

# 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

subject reported that the same Ought to Pass as Amended by Committee Amendment "B" (H-629).

Signed:

Representatives:

JOSEPH of Waterville  
ROTONDI of Athens  
DAGGETT of Augusta  
HEESCHEN of Wilton  
LARRIVEE of Gorham  
GWADOSKY of Fairfield

Comes from the House the Minority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-629).

Which Reports were READ.

On motion by Senator CLARK of Cumberland, Tabled 1 Legislative Day, pending ACCEPTANCE OF EITHER REPORT.

On motion by Senator PEARSON of Penobscot, ADJOURNED until Tuesday, June 20, 1989, at 10:00 in the morning.

**ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE  
FIRST REGULAR SESSION  
87th Legislative Day  
Tuesday, June 20, 1989**

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

Prayer by Reverend Robert Hargreaves, St. Mark's Episcopal Church, Augusta.

The Journal of Monday, June 19, 1989, was read and approved.

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

**PAPERS FROM THE SENATE  
Non-Concurrent Matter**

An Act Relating to Sales Tax Exemptions and Revenues (Emergency) (H.P. 975) (L.D. 1353) (C. "A" H-446) which was passed to be enacted in the House on June 15, 1989.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-446) as amended by Senate Amendment "A" (S-336) thereto in non-concurrence.

The House voted to recede and concur.

**Non-Concurrent Matter**

Bill "An Act to Revise the Communicable Disease Law" (H.P. 1122) (L.D. 1554) which was passed to be engrossed as amended by Committee Amendment "A" (H-408) as amended by House Amendment "A" (H-609) thereto in the House on June 16, 1989.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-408) as amended by House Amendment "A" (H-609) thereto and Senate Amendment "B" (S-342) in non-concurrence.

The House voted to recede and concur.

**Non-Concurrent Matter**

Bill "An Act to Establish Occupational Health and Safety Standards for Operators of Video Display Terminals" (H.P. 481) (L.D. 661) on which the House insisted on its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-563) in the House on June 19, 1989.

Came from the Senate with that Body having insisted on its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-563) as amended by Senate Amendment "A" (S-308) thereto and asked for a Committee of Conference in non-concurrence.

The House voted to Insist and Join in a Committee of Conference.

**Non-Concurrent Matter**

Bill "An Act to Establish the Department of Child and Family Services" (EMERGENCY) (H.P. 1199) (L.D. 1666) on which the Majority "Ought to Pass" as amended Report of the Committee on State and Local Government was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-621) in the House on June 19, 1989.

Came from the Senate with the Minority "Ought to Pass" as amended Report of the Committee on State and Local Government read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "B" (H-622) in non-concurrence.

Representative Mayo of Thomaston moved that the House adhere.

Representative Wentworth of Wells moved that the House recede and concur.

Representative Mayo of Thomaston 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 Wentworth of Wells that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 117

YEA - Anderson, Ault, Bailey, Begley, Butland, Curran, Dexter, Donald, Farren, Foss, Foster, Garland, Greenlaw, Hanley, Hastings, Hepburn, Hutchins, Jackson, Lebowitz, Libby, Look, Lord, MacBride, Marsano, McCormick, Merrill, O'Dea, Parent, Pendleton, Pines, Reed, Richards, Seavey, Sherburne, Small, Stevens, A.; Stevenson, Tupper, Webster, M.; Wentworth, Whitcomb.

NAY - Aliberti, Allen, Anthony, Bell, Boutilier, Brewer, Burke, Cahill, M.; Carroll, D.; Carter, Cathcart, Chonko, Clark, M.; Coles, Conley, Constantine, Crowley, Daggett, DiPietro, Dutremble, L.; Erwin, P.; Farnsworth, Farnum, Gould, R. A.; Graham, Gurney, Gwadosky, Hale, Heeschen, Hichborn, Hickey, Hoglund, Hussey, Jalbert, Ketover, Kilkelly, Larrivee, Lawrence, Lisnik, Luther, Macomber, Mahany, Manning, Marston, Martin, H.; Mayo, McHenry, McKeen, McSweeney, Melendy, Michaud, Mills, Moholland, Murphy, Nadeau, G. R.; Norton, Nutting, O'Gara, Oliver, Paradis, J.; Paradis, P.; Pederson, Pineau, Plourde, Priest, Rand, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Sheltra, Simpson, Skoglund, Smith, Stevens, P.; Strout, D.; Swazey, Tamaro, Tardy, Telow, Townsend, Tracy, Walker, The Speaker.

ABSENT - Adams, Aikman, Carroll, J.; Cashman, Clark, H.; Cote, Dellert, Dore, Duffy, Handy, Higgins, Holt, Jacques, Joseph, LaPointe, Marsh, McGowan, McPherson, Mitchell, Nadeau, G. G.; Paradis, F.; Paul, Pouliot, Richard, Strout, B..

Yes, 41; No, 85; Absent, 25; Paired, 0; Excused, 0.

41 having voted in the affirmative, 85 in the negative, with 25 being absent, the motion did not prevail.

Subsequently, the House voted to Adhere.

Non-Concurrent Matter

Bill "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) which was passed to be engrossed as amended by Committee Amendment "A" (H-514) as amended by House Amendment "A" (H-601) thereto in the House on June 16, 1989.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-514) as amended by House Amendment "A" (H-601) and Senate Amendment "A" (S-341) thereto in non-concurrence.

On motion of Representative Priest of Brunswick, the House voted to recede.

On further motion of the same Representative, House Amendment "A" (H-601) to Committee Amendment "A" (H-514) was indefinitely postponed.

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

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

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

COMMUNICATIONS

The following Communication:

STATE OF MAINE  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
COMMITTEE ON AUDIT AND PROGRAM REVIEW  
June 16, 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 Committee on Audit & Program Review 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	2
Unanimous reports	2
Leave to Withdraw	0
Ought to Pass	0
Ought Not to Pass	0
Ought to Pass as Amended	2
Ought to Pass in New Draft	0
Divided reports	0

Respectfully submitted,  
S/Senator Beverly Miner Bustin, Senate Chair  
S/Representative Neil Rolde, House Chair  
Was read and ordered placed on file.

PETITIONS, BILLS AND RESOLVES  
REQUIRING REFERENCE

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

Judiciary  
Bill "An Act Concerning Immunity From Liability for Incorporators of Certain Hospitals" (H.P. 1275) (L.D. 1769) (Presented by Representative MELENDY of Rockland) (Cosponsored by Senator CLARK of Cumberland and Senator WEBSTER of Franklin) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.  
Sent up for Concurrence.

CONSENT CALENDAR  
First Day

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

(H.P. 315) (L.D. 429) Bill "An Act Regarding State Forest Practice Laws" Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "B" (H-635)

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

PASSED TO BE ENGROSSED  
As Amended

Bill "An Act to Amend Certain Motor Vehicle Laws" (S.P. 511) (L.D. 1399) (C. "A" S-335)  
 Was reported by the Committee on Bills in the Second Reading, read the second time and Passed to be Engrossed in concurrence.

**ORDERS OF THE DAY  
 UNFINISHED BUSINESS**

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

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

HOUSE DIVIDED REPORT - Majority (7) "Ought to Pass" as amended by Committee Amendment "A" (H-611) - Minority (6) "Ought to Pass" as amended by Committee Amendment "B" (H-612) - Committee on Education on Bill "An Act to Improve the Delivery of Higher Education Finances in Maine" (EMERGENCY) (H.P. 837) (L.D. 1169)

TABLED - June 19, 1989 (Till Later Today) by Representative CROWLEY of Stockton Springs.

PENDING - Motion of same Representative to accept the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-611) Report.

On motion of Representative Mayo of Thomaston, retabled pending the motion of Representative Crowley of Stockton Springs that the House accept the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-611) Report and later today assigned.

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

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

TABLED - June 19, 1989 (Till Later Today) by Representative GWADOSKY of Fairfield.

PENDING - Motion of Representative CASHMAN of Old Town to accept the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-388) Report.

On motion of Representative Mayo of Thomaston, retabled pending the motion of Representative CASHMAN of Old Town that the House accept the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-388) Report and later today assigned.

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

An Act to Change the Method of Approving Equivalent Instruction in Home Schools (EMERGENCY) (H.P. 949) (L.D. 1317) (C. "A" H-544)

TABLED - June 19, 1989 (Till Later Today) by Representative HANDY of Lewiston.

PENDING - Passage to be Enacted.

On motion of Representative Handy of Lewiston, under suspension of the rules, the House reconsidered its action whereby L.D. 1317 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-544) was adopted.

The same Representative offered House Amendment "A" (H-636) to Committee Amendment "A" (H-544) 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 fourth item of Unfinished Business:

An Act to Study the Creation of a State Fund to Provide Workers' Compensation Insurance Coverage to Employers' (EMERGENCY) (H.P. 952) (L.D. 1320) (C. "A" H-578)

TABLED - June 19, 1989 (Till Later Today) by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

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

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

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1989 (EMERGENCY) (H.P. 1262) (L.D. 1758)

TABLED - June 19, 1989 (Till Later Today) by Representative MAYO of Thomaston.

PENDING - Final Passage.

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

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

An Act to Improve Public Access to and Participation in Decisions Made by Quasi-Municipal Corporations (H.P. 595) (L.D. 813) (C. "A" H-543)

TABLED - June 19, 1989 (Till Later Today) by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

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

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

7. An Act to Establish the Bureau of Juvenile Corrections (H.P. 1147) (L.D. 1590) (H. "A" H-569 to C. "A" H-496)

TABLED - June 19, 1989 (Till Later Today) by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

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

(At Ease)

The House was called to order by the Speaker.

The Chair laid before the House the following matter: An Act to Study the Creation of a State Fund to Provide Workers' Compensation Insurance Coverage to Employers' (EMERGENCY) (H.P. 952) (L.D. 1320) (C.

"A" H-578) which was tabled earlier in the day and later today assigned pending passage to be enacted.  
 On motion of Representative Rydell of Brunswick, recommitted to the Committee on Banking and Insurance.

(Off Record Remarks)

(At Ease to the Gong)

The House was called to order by the Speaker.

The Chair laid before the House the following item: Resolve, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1989 (EMERGENCY) (H.P. 1262) (L.D. 1758) which was tabled earlier in the day and later today assigned pending final passage.

On motion of Representative Duffy of Bangor, under suspension of the rules, the House reconsidered its action whereby L.D. 1758 was passed to be engrossed.

The same Representative offered House Amendment "B" (H-642) and moved its adoption.

House Amendment "B" (H-642) was read by the Clerk and adopted.

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

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

PAPER FROM THE SENATE

Divided Report

Majority Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (S-343) on Bill "An Act to Reduce Hardship for Injured Workers" (S.P. 346) (L.D. 916)

Signed:

Senators: ESTY of Cumberland  
 MATTHEWS of Kennebec  
 WHITMORE of Androscoggin  
 Representatives: LUTHER of Mexico  
 McKEEN of Windham  
 McHENRY of Madawaska  
 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:

Representatives: BUTLAND of Cumberland  
 McCORMICK of Rockport  
 REED of Falmouth

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-343)

Reports were read.

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

Committee Amendment "A" (S-343) 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. 2 was taken up out of order by unanimous consent:

PAPER FROM THE SENATE

Non-Concurrent Matter

Bill "An Act to Authorize Cumberland County to Raise up to \$25,000,000 for Construction of a New Jail Facility for Cumberland County" (H.P. 1258) (L.D. 1755) on which the Minority "Ought to Pass" as amended Report of the Committee on State and Local Government was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "B" (H-629) in the House on June 19, 1989.

Came from the Senate with the Majority "Ought to Pass" as amended Report of the Committee on State and Local Government read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-628) in non-concurrence.

The House voted to Insist.

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

PASSED TO BE ENACTED

Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$7,000,000 for Facilities Serving People with Mental Illness (S.P. 305) (L.D. 804) (C. "A" S-329)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary a total was taken.

Representative Manning of Portland 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 passage to be enacted. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House is necessary. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 118

YEA - Adams, Aliberti, Allen, Anderson, Anthony, Bailey, Bell, Boutilier, Brewer, Burke, Butland, Carroll, D.; Carroll, J.; Carter, Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Conley, Constantine, Cote, Crowley, Curran, Daggett, Dexter, Donald, Duffy, Erwin, P.; Farnsworth, Farnum, Foss, Foster, Garland, Gould, R. A.; Graham, Greenlaw, Gurney, Gwadosky, Hale, Handy, Hanley, Hastings, Heeschen, Hepburn, Hichborn, Hickey, Higgins, Hoglund, Holt, Hutchins, Jackson, Jacques, Jalbert, Joseph, Kilkelly, LaPointe, Larrivee, Lawrence, Lebowitz, Libby, Lisnik, Look, Lord, Luther, MacBride, Macomber, Manning, Marsano, Marsh, Marston, Martin, H.; Mayo, McCormick, McGowan, McHenry, McKeen, McSweeney, Melendy, Merrill, Michaud, Mills, Mitchell, Murphy, Nadeau, G. G.; Nadeau, G. R.; Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, E.; Paradis, J.; Parent, Paul, Pederson, Pendleton, Pineau, Pines, Plourde, Pouliot, Priest, Rand, Reed, Richard, Richards, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Seavey, Sherburne, Simpson, Skoglund, Small, Smith, Stevens, A.; Stevens, P.; Stevenson, Strout, B.; Strout, D.; Swazey, Tammaro, Tardy, Telow,

Townsend, Tracy, Tupper, Walker, Webster, M.; Wentworth, Whitcomb, The Speaker.

NAY - Aikman, Ault, Begley, Dellert, Farren.

ABSENT - Cahill, M.; DiPietro, Dore, Dutremble, L.; Hussey, Ketover, Mahany, McPherson, Moholland, Paradis, P.; Sheltra.

Yes, 135; No, 5; Absent, 11; Paired, 0; Excused, 0.

135 having voted in the affirmative, 5 in the negative, with 11 being absent, the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

**ENACTOR**

**Bond Issue**

**Later Today Assigned**

An Act to Authorize General Fund Bond Issues in the Amount of \$35,000,000 and \$14,500,000 for Construction and Renovation of Correctional Facilities (S.P. 608) (L.D. 1702) (C. "A" S-332)

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

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

**ENACTOR**

**Bond Issue**

**Later Today Assigned**

An Act to Authorize a General Fund Bond Issue in the Amount of \$15,000,000 to Provide Funds for Acquiring and Preserving Land for Affordable Housing and for the Development of Affordable Housing (H.P. 1000) (L.D. 1389) (C. "A" H-617)

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

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

**PASSED TO BE ENACTED**

**Bond Issue**

An Act to Authorize a General Fund Bond Issue in the Amount of \$20,210,600 for the Maine Vocational-Technical Institute System (H.P. 1235) (L.D. 1727) (C. "A" H-616)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken. 128 voted in favor of same and 1 against, and accordingly the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

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

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act to Amend Certain Provisions of the Maine Low-level Radioactive Waste Authority Act (S.P. 469) (L.D. 1266) (C. "A" S-289)

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

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

Representative SIMPSON: Mr. Speaker, Men and Women of the House: L.D. 1266, now that it is fully on your mind, An Act to Amend Certain Provisions of the Maine Low-level Radioactive Waste Authority Act

-- the reason we would like to read this into the Record is because there are certain provisions in it which are rather controversial. That provision is the concept of a temporary low-level waste storage facility. When the committee worked on this bill, it was the intent that a temporary low-level waste storage facility only be built and only be built in the event as a last resort. It was never the intent of the committee to actually see such a facility be built. We want to make that very clear.

What this bill does, it sets up a hierarchy of priorities which basically asks our waste authority to negotiate an out-of-state compact to dispose of our low-level radioactive waste; (2) it then sets as a second priority on-site storage at the facilities that are generating that waste today. The third alternative is to build in the state a permanent low-level waste storage facility. That brings in the fourth alternative, a temporary low-level waste storage facility.

You may ask what is the reason for that? The reason is very simple, we were told in committee that without this legislation, the state, through the Governor's office, which is trying to negotiate a compact out-of-state compact to store the waste, would be at a disadvantage with the Nuclear Regulatory Commission and United States Public Law 96-573. We were told over and over again that this concept of a temporary storage facility was to be a "paper concept" only. So, that is the purpose for rising today, to read into the Record to make it perfectly clear that in the future if such an issue should arise that administrators or judges be very clear as to what the intent of this language is.

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

Representative HOLT: Mr. Speaker, Men and Women of the House: I speak for the purpose of even more careful attention to this bill about to be enacted as emergency legislation. L.D. 1266, Senate Amendment 289 -- some of us recall passing a Low-level Radio-active Waste Authority Act in the 113th Legislature. We learned that the federal government has required the states to meet certain time tables in dealing with radio-active waste generated by nuclear power plants.

Please understand that the small amount of radio-active waste from hospitals and laboratories would never have necessitated this legislation, much less the creation of a state authority. The problem is Maine Yankee's waste.

You may have been led to believe that low-level waste from nuclear power plants is not very harmful. But, I promise you it is true that some of it can deliver a fatal dose in a matter of minutes. Low-level waste is almost everything except spent fuel rods which are even more dangerous. The fuel rods are piling up on-site in pools, they create a terrible risk, pools on-site at Maine Yankee and other power plants.

When I was debating this subject with a Maine Yankee spokesman before a rotary club some time ago, he asserted that the Nuclear Regulatory Commission was loathed to site any kind of a waste facility at an operating nuclear power plant because it might prove difficult to identify the source of escaping radiation in case of an accident and/or to protect the site in case of an accident. Now we see this waste problem cannot be solved with certainty after 40 years of whistling in the dark and lately some nervous games of catch-up ball.

The Nuclear Regulatory is thinking of keeping the fuel rods in dry casks above ground on-site in one of their catch-up ball ideas, on-site at nuclear plants

because the pools are getting dangerously clouded. Now, too, this bill is before us as a kind of admission that we cannot deal with the low-level waste either. It provides for longer storage of waste either at Maine Yankee or out-of-state than the five years the Nuclear Regulatory Commission already has allowed Maine Yankee to do. This is not the stay for a long time isolation we need, but it is storage. My fear is that storage anywhere will become long-term and we will be left by Maine Yankee and other power companies for the people of the states to deal with forever.

The Public Advocate and the Governor, it seems, have just managed to reserve a space at Beatty in Nevada as a kind of stopgap storage place for our Maine waste in case we need it. This simply shifts the burden to the people of Nevada with really no long-term solution in sight.

A Maine Legislature, years ago, approved atomic power for our state but, you won't find any mention of it in the Legislative Record down in the Library, go and look. Uncle Sam was going to take care of it. The fact is the federal government has dumped the problem in the laps of the states. It has even legislated a provision whereby states can be made to take ownership of the waste. In the legislature here we often consider whether or not this or that bill is constitutional. Where does it say in the Constitution that states can be made to take ownership of waste generated by private-for-profit corporations?

This waste is the most dangerous known to man kind. Did you know that storage and disposal facilities are programmed to emit radioactivity just like an operating plant? Did you know that the allowable doses are the same? Allowable is not the same as safe -- there is no safe level. Did you know that the man-made radioactive isotope Iodine 129 is expected to be emitted by these facilities and to build up in the environment? This material can harm unborn babies and the young of future generations. Its half-life is 17 million years. In this bill, we talk about watching out for it for 100 years -- low-level waste and being pretty sure everything is going to be okay for 500 years after that -- well, it is up to the future generations to worry.

I do commend the Energy Committee and the Advisory Commission on Radioactive Waste for their devoted hard work. But, I cannot understand why state governments haven't dug in their heels and said, "No more, Uncle Sam, you call another Manhattan Project together, an international Manhattan Project and you find out how to deal with the waste we already have before we make any more and help the world get off the nuclear habit."

What we are planning in this bill brings to mind some things that our famous and revered forefather Thomas Jefferson had to say. First he said, that every so often, there ought to be a little rebellion to keep freedom. I think this is a time for it. He also said "The earth belongs to the living, but one generation has no right to bind another. We have a right to bind ourselves by the will of the majority but none to bind succeeding generations."

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: I hope you will pass this bill today. It is a bill that the Legislature was asked to pass by the Low-level Radioactive Waste Authority, which is an agency we created and charged with the responsibility of taking care of our radioactive waste. This state has a two-track policy of trying to dispose of its radioactive waste. On the one

hand, we are aggressively pursuing contracts and compacts with other states. This morning, the Energy and Natural Resources Committee held a public hearing on a bill which you will hopefully see this afternoon which will approve a contract and send it out to the voters with the Rocky Mountain Radioactive Waste Disposal Board. It is a three year contract and I hope that it will be followed in several years by other contracts. The federal law requires us to take care of the waste, either through a contract, compact or to go it ourselves. We have a two-track policy, we are seeking a contract or compact and if that fails, we are going to go and do it ourselves.

The contract which we had a hearing on this morning was negotiated by the Public Advocate, Steve Ward. I can't tell you how important it is when you go to a state that has a radioactive waste disposal facility to be able to say that you are meeting your responsibility under federal law, that you are trying to take care of the problem and that is what this bill does.

