would call your attention, if you have in your hands as I do, an amendment to another bill that has gone across our desks recently, the Statement of Fact of which says, "This amendment moves language which would incorrectly infringe on the authority of the Attorney General." I hope this House will accord to the Chief Executive of this state the same respect that it has accorded in adopting that amendment.

Mr. Speaker, I request a roll call.

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

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

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

Representative PINEAU: Mr. Speaker, Ladies and Gentlemen of the House: This bill is probably the most important piece of legislation in dealing with what happened in my area a couple of years ago. It could easily happen in your area provided you have a large organized manufacturer. That seems to be the tendency on the way things are going.

Yes, maybe it does infringe a little bit on the second floor because it says the Governor will, not the Governor shall.

The Minority Party and the minority signers in debating the bill two weeks ago, the lockout bill, said that in fact use of public funds on one side or the other in a labor dispute offsets the balance. Your people (not mine because we weren't working) put over \$6 million of their money into the Jay situation. That is not including twice that the Commissioner of Public Safety had to come to this body to get more funds appropriated for overtime for the State Police. He did not give the figures, there is no way of telling how many troopers on duty were in the area and how much of a waste of public safety funds was that?

No, this is a serious matter, it is a very serious bill, it is a small bill, but it means a lot. If there had been action in the Jay situation early on, maybe nothing would have happened but then again, maybe a lot could have happened. Where the Governor failed to act, refused to act, I think it is not separation of powers, I think it is one of the check and balances that our forefathers meant when they built the type of government that we have. If one body doesn't get it done, it is up to the other body to act. This is where I stand and I hope this is where we stand today.

The SPEAKER: The pending question before the House is the motion of the Representative from Madawaska, Representative McHenry, that the House accept the Majority "Ought to Pass" Report.

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

Representative CONLEY: Mr. Speaker, pursuant to House Rule 7, I wish to pair my vote with the Representative from Winthrop, Representative Norton. If he were present and voting, the would be voting nay; I would be voting yea.

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

ROLL CALL NO. 103

YEA - Adams, Aliberti, Allen, Anthony, Bell, Boutilier, Cahill, M.; Carroll, D.; Cashman, Cathcart, Clark, M.; Constantine, Cote, Crowley, Daggett, Dipietro, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnsworth, Gould, R. A.; Graham, Gurney, Gwadosky, Handy, Heesch, Hickey, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, LaPointe, Larrivee, Lawrence, Lisnik, Luther, Macomber, Mahany, Manning, Marston, Mayo, McGowan, McHenry, McKeen, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Nadeau, G. G.; Nadeau, G. R.;

Nutting, O'Dea, O'Gara, Oliver, Pineau, Plourde, Pouliot, Priest, Rand, Richard, Rotondi, Ruhlin, Rydell, Sheltra, Simpson, Smith, Stevens, P.; Swazey, Tammaro, Tardy, Telow, Townsend, Tracy, Walker, The Speaker.

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

ABSENT - Brewer, Burke, Carter, Chonko, Clark, H.; Coles, Hale, Hanley, Hichborn, Higgins, Jackson, Martin, H.; Murphy, Paradis, J.; Paradis, P.; Paul, Pederson, Pendleton, Ridley, Rolde, Skoglund.

PAIRED - Conley, Norton.

Yes, 82; No, 46; Absent, 21; Paired, 2; Excused, 0.

82 having voted in the affirmative and 46 in the negative with 21 absent and 2 paired, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (S-296) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read a second time, passed to be engrossed as amended and sent up for concurrence.

The following item appearing on Supplement No. 19 was taken up out of order by unanimous consent:

**PAPER FROM THE SENATE
Non-Concurrent Matter**

Bill "An Act to Protect Children from Illegal Tobacco Sales" (H.P. 970) (L.D. 1348) which was passed to be engrossed as amended by Committee Amendment "A" (H-518) in the House on June 14, 1989.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-518) as amended by Senate Amendments "A" (S-304) and "B" (S-305) thereto in non-concurrence.

The House voted to recede and concur.

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

(At Ease to Gong)

The House was called to order by the Speaker.