If we don't pass this bill, it is going to be very difficult to find a contract or compact with another state and I think you are increasing the likelihood of a facility being built in Maine. Now, that may seem a contradiction but where you have this two-track policy, you are expected to comply with the law and it is easier to approach another state and make a plea to use their facility. Once there are a few facilities sighted across the country, I think that will become likely.

So, I plead with you to pass this bill. It is an important bill for the authority and it straightens things out and it hopefully will keep things on track for us for another couple of years.

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

Representative LORD: Mr. Speaker, Learned Colleagues: As a new member of the Advisory Low-level Committee, I urge you to pass this bill.

I think you must remember that, not only does this low-level nuclear waste come from Maine Yankee, it comes from the Kittery Navy Yard, it comes from hospitals and other facilities around the state. We had a list this morning, I think around 20-25 different places that are producing this low-level nuclear waste. We are trying very hard to make sure it doesn't stay here. As Representative Mitchell said, it will be a setback to the Advisory Committee and the whole program if this is not passed. I urge you to pass this bill.

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

Representative COLES: Mr. Speaker, Men and Women of the House: In addition to the comments of the previous two speakers which I fully support, I just want to point out that this is a unanimous committee report, it is fully supported by the Governor.

On December 31, 1989, the Governor is required by federal law to certify Maine as properly taking care of its low-level radioactive waste. If the Governor cannot credibly do so, we will be denied access to those sites we are now using. All the waste generated in Maine starting on January 1 will end up staying in Maine. The Governor will not be able to credibly certify that we are meeting federal requirements if this bill does not pass. I hope very strongly that you will support it at this time on this vote.

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

Representative MILLS: Mr. Speaker, Men and Women of the House: Having also served on the committee in the past I just want to mention how important it is

to have this bill passed. As was mentioned earlier today, there are many disagreements over the waste issue and whether or not we should have nuclear power as is. The problem is, we do have it, it is in this state, it has been voted and it is going to continue in this state for a while. We are under federal mandates and if we want to be able to get other sites to be available to us to store the waste that we have already produced, whether we shut down tomorrow or not, we have this waste and we have to do something with it. We are under federal mandates and I think it is very important for us to pass this so we are able to do something with our waste responsibly.

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

Representative MCHENRY: Mr. Speaker, I wish to pose a question through the Chair if I may.

I would ask if this compact or contract that we are entering into will be paid by the taxpayer or is it a user fee?

The SPEAKER: Representative McHenry of Madawaska 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: All the costs of this radioactive waste program are paid for through generator fees which are passed on to ratepayers and users of radioactive products.

The SPEAKER: The pending question before the House is passage to be enacted. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 129 voted in favor of the same and 9 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**ENACTOR**

**Emergency Measure  
(Failed of Enactment)**

An Act to Establish a Budget Committee for Kennebec County (S.P. 592) (L.D. 1669) (H. "A" H-634 to C. "A" S-323)

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

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Dellert.

Representative DELLERT: Mr. Speaker, Ladies and Gentlemen of the House: My communities are extremely concerned about the amendment which says that the legislature shall properly approve or disapprove of the members of the Budget Committee. They are perfectly willing to have a budget committee but they are very concerned about the legislature's approval. I would like that noted.

The SPEAKER: This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 93 voted in favor of the same and 45 against and accordingly the Bill failed of enactment. Sent up for concurrence.

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act to Preserve the Integrity of the Land for Maine's Future Program (S.P. 651) (L.D. 1746) (C. "A" S-330)

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

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act Relating to the Portland Fish Pier Authority (S.P. 652) (L.D. 1749) (H. "A" H-618)

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 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 Making Unified Appropriations and Allocations for the Expenditures of State Government and Inland Fisheries and Wildlife Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1990 and June 30, 1991, and Making Supplemental Allocations Necessary to the Proper Operations of State Government (H.P. 514) (L.D. 694) (H. "A" H-600 to C. "A" H-556)

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. 131 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 Requiring the Bureau of Public Lands to Study the Best Method and Cost of Removing Abandoned Watercraft in the Coastal Waters of the State (H.P. 1267) (L.D. 1763)

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. 129 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.

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

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act Authorizing Piscataquis County to Expend and Borrow up to an Additional \$350,000 for Renovation and Expansion of Jail Facilities (H.P. 1271) (L.D. 1767)

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. 130 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 the School Organization Study Committee (S.P. 534) (L.D. 1469) (H. "A" H-576 to C. "A" S-270 and S. "A" S-328)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 123 voted in favor of the same and 6 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

**FINALLY PASSED  
Emergency Measure**

Resolve, Concerning the Dennistown Plantation School Budget (H.P. 1270) (L.D. 1766)

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. 131 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 Amend Laws Regulating the Sardine Industry (S.P. 453) (L.D. 1225) (C. "A" S-331)

An Act to Clarify the Method of Obtaining Incapacity Benefits Under the Workers' Compensation Act (H.P. 675) (L.D. 924) (S. "A" S-327 to C. "A" H-581)

An Act to Establish Finance Committee Districts and Procedures for Aroostook County (H.P. 1251) (L.D. 1750) (C. "A" H-632)

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.

The Chair laid before the House the following matter: (Bond Issue) An Act to Authorize a General Fund Bond Issue in the Amount of \$15,000,000 to Provide Funds for Acquiring and Preserving Land for Affordable Housing and for the Development of Affordable Housing (H.P. 1000) (L.D. 1389) (C. "A" H-617) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Nadeau of Lewiston, under suspension of the rules, the House reconsidered its action whereby the L.D. 1389 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-617) was adopted.

The same Representative offered House Amendment "A" (H-648) to Committee Amendment "A" (H-617) and moved its adoption.

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

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

Representative NADEAU: Mr. Speaker, Men and Women of the House: When the Appropriations Committee made their determinations on the bond package, they requested the Committee on Housing and Economic Development to determine the allocation of the \$15 million level they had adopted. What this amendment does is it carries forward a vote by the committee to readjust those amounts within the \$15 million amount.

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

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

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

The Chair laid before the House the following matter: An Act to Improve Public Access to and Participation in Decisions Made by Quasi-Municipal Corporations (H.P. 595) (L.D. 813) (C. "A" H-543) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Duffy of Bangor, under suspension of the rules, the House reconsidered its action whereby L.D. 813 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-543) was adopted.

The same Representative offered House Amendment "A" (H-645) to Committee Amendment "A" (H-543) and moved its adoption.

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

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

Representative DUFFY: Mr. Speaker, Ladies and Gentlemen of the House: This is a correction, actually requested of me by the House legal staff that when we don't have a public hearing or a public hearing should be inadvertently not held, matters such as bonds and bond rates could be affected. So, we simply amended this bill in that area to exempt the rates and the bond obligations out of the bill.

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

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

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

The Chair laid before the House the following matter: HOUSE DIVIDED REPORT - Majority (7) "Ought to Pass" as amended by Committee Amendment "A" (H-611) - Minority (6) "Ought to Pass" as amended by Committee Amendment "B" (H-612) - Committee on Education on Bill "An Act to Improve the Delivery of Higher Education Finances in Maine" (EMERGENCY) (H.P. 837) (L.D. 1169) which was tabled earlier in the day and later today assigned pending the motion of Representative Crowley of Stockton Springs that the House accept the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-611) Report.

Representative Gwadosky of Fairfield moved that the Bill be recommitted to the Joint Standing Committee on Education.

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

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

Could you give me a time as to when this is recommitted as to how long we are talking about, Representative Gwadosky?

The SPEAKER: Representative O'Gara from Westbrook has posed a question through the Chair to Representative Gwadosky of Fairfield who may respond if he so desires.

The Chair recognizes that Representative.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I would be happy to respond to the question of Representative O'Gara. The motion to recommit, if approved today and also approved by the other body, would allow the bill to go back to the Joint Standing Committee on Education and put them in a position of beginning to work on that bill immediately. I hope that has answered your question.

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

Representative O'GARA: Mr. Speaker, Men and Women of the House: The reason I am asking the question is that (so that everyone understands) there has been some discussion back and forth about recommitting to the Education Committee for a matter of two or three days. I want people to understand that I may very well consider that but if it is a time longer than that, it is very important for the members of the minority to understand that if it is recommitted to the Education Committee, it is recommitted only to the end of this session, whether it be tomorrow or Thursday or Friday and that is it. It is very important that I know that.

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

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

If the bill is sent back to committee and we have worked on it and either come to agreement or cannot come to an agreement, will we have an opportunity in committee to report out a portion of the bill or can the bill be held over for a time uncertain without a unanimous report in committee?

The SPEAKER: The Chair would advise the Representative that the answer to both questions is yes.

The Chair recognizes the Representative from Bath, Representative Small.

Representative SMALL: Mr. Speaker, Ladies and Gentlemen of the House: I am more than willing to go back in committee and be able to try to work out a compromise on maybe some of the points that are in disagreement with the Minority and Majority Reports. I would like to be able to bring this matter to a head because I don't feel that it is an issue that can wait until September or whenever the time that we reconvene again as a legislative body. So, I guess I am looking for some assurances that we will at least have an opportunity to bring out our reports and let this body vote up or down on the Minority and Majority Reports. Perhaps if we could have some sort of assurance that we will have an opportunity to at least bring our report out again, if there is no compromise released.

If I may pose a question through the Chair to any member of the Education Committee, is there an understanding that this bill will be coming back before the House before this legislature adjourns this session?

The SPEAKER: Representative Small from Bath has posed a question through the Chair to any member of the Education Committee who may respond if they so desire.

The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, Men and Women of the House: I am not a member of the Education Committee and I guess I could say honestly today that I wouldn't want to be a member of the Education Committee after the difficult session they had except with the possible exception of the VTI Bill. I would have liked to have been a member of the committee during consideration of that particular L.D..

In regard to the specific questions, and there have been a variety of questions — I think that there have been discussions on the best and most appropriate course for this particular bill. As we know, there have been charges on both sides since the original public hearing, since subsequent work session on this bill. There have been discussions and media events by both sides. I think the concern of many people in this body today is for the effective delivery of these educational loans and the most appropriate fashion. There seems to be a strong philosophical difference on how that is going to be achieved. I don't think that the issue of educational loans or how those loans are delivered should be a partisan issue or should be a political issue and I don't think any of us want to see that. I think the motion that I made to recommit this bill back to committee is made (hopefully) to avoid a blood bath on the floor of this House or in the other body.

I am charging the members of the Joint Standing Committee on Education to put their heads together and go back to work and try to reach some common ground of agreement. A lot of possibilities could occur and I think that we will all have an opportunity to examine those possibilities as to whether or not that bill comes out in one day or two days or next week or next month. I think that the issue has to be resolved this year and not next year.

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

Representative SMALL: Mr. Speaker, Men and Women of the House: I am just very concerned that this issue does not get put into committee and then buried and then not have another opportunity to vote on it.

I am certainly willing to go back and make more compromises than we have made already. I am willing to listen and to talk and discuss it. As a matter of fact, I even (a few days back) suggested we do just that. I would like, however, to have assurances that it does not go down and stay in committee and not come out again. I don't have that yet and I am very nervous about voting on something that may (in the end) not give us an opportunity to vote on something that we feel is very timely now and cannot wait until a much later date. That is one of the whole differences between the two reports and I feel that if I send it back without having some assurances that we will have another opportunity this session, then I have given up a lot that I believed was very positive in this report, the enactment of this immediately as opposed to a future date.

I don't want to be in a position of putting the House voting to commit or not but I would like the House to understand that it is my assertion that the bill go down to committee, we try to work out some of the differences and that we bring this bill back for another vote by this body as a whole before the session is finished. I will work very hard to see that that happens and that you do have an opportunity to vote on an issue that has been very important to us and affects all our constituents, children and parents alike back home. I will do my best to see that this bill be brought back in the spirit of compromise.

I am not going to ask for a roll call and I am not going to try to force the bill to be debated now but allow that to go back to committee. I hope it is the honest intent of the Education Committee in this body that we do receive another vote on this before the session is over.

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

Representative O'GARA: Mr. Speaker, Men and Women of the House: I also want to say that even though those on the Minority Report were ready to vote yesterday and are ready, in fact, to vote today, I also appreciate the Majority Leader being willing to try to bring us back together if there are some remaining things that we in the Minority Report can agree to, then I assure you ladies and gentlemen of the House that we are willing to do that. All we are saying, and maybe we could get an indication from the House Chair, is that if we vote to recommit it today, is the Education Committee going to meet today or is it going to meet tomorrow and are we going to have a chance to debate it and discuss it now and bring it back up? If something can be accomplished, then I am willing to do that and I want the members of the House who were planning on supporting the Minority Report to understand that, that we are willing to do that as well. We think it is more important than to be us against them. D's against R's, it is much more important than that. So, we are looking for that indication.

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

Representative JACQUES: Mr. Speaker, Men and women of the House: If we can get back to earth and proper perspective on this bill — I just left Boys' State, 500 young men who I think (without exception) plan on going to college. One of the questions they had was about this particular bill. They asked my feelings on it. They asked what I thought would happen — and to tell the members of the House — I was not kind to both sides. I do have the utmost respect for all the members of the Education Committee but I think in this situation, the lines were drawn real early, some of the moves were not. I was not real complimentary to the Governor either, not just to pick on the members of this House, for someone who is called one of the most politically astute leaders of our state, I think coming out and attacking the democratic members of the committee as he did was probably not one of his brightest moves but I understand from whence it came.

What I expressed to those kids today was that this legislature would do our darnedest to come out with something that would help them now, not later on, now. I made a pledge and it was only my own pledge to them before I left this morning that I would do whatever I could to see that this impasse comes to an end so we can work this thing out. I believe that the Education Committee has got the message loud and clear, both sides. This is not an issue that you can afford to play politics in. I think it should go back to committee and I think that committee should do its work. I am counting on it and 500 young men at Boys' State today are counting on it.

The SPEAKER: The Chair recognizes the Representative from Winthrop, Representative Norton.

Representative NORTON: Mr. Speaker, Ladies and Gentlemen of the House: I would like merely to pose a question through the Chair.

I would like to seek the wisdom of a tabling motion which would bring this bill back on the floor at a time certain, giving us time to meet in committee and that would, I think, realize the purpose behind Representative Jacques' statement and other desires expressed on the floor.

On motion of Representative Webster of Cape Elizabeth, tabled pending the motion of Representative Gwadosky of Fairfield to recommit to the Committee on Education and later today assigned.

(At Ease)

The House was called to order by the Speaker.

The following items appearing on Supplement No. 7 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. 954) (L.D. 1322) Bill "An Act to Improve Access to Health Care and Relieve Hospital Costs Due to Charity and Bad Debt Care Which are Currently Shifted to Third-party Payors" (EMERGENCY) Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (H-644)

On motion of Representative Mayo of Thomaston, was removed from Consent Calendar, First Day.

Report was read and accepted, the Bill read once. Committee Amendment "A" (H-644) was read by the Clerk.

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

(H.P. 560) (L.D. 758) Bill "An Act to Amend the Preferred Provider Arrangement Act of 1986" Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (H-643)

(H.P. 1247) (L.D. 1740) Resolve, Concerning the Dam on Mattawamkeag Lake Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-647)

(H.P. 1237) (L.D. 1728) Resolve, Authorizing the Secretary of State to Release Certain Ballots to the Municipal Officers of the Town of Jay Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-646)

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.

(Off Record Remarks)

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

(At Ease to the Gong)

The House was called to order by the Speaker.

The following items appearing on Supplement No. 9 were take up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Measure

An Act Regarding Minimum Lot Sizes and Other Municipal Regulations Concerning Mobile Home Parks (H.P. 866) (L.D. 1205) (H. "B" H-624 to C. "A" H-510 and S. "A" S-280)

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

emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 102 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**FINALLY PASSED  
Emergency Measure**

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Knox County for the Year 1989 (H.P. 1264) (L.D. 1760) (H. "A" H-623)

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

**PASSED TO BE ENACTED**

An Act Concerning the Maine Railroad Excise Tax (S.P. 235) (L.D. 565) (H. "B" H-631 to C. "A" S-277)

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

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I move that L.D. 565 and all its accompanying papers be indefinitely postponed.

This is another railroad giveaway. We are going to be giving them a million dollars or close to it in the next two years.

I feel with the financial situation in the State of Maine that this is something we can't afford at this time. Over the past two or three terms that I have been here, every year they have come in for something. We have a packet this thick of things that they have gotten.

We cannot really give the property tax relief that is due our people and therefore I cannot support any money or any exemptions for the railroad, especially when it is a railroad that is owned by a foreign company.

Another thing, this same law would allow the other railroads to get this exemption. I have a problem with the railroads when they will hold up people from getting water for 11 months. The only thing we wanted to do was go under their railroad tracts. When they don't work with us, I have a problem giving them our peoples tax dollars. Therefore, I hope you support my indefinite postponement.

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

Representative RAND: Mr. Speaker, Men and Women of the House: I hope you support the motion made by the good Representative from Berwick. L.D. 565, as amended, is a well thought out plan to have taxpayers of Maine subsidize yet another corporation, in this case namely the Canadian-Pacific Railroad, although every railroad operating in the state would be covered.

I am personally convinced that the access question, although an actual problem, is a stick being used to lead this body to a solution favorable to the railroads. I am less than enthusiastic by the manner in which this important legislation has come before us.

Initially, L.D. 565 called for more equitable taxation of railroads operating in Maine. It carried a fiscal note of a million dollars for the biennium. I opposed the bill because I felt the cost was

prohibitive. We face overwhelming problems from AMHI, to health care access, to children at risk, to property tax relief.

I had introduced a bill to provide a sales tax exemption for over 13,000 Maine commercial fishermen. This bill was killed in committee and in retrospect, probably rightly so. We simply do not have funds to allow for these exemptions no matter how great an argument can be put forth in favor of them.

L.D. 565 as amended would go far beyond a simple tax exemption. It did provide for a tax credit equal to 50 percent (as of the amendment last evening) equal to 45 percent of the expenditures for a taxable year related to capital investments, improvements or renovations to a railroad's operation in this state. If Portland becomes the site of the Cumberland County Jail, the land would be purchased from Guilford Transportation and part of the agreement is for Guilford to put in a million dollar access road across their land to the jail site. L.D. 565 would immediately grant Guilford a \$500,000 tax credit. I refuse to vote for one cent for Mr. Mellon. Mainers have suffered enough at his hands and they do not deserve this additional insult.

It is also a possibility that Canadian-Pacific may decide to purchase the Guilford line. Under L.D. 565, Maine taxpayers would pick up 45 percent of the Canadian-Pacific's capital investment in the form of tax credits. We will also be making up lost tax dollars for all improvements and renovations. What will Maine people get out of this outrageous deal? Proponents say, jobs. Ladies and gentlemen of the House, where is this guarantee and just what is it going to cost us? We have been burned time and time again and each time we vote for the tax break without securing anything in writing, no guarantees for the people paying the tab, we are still paying for the BIW deal and we are still reeling from the Guilford takeover.

I have been told that labor supports this bill. Many of you know my stand on labor issues and know that I make no secret of my strong support for the workers of this state but this L.D. is not a labor bill. This guarantees nothing, absolutely nothing to the workers. It makes no promises whatsoever. I cannot, in good conscience, commit all taxpayers in Maine to untold millions of dollars of tax credits to a foreign corporation for vague hints of future prosperity which may never materialize. It has happened before and we have no guarantee that it won't happen again.

If we had the money and we knew the full extent of all financial commitment and we were guaranteed jobs in writing, I would agree to reconsider my stand on this bill, but until we can house our state wards who are literally on the street, care for our mentally ill, make our children a priority, secure health care insurance for our working poor and property tax relief for at least some of our hardest hit areas, I cannot entertain this particular corporate tax break.

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

Representative CASHMAN: Mr. Speaker, Men and Women of the House: Just to clear up a few things, this is not a tax exemption as it has been portrayed by the two previous speakers. It is not a tax credit against corporate income taxes owed, it has nothing to do with the corporate income tax, it is merely a mechanism by which we provide for investment in the State of Maine by the railroad industry being recognized in the railroad excise tax. It would not result in Maine-Central receiving an income tax

credit for an investment in an access road because Maine-Central pays the minimum railroad excise tax at the present time and they have paid the minimum railroad excise tax for the last 25 years and I suspect they will continue to pay the minimum tax for the next 25 years.

In fact, the amendment that was added to the bill yesterday, increases Central-Maine's railroad tax liability because it increases the minimum tax under the railroad excise tax.

As I explained on the bill on the floor of this House a couple of days ago, the railroad excise tax is a very, very old tax system by which we tax for track mileage in the state. It is a multifaceted tax system that is very complex and very antiquated. We have wrestled with it in the Taxation Committee for every term that I have been here, which is four, and the tax presently does not work well in the sense that the tax assessed doesn't bear a very good relationship to the amount of trackage that a particular railroad has in the State of Maine.

The attempt in this bill is to give credit for investment in the State of Maine and that does result in a fiscal impact, although not the million dollar fiscal impact that you heard quoted. The fiscal impact on this bill is \$200,000 a year. It raises the tax on some railroads in this state and it lowers the tax on some other railroads in this state because it changes the formula under the railroad excise tax.

It was a unanimous committee report because I think the committee unanimously feels that the railroad excise tax as it currently exists does not work well. This is the committee's attempt to fix that system and I hope that the House will support it.

Mr. Speaker, if a roll call has not been requested, I would request that a roll call be used when the vote is taken.

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

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: Semantics aside, this bill is a tax break for Canadian-Pacific at a minimum cost of \$200,000 a year to the General Fund. As mentioned by a previous speaker, that could be expanded to much, much more if Canadian-Pacific purchases Guilford Transportation.

I oppose this new tax credit for a single industry especially at a time when the Appropriations Committee in this legislature is looking at cuts in social service programs and we are struggling together to scrape money for a pool for significant property tax relief. What are our priorities? Are we more concerned with giving new tax credits to a single business or are we more concerned with using our limited resources to fund what we have all been saying are our top priorities this session like solid waste, affordable housing, property tax relief and many others? I hope you will support the motion to indefinitely postpone.

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

Representative CASHMAN: Mr. Speaker, Men and Women of the House: I just wanted to respond very briefly to Representative Foss because it seems to be an inconsistency in today's arguments from the good Representative than the one I heard the other day.

I guess that I am very much anxious and content to get this bill to the sunshine of the Appropriations Table much like the Representative argued the other day should have happened with another bill that was in front of this committee. This bill does have a fiscal note and it will compete with other fiscal notes on that table. I am very anxious to get this bill into that sunshine.

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

Representative MCGOWAN: Mr. Speaker, Ladies and Gentlemen of the House: There is an old term that is used in Maine history, it is called north of the C.P. line. North of the C.P. line talks about, not only a geographic boundary, but it does talk about a way of life. I know a little bit about that because my family originally comes from Wytopotlock which is just a little bit south of the C.P. line but very close to the life-style that is up there. I find it quite ironic that we have an effort from people in southern Maine to kill this tax break for C.P. rail.

When I was asked to sponsor this bill, I was asked to sponsor it for the reasons that we have some severe economic hardships that are going on in northern Maine. There are indeed jobs up there in northern Maine and there are people that work. We just don't have tourists that come up there from southern Maine to enjoy the crystal sparkling waters of the Allagash Waterway and the sunshine in the mountains of Deboullie State Park. We do in fact have jobs there, we have people that make a living there, people that Representative Hussey represents and Representative Gould represents that work on railroads and have five and six generations of railroad service to this state. I find it ironic that people from the counties that have one and one and a half percent unemployment are trying to kill a break that may help jobs in these areas of the state. When I see this and I think of some of the past votes that I have taken in this legislature and one indeed was a tax break for Bath Iron Works which helped enable them to have a one percent unemployment rate in that area of the state. I think to myself, this railroad has made no promises but this railroad is indeed a functioning employment producing railroad in this state and they have said, if you as the State of Maine will work with us, then we will try and expand our borders in the State of Maine. C.P. rail, is not a foreign-owned corporation, they are jobs and payroll and lifeblood and economics.

I will tell you ladies and gentlemen that this is not a giveaway program. This is a commitment to work with an entity that has been in this state for many more generations than the McGowan family has been and will continue to be here with just a little bit of help and assistance from the legislature.

There was a famous Maine Game Warden that lives up in the Eagle Lake area named Jack McFee who had an article written about him in one of the larger New York Magazines called "North of the C.P. Line" and I think a lot of people had that in their mind that that is the way life was, there was just the canoe trip down a lazy river and that is all there was up there. Well, I will tell you, there are jobs up there and there are trains chugging down those tracks and there are people that are working and that is what this issue is all about. Anybody that tries to tell you that it is anything other than that, it is not a handout to Mr. Mellon, we know what Mr. Mellon is and we have said what he is on this floor many times, a scoundrel. I will tell you that this is a bill which helps an existing railroad and an economically viable entity in this state, that is all it is and nothing more.

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

Representative MELENDY: Mr. Speaker, Men and Women of the House: Just two days ago, we voted here in this legislature to send a Resolve memorializing Congress asking for assistance in helping us return passenger train service back to Maine. I think that if we pass this bill, it shows our good faith effort

that we are willing to work with the railroads and we want them to work with us. I urge you to support 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 pending question before the House is the motion of Representative Murphy of Berwick that this bill and all its accompanying papers be indefinitely postponed.

The Chair recognizes the Representative from Belfast, Representative Marsano.

Representative MARSANO: Mr. Speaker, pursuant to Rule 19, I wish to be excused from voting.

The SPEAKER: The Chair will grant the request. Representative Marsano of Belfast is excused from voting pursuant to House Rule 19, a possible conflict of interest.

The pending question before the House is the motion of Representative Murphy of Berwick that this bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 119

YEA - Adams, Aikman, Aliberti, Allen, Anthony, Ault, Begley, Burke, Carroll, J.; Curran, Dellert, Donald, Dutremble, L.; Erwin, P.; Foss, Foster, Gwadosky, Handy, Heeschen, Higgins, Lawrence, Luther, Macomber, Marston, Mayo, McCormick, McHenry, Mills, Murphy, Norton, Pendleton, Pines, Plourde, Rand, Reed, Ridley, Rydell, Sheltra, Small, Strout, B.; Tupper, Webster, M.; Wentworth.

NAY - Anderson, Bailey, Bell, Boutilier, Brewer, Butland, Cahill, M.; Carroll, D.; Carter, Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Conley, Constantine, Cote, Crowley, Daggett, Dexter, DiPietro, Duffy, Farnsworth, Farnum, Farren, Garland, Gould, R. A.; Graham, Greenlaw, Gurney, Hale, Hanley, Hastings, Hepburn, Hichborn, Hickey, Hoglund, Holt, Hussey, Hutchins, Jackson, Jacques, Jalbert, Joseph, Ketover, Kilkelly, LaPointe, Larrivee, Lebowitz, Libby, Lisnik, Look, Lord, MacBride, Mahany, Manning, Marsh, Martin, H.; McGowan, McKeen, McSweeney, Melendy, Merrill, Michaud, Mitchell, Moholland, Nadeau, G. G.; Nadeau, G. R.; Nutting, O'Dea, O'Gara, Oliver, Paradis, E.; Paradis, J.; Paradis, P.; Parent, Paul, Pederson, Pineau, Pouliot, Priest, Richard, Richards, Rolde, Rotondi, Ruhlin, Seavey, Sherburne, Simpson, Skoglund, Smith, Stevens, A.; Stevens, P.; Stevenson, Strout, D.; Swazey, Tammaro, Tardy, Telow, Townsend, Tracy, Walker, Whitcomb, The Speaker.

ABSENT - Dore, McPherson.

EXCUSED - Marsano.

Yes, 43; No, 105; Absent, 2; Paired, 0; Excused, 1.

43 having voted in the affirmative, 105 in the negative, with 2 being absent and 1 excused, the motion to indefinitely postpone 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 Relating to Notice of Injury for Purposes of Workers' Compensation and Occupational Disease Claims (S.P. 318) (L.D. 855) (H. "A" H-619 to C. "A" S-295)

An Act to Make the Department of Marine Resources Responsible for Coastal Search and Rescue (H.P. 670) (L.D. 918) (H. "A" H-630 to C. "A" H-531)

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.

The Chair laid before the House the following matter: An Act to Establish the Bureau of Juvenile Corrections (H.P. 1147) (L.D. 1590) (H. "A" H-569 to C. "A" H-496) which was tabled earlier in the day and later today assigned 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 further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-496) as amended by House Amendment "A" (H-569) was adopted.

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

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

The same Representative offered House Amendment "B" (H-650) to Committee Amendment "A" (H-496) and moved its adoption.

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

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

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

On motion of Representative Mills of Bethel, the House reconsidered its action whereby Bill An Act to Establish a Budget Committee for Kennebec County (S.P. 592) (L.D. 1669) (H. "A" H-634 to C. "A" S-323) failed of enactment.

Representative Joseph of Waterville requested a roll call vote on enactment.

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 Augusta, Representative Paradis.

Representative PARADIS: Mr. Speaker, Men and Women of the House: I guess we finally have received an opportunity to debate this bill that is before us. There is quite a bit of dissension in the Kennebec County Delegation as to whether or not this bill ought to receive passage. It has by no means the unanimous support of the Kennebec County Delegation because I understand that some time ago, a few hours ago, the good Representative from Gardiner raised several concerns.

I want to go on Record as saying I fully support the concerns that she raised and I would even amplify them. We have never, as a delegation, debated the merits of this particular bill. It has gone through the process, really has gone away from us, and there is a lot of dissension as to how this bill should

have been construed that was going to come before this body. I apologize to have to say any of this material because it ought to be a Kennebec County Delegation matter and it should receive unanimity before it reaches the floor of this body. It should not be a divided report. Those who are sponsoring the bill are bringing it to us in good faith but I do not believe that they represent all the members of the delegation. As the Representative from Gardiner has indicated, she had some questions, I have some questions about the bill.

Several days ago, we uncovered through the state auditor very, very serious questions regarding the allocation of funds of the 1988 budget. If this bill were to be enacted, I dare say that anyone who serves on that budget committee could be civilly liable for any of the misexpenditures, the misappropriations of funds that was uncovered by our auditor last week. I think that is a question that has to be resolved before any new structure is begun for Kennebec County to have a budget.

I was chairman of my delegation for four years and we never had any of the problems that we encountered this year. Perhaps it is a one-time fluke. Perhaps we will never have to have these kinds of problems to resolve our budget. But, the answer is not to have a divided delegation on a budget committee resolution. That is not the answer. The answer is to kill this bill so that maybe next year we can all work together in the interim and we can (1) put together a structure that we can all agree on for a budget committee and; (2) we can resolve the misappropriation of about \$104,000 in our Kennebec County Budget.

Mr. Speaker, I move indefinite postponement of this Bill and all its accompanying papers.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: I will start off by asking for a roll call on that wonderful motion.

It is not very often I get up and ask you for anything but I am going to ask you to put yourself in the position of dealing with your county budgets over the last whatever years that you have been here. I have done it 12 times and it stinks. The process we go by -- stinks. The process that we go by brought these shortfalls that were pointed out by my learned colleague from Augusta. That is why I want to get rid of the process. Whether or not there were shortfalls or whatever the case may be, it is not in the legislature's parameters to do anything about it. I recommended that he turn it over to the Attorney General's office. If somebody did something wrong, they should pursue it, prosecute, do whatever. But, that is a perfect example of why a majority of the delegation want to get out from the stupid, ridiculous process of dealing with a county budget that we are in now.

He says that things have run smoothly over the last years -- bologna. Out of the 12 times I have done this, most of the time we couldn't even get a quorum of our delegation together. Out of the 12 times we did this, I ended up going in the hall and physically grabbing members of our delegation and bringing them into the room to deal with the budget. Then they only stayed long enough to appease me and they got up and sneaked out as quick as they could.

Whether we pass this bill today or not really doesn't matter to me in the long run because I am going to be on the Record voting for the bill. I have attended my last Kennebec County legislative

delegation meeting. I signed two different budgets this year, I approved both of those budgets. The first one was recommended -- three budgets I signed, excuse me -- the first one was approved by the municipal officials that were involved in a subcommittee, the county commissioners went over it, someone didn't like the salaries, then we went back and forth. We had a subcommittee, we met on the salaries. Somebody didn't like that, we went back and forth. If you think that is a way to run a railroad men and women of the House, vote against the bill. But I ask you, have sympathy on this poor little French boy from Waterville and vote to pass this bill so we can move on and do something different than the stupid way we have been doing it.

I have never asked you for anything personal before because you are not supposed to do that but I am asking for that personally now. Help us get rid of the process on how we deal with our budget, please.

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

Representative WENTWORTH: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair to Representative Jacques.

In the amendment it says the legislature shall promptly approve or disapprove, is that what you meant or is it legislative delegation?

The SPEAKER: Representative Wentworth of Wells has posed a question through the Chair to Representative Jacques of Waterville who may respond if he so desires.

The Chair recognizes that Representative.

Representative JACQUES: Mr. Speaker, Men and Women of the House: In the original bill, it was legislative delegation, but the legal council to the Speaker who reviews all our bills, flagged it down and said we couldn't do that. That is why I offered this amendment. This amendment was not a brain child of myself because I don't really care who confirms it. We can have it confirmed by the Committee on Agriculture for all I care. But, I was told this was the way we had to do it and that is why I offered the amendment.

The SPEAKER: The Chair recognizes the Representative from Hallowell, Representative Farnsworth.

Representative FARNSWORTH: Mr. Speaker, Men and Women of the House: I was somewhat confused myself this morning about the discussion on that issue. In asking about it since this morning's vote, I just want to explain that my understanding now is that the reason for that is that the legislature cannot delegate its authority unless it is to elected officials. The fact is that the process could be very similar to what it is now in that it doesn't have to be the full body of the legislature voting on this directly, it could be referred to the delegation and the delegation could report back to the legislature so that it could be very much the way it is now and yet there would be legislative input into approval of the committee. It did seem rather distressing to think of the entire legislature involved in approving committee members. But short of that, the only other way to do it is to have the bill provide for the county with no involvement at all to do the budget or for municipal officials, elected officials, to elect people and that is not what this bill provides.

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

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: In all the years I have

been here, I have chaired the Local and County Government Committee for four years and we always, always, have done the will of the majority of the delegation from that county. It is not the business of Aroostook County to decide what Kennebec County ought to do. If the majority of that delegation wished to do this, I will back them and I think the whole House should be backing them.

I am posing a question -- was there a majority of the delegation from Kennebec County in support of this?

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

The Chair recognizes the Representative from Waterville, Representative Joseph.

Representative JOSEPH: Mr. Speaker, Men and Women of the House: We had formed a subcommittee in order to make recommendations and to report back to the Kennebec County delegation as to how we were going to take ourselves out of this process. Therefore, the bill surfaced and became a bill. It was my understanding from the Chair of that subcommittee that she in fact had contacted all members of our delegation and no one had any opposition to this piece of legislation. As far as Representative Paradis's concern about the questions regarding the Kennebec County budget, we as well are requesting the Department of Audit to audit the Kennebec County books to answer any of those questions and to look at those issues. That letter has gone forth to the Chairs of the State and Local Government Committee.

I urge your support of this piece of legislation.

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

Representative LOOK: Mr. Speaker, Ladies and Gentlemen of the House: I rise very reluctantly because truly this is the business of Kennebec County. But, I just want to convey to you that it is my observation that Kennebec is not alone in the issues that have been raised. I am strongly suspicious that my own county may be in a similar situation because of the lack of chance to get the information that I have asked for from my own county as far as the amounts of surplus monies in that county in order to complete our budget. Therefore, I feel that the system that we are using -- I don't think the system is exactly wrong, I think our problem in all of the counties is the fact that many of those that are dealing with it are totally unfamiliar with the true process and what the law requires. I think this is where the problem lies. I think until somewhere, whether it be the AG's office or whatever, those persons who are in charge within the counties are made to realize exactly what their parameters are and that they are not allowed to over expend beyond the amount of their contingency accounts in addition to the amounts of their budgets, this is where the problem is. These over-expenditures are not legal and they certainly should be addressed by someone.

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 Paradis of Augusta that this bill and all accompanying papers be

indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 120

YEA - Anthony, Begley, Carter, Coles, Dellert, Farren, Hanley, Hepburn, Jackson, Look, Marsano, Marston, McCormick, Melendy, Paradis, P.; Seavey, Tupper, Webster, M.; Wentworth, Whitcomb.

NAY - Adams, Aikman, Aliberti, Allen, Anderson, Ault, Bailey, Bell, Boutilier, Brewer, Burke, Butland, Cahill, M.; Carroll, D.; Carroll, J.; Cathcart, Chonko, Clark, H.; Clark, M.; Conley, Constantine, Cote, Crowley, Curran, Daggett, Dexter, DiPietro, Donald, Duffy, Dutremble, L.; Erwin, P.; Farnsworth, Farnum, Foss, Foster, Garland, Gould, R. A.; Graham, Greenlaw, Gurney, Gwadosky, Hale, Handy, Hastings, Heeschen, Hichborn, Hickey, Higgins, Hogleund, Holt, Hussey, Hutchins, Jacques, Jalbert, Joseph, Ketover, Kilkelly, LaPointe, Larrivee, Lawrence, Lebowitz, Libby, Lisnik, Luther, MacBride, Mahany, Manning, Marsh, Martin, H.; Mayo, McGowan, McHenry, McKeen, McSweeney, Merrill, Michaud, Mills, Mitchell, Moholland, Murphy, Nadeau, G. G.; Nadeau, G. R.; Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, E.; Paradis, J.; Parent, Paul, Pendleton, Pineau, Pines, Plourde, Pouliot, Priest, Rand, Reed, Richard, Richards, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Sheltra, Sherburne, Simpson, Skogleund, Small, Smith, Stevens, A.; Stevens, P.; Stevenson, Strout, D.; Swazey, Tammara, Tardy, Telow, Townsend, Tracy, Walker.

ABSENT - Cashman, Dore, Lord, Macomber, McPherson, Pederson, Strout, B.; The Speaker.

Yes, 20; No, 123; Absent, 8; Paired, 0; Excused, 0.

20 having voted in the affirmative, 123 in the negative, with 8 being absent, the motion to indefinitely postpone did not prevail.

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

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

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

ROLL CALL NO. 121

YEA - Adams, Aikman, Aliberti, Allen, Anderson, Ault, Bailey, Bell, Boutilier, Brewer, Burke, Butland, Cahill, M.; Carroll, D.; Carroll, J.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Conley, Constantine, Cote, Crowley, Curran, Daggett, Dexter, DiPietro, Donald, Duffy, Erwin, P.; Farnsworth, Farnum, Foss, Foster, Garland, Gould, R. A.; Graham, Greenlaw, Gurney, Gwadosky, Hale, Handy, Hastings, Heeschen, Hepburn, Hichborn, Hickey, Higgins, Hogleund, Holt, Hussey, Hutchins, Jacques, Jalbert, Joseph, Ketover, Kilkelly, LaPointe, Larrivee, Lawrence, Lebowitz, Libby, Lisnik, Luther, MacBride, Mahany, Manning, Marsh, Martin, H.; Mayo, McGowan, McHenry, McKeen, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Murphy, Nadeau, G. G.; Nadeau, G. R.; Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, E.; Paradis, J.; Parent, Paul, Pendleton, Pineau, Pines, Plourde, Pouliot, Priest, Rand, Reed, Richard, Richards, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Seavey, Sherburne, Simpson, Skogleund, Small, Smith, Stevens, A.; Stevens, P.; Stevenson, Strout, D.; Swazey, Tammara, Tardy, Telow, Townsend, Tracy, Tupper, Walker, Webster, M.; Whitcomb, The Speaker.

NAY - Anthony, Begley, Carter, Coles, Dellert, Dutremble, L.; Farren, Hanley, Jackson, Look, Marsano, Marston, McCormick, Paradis, P.; Wentworth.

ABSENT - Dore, Lord, Macomber, McPherson, Merrill, Pederson, Sheltra, Strout, B..

Yes, 128; No, 15; Absent, 8; Paired, 0; Excused, 0.

128 having voted in the affirmative, 15 in the negative, with 8 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The Chair laid before the House the following matter: An Act to Authorize General Fund Bond Issues in the Amount of \$35,000,000 and \$14,500,000 for Construction and Renovation of Correctional Facilities (S.P. 608) (L.D. 1702) (C. "A" S-332) which was tabled earlier in the day and later today assigned pending passage to be enacted.

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

Representative MAYO: Mr. Speaker, Men and Women of the House: I rise today on this bond authorization because I am very troubled about the effects that this bond issue is going to have on, not only my home town but the neighboring town of Warren, both contained in my legislative district. At present, there are approximately 500 incarcerated felons at the state prison in Thomaston. There are approximately 100 felons at the state prison farm in Warren. The state has already gained approval for a 100 bed maximum security prison in South Warren. This bond issue would add 200 beds to that facility, bringing the total incarcerated felons in my legislative district close to 900. Ladies and gentlemen of this House, the town of Thomaston has been the home of the state's prison since the state became a state. Thomaston, in the Knox County area, has accepted a responsibility for housing incarcerated felons since that time. The good people of my area have shouldered that burden.

Let me remind this House how strongly I feel about this by relating to the House where I live in Thomaston. I live at 17 Gleason Street, at 16 Gleason Street several years ago, there was a kidnapping right across the street from my house. An escaped inmate kidnapped a local guidance counselor, held him at gunpoint, took him to Millinocket and held him there. He was ultimately released unharmed, thank God.

My own brother Michael was enroute to that house and was driving into the driveway as the escaped inmate was driving out with this individual. These issues bother me a great deal. I am concerned every night at home when I go to bed about what might happen. Every time I get a message when I am over here in my office from Commissioner Allen to call him immediately, I am always concerned what might have happened.