The Chair laid before the House the following matter: An Act Relating to Workers' Compensation Insurance (S.P. 122) (L.D. 188) (C. "A" S-264) which was tabled earlier in the day and later today assigned pending passage to be enacted.

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

By unanimous consent, was ordered sent forthwith to the Senate.

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

An Act to Revise the Communicable Disease Law (H.P. 1122) (L.D. 1554) (C. "A" H-408)

TABLED - June 15, 1989 (Till Later Today) by Representative MAYO of Thomaston.
PENDING - Passage to be Enacted.

On motion of Representative Manning of Portland, under suspension of the rules, the House reconsidered its action whereby L.D. 1554 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-408) was adopted.

The same Representative offered House Amendment "A" (H-609) to Committee Amendment "A" (H-408) and moved its adoption.

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

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

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

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

An Act to Amend the Procedure for Approval of the Lincoln County Budget (H.P. 1250) (L.D. 1748)

TABLED - June 15, 1989 (Till Later Today) by Representative MAYO of Thomaston.

PENDING - Passage to be Enacted.

On motion of Representative Kilkelly of Wiscasset, L.D. 1748 was recommitted to the Committee on State and Local Government and sent up for concurrence.

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

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

TABLED - June 15, 1989 (Till Later Today) by Representative TELOW of Lewiston.

PENDING - Motion of same Representative to reconsider whereby the Bill failed of Passage to be Enacted.

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

Representative MARSANO: Mr. Speaker, I would like to raise a point of order and make a parliamentary inquiry with respect to Rule 35.

The Rule specifically provides that the Representative must have voted with the majority. It seems to me that being one of 49 people voting on a bill when the majority was 79 on the other side means that that is not so. I understand that there may be some history that suggests that the word majority is interpreted as being the prevailing side. I find nothing in the rules that suggests that.

Further, I see that the rule calls that a motion of that sort cannot be laid on the table without a certain time assigned. The gentleman's motion did not call for that. I request a ruling from the Chair.

The SPEAKER: The Chair would advise the Representative that in reference to the first request that the prevailing side is the winning side. The winning side in this instance was those who voted on the Minority when the bill failed of enactment, since it requires 101 votes.

In reference to the second request posed by the Representative from Belfast, Representative Marsano, to the time which it was assigned was later in the day and that is to a time certain. If it had been tabled unassigned, it would have been out of order.

The pending motion is the motion to reconsider.

Subsequently, the House reconsidered its action whereby L.D. 1546 failed of enactment.

On motion of Representative Carter of Winslow, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-423) was adopted.

The same Representative offered House Amendment "A" (H-558) to Committee Amendment "A" (H-423) and moved its adoption.

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

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

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

The Chair laid before the House the following matter: (S.P. 592) (L.D. 1669) Bill "An Act to Establish a Budget Committee for Kennebec County" Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-323) which was tabled earlier in the day and later today assigned pending adoption of Committee Amendment "A."

Subsequently, Committee Amendment "A" (S-323) was adopted.

Under suspension of the rules, the Bill was read the second time, passed to be engrossed as amended in concurrence.

The Chair laid before the House the following matter: (H.P. 123) (L.D. 160) Bill "An Act to Make Supplemental Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1990 and June 30, 1991" (EMERGENCY) Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-577) which was tabled earlier in the day and later today assigned pending adoption of Committee Amendment "A."

Representative Mills of Bethel offered House Amendment "B" (H-606) to Committee Amendment "A" (H-577) and moved its adoption.

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

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

Representative STROUT: Mr. Speaker, Men and Women of the House: I move the indefinite postponement of House Amendment "B" and I ask for a roll call.

I would like to explain my reasons for doing this. It has always been my intention when I vote on a bill in committee, if I vote "Ought Not to Pass" and when something like this comes up and it is reoffered, especially on a budget bill, I have to stay consistent.

I am opposed to the increase in inspection fees and I believe it is wrong to tie this to the supplemental budget. That is why I am asking for a roll call and indefinite postponement.

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

Representative MILLS: Mr. Speaker, Men and Women of the House: Many of you have probably come to admire Representative Strout as much as I have. He is a very clever man. In this case, he probably has gotten himself into a pretty good position as far as being clever.

Basically, we have a bill down in Transportation that we all voted unanimously for, the budget. Now, if we pass that budget, we have a shortfall in

funds. We all voted unanimously for that budget, we all want that budget for those bills that need to be funded.

At the same time, we have another bill to the motor vehicle fund to increase the sticker. The only way that we can have that budget is to either make cuts or go for the funding package.

Representative Strout wants to do both. We wants to be able to say that he voted for the budget, that he has had all of these things in the budget and, at the same time, he voted against the fee or tax or whatever you want to call it, the fee increase to the budget. Now, it is my opinion that if you are going to vote for the budget unanimously, you have got to fund the budget unanimously or you have got to make cuts in that budget. He hasn't signed any Minority Report out saying where he wants to make cuts. It is my opinion that we should have this bill attached to the budget so that you have either got to vote for the budget with the fee increase to be able to fund it or you have got to say, I voted against the budget. I think that is the only fair thing for the members of the committee who did sign out that fund increase. If we are going to vote for a budget unanimously, we should be united in funding that budget also or decide where the cuts are going to be. That is why I moved for the adoption of this amendment.

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

Representative STROUT: Mr. Speaker, Men and Women of the House: I think you have heard a very good explanation here tonight. I want to tell you that I intend to balance the supplemental budget. I have from day one. Let me tell you here tonight, we can do it without this fee increase. However, you have got to remember that a few things weren't said by Representative Mills. We agreed in committee to send the inspection bill out, some of us were opposed to it, but let it go its normal course. If it passed, then we would reconvene and work on the supplemental budget. If it failed, we would reconvene and we would have to make adjustments.

Let me tell you ladies and gentlemen, I have been involved with budgets on the local level for 11 years. I have been involved with the highway budget for 16 years. You can't stand here tonight and tell me that there is no way that you can't have a supplemental highway budget without this fee increase. That's absolutely false, because adjustments can always be made.

Two days ago, I was told outside of this Hall that I wanted my cake and eat it too. I am telling you tonight that I intend to have my cake and I can see a balanced budget with some frosting on it. I can do it without any fee increase. Earlier this afternoon, I offered to get up and move indefinite postponement and ask for a roll call and sit down. Now, I don't want to get into this supplemental budget but if you want me to, I can.

As I said earlier, I am opposed to the fee increase. That has nothing to do as far as whether you are going to balance the budget or not, that is where we have to make that determination. I am sure the Appropriations Committee, the last week or so and the next few days, is going to balance their budget. If you don't have the revenue, you have to make adjustments. That is what we have to do.

The fact of the matter is that you are voting on a fee increase. If you want to do that, that is fine. I have no problem with that. I just happen to be opposed to it. But, if you don't want to vote for that, I will do everything I can to work with this budget to balance it. That was my intention two

weeks ago and it is still my intention tonight. I have no problem with that. I don't see the big problem with me voting no on a roll call.

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

Representative ALIBERTI: Mr. Speaker and Members of the House: We heard a presentation today requesting the body to address a safety issue that was the responsibility of this same department. No one mentioned the amount of money that is involved in this fee. It is a half a million dollars as it was presented on the amendment.

I also understand that the highway fund is a dedicated fund. What does that mean? Is it a dedicated fund? Is it one that continues to come back here year after year with shortfalls? That seems to be the code word for the budget that is presented here every year by the Transportation Committee in regards to highway funds.

I feel it is about time, if you have a dedicated fund and you have a commitment to come in here once and say we have a balanced budget and we don't need to tax the people any further.

I object to this strenuously and I understand the fiscal note that I just presented is not a true fiscal note, it can easily be doubled.

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

Representative BAILEY: Mr. Speaker, Ladies and Gentlemen of the House: We have done, as I have heard from other committees here during all the debates, how hard everyone is working. We have also worked hard on the Transportation Committee. I was the one that also voted in committee against the motion to raise the revenue through the sticker fees and so forth. I hate to stand here and speak against my comrade from Corinth, Representative Strout, however we need that budget. We did have a balance that was approved unanimously and I would hate to see it taken apart here in the House. So, I am going to vote in favor of the motion.