The people of the town of Thomaston, the people of the town of Warren have accepted their responsibility. I have asked this legislature through its committees on several occasions to provide us with some assistance in accepting that responsibility. This legislature has been unwilling to present that. I have presented to the Executive my concerns and asked the Executive to provide some assistance to these towns to deal with this responsibility and that assistance has not been forthcoming.

Therefore, I have no choice but to move that this bill and all its accompanying papers be indefinitely postponed and I ask for a roll call.

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

Representative HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of Representative Mayo's position on the Correction Committee's bond issue. The structure of the maximum security prison and the incarceration of 900 felons in the town of Warren imposes a definite hardship to this area. His request is not unusual and he deserves the full support of our legislature. Certainly no community would select such a structure in their town. We, as legislators, have an obligation to reimburse the town of Warren for the imposition we have imposed upon their community. His request for fees for services is necessary to the town of Warren. It is a small community and the cost of services would be a staggering blow to their town budget. In Augusta, we are aware of the cost for services to state facilities and to a small community, it would put a huge burden on the local property tax. In my opinion, if the state sees fit to locate a facility in a community, they have an obligation to provide financial support for its operation and not expect the property taxpayers to assume this cost. I ask your support for Representative Mayo's position on this bond issue.

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

Representative WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: The facilities that are proposed to be built that are in this proposed bond issue are prison facilities that are desperately needed in the State of Maine and are facilities that were unanimously approved to go out to bonding by the Appropriations Committee. I hope you will vote no on the pending motion.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: I don't think there is anybody here today who doesn't realize that we need bonds to help build a correctional facility but I think we debated the same type of issue a couple of days ago. I ask the gentle Representative from Cape Elizabeth whether or not she would, for instance, like to have the Cumberland County Jail in Cape Elizabeth or would somebody like to have this facility in Warren in their community?

I am going to be voting for this today but the issue is not whether we should or should not have the building, the issue is fairness. The issue is fairness to this particular city here, the issue is fairness to South Portland, the issue is fairness to Bangor, the issue is fairness to Pownal, the issue is fairness to Warren and Thomaston. Those facilities in those towns are state-owned facilities and I would hope somehow, somehow those towns could get reimbursed.

As you noticed, I did not ask for my community because I don't have any. I have always said that communities who have state-owned buildings ought to have some service fees. If you had sat in on the Corrections Committee in the last few years, you would have understood the services the town of Warren or the town of Thomaston has provided. I think he has a legitimate concern. Stop and think, which one of you would want 900 felons who are sentenced more than one year in prison in your back yard? It is an issue that needs to be addressed. I know it can't be addressed with this bill but I think it needs to be addressed before, hopefully, we leave this place this year.

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Greenlaw.

Representative GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I hope you oppose the motion that is before you and vote for this bill. I have fear for my family when I am here in Augusta because I know, due to some of the liberal programs of letting them out of jail, they are wandering in my backyard at night. If we can have more cells, we can house these people in a proper place.

Representative Mayo, we have had enough belting of each other this week, but you already have a sewer system installed in the town of Warren and a water system you are getting -- if Standish could get a sewer system and a water system, I would support moving these units to Standish immediately and house these people the way they should be taken care of.

I hope you people will vote to defeat the motion.

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

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House: I rise to correct an implication that was raised by the previous speaker. The town of Warren presently has a water system, the Camden/Rockport Water Company does provide water service in Warren as they do in Thomaston. The area of the prison will have a waterline run to it from Thomaston across the St. George River to Warren, so, it is not an additional water system that the state may be providing to anybody, it is already there.

As for the sewer system, the town of Warren has been on the list for a sewer plant for many, many years and I had the pleasure in 1985 of sponsoring a bond issue which provides the state funds for that sewer system. The town of Warren is doing the state a favor. Let me say that again, the town of Warren is doing the state a favor by building its sewer facility so that the prison can hook up to it. The state is not doing anything for Warren, let's keep that clear. The state is asking Warren to accept, with this bond issue, 200 more incarcerated felons. I would hardly try to suggest that the state is doing anything nice for Warren through that.

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

Representative CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I can sympathize with the good gentleman, Representative Mayo. I don't blame him for trying to get as much as he can from the state to support his community. I suspect that if I had such an institution or any other state institution in my backyard, I would be doing the same thing. I do know that two or maybe three years ago, there was a state office building that was attempting to locate in the northern part of Kennebec County and I went to bat for the people who were trying to locate it in Winslow. I was amazed at the competition to get such a facility located within the adjacent communities. So, it puzzles me when we fight against the location of certain state institutions in one's area on one hand and then we fight like mad on the other to get another institution located in the community because of the economic spin-off that we derive from such a facility.

Furthermore, I would like to remind this group that this is a unanimous report from the Committee on Appropriations and I would hope that you would support it.

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

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

The SPEAKER: The pending question before the House is the motion of Representative Mayo of Thomaston that L.D. 1702 and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 122

YEA - Adams, Allen, Boutillier, Brewer, Burke, Cahill, M.; Cathcart, Clark, H.; Clark, M.; Coles, Conley, Constantine, Cote, Crowley, Daggett, DiPietro, Duffy, Dutremble, L.; Erwin, P.; Farnsworth, Farren, Gould, R. A.; Gurney, Gwadodsky, Hale, Handy, Heeschen, Hickey, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, LaPointe, Larrivee, Lawrence, Luther, Macomber, Mahany, Marston, Martin, H.; Mayo, McHenry, McKeen, Michaud, Mills, Mitchell, Moholland, Nadeau, G. R.; O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Pineau, Plourde, Priest, Rand, Richard, Rotondi, Ruhl, Rydell, Sheltra, Skoglund, Stevens, P.; Swazey, Tamaro, Tardy, Townsend, Tracy, Walker, The Speaker.

NAY - Aikman, Aliberti, Anderson, Anthony, Ault, Bailey, Begley, Bell, Butland, Carroll, D.; Carroll, J.; Carter, Cashman, Chonko, Curran, Dellert, Dexter, Donald, Farnum, Foss, Foster, Garland, Graham, Greenlaw, Hanley, Hastings, Hepburn, Hichborn, Higgins, Hutchins, Jackson, Lebowitz, Libby, Lisnik, Look, Lord, MacBride, Manning, Marsano, Marsh, McCormick, McGowan, McSweeney, Melendy, Merrill, Murphy, Nadeau, G. G.; Norton, Nutting, Paradis, E.; Parent, Paul, Pederson, Pendleton, Pines, Pouliot, Reed, Richards, Ridley, Rolde, Seavey, Sherburne, Simpson, Small, Smith, Stevens, A.; Stevenson, Strout, B.; Strout, D.; Telow, Tupper, Webster, M.; Wentworth, Whitcomb.

ABSENT - Dore, McPherson.

Yes, 75; No, 74; Absent, 2; Paired, 0; Excused, 0.

75 having voted in the affirmative, 74 in the negative, with 2 being absent, the motion did prevail. Sent up for concurrence.

The following item appearing on Supplement No. 8 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-640) on Bill "An Act to Promote Reduction, Recycling and Integrated Management of Solid Waste and Sound Environmental Regulation" (EMERGENCY) (H.P. 1025) (L.D. 1431)

Signed:

Senators:

ERWIN of Oxford  
LUDWIG of Aroostook  
KANY of Kennebec

Representatives:

SIMPSON of Casco  
JACQUES of Waterville  
LORD of Waterboro  
ANDERSON of Woodland  
COLES of Harpswell  
MICHAUD of East Millinocket  
HOGGLUND of Portland  
MITCHELL of Freeport

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-641) on same Bill.

Signed:

Representatives: DEXTER of Kingfield  
GOULD of Greenville

Reports were read.

On motion of Representative Michaud of East Millinocket, the House accepted the Majority "Ought to Pass" Report, the Bill read once.

Committee Amendment "A" (H-640) was read by the Clerk.

Representative Pouliot of Lewiston offered House Amendment "A" (H-655) to Committee Amendment "A" (H-640) and moved its adoption.

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

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

Representative POULIOT: Mr. Speaker, Ladies and Gentlemen of the House: I stand before you today and offer an amendment to the Majority Report of L.D. 1431 in order to expand Maine's current returnable container law to include liquor. By asking you to change a portion of the Majority Report, I am asking you to be realistic. We cannot ask grocery stores to become the local transfer station. We cannot ask grocery stores to dedicate their back rooms to empty bottles. We cannot ask grocery stores to shoulder greater burdens than others. We cannot ask Maine's consumers to pay for two separate recycling systems.

My amendment would keep intact Maine's current bottle law with the exception of liquor. I repeat, my amendment would keep intact Maine's current bottle law with the exception of liquor. My amendment would require that liquor bottles also have a deposit and be returned just like soda bottles. My amendment says, it is time the state puts its money where its mouth is and not expect the private sector to shoulder the burden that the state won't shoulder.

For years, we have required the private sector to comply with the Bottle Bill while the state sat idly by. I believe that now is the time to make the state recycle its liquor bottles.

The Bottle Bill works well because it is limited to a few brands and distributors. But, it doesn't make any sense when we are thinking about thousands of brands and hundreds of distributors, it doesn't make any sense when we are talking about increased prices on necessities such as baby formula, water, whatever, you name it.

Some of you may think that I am being a little hypercritical. I am not. What I am saying is that in fairness to the private sector, that is all I am saying, in fairness to the private sector, the state should also return the bottles it controls but at the same time we shouldn't overwhelm a system that has worked well now and increase the cost of these products to our Maine consumers.

I ask you to support my amendment and make the state return its own bottles.

I would like to read to you the Statement of Facts in my amendment which says, "The purpose of this amendment is to expand Maine's returnable law to cover liquor but not to expand the law to cover other beverage containers. This amendment also keeps the handling fee paid for by the distributor at its current level."

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

Representative MICHAUD: Mr. Speaker, I move indefinite postponement of this amendment.

Ladies and gentlemen of the House: The committee had been lobbied very heavy, the only other bill that I can think of that may have been lobbied more was the Color, Odor and Foam bill, but this bill has been lobbied quite a bit.

The reason why the committee did not choose to go along with this liquor is (1) it would not take enough of the waste problems out of the waste stream and (2) it would be placing a competitive advantage for the wine industry over the liquor industry and the committee felt that that was not fair.

I would hope that you would go along with the Majority Report, which does include the Bottle Bill. The Bottle Bill for the wine will not go into effect until September 1, 1990, that is about a year and a half away. I hope that you will support my motion to indefinitely postpone House Amendment "A."

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

Representative GURNEY: Mr. Speaker, Ladies and Gentlemen of the House: We had this bill before the committee dealing with the state liquor store bottles but, due to the multitude of recycling bills in the Energy and Natural Resources Committee, we thought in the Business Legislation Committee that the Energy and Natural Resources Committee would be able to handle the bill in one large package. As you can see, it is a large package.

I ask you to support this amendment because I do agree with adding liquor bottles.

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

Representative DiPIETRO: Mr. Speaker, Ladies and Gentlemen of the House: I think before we go any further there should be some comments that you people should understand about the solid waste package.

First of all, I would like to say that I served 10 years on the RWS Committee in the city of Portland (the Regional Waste Committee) and I would like to talk on this solid waste bill. I honestly and truly think that the people who have worked on this bill are sincere and I think they want to do the right thing but I think the proposal before us today is not the right thing.

I would like to give you a little background if I may. First of all, I think this particular bill is a fund-raiser, a fund-raiser that is going to cost the people of the State of Maine about \$40 million more than we are presently paying for goods. I also think that the small stores are going to be called, not redemption stores, but recycling stores. I feel that we are presently taking back 6 percent of the solid waste now. What they are looking for with this package is that they want us to take back 10 percent. I don't feel that we, the small storeowners, are in a position to do so and I don't believe that the large supermarkets are in the position to do so. If this type of bill should pass, I would have to change the name of my store from DiPietro's Market but to DiPietro's Recycling Center because that is exactly what I would be doing. I would be recycling. We don't have the room, we do not know how we are going to do it. We are presently taking all the bottles and all the cans that we possibly can that the Bottle Bill has asked us to do in the past and I just don't think there is any more space for us to do anymore.

I think the committee has to look at another way of finding an avenue to get rid of the bottles, put it into a solid waste package, make somebody recycle them, have somebody do it other than the Mama and Pop stores and the large supermarkets -- we are just in no position to do so.

The other thing I would like to tell you is the little small juice boxes that all the kids like to take to school, they will no longer be able to do that because they are disbanding them. They don't want us to sell those because they feel that those

are a problem. I think what they should be looking at is looking at the environment and not worrying about the little juice boxes but looking at how they can take care of the toxic diseases are around.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I think I am as strong an environmentalist as anyone else but I feel that the Bottle Bill is not the answer to the solid waste problem. I think this is just a bandaid approach to taking care of the solid waste problem. We should approach the solid waste problem head-on. I think the committee, of which I have the highest respect for every one on both reports, they are very good friends of mine, they worked hard, they are sincere, they want to do a good job that is needed and I will work with them but please, let's not try to use the Bottle Bill as an excuse to try to solve the solid waste problem. It is only a bandaid approach, you will not solve it because there is only a percentage of the bottles that is the problem.

I would ask that you support the motion by the good Representative from Lewiston, Representative Pauliot. This would, in a way, still get a lot of work accomplished but will not go in and say, the bottles are the problem. The bottles are not the problem, it is only a small percentage. It is the solid waste that you pick up every week. As a town official, I know exactly the problem we encountered when we tried to take care of the solid waste problem. I ask again, please let's not try to hook up and get all the answers by hooking it on to the Bottle Bill because the first thing you will see is the farmers ending up with piles and piles of plastic bottles behind the barn. I know many of the young farmers that I have talked with are really good environmentalists, they believe they want to do something, but I think they are being deluded into thinking that this will be the way to go. Unfortunately, those young farmers are going to end up with piles and piles of those empty bottles and milk cartons behind the barn. You can only build so many of those bird feeders for those things. Please let's go in, one step at a time. Maybe some of the glassware and bottles need to be taken care of but I don't think we should hang it all onto the Bottle Bill. I would ask that you support the motion of the good Representative from Lewiston.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: I am going to speak on this issue one time and one time only. I am going to ask you a question. Does this look like a bandaid? That is your bandaid right there.

The previous speakers have said that the committee is sincere and dedicated and I am glad to hear they didn't say we were stupid. There was one reason why we extended the Bottle Bill and that is because of your landfills are going to be shut down in a very short period of time. We are probably going to end up with two very expensive landfills to take care of the entire State of Maine. Every one of those glass bottles takes up a cubic foot of space in that landfill and that penny in increased handling fee -- don't worry about paying that because your people are going to pay 50 times that when it comes to dealing with landfills.

If you look at this bill, there was no bandaid approach taken, it was a long, tedious, comprehensive review of the solid waste problems in

the State of Maine. Two weekends worth and almost every day in between.

You are going to have a lot of lobbyists working you, they already have, and everybody is going to want to take a little piece of their pie out of this and it is, indeed, unfortunate that a lot of members have chosen to leave because this issue, men and women of the House, is going to take over the issue of educational funding and property tax relief because solid waste is going to be the single most expensive proposition that your towns will deal with in the next 20 years. My estimation is, that before we are done, you are going to be talking \$500 to \$700 million plus to deal with solid waste. Think about that.

In committee I said that this was going to happen and I told them that this issue was going to take more moral courage than I believe the Maine Legislature has. It will take more political courage than I have ever seen this body or the other body show in the eleven years that I have been here. Before we are done, as I said in committee, it is going to take more physical courage than I think most of you are going to be willing to put forth because you are going to be manhandled and you are going to be pounded and there is going to be people here trying to take a little piece of this and little piece of that.

The other day, the good Representative Hastings, talked about a plan being held together by a gossamer thread -- this plan is not hung together by a gossamer thread, this plan is held together by plastic sixpack yokes, by plastic trashbags, by plastic shopping bags, by plastic milk cartons, by Very Fine juice jars, by gallon juice jars -- that is what this plan is held together by.

I am very much afraid that what will happen is that we will succumb to the lack of political, moral, and physical courage to really, really comprehensively deal with solid waste in the State of Maine. A three or four percent increase in reducing our solid waste is not a minor thing. Remember how long it took us to get the 5 percent, which is what the current Bottle Bill does now. There is no question in my mind that this type of action on increasing the Bottle Bill is not the ultimate answer.

Representative McGowan presented a very viable alternative to the committee during the public hearing process but the problem is, we can't get there from here so we had to get from here to over here so that very soon we can get over there.

Don't kid yourself, we have said it before, you can pay me now or you can pay me later but if you don't deal with this problem, you are going to pay later and it is going to be far more than the figures that the beverage people are bouncing around to you out here that the distributors are going to have to pay out in increased handling fees and the problem that are going to be in handling wine and other juice bottles.

Do you mean to tell me that a country that can put a man on the moon and back, create a weapon that can destroy this entire earth in 15 minutes, cannot find an alternative to the trash system that we have today? That we cannot come up with a system that comprehensively and rationally deals with the large amount of glass bottles still bouncing around and floating?

I had a small grocery store, I was near a high school and every day I emptied my own trash into the dumpster and that barrel in front of that store was pretty near half full on a regular basis of those small juice bottles that everybody says are not the

problem. They were half of my trash barrel every day, that is half of my problem and if you talk about a multi-million dollar problem, that is still a lot of money.

The committee tried to tie something together that was comprehensive, that was not piecemeal, we looked at what should be dealt with, what could be dealt with. We put a two year implementation date on the plastic yokes because we figured we would give them enough time to come up with an alternative in a paper state that is 100 percent dependent on the forestry industry and we put an effective date on the liquor bottles because the State of Maine is in the business and the State of Maine should lead the way. We put in another effective date on the wine bottles because believing in our hearts and in our minds that that this great industry can, indeed, respond to the concerns.

On my way to Augusta this morning, I heard that the largest manufacturer of disposable diapers has instituted a multi-million dollar program to reuse them because we putting, I guess they said, 675,000 tons of disposable diapers into our landfills yearly in this country so they are going to use them to make a type of cardboard container and a few other accessories using the disposal diapers. Doesn't sound too good to me but I guess someone thinks there is a possibility of doing that. Industry is capable and willing but the trouble is, they don't want to do it now. They are going to convince you that the costs are going to be too much for you. I will submit to you that the costs are going to be a lot, it is going to cost us a lot of money to deal with this problem and piecemealing it apart is not going to solve that problem. Piecemealing it apart is going to delay the problem, piecemealing is going to mean that those bottles go in landfills and every square inch of space is worth lots and lots of money. If you take the time to read this bill, you will see that the Bottle Bill, indeed, is not a bandaid approach to this whole thing.

I have no doubt as to what is going to happen because I have seen the lobby working the halls. I have seen them working the other body. I do believe (and I love you all) that you will not have the political or the moral strength to really solve this solid waste problem in the State of Maine. You might solve a small part of it. You might end up not solving any of it. But believe me, when the people back home start paying the bills, you will change your mind, you will change your tune and sooner or later, whether you like it or not, you will change your vote.

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

Representative GOULD: Mr. Speaker, Men and Women of the House: There have been a few items that have been brought up that I would like to address and give you a different perspective on them. After all, if we are going to exhibit courage, then we ought to know what we are going to show courage on, we ought to have at least some idea what a different point of view is all about.

One of the reasons why I am opposed to increasing the Bottle Bill beyond spirits is that we are setting up an entirely new system, we are establishing a goal for recycling of 50 percent by, I believe, 1991. In order to recycle, we need materials to recycle and one of the most important recycling materials happens to be glass. Now Representative Jacques said that this glass will go into the landfills which had we not addressed the solid waste problem like we had would be absolutely true, it would go into the landfill. However, we

are spending many, many dollars to get municipalities to recycle. So if municipalities live up to the responsibility which we are placing upon them, these bottles will be recycled and they will be recycled cheaper than through the Bottle Bill.

Stop and think about how many wine bottles there are on the average store that you go into. Stop and think about the size of the juice bottles that you have, Gatoraid (which I drink when I am out working in the woods). Think about all the different size of bottles we have and think about the problems that these people are going to face. Yes, indeed, people who can send people to the moon can solve this problem, there is no question about it. But is that the most effective, most efficient way of handling it?. I say to you, no it is not. It is to use the recycling system which we are setting into place.

We have pickle jars -- why don't we put pickle jars as deposits and bring them in? The best way to handle that is through municipal recycling. If this recycling system is going to work, then it will take care of these bottles that we are talking about and it will take care of them much more efficiently and much less costly than others.

I have been told sitting on this committee that 85 percent want to expand the Bottle Bill and 90 percent want to expand the Bottle Bill and maybe this is true. I have heard people say that you need moral courage -- there are other types of courage, there is the courage to stand up for what you know and believe is correct. Even if 90 percent of the people tell you that they want to do something, if you truly believe and I do, that the best way to handle these bottles is through the recycling system, then you will, indeed, have the courage to say to that 90 percent of the people, we are going along with the best way.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: Representative Jacques is right, our society is about to be buried in trash and the Bottle Bill is part of this particular piece of legislation and the Bottle Bill that we have is the most defective method of reducing the waste stream that has ever been tried. It is tried and is proven that it has a great deal of popular support. We have this growing problem and it is time to expand this Bottle Bill to help save it and I hope that you will support Representative Michaud's motion.

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

Representative MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. I just hope today that this bill and the merits of the bill discussed and decided to enlarge it is not by volume. I know I have a problem in my district, there are three Mom and Pop stores there -- since the Bottle Bill, all three of those stores have expanded to take care of the Bottle Bill requirements. The problem now is if they have to take additional bottles in, because of zoning ordinances, because of lack of space, they have nowhere to go. They just can't accommodate them anymore. I don't know what I am supposed to tell those people when I go home and tell them we passed this type of bill. I hope you will all support the amendment put forth by Representative Pouliot.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: Reference was made by one of the previous speakers -- that we lack moral conviction of political convictions. I would like to state that I was born one of 15 children. My mother and father came out of Caribou. My father was just a poor potato farmer who came down from Caribou and one of the things he taught us was, "Be true to yourself." I never thought the day would come that I would be in any way classed in with a group of other people who lack moral or political conviction.

I was brought up in a small town in New England of an ethnic group and I had to prove myself to these people and I did prove myself. That is why today I am a member of the legislature representing the town of Lisbon which is not made up by a majority of ethnic people. When I do get up, I do speak my own convictions. I am 64 years old, I was losing elections in my town before many members of this House were even born. The first term in this House I voted with the minority party many times and I have done it along the way so when I do speak, I am not a pawn of any lobbyist, I have not been railroaded by any lobbyist, I am telling you my own personal convictions of what I think is right or wrong. To be told by anyone in this body that I am a pawn of any lobbyist or that I have no moral convictions or political convictions, I do highly resent it.

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

Representative LORD: Mr. Speaker, My Learned Colleagues: First of all, let me dispel anything about the dairy jugs. Dairy products have been exempted from this program.

Secondly, research by the Northwest Research of Orono last December told us that 70.9 percent of the people of the State of Maine wanted expansion of the Bottle Bill to include wine, juices and liquor. Another poll that was taken in October of last year by the Capitol News Service said that 74.8 percent of the people of the State of Maine said they wanted an expansion of the Bottle Bill. This is not a figment of imagination of the committee, it is what the people of the State of Maine have told us and telling you what they want. This is just a small part of the whole program. I want you to realize that. To immediately get a lot of this stuff out of the trash barrels, it is going to take us time to gear up to get into recycling and you are not going to achieve this goal of 50 percent unless we start getting some of the stuff out immediately. This is one way of doing it.

It has been said that the juices and wine won't go into effect until September of 1990. That gives people a lot of time to get geared up for it so they can handle it. We are hoping that there will be a lot of towns that will go into recycling and will go along with Representative McGowan's theory of all those recycling centers should not only be a recycling center but a redemption center. If this happened, then a lot of this stuff will be done right at the local level.

I have been told that this was railroaded through by a few of the members of the committee -- that is hogwash, absolute hogwash. We discussed this and we discussed it, up and down and all around. I think if you will look at the members of that committee, you will see that we are pretty darn independent and we do what we think is right and that is exactly what we do.

As far as the one penny, we were told and I think was verified that those folks who are doing

this haven't had a raise in over ten years. How much of our costs have gone up in the last ten years? An awfully lot. It would seem to me that a one cent increase was not out of line. If you want to get the job started and you want to get the job done, let's not pick this apart piece by piece and when it is all done, you are not going to have anything.

I urge you to go ahead and support the bill as originally stated.

The SPEAKER: The Chair recognizes the Representative from Oakland, Representative Marston.

Representative MARSTON: Mr. Speaker, Members of the House: I take exception to one of the best friends that I have in this body, that being the Representative from Waterville, Representative Jacques, the powerful one, the one that represents my point of view 99 percent of the time. I take exception to a couple of points that he made and one in particular -- this particular Representative has a job besides this job. This particular Representative doesn't have time for lobbyists. This particular Representative has never been lobbied to this day. This particular Representative has the courage to find another solution to the problem other than put it on the shoulders of poor old Mom and Pop. Poor old Mom and Pop grocery doesn't have a lobby here, Paul, there is no one here to speak for them. I just happen to have one of those places myself. We don't have room to put this trash and it is trash. I really feel, Paul, that it didn't take that much courage to place the burden of the state's waste disposal problem on the shoulders of poor Mom and Pop that can't be here to lobby you, can't be here to lobby me and can't be here to testify at the hearing. I humbly apologize for having to point these two things out. You are 99 and nine-tenths correct as always but I really feel it was important for me to point out to you that, yes, I do have the courage to do whatever is required to remedy the waste problems of the State of Maine, that it certainly isn't to place that huge problem on the shoulders of poor and Mom and Pop. I thank you for your tolerance, I will try it again when I get a little better at it.

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

Representative MARSH: Mr. Speaker, Men and Women of the House: I guess I can identify with this problem all the way around. At five o'clock this morning, I was sorting bottles and cans at the small business that I own. Probably I could cop-out and not even vote on this but I am going to vote. I sat in the gallery for many years and listened to Paul Jacques speak on the floor of the House. Everyone here knows that I respect him but I guess the speech he made a few minutes ago was his finest hour. I feel his speech makes 100 percent sense and, in the spirit of non-partisanship, if you listen to Representative Lord, his speech makes a 100 percent sense also.

I spoke here last week for a small Mom and Pop beer store that was concerned about some legislation and I am willing to go back and face that store tonight or any other one of my constituents on this matter. I hope that we get along and make Maine a leader in cleaning up the state.

Before coming in here, I worked all my adult life with mother nature. Even the most basic of animals and birds don't foul their own nest so let's get on to the business at hand and do what has to be done.

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

Representative ALIBERTI: Mr. Speaker, Men and Women of the House: On the amendment, a recycling of wine bottles, whose wine bottle? The wine bottle that is in the retail store? You recycle that. Well, what about the wine bottle that comes out of the State Liquor Store? Almost identical in size and volume but you don't recycle that one. No, because we have an elitist bureaucracy that says you are going to exempt us from that. I would like to exempt them from completely selling anything of liquor in the State of Maine. That would be my great wish. The hypocrisy of it.

I rise mainly to address a concern, a real honest concern. I have heard in the committees before, if you pass this, you are going to put us out of business. I have learned to live with that statement which was more false than true. But suddenly, one surfaces that has been the real crux of everything respectable in our community, one that gives so much of what they have received, called philanthropy, charity, and when that person (God love her) says to me or sends a representative to me, "Do you really know what you are doing to our operation, one that is so credible in the state?" The highest standards possible when they say, "You are jeopardizing the welfare of this operation." I asked for advice from others. "Could this be possible?" They said, "Only you can make up your mind." Well, I am making up my mind on that basis.

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

Representative SHELTRA: Mr. Speaker, Ladies and Gentlemen of the House: Actually, when the Bottle Bill (the first inception of it) I believe the intent of the original bill at that point in time was to create redemption centers, (period). How the Mom and Pop stores got involved into collecting all these bills and supermarkets and whatnot -- it was a big mistake. We should have kept the redemption centers.

Secondly, being on Business Legislation, we had a bottle bill, it came up in front of our committee and we went on tour and we visited the Mom and Pop stores and the supermarkets and when you get into those back rooms and look around, ladies and gentlemen, you could visibly see the mess that we are in. You really have to go and look around and see for yourself exactly what is going on. It is horrible. The redemption centers should have been promoted and that is what we should have stayed with.

I went in front of the Energy Committee and I had a bill that would have stipulated that, on new developments on part of our housing, that it would have been mandatory to install garbage disposals. You know what the reply was? Everybody should have a compost pile. Can you imagine a compost pile in the city of Portland or Biddeford or Waterville or anywhere else? That would have helped to eliminate the wet waste that we have today but it disappeared. I didn't think that was too sensible. You talk about courage, if we had courage, we would mandating recycling right now. We should have three barrels in front of our houses, one for glass, one for cardboard, and one for wet waste and let the municipalities collect it.

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

Representative ALLEN: Mr. Speaker, Men and Women of the House: I rise today to urge this House to support the motion by Representative Michaud to

indefinitely postpone this amendment and would like to share some reasons why I do that.

I personally sponsored two bills that went to the Business Legislation Committee. One would have expanded the Bottle Bill as this solid waste package does and one would have increased the handling fees for those small Mom and Pop stores and those redemption centers that are currently dealing and will in the future deal with the Bottle Bill. My particular proposal sought to increase that handling fee from two cents to four. Obviously, the distributors and the manufacturers were opposed to that. As a matter of fact, they supported a bill that would have entirely wiped out the handling fee so that the Mom and Pop stores and the redemption centers would not do that.

I also rise as a cosponsor of the solid waste legislation. From the onset, I have been very much concerned, like all of you have, about the solid waste issue and its effects on the taxpayers in my communities. I believe in the past and in the future that one way to address that solid waste problem and to relieve some of the burden on our property taxpayers is to increase and expand the Bottle Bill.

This particular amendment would attempt to undo the work of the Energy and Natural Resources Committee on that particular expansion issue, but more importantly, it also wipes out a handling fee increase. There has been some mention that there hasn't been a handling fee increase in several years. As a matter of fact, there has not been a handling fee increase since 1980. So, our small Mom and Pop stores that we are all very much concerned about -- like many of you, I represent a rural district and have many, many small stores. I also represent a new business in my area and that new business is the redemption center. The redemption centers, as you know, came to life when the Maine Legislature initially enacted the Bottle Bill. So, for a long time in my community, we had small Mom and Pop stores that were doing fairly well and now as a result of the Bottle Bill, we now have new small business in my area and that is a redemption center.

As a matter of fact, I want to tell you about a redemption center in the town of Camden, which is somewhat unlike other redemption centers and certainly unlike the Mom and Pop stores. This redemption center is run by The Coastal Workshop which is located on Limerock Street in Camden. The Coastal Workshop is a sheltered workshop for mentally retarded adults.

The particular people who operate this workshop thought that the Bottle Bill was a perfect idea to put these adults to work in our society and to make them productive and helpful members of society. Rather than asking taxpayers to entirely bear a burden for supporting people who in fact need our help, they put these people to work. Eight people work at this redemption center. So, this is a redemption center that is absolutely not run for profit. As a matter of fact, it is a good thing it is not run for profit because in the fiscal year 1988 it ran in the red \$27,000. These people are working very hard, they are servicing nearly all of the businesses in Camden, be they a restaurant or a small store and they are running \$27,000 in the red. It is not, my friends, because of mismanagement, it is because their means of profit, which is the handling fee that is currently two cents and has been that way since 1980, is statutorily set. So, even if we were to raise that handling fee to four cents, which this bill does not do, this bill only goes as far as three, if we were to raise it four cents, they would

still run in the red by approximately \$4,000. So, the handling fee is a very important component to this entire package and that is why I stress that this House totally reject this amendment and all others that might be offered.

I believe this is much more than an bandaid, I think the Energy and Natural Resources Committee is to be applauded for the enormous amount of work that they have put in. I know the members of that committee, their philosophy and their outlook and their ways of solving problems vary as different as any other 13 members in this House. They were able to put all of those differences aside and come out with what I believe is an appropriate means of addressing the solid waste problem.

I would like to add that there was an attempt by the same lobby who would like to see this bill amended to try to repeal the Bottle Bill. The same arguments that they used when we initially passed the Bottle Bill, when they attempted to repeal the Bottle Bill, when they opposed the expansion of the Bottle Bill to wine coolers, are the very same arguments that they are using in the halls today. They used those arguments before the Business Legislation Committee who this session heard no fewer than six bills regarding expansion and the handling fee increase. As a committee, we did not agree on whether the Bottle Bill should be expanded or whether or not there should be a handling fee increase. We did unanimously agree that it was a solid waste issue and whether you are on the side of expansion and increasing the handling fees or whether you were opposed to that, we all unanimously agreed that it was a solid waste issue. We "Leaved to Withdraw" all of the bills that were in our committee and we asked the Energy and Natural Resources Committee to look at that issue as part of the solid waste problem and to recommend a solution to this House. I am pleased that they have brought to this House a bill that would expand the Bottle Bill and a bill that would expand the handling fee. This amendment must be rejected because, not only does it limit that expansion, but it eliminates that handling fee that is absolutely unacceptable to the Mom and Pop stores and to the redemption centers.

One final point, Mom and Pop stores do not, have not, and will not be forced by law to accept returnable containers. As a matter of fact, there is a small store in my town who absolutely refuses to accept them and they send everybody to the local redemption center. So, there is absolutely no legal requirement to accept returnable bottles, none whatsoever. This bill does not purport to force small stores to do that.

I would urge the House to reject this amendment and accept Representative Michaud's motion to indefinitely postpone.

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

Representative BELL: Mr. Speaker, Men and Women of the House: I was involved in the original Bottle Bill. The late Senator Sam Albert from Caribou was working on that bill and at the time I gave him all kinds of printed data information from the supermarket industry and from the different trade journals. As most of you know, Oregon was the first state to have a Bottle Bill and we were somewhere around third.

I am in full support of anything that we can do to recycle but we have to do recycling with a little bit of common sense. The industry was a little touchy at the beginning, they didn't want to get involved in it, but after it took place, the thing has done a wonderful job. It originally started out

as an anti-litter bill. We didn't have the type of landfills that we have today at that time, at least not up our way. It has done a tremendous job, it has cleaned all the roadsides, it has saved the state a lot of money because they used to have to bag the stuff up.

To try to explain to some of you people that are maybe not involved in stores and whatnot, there are franchise distributors on all the bottles that are being taken care of today. There are beer distributors, soft drink distributors and whatnot. Now, you will not see one beer distributor buy a bottle from another distributor. He is only going to redeem his. What they do is they go to the stores every week and pick up all their bottles and pay the store. When you get that case delivered to your store, you've got to charge 48 cents on a 24 pack, two cents a bottle that is charged to your store. When that bottle is picked up and returned, that is the money that they pay for the redemption. That systems works well.

In 1987, the legislature passed a bill that said wine coolers should be picked up. Again, these are controlled distributors. You have someone that is responsible for finally picking up the bottles. That has worked very well -- no problem. I have spent 43 years in the supermarket business so I know about juice bottles. Maybe you people don't realize the tremendous amount of bottles that you are talking about. I, for one, would love to see every one of them recycled. I wish we could do it tomorrow morning. With the distributors on beer and soft drinks, you have someone responsible to pick up those bottles. They have to go back to that distributor and he has to pick them up. If you get into juices with the many warehouses there are -- especially the small stores will have more problems than the larger stores. The larger stores won't be too tickled over it either. They will gladly do it if you can build the buggy that the horse can pull, there isn't a market in this state that won't do it. But, when you buy juices from different wholesalers -- now picture yourself this way, you are running a store, you buy two cases of Very Fine Drinks, the next week, the competitor wholesaler comes in, he has got a deal, \$2.00 a case off, you buy 10 or 15 cases. Then in about four weeks, the guy that sold you the two cases, you try to make him take back eight or ten cases. It just stands to reason, that won't work. If the committee that has been working on this solid waste, if they can find the solution to who is going to collect the money and how you are going to redeem it back, who is going to pick up the bottles -- if they can solve that, it will work.

Something else that my good friend, Representative Jacques, mentioned. I have also been eleven years as the Director of the Tri-Community landfill, so I have a little knowledge on both ends of the bottle here. Getting into recycling -- he was saying, we have gone to the moon. I agree, but I don't know if you people realize that in our landfills, you go around to any other landfill, there are mammoth piles of white goods, no way to recycle them. No way to get rid of them. There was an article in the K.J. last week regarding some farmers in Canada that are taking white goods to the back part of their farms for six dollars a ton and the people on this side are charging \$40 a ton and they are hauling them over. If you call this recycling, I think that is bad.

Another item that any landfill has is tires. We have enough tires in our landfill we could fill this building, there is no way to recycle the tires. Someone has finally come out with a system where they

can chop them up for fuel. There are tests being done to mix them in on highways, but at the present time, we are loaded with all kinds of tires.

We are talking recycling, I am 100 percent for recycling, but if we are going to recycle, let's have the vehicle where the landfills and the people who have white goods, let's have a way to get them out out of the way. Let's have a way to get the tires out of the way.

On these bottles, you have another problem. If you can solve the problem of how you are going to allocate and how you are going to pay back the person on the bottle -- I checked with the distributor up my way that does glass and does aluminum, he makes no money on the glass, it is just a turnover. He is crushing all the glass for all the other beer distributors and tonic distributors. He sells his aluminum in New Hampshire, he sells his glass in Portland. Now, if you can find these type vehicles, we could recycle before we mandate someone to save something. If you are going to save juice cans and whatnot and make a big pile out to our landfills, let's find a way to get rid of them before you mandate it.

At our landfill, we recycle (for about four years) cardboard. We didn't make much money on it but it was saving the life of the landfill. What happened is the people where we were selling the cardboard, the market went kaboom, we ended up with large junks of big bails of cardboard all around our shed. We had to, in the end, stop recycling. Cardboard alone can save the largest space in your dump that you have and if you could get rid of the pamper diapers that just came out. These are the things. I am 100 percent for recycling but if you are going to have us recycle something, give us a vehicle so that once we save that stuff up, we can get rid of it.

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

Representative FARNHAM: Mr. Speaker, Men and Women of the House: I have the solution and South Berwick is doing it now. About ten years ago, we passed an ordinance that all bottles are to be brought to the dump in separate containers. By separate containers, I mean the clear bottles, the brown bottles, the green bottles. We had three big bins that holds tons of glass. The people do -- at first they didn't, they jumped up and down and screamed and hollered as everyone does do, but now you go to the dump, you have these three bins, you put your clear glass in one bin, your green glass in another bin and your brown in the third bin. When those bins are filled, the town calls a chap who comes up with a huge truck, loads it, pays the town for the glass and that is it. It is that simple.

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

Representative GURNEY: Mr. Speaker, Men and Women of the House: I agree with much of what others have said, they are right about the problems facing us in the upcoming years. The landfills are almost up to capacity. So, why not take liquor bottles out of the stream of solid waste? This amendment will do just that. The Statement of Fact reads, "The purpose of this amendment is to expand Maine's returnable bottle law to cover liquor but not to expand the law to cover other beverage containers. This amendment also keeps the handling fee paid for by the distributor at its current level."

About the handling fee, I would like to see a study dealing with this fee. Take a look at the handout provided by Representative Chonko -- Oregon,

whose Bottle Bill has been in effect since 1972 has no handling fee. Let's leave the fee alone for now, include liquor bottles from liquor stores, support this amendment and vote red against the indefinite postponement.

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

Representative COLES: Mr. Speaker, Men and Women of the House: This has been a very interesting debate. I was particularly struck by the comments from my colleague from Caribou, Representative Bell.

Last summer, I served on a Legislative Committee to study the solid waste problem and propose solutions. We focused particularly on recycling of all the varieties mentioned by Representative Bell. That committee unanimously recommended that we expand the Bottle Bill to cover all the material proposed in this bill.

The Energy Committee also worked very hard and long in putting together a comprehensive recycling program. When you have the opportunity to read this bill, you will see that that program will be put in place. We hope that in a few years it will show significant results.

In the meantime, we are still generating a lot of trash. All that trash that is not recycled, all that outside trash now being returned to the Bottle Bill, recycled through the Bottle Bill, is paid for by the towns of our state and the taxpayers of our state through their property taxes.

The question before us today, it seems to me, is whether we will do the difficult things needed to solve our trash problems or they will back off from those difficult things because of a matter of convenience or inconvenience.

In the committee, considering how the Bottle Bill might be expanded, we discussed a number of options. We were unable, however, to get industry cooperation to explore those options because industry does not want to talk about how to expand it, they wanted to talk about whether to expand it. That is what the vote today is about, whether we should expand it or not expand it.

One reason we put a 15 month delay on the implementation date is because, if we decide today or this year that we shall expand it, we will have next year and the cooperation of the industry, one hopes, in telling us exactly how we should expand it. There are better systems to run this bottle deposit system, I agree with Representative Bell, there are better ways. There are ways of solving every one of those problems that he described but we can't get to serious discussion of those problems as long as the distributors and the bottlers think they don't have to get to that point.

This amendment is purported to expand the Bottle Bill to cover liquor. What it really does is cut down the proposed expansion to only liquor, to a very minor insignificant portion of the waste stream that the bill proposes to recycle. In addition, as Representative Allen pointed out, the amendment eliminates the proposed increase in the handling fees. Every Mom and Pop store in this state needs an increase in the handling fee. If we want to encourage people to recycle, if we want to see this state recycle, it is essential that we offer sufficient incentives, strong incentives, for people to get into the business, for people to recycle, for people to make money at it.