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

Representative MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: Perhaps I could add just a little bit of light on the situation. Representative Strout has done budgets for 15 years. I have also done budgets for 15 years, city, county, state. I think I know a little bit about them. I think there is an effort being made here to make this a partisan issue and there is no way in the world it should ever become a partisan issue.

The committee report was nine to four. Two Republicans voted against it, two Democrats voted against it.

The other day on the floor we had to vote, 32 Republicans voted no, 34 Democrats voted no. Now, if you can show me anything partisan in that report, I would like to hear about it.

Representative Strout is saying you are voting here tonight for a fee increase. That is simply not true. You voted here on June 14th for a fee increase and it passed by a margin of 75 to 66. What he isn't telling you is the fact that, if it is refused tonight, if it is indefinitely postponed, the Transportation Committee will have to go back into session and they will have to cut \$800,000 out of the biennium budget. That is the decision you have to make tonight.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the

members present and voting. Those in favor will vote yes; those opposed will vote no.

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

The SPEAKER: The Chair recognizes the Representative from Princeton, Representative Moholland.

Representative MOHOLLAND: Mr. Speaker, ladies and Gentlemen of the House: When we made up the budget, everybody was 100 percent for that budget, including my good friend across the aisle. I don't know what happened but all of a sudden when we got ready to come in here for the fee, everything went haywire.

We have got to have that, ladies and gentlemen, to fill out our budget like Representative Macomber said. I hope you will go along with the amendment tonight.

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

ROLL CALL NO. 104

YEA - Aikman, Aliberti, Ault, Carter, Dellert, Dipietro, Duffy, Dutremble, L.; Farren, Foss, Garland, Gould, R. A.; Greenlaw, Gwadosky, Hepburn, Hussey, Lebowitz, Look, Mayo, McCormick, McHenry, Merrill, Pineau, Priest, Seavey, Stevens, A.; Strout, B.; Strout, D.; Telow, Tracy.

NAY - Adams, Allen, Anderson, Anthony, Bailey, Begley, Bell, Boutilier, Burke, Butland, Cahill, M.; Carroll, D.; Carroll, J.; Cashman, Cathcart, Clark, M.; Conley, Constantine, Cote, Crowley, Curran, Daggett, Dexter, Donald, Dore, Erwin, P.; Farnsworth, Farnum, Foster, Graham, Gurney, Hale, Handy, Hastings, Heeschen, Hickey, Hoglund, Holt, Hutchins, Jacques, Joseph, Ketover, Kilkelly, LaPointe, Larrivee, Lawrence, Libby, Lisnik, Lord, Luther, MacBride, Macomber, Mahany, Manning, Marsano, Marsh, McGowan, McKeen, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Murphy, Nadeau, G. G.; Nadeau, G. R.; Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, E.; Paradis, P.; Parent, Paul, Pederson, Pendleton, Plourde, Pouliot, Rand, Reed, Richards, Ridley, Rotondi, Ruhlin, Rydell, Sheltra, Sherburne, Simpson, Small, Smith, Stevens, P.; Stevenson, Swazey, Tammaro, Tardy, Townsend, Tupper, Walker, Webster, M.; Wentworth, The Speaker.

ABSENT - Brewer, Chonko, Clark, H.; Coles, Hanley, Hichborn, Higgins, Jackson, Jalbert, Marston, Martin, H.; McPherson, Paradis, J.; Pines, Richard, Rolde, Skoglund, Whitcomb.

Yes, 30; No, 103; Absent, 18; Paired, 0; Excused, 0.

30 having voted in the affirmative, 103 in the negative, with 18 being absent, the motion to indefinitely postpone did not prevail.

Subsequently, House Amendment "B" (H-606) to Committee Amendment "A" (H-577) was adopted.

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

Under suspension of the rules, the Bill was read the second time, passed to be engrossed as amended and sent up for concurrence.