You will notice in the bill that much of the recycling program is not mandated, it offers instead a whole series of incentives. It says, we live in a market system, let's operate by the market system. We will set up the incentives and we are confident

that people will use them to make money. In making money, those people will serve our recycling needs. If we pass this amendment, do not postpone it as proposed, we will also be removing a major incentive to recycle. It seems to me we just simply have to make up our minds, are we going to recycle seriously? Are we going to accept the inconveniences and the changes or are we going to sit back and say, No, let's solve our problem in some other way, let someone else handle it so I don't have to be bothered?

If we want to use the market or power of the marketplace, if we want to accomplish the goal, the essential goal that we must accomplish at dealing effectively with our solid waste problem, I strongly recommend we take a first step by postponing this amendment indefinitely.

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

Representative HASTINGS: Mr. Speaker, Men and women of the House: I think we have gotten away from the process which has developed the bill which we have before us and which is now asked to be amended. When I first came to this House and was put on a committee, I didn't realize the work and development that was made in committee on any bill. I have since become aware that in most committees, and I believe it is particularly true with the Energy and Natural Resources Committee, that they have had to work enormously hard and with great compromise and carefulness to develop this bill which they put before us as their Amendment "A." It is not something that we can start to fracture piece by piece, by piece. That is, indeed, what the lobbyists would do to us. That is what this particular amendment which we are debating does to the bill. It attempts to take apart an overall structure that is has been developed to handle solid waste in this state. We all know the problem. We have all seen the problem develop. We have never addressed it directly before. Waste is a major problem to this state, a major problem. If we aren't willing to address it, we hide behind a skirt that shows our own immaturity, we cannot start on this House floor to take apart a bill which was crafted to develop a whole network of solid waste treatment.

If you walk across the border to New Hampshire, where they do not have a Bottle Bill, it is easily seen -- the roadsides are littered. We have a Mom and Pop store, so-called, right on the border. On the Maine side of that border, there is a little turnout where we welcome tourists and put tin cans and porta-potties in the summer. The town of Fryeburg collects more garbage, more bottles from that location than the rest of the town combined in all of the other barrels it has. They buy their beer at the Mom and Pop store, they come back and sit around at the picnic tables and drink and use those disposals for those bottles.

We are stepping up our recycling pattern by expanding the returnable bottles. People don't like that. New shoes often pinch. Nobody likes zoning, nobody likes restrictions. But, this will pinch certain people. I cannot escape that, you cannot escape that. You don't make laws that are absolutely even for everybody. We would like to do it, we try to do it, it is impossible to do it. There are too many idiosyncrasies to the Mom and Pop stores all the way up to the huge supermarkets that make a level field impossible.

This bill has been crafted well, it covers a myriad of problems. Don't try and take it apart piece by piece. The committee process has worked, accept it, try it. It is sort of like the young lady who wears her first pair of high heels, she is pretty

unsteady with them if they are tall spikes when she first goes to her prom. This is a step in that direction, we are not 100 percent sure but the problem is so immense, it is so upon us, that we have to wear those high heels today. We have to be ready to at least attempt -- don't disregard it, don't divide it by splintering this amendment with many many more amendments.

I urge you to vote against this amendment and vote along with Representative Michaud in having it indefinitely postponed.

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

Representative ANDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I agree with the previous speaker entirely. We worked long and hard on this bill. We have been accused of going too far, not far enough, didn't cover enough bottles, covered too many, but this is only one segment of this bill and it is needed to make the rest of it work. I would ask you to support Representative Michaud's motion.

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

Representative CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I stand before you this afternoon and I can wear several hats. I can wear the hat of a municipal official and I can wear the hat as having served as chairman of the study committee on municipal management of solid waste this past year. I can also stand before you as the Representative from the town of Winslow.

We in Winslow have been trying to deal with solid waste problems for over 15 years. I must tell you that we haven't succeeded yet. It is not only solid waste, it is a very, very, very complex problem, very complex. It covers a multitude of areas. The Bottle Bill is only one component, one small component.

Representative Jacques has indicated to you that we are running out of landfill space and I have to agree with him. I think that we are at a crisis stage, a crisis stage. Currently, man in this country produces in excess of 400,000 tons of trash per day, in excess of 160 million tons per year. We in the State of Maine average anywhere between four and a half to five pounds of trash per individual per day. By the year 2000, we will be up to six pounds per individual per day. We are faced with a crisis.

We have imported some of the practices from across the ocean, specifically the waste to energy plan. But ladies and gentlemen, they are not the answer. The answer is recycling. What we are talking about is not trash. It is an unwanted resource. You can recycle in excess of 90 percent of what is now put in a landfill. I can remember as a youngster when a little old man with a pushcart would be going up and down the street yelling, "Copper, aluminum, rags," for recycling purposes. But, since World War II, we have become a throwaway society.

It is not going to be easy to deal with this issue because we have to change our way of living. We are going to have to get accustomed to the fact that we can no longer afford to keep throwing our resources away. We simply have to recycle. We have the technology and now we need the courage. I agree it is not going to be easy.

The Energy and Natural Resources Committee has taken the work of the Municipal Management Solid Waste Committee and incorporated everything in their package. They have gone even further. I don't necessarily agree with everything that they put in that package but it is a step in the right direction. We can always correct the errors that don't work and improve on them.

I would like to get back to the Waste and Energy Plan. It is a simple solution because it reduces the waste stream. But what it does in the process is that it generates heavy metal which go up in the atmosphere, it can be stopped by the utilization of very expensive scrubbers but when you do that it goes down in ashes and then you take the ashes and put them in a landfill and where do the heavy metals go? Cyanide, lead, cadmium, it can leech into the ground water. It is much more beneficial in the long-run for all of us to recycle.

We have heard that we should mandate. We cannot mandate. I will tell you why we cannot mandate, the problem is very complex. We have a state that is in excess of 33,000 square miles. Population about 1.2 million. Communities simply don't generate enough trash to make mandation work. You have to join together, form regional cooperatives, recycling centers, and then it will work. We tried it in our region, we succeeded in binding together, but we couldn't get the plant off the ground and now I am glad we didn't. When we started, we were not aware of the problems. It appeared to be a quick solution. You know the State of New Jersey actually did mandate recycling. What they succeeded in doing was creating landfills in each community in the state because it is basic economics, you have got to have supply and demand. If the markets are not there for the recyclable goods, you can mandate all you want, it isn't going to work. You have got to develop the market and the only way you can develop the market is for the state to take the lead. This is what my committee recommended. We recommended that the state be allowed to exceed the low bid by as much as ten percent to purchase recycled paper, as an example. We also recommended that the state purchase recycled paper on a progressive system, 15 percent the first year, 25 percent the next, to create those markets. That is the only way this system can work.

We made many recommendations, all of them are incorporated in the bill. It is a good bill. The sign of a good bill is when a lot of people disagree. You reach a compromise, it can work. It is going to take courage but we can make it work. I am willing to give the committee a vote of confidence and acknowledge the work that they have done and follow the recommendations of the chair, Representative Michaud, and vote against this amendment.

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

Representative Hوجلund: Mr. Speaker, Men and Women of the House: Do you remember when the Bottle Bill -- I hate to say do you remember when because now that you know I got married young, you are going to know that I had to go out and work when I was very young, but back when the first Bottle Bill was here, I had the great opportunity of working on that bottle issue. I worked and got paid very well to kill that Bottle Bill, that was my job and I enjoyed every moment of it and thought that the small Mom and Pop stores and everything was really going to come to an end. Well, the bottom line was, it worked. It

worked, ladies and gentlemen. Now we have, 20 years later, another problem, another need, to expand that Bottle Bill. The same cries that I am hearing now are the same cries that I heard then. I believe by expanding the Bottle Bill, we will be standing here five years from now and saying it worked.

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

Representative RIDLEY: Mr. Speaker, Ladies and Gentlemen of the House: Probably some of you are going to be quite surprised at what I am going to say. I have always been very much interested in recycling. One thing that hasn't been brought out too much tonight that I think we should all give a lot of consideration to is that some of the previous speakers have said that landfill space is really at a premium right now and that there is a shortage of it and I honestly believe that there is a crisis.

One thing I would like to point out is that everything that you can recycle, it is that much less that has to go into the landfill and it also is that much less that a lot of the towns have to haul down to MURC or some of these other places which cuts down on their amount of tonnage they take down which lowers their fee that they have to pay.

I think recycling is the route that we have to go. I was on the committee with Representative Carter, we discussed this up and down and sideways. We visited recycling plants and I earnestly believe that maybe this bill isn't perfect, there are a lot of things in there or some things that I don't agree with, but I think on the whole, it is a good bill and I hope you would not go along with this amendment.

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

Representative LEBOWITZ: Mr. Speaker, Ladies and Gentlemen of the House: I am not an expert on recycling on solid waste but I do know this, that we must implement it and we must implement it soon.

My community, the city of Bangor has started a collection for bottles and newspapers. This collection isn't at the door side, the people have to take their bottles and their newspapers to a designated spot at the public works facility. In approximately 12 weeks that this has been in effect, they have collected about 12 tons of bottles. The bottles are separated by white glass, green glass and brown glass. This is not an enormous amount but it does mean that there are people who are willing to go along with recycling because they have to go out of their way to do this. We have got to make sure that the entire State of Maine has this in mind.

I was reminded when Representative Carter spoke about the rag man -- at that same time, the garbage was collected for pig farms. The pig farms are out of business now and most everybody has a pig in their sink. We do have to make sure that we do not get to the point where we are just one big dump.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: I apologize for getting up twice but there are two things I want to clear up. Number one, I did not cast any dispersions on the personal courage of any member of this House. I addressed the House as a collective body. If anybody took umbrage to that, that was the direction.

Secondly, to my good friend Representative Marston, I, indeed, represented Mom and Pop on that committee the first 17 work sessions we had. Having been a Mom and Pop storeowner myself, and remember the good old days of spending two or three hours a day in that hot room dealing with slimy, scummy

bottles. I said it before, I did represent the interests of the Mom and Pop. The best friend I have in the world is sitting right there who owns a Mom and Pop store and I still look forward to the day when I can go up to his place and get back into the bottle room and remember about the good old days, when I am not pumping gas or doing something else. I did represent those small Mom and Pop, Brother Marston, I did indeed. As I said, I fought and I argued and I presented their argument but it was only after I looked at the big picture, the whole picture, the total picture, that I was convinced that the Mom and Pop are a small part of the problem, and men and women of the House, they had to be a part of the solution. But I want to assure you that I did not put any more pressure on the backs of the Mom and Pop without agonizing and thinking about it long and hard. It was not a decision I made hastily. If you would like, just check with the members of the committee and our wonderful lobbyists out there who were representing the interests of some of the industry and they will tell you that I did carry the ball for Mom and Pop as long as I could. Representative Anderson is nodding his head, he will tell you. But I was overwhelmed by the good common sense of the entire proposal.

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

Representative DiPIETRO: Mr. Speaker, Ladies and Gentlemen of the House: Also to the Chairman of the Committee, I would just like to say that I think your concept is a wonderful concept. I just don't agree with the method going about it. I think everybody in this room wants to see recycling. I think when Representative Carter said, that is the way to go, we know that is the way to go, there is no question. We just don't like the idea that we are putting the burden on somebody else. We are going to have to bite the bullet ourselves. How come we can sit here as a governing body that makes laws and say that every store that sells it must take it back, number one. Number two, tell the state liquor stores that they do not have to take their bottles back when everybody else does. I think you should go for the amendment that has been proposed.

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

Representative GRAHAM: Mr. Speaker, Men and Women of the House: Now that everybody else had a chance to speak, as a storeowner, I would like to speak very briefly on the proposed amendment. The original Bottle Bill was a litter bill. It worked. There aren't any juice or wine bottles or liquor bottles lining our roads as garbage as there used to be with soda and beer containers. We shouldn't confuse a litter bill with a recycling bill. If the Bottle Bill contributes to recycling, that is a beneficial side effect of the bill. I like the amendment that Representative Pouliot has put forward to go after liquor bottles because there is only one distributor of those. It will be easy to implement and it will take care of more of our solid waste stream.

If we want the glass to come back, mandate recycling. But the Bottle Bill is working very nicely and is accomplishing what we wanted it to accomplish, we got rid of the litter. I would hate to see us goof that up by trying to impose more of this on people.

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

Representative LORD: Mr. Speaker, Ladies and Gentlemen of the House: I think for clarification it

should be stated right here and now that the state liquor stores and the state agency stores that sell hard liquor are going to have to take back those bottles. Pure and simple. They are in the same category as the Mom and Pop stores and the supermarkets, they are going to have to take care of those hard liquor bottles.

The SPEAKER PRO TEM: The Chair will order a division. The pending question before the House is the motion of Representative Michaud of East Millinocket that House Amendment "A" be indefinitely postponed. Those in favor of that motion will vote yes; those opposed will vote no.

A vote of the House was taken.

Representative Dexter of Kingfield requested a roll call vote.

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.

At this Point, Speaker Martin resumed the Chair.

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

ROLL CALL NO. 123

YEA - Adams, Aikman, Allen, Anderson, Anthony, Ault, Begley, Bell, Brewer, Burke, Butland, Cahill, M.; Carroll, D.; Carroll, J.; Carter, Cashman, Cathcart, Chonko, Coles, Curran, Daggett, Donald, Dutremble, L.; Erwin, P.; Farnsworth, Farnum, Farren, Foss, Garland, Gwadosky, Hale, Handy, Hanley, Hastings, Heeschen, Hepburn, Hickey, Hoglund, Holt, Hutchins, Jacques, Joseph, Ketover, Kilkelly, Larrivee, Lawrence, Lebowitz, Libby, Look, Lord, MacBride, Mahany, Manning, Marsano, Marsh, Mayo, McKeen, McPherson, Melendy, Michaud, Mills, Mitchell, Nadeau, G. R.; Nutting, O'Dea, O'Gara, Oliver, Paradis, E.; Paradis, J.; Parent, Paul, Pederson, Pineau, Priest, Rand, Reed, Richard, Richards, Ridley, Ruhlin, Rydell, Seavey, Sherburne, Simpson, Skoglund, Smith, Stevens, A.; Stevens, P.; Stevenson, Strout, B.; Swazey, Tammara, Townsend, Tracy, Tupper, Walker, Whitcomb, The Speaker.

NAY - Aliberti, Bailey, Boutilier, Clark, H.; Clark, M.; Conley, Constantine, Cote, Crowley, Dellert, Dexter, DiPietro, Duffy, Foster, Gould, R. A.; Graham, Greenlaw, Gurney, Higgins, Hussey, Jalbert, LaPointe, Lisnik, Macomber, Marston, Martin, H.; McCormick, McGowan, McHenry, McSweeney, Merrill, Moholland, Murphy, Nadeau, G. G.; Norton, Paradis, P.; Pendleton, Pines, Plourde, Pouliot, Rolde, Rotondi, Sheltra, Small, Strout, D.; Tardy, Telow, Webster, M.; Wentworth.

ABSENT - Dore, Hichborn, Jackson, Luther.

Yes, 98; No, 49; Absent, 4; Paired, 0; Excused, 0.

98 having voted in the affirmative, 49 in the negative, with 4 being absent, the motion did prevail.

At this point, the Speaker appointed Representative Gwadosky of Fairfield to act as Speaker pro tem.

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

Representative Hastings of Fryeburg offered House Amendment "E" (H-663) to Committee Amendment "A" (H-640) and moved its adoption.

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

Representative Nutting of Leeds offered House Amendment "D" (H-661) to Committee Amendment "A" (H-640) and moved its adoption.

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

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

Under suspension of the rules, the Bill was read the second time, passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "E" and "D" thereto and sent up for concurrence.

At this point, Speaker Martin resumed the Chair.

The House was called to order by the Speaker.

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

The following items appearing on Supplement No. 11 were taken up out of order by unanimous consent.

**REPORTS OF COMMITTEES**

**Unanimous Ought Not to Pass**

Representative SWAZEY from the Committee on Taxation on Bill "An Act to Amend the Tree Growth and Farm and Open Space Laws" (H.P. 395) (L.D. 526) reporting "Ought Not to Pass"

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

**CONSENT CALENDAR**

**First Day**

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

(S.P. 494) (L.D. 1368) Bill "An Act to Authorize a Bond Issue in the Amount of \$5,000,000 to Deal with Asbestos and other Health Related Indoor Air Quality Hazards in Public School Facilities and State Facilities" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-348)

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" (S-348) was read by the Clerk.

Representative Carter of Winslow offered House Amendment "A" (H-662) to Committee Amendment "A" (S-348) 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.

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

(S.P. 587) (L.D. 1649) Bill "An Act to Amend Campaign Finance Reporting" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-349)

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

The following item appearing on Supplement No. 10 was taken up out of order by unanimous consent:

**PAPER FROM THE SENATE**

**Non-Concurrent Matter**

Bill "An Act Concerning Immunity From Liability for Incorporators of Certain Hospitals" (H.P. 1275) (L.D. 1769) which was referred to the Committee on Judiciary in the House on June 20, 1989.

Came from the Senate under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed in non-concurrence.

Representative Mayo of Thomaston moved that the House adhere.

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

Representative MELENDY: Mr. Speaker, Ladies and Gentlemen of the House: I am in support of that motion. I think what I would like to do is briefly read into the Record the fact that there is no need now for that legislation because there was a problem with the word "incorporator." Incorporator means something different than the way the hospitals use it. If I may read into the Record, I have three short paragraphs here, a letter from the Attorney General's office that says, "At the request of the Judiciary Committee, to which this legislation was assigned, you have asked whether the "incorporators" of Northeast Health, Inc. may be considered as already covered by section 402(2), thus obliterating the need for your legislation. In view of this Department, they are also covered one other class of persons rendered immune by section 402(2) consists of "members of the corporation." The term member is defined by section 102(8) of the act as follows: "Member" includes persons by whatever name designated, including corporators, and means one having membership rights in corporations in accordance with the provisions of its articles in a corporation or bylaws...According to the description with which you have provided this Department, the "incorporators" appear clearly to fit in this definition. The office of "incorporator" is established by the bylaws of the corporation and persons appointed to such office exercise membership rights in the corporation in that they are responsible for its general governance. Accordingly, they are immuned for any actions taken in their official capacity and there is no need to amend section 402(2) to include the word "incorporator" to cover them."

Subsequently, the House voted to adhere.

(At Ease)

The House was called to order by the Speaker.

The following items appearing on Supplement No. 12 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 York County for the Year 1989 (EMERGENCY) (H.P. 1276) (L.D. 1770) reporting "Ought to Pass" - Pursuant to Joint Order (H.P. 9)

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

**Ought to Pass Pursuant to Joint Order (H.P. 9)**

Representative HEESCHEN from the Committee on State and Local Government on Bill "An Act to Revise the Salaries of Certain County Officers" (EMERGENCY) (H.P. 1277) (L.D. 1771) reporting "Ought to Pass" - Pursuant to Joint Order (H.P. 9)

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

The following item appearing on Supplement No. 14 was taken up out of order by unanimous consent:

**PAPER FROM THE SENATE**

**Non-Concurrent Matter**

An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 to Fund a Capital Grants Program to Solid Waste Regional Commissions and Municipalities to Invest in Recycling Equipment and Facilities (H.P. 497) (L.D. 677) (C. "A" H-608) which was passed to be enacted in the House on June 19, 1989.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-608) as amended by Senate Amendment "A" (S-351) thereto in non-concurrence.

The House voted to recede and concur.

The following items appearing on Supplement No. 15 were taken up out of order by unanimous consent:

**PAPERS FROM THE SENATE**

The following Joint Order: (S.P. 658)

ORDERED, the House concurring, that "An Act to Recover Windfall Profits from Bottle Deposits," H.P. 787, L.D. 1099, be recalled from the Governor's desk to the Senate.

Came from the Senate, read and passed.

Was read.

On motion of Representative Allen of Washington, L.D. 1099 was indefinitely postponed. Sent up for concurrence.

**Unanimous Leave to Withdraw**

Report of the Committee on Aging, Retirement and Veterans reporting "Leave to Withdraw" on Bill "An Act to Exempt Certain Persons from the Restoration to Service Laws" (S.P. 656) (L.D. 1764)

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

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 Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-660) on Bill "An Act to Increase County Share of Real Estate Transfer Tax" (H.P. 602) (L.D. 826)

Signed:

Senators:

ANDREWS of Cumberland

BALDACCI of Penobscot

TARDY of Palmyra

NADEAU of Saco

DUFFY of Bangor

DiPIETRO of South Portland

SWAZEY of Bucksport

CASHMAN of Old Town

DORE of Auburn

Representatives:

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

Signed:

Senator:

EMERSON of Penobscot

Representatives:

SEAVEY of Kennebunkport

WHITCOMB of Waldo

JACKSON of Harrison

Reports were read.

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

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

What this bill does is it changes the distribution formula of the real estate transfer tax. Currently, the revenues received from the real estate transfer tax are split between the General Fund of 45 percent, the Housing Authority of 45 percent and the County Registry of Deeds, 10 percent. What this bill in its amended form would do is change that distribution so that the Housing Authority would receive 70 percent, the General Fund 20 percent and the County Registry of Deeds, 10 percent. The purpose of the bill is to use the money to fund a housing program that has been recommended by the Committee on Housing and Economic Development and to provide long-term, stable funding for those programs. I don't need to tell this House how important an issue housing is to this state. The problem with affordable housing and the homeless and what we are trying to do with this bill is to provide stable funding for the programs that are offered through the housing authority to support those programs.

I hope that the House will support the Majority Report so that we can provide that funding.

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

Representative SEAVEY: Mr. Speaker, Ladies and Gentlemen of the House: I am tempted to ask a question about how the title of the bill came about. It surely doesn't increase the county's share at all, it keeps it at 10 percent. The reapportionment of the county transfer tax is correct of what the good gentleman from Old Town explained to you. However, I don't think we have to decrease the general share to increase the housing's share, they have other avenues of revenue to them including bonding or they can come right by a regular bill and by regular appropriations and get money that way if they want to decrease the General Fund. So, I hope that you oppose the pending motion.

The SPEAKER: The Chair recognizes the Representative from Penobscot, Representative Hutchins.

Representative HUTCHINS: Mr. Speaker, Ladies and Gentlemen of the House: This is probably one of the first bills that we have seen this year that, if we were doing what the title said, we would be looking at some property tax relief. If there was any possible way of keeping a larger share of that at the county level and there was a bill here that would have done that, I believe Representative Look had one in that would have accomplished that procedure, that actually would have done some good in some property tax relief but this particular bill does not.

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

Representative NADEAU: Mr. Speaker, Ladies and Gentlemen of the House: This is not a property tax relief bill. There have been people around here saying that the bills are lately, a very popular issue, but it clearly is not. The purpose of this bill, the amendment to this bill, is precisely what it says, to increase the transfer share to the Maine State Housing Authority. I will tell you the reason why and how it came about.

The reason why is very simple. At the beginning of the session, the Housing and Economic Development Committee began putting together and crafting what we know now as the Affordable Housing Partnership Act of 1989. As a result of working that package through the course of the months, it dawned on us that a stable source of funding for the housing program is probably more important than the program itself. Affordable housing in this state has reached crisis proportions and I am not going to spend a lot of time explaining to you what the housing act does because it simply isn't appropriate or relative to this particular legislation. But to some degree it is important that you understand what the money will be used for.

The second point I am going to make is where this bill is going and what will happen with it. If this House agrees to support this bill and the other body does as well, it will go to the Appropriations table because it has a fiscal impact, that fiscal impact being loss of revenue. The Housing Act itself calls for \$11 million in General Fund over the next two years. The revenue loss that would be projected as a result of this bill, I think, would be something in the order of \$3 million so you need to look at the issue in the context of funding the housing package in its entirety. It will be one component of that mix.

Now the reason why it makes good policy sense is this. In order for the Maine State Housing Authority to do its job, they need to be in a position where they can predict with relative certainty the amount of investment capital they are going to work with for years to come. Picture a housing project -- the program gets authorized, takes 6 months to a year to get it on line, application process could take six months, once you have your application approved by the Housing Authority for whatever the project may be, you have planning boards and boards of appeals to go through at the local level, then you are finally under construction to put up housing units for low and moderate income people of this state. You could be talking a three to four year period. Housing is a long-term business and the Housing Authority needs to be in a position where they can project the kind of capital they are going to have to work with.

This legislature this session (I think) is going to adopt the first comprehensive housing policy this state has ever had. Seven years ago, it set up the Home Fund which has been a tremendous successful program and has pumped literally billions of dollars into this economy. It is an economic development initiative without exception. This is absolutely what we are talking about today.

The Transfer Tax Reallocation could set into place that consistency predictable funding that I think is important for the success of affordable housing initiatives. The Appropriations Committee is going to determine, relative to the funding, whether this can be accommodated. It would be my intention to encourage Appropriations to use what in essence would be a loss of revenue to go into the Housing Authority to fund the initiative that we have placed upon them through the Housing Act. The numbers simply cannot be determined at this point because Appropriations is still doing its work. We must make the policy decision to allocate Transfer Tax funds through that Housing Authority for the use that they have designated for over the years and the amount and the actual percentage.

I am perfectly willing to leave up to the committee, based on available revenues, that we may determine are there or are not there. Ladies and gentlemen, it must get to the Appropriations table in order for us to make that determination.

As a matter of policy, it is very sound. The General Fund's share of the Transfer Tax is nothing more than that, it is General Fund. There would be no difference if I put in an appropriations bill to give the Housing Authority the \$3 million directly or allocate it from the Transfer Tax income. It effectively makes no difference relative to the bottom line.

What we are asking you to do today is set into place a policy that says, we will make that ongoing commitment to fund programs that will keep homeless people off the streets and put a roof over their heads among other very worthy initiatives.

I would encourage you today to vote for the Majority Report, let's get it to the table and let's continue the cooperative, bipartisan effort that we have seen to date on putting a housing policy and package together for the people of Maine.

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

Representative JACKSON: Mr. Speaker, Ladies and Gentlemen of the House: The gentleman from Lewiston is absolutely correct, there is an affordable crisis in this state. He has also indicated one way to remedy that situation. The concern that I have with this proposal before us is that it dedicates further the Transfer Tax. I am not one who likes to support or pass legislation that sets up dedicated accounts. I think it is appropriate that it should go to the Appropriations Committee to seek adequate funding in this area. That is the reason that I opposed this piece of legislation. I do think that there is a need out there that needs to be addressed and I think it should compete on the Appropriations table along with any of the other issues that are equally as important and see if we can't resolve this situation so that we can obtain long-term financing and long-term commitments to housing in Maine. I don't think this is the way to do it. I think the way to do it is to go to the Appropriations Committee, as I said earlier, ask for the appropriations and see where it falls.

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

Representative MCCORMICK: Mr. Speaker, Ladies and Gentlemen of the House: I am really concerned about this bill. First of all, I think that this bill overlooks the reason that we don't have affordable housing. It has been the property tax, the one major item that has created a problem for affordable housing is property tax. We had a bill in here which would have taken some of the funds that are earned by the county and used them to reduce some of that property tax burden but instead of that, we are taking the money and dedicating it to the Housing Authority. They already receive 45 percent of those funds. It just seems to me that we are not getting to the root of the problem. It is the property tax which has created the shortage or the unaffordability of housing in many areas of this state. Instead of addressing that first and then addressing the housing, we are doing just the reverse and I would urge voting against this bill.

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

Representative MILLS: Mr. Speaker, Men and Women of the House: I think it is important to realize that the housing committee has reported out a unanimous report for a housing package. That package is going to be approximately \$11 million. It is going to have to go to the Appropriations table. I think most people here realize that a package of that size to come up with that kind of funding is going to be very difficult. I think everyone realizes how important it is to have affordable housing in the State of Maine and this amendment to allow an option to be presented to the Appropriations Committee is not binding on them as you know, it gives them an option, something to look at, to come up with more funding and to get us into a position where we can give the appropriate funding to that bill that we need.

I would hope that you would accept this so we can send it to the Appropriations table and give them the option of whether or not they need to use this.

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

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

I would address this to Representative Cashman, please. Is the provision still in the law which allows the counties to retain the present amount for handling these funds?

The SPEAKER: The Representative from Jonesboro, Representative Look, has posed a question through the Chair to Representative Cashman of Old Town who may respond if he so desires.

The Chair recognizes that Representative.

Representative CASHMAN: Mr. Speaker, Members of the House: Yes.

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

Committee Amendment "A" (H-660) 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. 16 was taken up out of order by unanimous consent:

**PAPER FROM THE SENATE  
Non-Concurrent Matter**

Bill "An Act to Authorize Cumberland County to Raise up to \$25,000,000 for Construction of a New Jail Facility for Cumberland County" (H.P. 1258) (L.D. 1755) on which the House insisted on its

former action whereby the Minority "Ought to Pass" as amended Report of the Committee on State and Local Government was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "B" (H-629) in the House on June 20, 1989.

Came from the Senate with that Body having adhered to its former action whereby the Majority "Ought to Pass" as amended Report of the Committee on State and Local Government was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-628) in non-concurrence.

The House voted to recede and concur.

On motion of Representative of Joseph of Waterville, the House reconsidered its action whereby it voted to adhere on Bill "An Act to Establish the Department of Child and Family Services" (EMERGENCY) (H.P. 1199) (L.D. 1666) on which the Majority "Ought to Pass" as amended Report of the Committee on State and Local Government was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-621) in the House on June 19, 1989, Came from the Senate with the Minority "Ought to Pass" as amended Report of the Committee on State and Local Government read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "B" (H-622) in non-concurrence.

On motion of the same Representative, the House voted to recede whereby L.D. 1666 was passed to be engrossed as amended by Committee Amendment "A" (H-621).

The same Representative offered House Amendment "B" (H-658) to Committee Amendment "A" (H-621) and moved its adoption.

House Amendment "B" (H-658) to Committee Amendment "A" (H-621) was read by the Clerk.

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

Representative WENTWORTH: Mr. Speaker, Men and Women of the House: I hope you will vote against the new amendment so we can continue to adhere.

I would request a Division.

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

Representative JOSEPH: Mr. Speaker, Men and Women of the House: I just wanted to explain to this body that this amendment strips the emergency clause from L.D. 1666 as well as changes the effective date.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Dellert.

Representative DELLERT: Mr. Speaker, Men and Women of the House: I feel that there is still the same problem with this bill as there was before, even with the amendment on it and the money taken off from it. There is still going to be a great deal of money needed to fund this bill. You cannot fund all these positions that are listed or even the case management. It is definitely going to have to have more funding needed and I hope that you will continue to go against this amendment.

Representative Webster of Cape Elizabeth requested a roll call.

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

A vote of the House was taken and more than one-fifth of the members present and voting having

expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is adoption of House Amendment "B" to Committee Amendment "A." Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 124

YEA - Adams, Aliberti, Allen, Bell, Brewer, 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, Handy, Heeschen, Hichborn, Hickey, Hogle, Holt, Hussey, Jacques, Joseph, Ketover, Kilkelly, LaPointe, Larrivee, Lawrence, Lisnik, Luther, Macomber, Mahany, Manning, Marston, 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.; Paul, Pederson, Pineau, Plourde, Priest, Rand, Richard, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Sheltra, Skoglund, Smith, Stevens, P.; Swazey, Tamaro, Tardy, Townsend, Tracy, Walker, The Speaker.

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

ABSENT - Anthony, Boutilier, Hale, Jalbert, Martin, H.; Pouliot, Simpson.  
Yes, 91; No, 53; Absent, 7; Paired, 0; Excused, 0.

91 having voted in the affirmative and 53 in the negative with 7 being absent, House Amendment "B" to Committee Amendment "A" was adopted.

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

Representative Webster of Cape Elizabeth requested a roll call on engrossment.

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

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

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

ROLL CALL NO. 125

YEA - Adams, Aliberti, Allen, Bell, Boutilier, Brewer, 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, Gurney, Gwadosky, Hale, Handy, Heeschen, Hichborn, Hickey, Higgins, Hogle, Holt, Hussey, Jacques, Joseph, Ketover, Kilkelly, LaPointe, Larrivee, Lawrence, Lisnik, Luther, 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, E.; Paradis, J.; Paradis, P.; Paul, Pederson, Pineau, Plourde, Priest, Rand, Richard, Ridley, Rolde,

Rotondi, Ruhlin, Rydell, Sheltra, Skoglund, Smith, Stevens, P.; Strout, D.; Swazey, Tamaro, Tardy, Telow, Townsend, Tracy, Walker, The Speaker.

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

ABSENT - Anthony, Jalbert, Pouliot, Simpson.  
Yes, 100; No, 47; Absent, 4; Paired, 0; Excused, 0.

100 having voted in the affirmative and 47 in the negative with 4 being absent, L.D. 1666 was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "B" thereto in non-concurrence and sent up for concurrence.

On motion of Representative Manning of Portland, the House reconsidered its action whereby the House voted to recede and concur on Bill "An Act to Revise the Communicable Disease Law" (H.P. 1122) (L.D. 1554) which was passed to be engrossed as amended by Committee Amendment "A" (H-408) as amended by House Amendment "A" (H-609) thereto in the House on June 16, 1989, came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-408) as amended by House Amendment "A" (H-609) thereto and Senate Amendment "B" (S-342) in non-concurrence.

On further motion of the same Representative, the House voted to recede.

On motion of the same Representative, Senate Amendment "B" (S-342) was indefinitely postponed.

The same Representative offered House Amendment "A" (H-659) and moved its adoption.

House 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 House Amendment "A" in non-concurrence and sent up for concurrence.

(At Ease)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 17 was taken up out of order by unanimous consent:

PAPER FROM THE SENATE  
Non-Concurrent Matter

Bill "An Act to Extend the Exemption for Sales Tax for Certain Instrumentalities of Interstate or Foreign Commerce" (H.P. 438) (L.D. 603) which was passed to be engrossed as amended by Committee Amendment "B" (H-633) in the House on June 19, 1989.

Came from the Senate passed to be engrossed as amended by Committee Amendment "B" (H-633) as amended by Senate Amendment "A" (S-346) thereto in non-concurrence.

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

Representative CASHMAN: Mr. Speaker, Men and Women of the House: I move that the House recede and concur.

I will try to hold this debate to within the 12 allotted minutes. I really don't want to speak on this bill a long time because, although I wasn't here two weeks ago. I did hear all the way to Washington D.C. about the overwhelming support that this issue received. However, I do want to state for the sake of the signers of the original Majority Report, what we see as the issue.

The amendment that has been placed on L.D. 603 in the other body reunites planes and trucks, for those of you who didn't know it. The reason that they were united in the first place, under Maine law, if you buy a truck or buy a plane for use in interstate commerce, that plane or truck is tax exempt. If you lease a plane or truck for the same reason from the same company, it is taxed. The reason for that is that 40 years ago when they wrote the original sales tax bill in this state, leasing of aircraft and trucks was not a common practice. Therefore, when they exempted vehicles purchased for use in interstate commerce, they did not exempt leased vehicles.

This issue has been in front of this House four times now since I have been here. I have always supported extending the exemption to both leased trucks and leased planes. I continue to do that. That is why I made the motion to recede and concur. It makes very little sense to me to extend the exemption to one without the other. I hope that the House would support the motion to recede and concur. I would ask for a Division.

The SPEAKER: The Chair recognizes the Representative from Bucksport, Representative Swazey.

Representative SWAZEY: Mr. Speaker, Men and Women of the House: As you have heard before, this is the Bar Harbor Bill right here. We have seen it before and you have heard that it is coming back. They are going to try to sneak it in somewhere and I still think they are going to do that. This right here is the decoy, this isn't the real thing, they are going to sneak it in somewhere else. After you kill this, you still got to keep your eyes peeled.

I would just like to remind this House that the last time we passed this thing out, we kind of got embarrassed because they sold out to Texas Air, they cut jobs and they were gone. But they stuck around and they still want our money.

I hear money is tight -- I am not sure but I think its pretty tight. I don't think we have got a lot around here.

They changed their name of course, they went to Eastern and flew under that for a while until they got in trouble and then they went to Continental and I heard a rumor that they are going back to Bar Harbor but I don't know. The guys who do the painting, I guess, have got a pretty good deal going. There are so many layers of paint on those planes, it's a wonder that they can still fly.

You may hear some arguments today about the service, if you are worried about service, some people in stranded parts of the state worried about service -- well, I don't think that its going to be affected. I apologize to the Representative from Bar Harbor -- she says, don't call it that because its awfully embarrassing. Well we will call them Texas Air for now.

President Tom Barber said, if the demand is there, we will be there. You know, they are not in this just to do a good deed flying around to these towns, they are there because they are making money. Even if they move out, they are going to continue to fly these different towns as long as they make money. As soon as they don't make money, they are moving out of those towns.

There is a question of jobs -- I heard the debate in the other body and they are talking about 350 jobs, it was up to over 400, but it is down to 350 now. I asked the fellows from the airline exactly how many jobs it takes to comprise the corporate part of it if they wanted to move out and he said, 20 to 30. So, you are only talking about 20 to 30 jobs here, not 350. I want to get that straight. Those people can and probably will move out. They are kind of moving things to Newark, not Newark, Maine, Newark as in Jersey. So, if they don't get this exemption, they can move by only moving 20 to 30 people down to Newark and leave the rest of the crew right here if they want to, but I don't know as they will.

I would just like to urge you to vote against the pending motion so that we can just stick with the trucks. I have got no problem with the trucks but the planes, I don't know as they ought to be here. They are not good corporate people and they aren't us anymore, they are Texas Air, and they are owned by who knows who.

Mr. Speaker, when the vote is taken, I request the yeas and nays.

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

Representative SEAVEY: Mr. Speaker, Ladies and Gentlemen of the House: I can agree with the good House Chair of this committee when it comes to good tax policy. I think this is good tax policy and I do agree with the House Chair, Representative Cashman, on this issue.

The important thing to remember here is we are not talking about the integrity of Bar Harbor. We are not talking about the integrity of Mr. Lorenzo. My feeling is we are talking about the integrity of the tax system. We do give a sales tax break already if it is a sale, if it is an item that is sold to airplanes and such, if they use it in interstate commerce and so forth. We do it for watercraft and some others. I think the situation because of business practices over the years where buying and selling is not the business practice but now it is leasing, I think that we should simply extend to include the words leased as well as sold. I think that is the important distinction and that preserves the integrity of our tax system.

I don't think we should make tax policy based on personalities as probably this discussion will lead to in a few minutes.

I urge you to support the pending motion.

On motion of Representative Nadeau of Saco, the House voted to recede.

The same Representative moved that the House reconsider its action whereby the House voted to recede.

The same Representative then withdrew his motion to recede.

The SPEAKER: The pending question before the House is the motion of Representative Cashman of Old Town that the House recede and concur.

The Chair recognizes the Representative from Saco, Representative Nadeau.

Representative NADEAU: Mr. Speaker, Men and Women of the House: We are now back to the original motion. I would like to urge you to defeat that motion and I will explain why. First, and I think the foremost reason, two days ago when the Representative from Scarborough moved the Bill for the Report, half the members of this House weren't really sure what he was doing. What he initially did was we went back to the original L.D. 603 dealing with trucks and forgot any reference to Bar Harbor Airlines at all. I believe you all, at least in the

back of your minds, remember what that Roll Call vote was.

As Representative Swazey just mentioned, there is really nothing new about this. This is the same issue that was here a few days ago. I think that with those results the message is fairly clear. I almost feel like this bill has nine lives like a cat. It has been dead, we thought we buried it on the road, it's back again, we thought we had it in the intensive care unit, it's back again. And, as Representative Swazey sort of cynically alluded to, it may be back again. So, I would really urge you to strongly send that same message back home that you don't really want this bill around here or you don't really want this amendment around here.

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

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

The SPEAKER: The motion is out of order, the pending motion is to recede and concur.

The Chair recognizes the Representative from Auburn, Representative Dore.

Representative DORE: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to defeat this motion to recede and concur. I will cite the following reasons. I have not always been here during the airline industry tax break issue, but since I have been here, I have opposed it.

I would like to first address the leases on trucks which is perfectly acceptable to me. They have not, until now, had the potential of an exemption even though they have also been in the transportation business. The reason we are granting them that this year is that we have discovered many Maine trucks are registered out of state and that loses income for Maine municipalities. We are hoping that we can tie the leased truck exemption to registration in Maine and that will bring in needed dollars to cities throughout the State of Maine. I think that is a noble and worthy cause. There is definitely a quid pro quo here.

I remember that we had promises in the committee about growth by the airline industries involved. Two months after we adjourned, there were major cut-backs in that same industry in Maine. I remember that they talked about being Maine-owned. Six months after we adjourned last time, they were no longer primarily Maine-owned.

Third, there is no guarantee whatsoever that we can keep the repair section in Bangor and that is the section with the most jobs. In fact, we asked them point blank, could they guarantee that and they said no. They said that they could no longer guarantee us anything. When I questioned them and said that there had been promises made that were not kept about the level of employment, they assured me that this time they would make no promises. That makes it rather difficult to know what we are buying.

Fourth, for those of you who are affiliated with labor. I would just like to use one word and the word is Lorenzo.

Fifth and finally, we need a lot of money for social service programs in Maine that are wanting, from day care to head start, to hospitals and to mental health. I don't think we can afford the price ticket on this at this time.

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

Representative RICHARDS: Mr. Speaker, Ladies and Gentlemen of the House: I wasn't here during these four terms that this comical situation developed.

I rise today for what you may perceive as being selfish reasons, they are not. Bar Harbor is located in Bangor. It provides jobs for Hampden people, Newburgh people, Dixmont people, this is the area that I represent. It also provides jobs for people in Bangor, Hampden being the bedroom town of Bangor. Bar Harbor Airlines also provides services to that area in the amount of better than \$1 million, services for airplane flights, refueling and the things associated with flying and maintaining an airplane.