The following item appearing on Supplement No. 20 was taken up out of order by unanimous consent:

PASSED TO BE ENGROSSED
As Amended

Bill "An Act Relating to Drug Testing" (H.P. 609) (L.D. 833) (C. "A" H-599)

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

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

Representative MARSANO: Mr. Speaker, Men and Women of the House: I would like to ask a question through the Chair if I may.

I had a call from some individuals this morning who were familiar with the fact that this amendment was going to come before the floor and said that, in the event that an employer was the employer of a person who was a seller of drugs, that it was their understanding that random testing could not be used. I have some difficulty with the bill because if I read paragraph 1a, it said that if an employer had a compelling reason to administer the test, he could. But, as I read through it, I am not sure that that is so. I wonder if any members of the committee could respond to that.

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

The Chair recognizes the Representative from Madawaska, Representative McHenry.

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: This is a package that has been worked out by the Governor's Office and everybody concerned, the employers of this state and the random testing is in safety sensitive positions, if I recall correctly. Only in those safety sensitive positions which are reported to the Department of Labor, which the Department of Labor will keep an eye on and report to the Labor Committee.

Subsequently, the Bill was passed to be engrossed as amended and sent up for concurrence.

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

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

An Act to Increase the Motor Vehicle Inspection Fees (H.P. 49) (L.D. 70) (C. "A" H-470)
TABLED - June 15, 1989 (Till Later Today) by Representative MAYO of Thomaston.
PENDING - Passage to Be Enacted.

Representative Gwadosky of Fairfield moved that L.D. 70 and all accompanying papers be indefinitely postponed.

The same Representative requested a roll call vote on the motion to indefinitely postpone.

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

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

The SPEAKER: The pending question before the House is the motion of Representative Gwadosky of Fairfield, that L.D. 70 and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 105

YEA - Adams, Aikman, Allen, Anderson, Anthony, Aull, Bailey, Begley, Bell, Boutilier, Burke, Butland, Cahill, M.; Carroll, D.; Carroll, J.;

Carter, Cashman, Cathcart, Clark, M.; Conley, Constantine, Cote, Crowley, Curran, Daggett, Dellert, Dexter, Dipietro, Donald, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnsworth, Farnum, Farren, Foss, Foster, Garland, Gould, R. A.; Graham, Greenlaw, Gurney, Gwadosky, Hale, Handy, Hastings, Heeschen, Hepburn, Hickey, Hoglund, Holt, Hussey, Hutchins, Jacques, Jalbert, Joseph, Ketover, Kilkelly, LaPointe, Larrivee, Lawrence, Lebowitz, Libby, Lisnik, Look, Lord, Luther, MacBride, Macomber, Mahany, Manning, Marsano, Marsh, Mayo, McCormick, McGowan, McHenry, McKeen, McSweeney, Melendy, Merrill, Michaud, Mills, Mitchell, Moholland, Murphy, Nadeau, G. G.; Nadeau, G. R.; Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, E.; Paradis, P.; Parent, Paul, Pederson, Pendleton, Pineau, Plourde, Pouliot, Priest, Rand, Reed, Richard, Richards, Ridley, Rotondi, Ruhlin, Rydell, Seavey, Sheltra, Sherburne, Simpson, Small, Smith, Stevens, A.; Stevens, P.; Stevenson, Strout, B.; Strout, D.; Swazey, Tamaro, Tardy, Telow, Townsend, Tracy, Tupper, Walker, Webster, M.; Wentworth, Whitcomb, The Speaker.

NAY - Aliberti.

ABSENT - Brewer, Chonko, Clark, H.; Coles, Hanley, Hichborn, Higgins, Jackson, Marston, Martin, H.; McPherson, Paradis, J.; Pines, Rolde, Skoglund.

Yes, 135; No, 1; Absent, 15; Paired, 0; Excused, 0.

135 having voted in the affirmative, 1 in the negative, with 15 being absent, the motion to indefinitely postpone did prevail. Sent up for concurrence.

(At Ease)

The House was called to order by the Speaker.

The Chair laid before the House the following matter: An Act to Clarify the Subdivision Laws (H.P. 1174) (L.D. 1628) (C. "A" H-521) (Emergency) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Jacques of Waterville, under suspension of the rules, the House reconsidered its action whereby L.D. 1628 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-521) was adopted.

The same Representative offered House Amendment "A" (H-614) to Committee Amendment "A" (H-521) and moved its adoption.

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

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

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

(Off Record Remarks)

(At Ease)

The House was called to order by the Speaker.

The following items appearing on Supplement No. 21 were taken up out of order by unanimous consent:

CONSENT CALENDAR

First Day

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

(H.P. 968) (L.D. 1346) Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$3,000,000 to Protect Ground Water Quality and Public Health Through the Cleanup and Closure of Municipal and Abandoned Solid Waste Landfills" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-610)

(H.P. 1252) (L.D. 1751) Bill "An Act to Amend the Laws Pertaining to the Commission on Biotechnology and Genetic Engineering" (EMERGENCY) Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-613)

(S.P. 404) (L.D. 1048) Bill "An Act to Allow the Board of Harbor Commissioners for Portland Harbor to Charge Service Fees" Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-324)

Under suspension of the rules, Consent Calendar Second Day notification was given, the Senate Paper was passed to be engrossed as amended in concurrence and the House Papers were passed to be engrossed as amended and sent up for concurrence.

The following item appearing on Supplement No. 22 was taken up out of order by unanimous consent:

**PAPER FROM THE SENATE
Non-Concurrent Matter**

Bill "An Act to Strengthen Land Use Management in Maine's Unorganized Territories" (EMERGENCY) (H.P. 183) (L.D. 248) which was passed to be engrossed as amended by Committee Amendment "A" (H-571) in the House on June 16, 1989.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-571) and Senate Amendment "A" (S-325) thereto in non-concurrence.

The House voted to recede and concur.

The following items appearing on Supplement No. 23 were taken up out of order by unanimous consent:

REPORTS OF COMMITTEES

Ought to Pass Pursuant to Joint Order (H.P. 9)

Representative JOSEPH from the Committee on State and Local Government on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1989 (EMERGENCY) (H.P. 1263) (L.D. 1759) reporting "Ought to Pass" - Pursuant to Joint Order (H.P. 9)

Report was read and accepted, the Resolve read once.

Under suspension of the rules, the Resolve was read a second time, passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Ought to Pass Pursuant to Joint Order (H.P. 9)

Representative JOSEPH from the Committee on State and Local Government on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1989 (EMERGENCY) (H.P. 1262) (L.D. 1758) reporting "Ought to Pass" - Pursuant to Joint Order (H.P. 9)

Report was read and accepted, the Resolve read once.

Under suspension of the rules, the Resolve was read a second time, passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Ought to Pass Pursuant to Joint Order (H.P. 9)

Representative JOSEPH from the Committee on State and Local Government on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Washington County for the Year 1989 (EMERGENCY) (H.P. 1261) (L.D. 1757) reporting "Ought to Pass" - Pursuant to Joint Order (H.P. 9)

Report was read and accepted, the Resolve read once.

Under suspension of the rules, the Resolve was read a second time, passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The following item appearing on Supplement No. 24 was taken up out of order by unanimous consent:

PASSED TO BE ENGROSSED

WITHOUT REFERENCE TO COMMITTEE

Bill "An Act Transferring Concurrent Legislative Jurisdiction over Brunswick Naval Air Station" (H.P. 1266) (L.D. 1761) (Presented by Representative PRIEST of Brunswick) (Cosponsored by Senator CLARK of Cumberland, Representative RYDELL of Brunswick and Representative CLARK of Brunswick)

(The Committee on Judiciary was suggested)

Representative MacBride of Presque Isle moved that L.D. 1761 be tabled one legislative day.

Subsequently, Representative MacBride of Presque Isle withdrew her motion to table.

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

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

An Act to Increase the Compensation for Part-time Deputy Sheriffs (H.P. 788) (L.D. 1100) (C. "A" H-209) TABLED - June 15, 1989 (Till Later Today) by Representative JOSEPH of Waterville.

PENDING - Passage to be Enacted.

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

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

(Off Record Remarks)

On motion of Representative Moholland of Princeton,

Adjourned until Monday, June 19, 1989, at nine o'clock in the morning.