I have heard a bunch of red herrings in my freshman year such as lawyer's bill (I guess being the most common one) and the latest one today, the Bar Harbor bill. Well, this isn't a Bar Harbor Bill. It is a bill like any other state that has adopted tax exemptions for leases. Most of the states in the United States provide this exemption. Why should Maine be any different? Are we penalizing an airline because perhaps they are the only one, because they had a history going back where there was a lot of press dealing with scoreless activity or whatever? I did follow the press two years ago.

All I can indicate to you is that the people from Bar Harbor Airlines have been here for the past week and those questions could have been asked. I asked those questions of an individual that lives in Hampden, was a controller for Bar Harbor Airlines, a person I respect, a person I have known over the last few years, not socially, but as a friend being involved in activities with his and my kids. I respect him. I know that he is an honorable person. He came in after this dispute with Bar Harbor Airlines and I can indicate to you that whatever involvement was in the past, the arm has been severed. Since that time, the company has grown, that company has survived. When Northeast left, was Bar Harbor still here? Yes, because they are a survivor.

What happened back in 1979 when Delta left? What happened to Aroostook County? Who provided those services? Bar Harbor Airlines did. So, despite the tainted past and the myth that perhaps still prevails today, I can indicate to you that those very questions could have been asked to those people over this past week. I hope many of you did to dispel some of those myths.

I think the real issue and what we ought to decide today is based on real facts. If we look at some of those facts, we look at the total employment in Maine for Bar Harbor Airways Inc., in 1983 there were 297 employees. In 1989, we have 435 employees. 435. That is a 146 percent increase over that period of time. Back in 1983, we had an income paid by that company to the Maine workers of \$5 million. In 1988, it was \$10.2 million. That is a 104 percent increase over that period of time. In 1988, we had \$420,888 taken out in Maine income tax withholdings.

Bar Harbor sold out, Bar Harbor is leaving Maine. Bar Harbor is leaving Maine because if you don't give this exemption, they are threatening to move out. Well, the fact of it is that it is a business decision just like the leasing was back in 1983 when they owned the planes at that time and in essence of making a business decision to lease it out, it certainly makes more sense as far as cash flow. That was a business decision. If they don't benefit from the tax exemption like they enjoy in other states, they have another business decision. They fly in Pennsylvania, they fly in New Jersey, they fly in Texas and those states don't have a tax on their airplanes. So, the major decision they have to make is with their maintenance base. Where do they increase the size of their maintenance base for

the bulk of their employees -- Bangor, Maine or Newark, New Jersey? I am not going to answer that because I think the answer is obvious. It is a business decision. They have a choice to make as far as either keeping those jobs and paying or finding the \$2.5 million or going to another state. If I was the president of that company, the decision would be easy for me. That is not a threat, the fact of it is that they will probably and most likely will still provide service to the State of Maine. The fact of it is that there is a potential of 200 jobs that will be lost.

Weekly departures -- Augusta, there are 25 weekly departures. Bangor, there is 80. Bar Harbor, there is 57. Presque Isle, there is 26. Portland, 91.

Regional distribution of dollars spent in the greater Bangor area, \$1.6 million. That is 54 percent of the \$3 million that's provided or given to vendors in the State of Maine, that is 1988 dollars. Greater Portland is \$1.1 million. Central Maine is \$90,000. Northern Maine is \$200,000. What this bill is about, it's about facts and figures, it is about business decisions, it is about survival of a company that has gone through some hard times, it is about a company that had a past that still prevails today, a taintness.

The real facts are for this company to survive is that it is asking to enjoy the same tax exemptions it has in most other states of the United States. That is fair and it provides growth for the Bangor area, a Bangor that is continually growing, an international airport that is continually growing with major companies moving into Bangor and international trade increasing. It provides potential and opportunity for that airway and for more jobs. Without this tax exemption, all that is at risk.

I would ask that this House vote to recede and concur.

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

Representative DORE: Mr. Speaker, Ladies and Gentlemen of the House: This is the last time I am going to rise on this issue. It is highly unusual when you can argue both the labor and business side of a bill and still argue to defeat it. I would like you to ask yourself something. When you ask yourself if your perspective is pro-business, (and that is true for Republicans and Democrats alike) why would you give an exemption to any business to back out on its promise of growth and of being Maine-owned within the first year of the renewal and of the retroactive tax bailout break? I think as a business person when you make a promise to Maine and Maine treats you right, you ought to keep that promise.

Many businesses come and go in Maine every day and they don't get major tax help from us. Tax exemptions which we refer to in other states being this way and that way -- you know we can spend the rest of our lives competing with other states to try to provide the most tax exemptions, the question at some point has to be that they should have some connection to what the state can afford. According to the second floor, we can't afford very much this year.

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

Representative DUFFY: Mr. Speaker, Ladies and Gentlemen of the House: I guess I get a little excited and I get a little concerned when it is my hometown that is going to lose 350 jobs. I guess if the 350 jobs was in downtown Bucksport, it wouldn't be so humorous, but it is in Bangor, Maine and there are 100 or so between Bangor and Portland and in addition to that, they probably won't be here. Like

the good Representative from Auburn said, it is good business to go where you can get the best deal and I guess that is what they would have to do.

I have sat here and listened to two Governors since I have been in the legislature and both of them said that good economic development was a job. I have heard both those governors say that the first job we want to keep is the one we already have. I think everybody in this room knows that. If it was 350 jobs in Gorham, if it was 350 jobs in Washington County, if it was 350 jobs in Presque Isle, whatever Representative represented those areas, they would be trying to do the best for them. I want you to honestly think, if it was you, if there were \$10 million in payrolls involved in this, there were people that came to Maine that have been in Maine and actually there is a small avionics repair school that this company hires -- most of that wants to stay in Maine, they hire mostly graduates that are here in the State of Maine. We all know what the multiplier effect on \$10 million in the economy means, it is usually three to four to five times that the community has spent, it means a lot.

I am not going to profess to know the airline business but I know that we have two airlines in the State of Maine. We have one that is trying to grow and fill in the small airports in the small communities. At least as long as we have a tax exemption, we have a little stick that we can hold over some of these airlines to keep continuing to serve some of the smaller communities as long as they can.

I want you to honestly think, if it was your community, if it was 350 jobs, what would you do?

The SPEAKER: The Chair recognizes the Representative from Bucksport, Representative Swazey.

Representative SWAZEY: Mr. Speaker, Men and Women of the House: Just a few comments in response to the Representative from Hampden and the Representative from Bangor, just to repeat what Tom Barber said, if the demand is there, we will be there. I don't care if there are 2,000 flights an hour going out of Bangor, they are going to be there because they are making money. They are not in it for charity work.

As far as jobs go, 20 jobs -- I asked them. Twenty to 30 jobs is the corporate part, so that is the only thing this bill is going to save, 20 to 30 jobs. If they don't get this, they can move them to Newark. It doesn't mean they have to move the rest of the people. They have got to keep people up here to run the show. If this does go through, they've only got to keep 20 people, so that is all we are talking here as far as people go and as far as jobs go.

They mentioned Valley Air and I thought that might come up. Mr. Alan Caruso, the guy who sold us out before, he owns Valley Air 100 percent. He was in front of the committee at the hearing. He owns Valley Air 100 percent, that is what he told us. He was asked the question if he leased planes and he said yes. "Who do you lease them from?" He said, "Well, VHA." I haven't been able to figure that one out yet. "Who owns VHA?" He said, "I do." He was asked, "Does VHA own the planes?" He said, "Yes." Now, let me recap that one for you. He is leasing the planes that he already owns. I wouldn't think that this bill would really affect Valley Air because if he can talk to himself just a little, sit down and say, "Look Al, can't we work something out here? You know, we own the planes, can't we just kind of use them?" So, I don't think Valley Air really is going to suffer either way on this.

I would urge you to vote against the pending motion.

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

Representative PINEAU: Mr. Speaker, Men and Women of the House: Being in my first year, I am hearing a few comments like lawyers bills, small technicalities, glitch in the system and red herrings. It seems obvious to me, after only being here five months, that any time that we are going to have a decision on an exemption or a Workers' Comp Bill or maybe a law to protect our environment, all of a sudden it is going to cost jobs. They wave the jobs in front of us.

I have to go with my good from Bucksport that, if the demand is there, the supply will be. It boils down to being that simple. Jobs are one thing but I think we all have to remember back just a little bit in our history that in times of slavery, everybody had a job. They are still wiggling that thing and dangling it in front of us. I think it is one thing for people to come out on a bill, put it into the committee and have it come out but when it keeps sliding up on amendments, I, like Representative Swazey, think it is kind of humorous because you kind of wonder what are we here for -- what is it going to be in next, the Errors Bill we defeated here? What is the purpose of this all?

I was kind of hoping that it would be up front and on the ball and not to protect anybody's self-interests but try to make good laws. But this thing keeps coming up. There is really no humor at all and I am tired of businesses waving jobs in front of everybody.

I just went through an ordinance fight in my town for the last two years where both paper mills were going to up and go if the thing passed. Lo and behold, nobody up and went. All they have done is meet the requirements, which were standards by the state and federal, but the threat was there through the whole thing. All of a sudden, now that it has gone by and they have got to deal with it and learn to live with it, they are going to be there, the demand is there so they want the supply to be there. I am tired of that red herring that keeps coming up.

The SPEAKER: The Chair recognizes the Representative from Mexico, Representative Luther.

Representative LUTHER: Mr. Speaker, may I pose a question through the Chair please?

I would like to know what the fiscal note is on this bill please?

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

The Chair recognizes the Representative from Yarmouth, Representative Foss.

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: The fiscal note on the entire bill is about \$6.5 million. The Bar Harbor portion is approximately \$5 million.

I would just like to remind the House that last week we did reject the Bar Harbor tax exemption by a vote of 131 to 5. I urge you to stay with your previous position so that we can turn down this \$5 million dollar raid on the General Fund and use those dollars for property tax relief and other worthy programs.

I hope you will vote against the motion to recede and concur.

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

Representative RICHARDS: Mr. Speaker, Ladies and Gentlemen of the House: Very quick, in response to Representative Swazey's remarks as to the

relationship of various companies back and forth -- so what? The statute provides for that, it is smart business. Cash flow -- that is what make a business work. Free enterprise, that is what this world is all about, free enterprise.

Jobs? Yes, jobs. If you had to make a decision of \$2.5 million -- jobs, that is very important, it is very real, it is not a red herring.

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

Representative PARADIS: Mr. Speaker, Men and Women of the House: If you lived in a border community like we did, you could go to Canada and save \$5,000 to \$6,000 on a car, vehicle, truck, whatever by just buying it over there and bringing it back. When Delta left the county, somebody filled that gap and they have been filling that gap. We in northern Maine do not have the luxury of being able to get where we want to go as easily as some other people, we have to depend on certain modes of transportation for emergency, for every day things, for whatever. So, I urge you to recede and concur on this bill.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: When I first arrived here back in 1981, I was asked to be a cosponsor of a bill that helped the Maine Central Railroad. I sponsored that bill six times in five years because it always had a sunset. The veteran Taxation Committee members will probably remember that. I would just like to remind this body that Maine Central Railroad is no longer in existence simply because it was bought out, taken away, and it certainly has not been a good corporate citizen anywhere in this state. So, giving people these types of special advantages doesn't mean that they are going to stay here. That is a perfect example and it has caused (I think) havoc in just about two-thirds of this whole state dealing with railroads and peoples lives, people who had to lose their jobs or if they wanted to continue their job, move to Billerica. I know, it happened in my family. I had a couple of relatives who had to move their whole family to Billerica just to keep their jobs. This type of legislation doesn't always keep these people in Maine. It will keep them here as long as they need it and then they are going to take off.

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

Representative MOHOLLAND: Mr. Speaker, Ladies and Gentlemen of the House: I hope you go along with Representative Swazey on this bill today. If you have ICC authority, you don't have to pay the sales tax, so why is it that somebody like me who has five trucks can run up and down the road, not pay any sales tax, run out-of-state and the poor guy, the owner/operators are going bankrupt on account of this tax. When you buy a new truck, you have to pay \$4,000, \$5,000 or \$6,000 sales tax if you want to run out-of-state. So, I hope you go along with Representative Swazey today.

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

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I come from the most northern part of the state. I come from the most northeastern part of the United States of America. I assure you that my constituents, if there was any bill that they hated and they dreaded more, it was the \$5 million tax break for this airline. They

absolutely did not like it and when they see their taxes increase. I assure you that they do not like it and I would hope that this House would vote against the recede and concur so that we can go back to our former position and help the good gentleman, Representative Moholland, with the trucks, not the airplanes.

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 Cashman of Old Town that the House recede and concur.

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

Representative PARADIS: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with Representative Anthony of South Portland. If he were present and voting, he would be voting nay; I would be voting yea.

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

ROLL CALL NO. 126

YEA - Cashman, Crowley, DiPietro, Duffy, Garland, Gould, R. A.; Hanley, Hepburn, Hickey, Jackson, Lebowitz, Lisnik, Martin, H.; McGowan, Merrill, Nadeau, G. G.; Paradis, J.; Parent, Pederson, Richard, Richards, Ruhlman, Seavey, Sheltra, Tammaro, Tardy.

NAY - Adams, Aikman, Aliberti, Allen, Anderson, Ault, Bailey, Begley, Bell, Boutillier, Brewer, Burke, Butland, Cahill, M.; Carroll, D.; Carroll, J.; Carter, Cathcart, Clark, H.; Clark, M.; Coles, Conley, Constantine, Cote, Curran, Daggett, Dellert, Dexter, Donald, Dore, Dutremble, L.; Erwin, P.; Farnsworth, Farnum, Farren, Foss, Foster, Graham, Greenlaw, Gurney, Gwadosky, Hale, Handy, Hastings, Heeschen, Hitchborn, Higgins, Hoglund, Holt, Hussey, Hutchins, Jacques, Joseph, Ketover, Kilkelly, LaPointe, Larrivee, Lawrence, Libby, Look, Lord, Luther, MacBride, Macomber, Mahany, Manning, Marsano, Marsh, Marston, Mayo, McCormick, McHenry, McKeen, McPherson, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Murphy, Nadeau, G. R.; Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, E.; Paul, Pendleton, Pineau, Pines, Plourde, Priest, Rand, Reed, Ridley, Rolde, Rotondi, Rydell, Sherburne, Simpson, Skoglund, Small, Smith, Stevens, A.; Stevens, P.; Stevenson, Strout, B.; Strout, D.; Swazey, Telow, Townsend, Tracy, Tupper, Walker, Webster, M.; Wentworth, Whitcomb.

ABSENT - Chonko, Jalbert, Pouliot, The Speaker.

PAIRED - Anthony, Paradis, P..

Yes, 26; No, 119; Absent, 4; Paired, 2; Excused, 0.

26 having voted in the affirmative, 119 in the negative, with 4 being absent and 2 having paired, the motion did not prevail.

Subsequently, the House voted to Adhere.

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

(At Ease to the Gong)

The House was called to order by the Speaker.

Representative Smith of Island Falls was granted unanimous consent to address the House:

Representative SMITH: Mr. Speaker, point of inquiry? Under Rules of the House, Item 22, "No business shall be transacted in the House after 9:00 p.m. -- what does that mean, sir?"

The SPEAKER: The Chair has read it before as has the Representative from Island Falls, Representative Smith, and he is aware, the rule has been suspended by implication.

The following item appearing on Supplement No. 21 was 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 Kennebec County for the Year 1989 (EMERGENCY) (H.P. 1279) (L.D. 1772) 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.

The following item appearing on Supplement No. 19 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-344) on Bill "An Act to Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY) (S.P. 594) (L.D. 1671)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-344) as amended by Senate Amendments "A" (S-360), "B" (S-361), "C" (S-362), "D" (S-363), "E" (S-364), "F" (S-365), "G" (S-366), "H" (S-367), "I" (S-368), "J" (S-369), "K" (S-370), "L" (S-371), "M" (S-372), "N" (S-373), "O" (S-374), "P" (S-375), "Q" (S-376), "R" (S-377), and "S" (S-378) thereto.

Report was read and accepted, the Bill read once. Committee Amendment "A" was read by the Clerk. Senate Amendment "A" to Committee Amendment "A" was read by the Clerk and adopted. Senate Amendment "B" to Committee Amendment "A" was read by the Clerk and adopted. Senate Amendment "C" to Committee Amendment "A" was read by the Clerk and adopted. Senate Amendment "D" to Committee Amendment "A" was read by the Clerk and adopted. Senate Amendment "E" to Committee Amendment "A" was read by the Clerk and adopted. Senate Amendment "F" to Committee Amendment "A" was read by the Clerk and adopted. Senate Amendment "G" to Committee Amendment "A" was read by the Clerk and adopted. Senate Amendment "H" to Committee Amendment "A" was read by the Clerk and adopted. Senate Amendment "I" to Committee Amendment "A" was read by the Clerk and adopted.

Senate Amendment "J" to Committee Amendment "A" was read by the Clerk and adopted.  
 Senate Amendment "K" to Committee Amendment "A" was read by the Clerk and adopted.  
 Senate Amendment "L" to Committee Amendment "A" read by the Clerk and adopted.  
 Senate Amendment "M" to Committee Amendment "A" read by the Clerk and adopted.  
 Senate Amendment "N" to Committee Amendment "A" read by the Clerk and adopted.  
 Senate Amendment "O" to Committee Amendment "A" read by the Clerk and adopted.  
 Senate Amendment "P" to Committee Amendment "A" read by the Clerk and adopted.  
 Senate Amendment "Q" to Committee Amendment "A" read by the Clerk and adopted.  
 Senate Amendment "R" to Committee Amendment "A" read by the Clerk and adopted.  
 Senate Amendment "S" to Committee Amendment "A" read by the Clerk and adopted.

Committee Amendment "A" as amended by Senate Amendments "A", "B", "C", "D", "E", "F", "G", "H", "I", "J", "K", "L", "M", "N", "O", "P", "Q", "R", and "S" thereto was adopted.

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

Representative PARADIS: Mr. Speaker, Men and Women of the House: On behalf of the Committee, I just wanted to explain that the Errors Bill has now been passed to be engrossed. The Senate Amendments that have come over are the substantive amendments to the Errors Bill, they received the unanimous consent of the Committee. However, since they were substantive amendments, it is the process that has been observed in the last dozen or so years that each of these amendments would have to face the light of day in this chamber and they would enjoy the scrutiny of each and every member of this body. For that reason, that is why each of them was brought forward as individual amendments and had to have the concurrence of this body for it to be engrossed. That has been the Committee on Judiciary's procedure that has been observed and we think it has worked very, very well.

There is one other Errors Bill that is yet to be finalized by this body, that is the Errors Bill that deals with boards and commissions and I am sure that we will be having it rather shortly.

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

The following item appearing on Supplement No. 18 was taken up out of order by unanimous consent:

**PAPER FROM THE SENATE  
 Non-Concurrent Matter**

Bill "An Act Regarding State Forest Practice Laws" (H.P. 315) (L.D. 429) which was passed to be engrossed as amended by Committee Amendment "B" (H-635) in the House on June 20, 1989.

Came from the Senate passed to be engrossed as amended by Committee Amendment "B" (H-635) as amended by Senate Amendment "B" (S-379) thereto in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 22 was taken up out of order by unanimous consent:

**PAPER FROM THE SENATE  
 Non-Concurrent Matter**

An Act to Strengthen an Injured Employee's Right to Rehabilitation and to Improve the Workers'

Compensation Rehabilitation System (H.P. 1176) (L.D. 1630) (C. "A" H-586) which was passed to be enacted in the House on June 19, 1989.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-586) as amended by Senate Amendment "B" (S-380) thereto in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 20 was taken up out of order by unanimous consent:

**REPORTS OF COMMITTEES**

**Pursuant to Joint Rule 22**

From the Committee on Labor on Bill "An Act to Allow 15-year-olds to be Employed in Kitchen and Common Areas in Bed and Breakfast Establishments and Inns with less than 20 Rooms" (EMERGENCY) (H.P. 293) (L.D. 405) (Received by the Clerk of the House on June 20, 1989 pursuant to Joint Rule 22.)

Representative McHenry of Madawaska moved that L.D. 405 and all accompanying papers be indefinitely postponed.

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

Representative KILKELLY: Mr. Speaker, Ladies and Gentlemen of the House: I would request and ask you to please vote against the current motion in order to allow this bill to get to second reading so that I may put an amendment on it and discuss that amendment. I feel that the bill does have merit, it is very important to the people in my district and I think many of the areas in this state and I would ask your support.

The SPEAKER: The Chair recognizes the Representative from Mexico, Representative Luther.

Representative LUTHER: Mr. Speaker, Ladies and Gentlemen of the House: This bill has been a great source of frustration both to Representative Kilkelly and to myself but for different reasons. When this bill came before the committee, I didn't like it. I didn't like it because I found out there is a law in the state that people who are under 19 years of age and in school can be paid three-fourths of the current minimum wage, which is about \$2.85 an hour. It didn't seem to me then to be a good idea to be opening up in this state hundreds of jobs at sub-minimum wage. That was my first reason not to like it.

Then we had the people from the labor bureau come down and discuss it and everything went down hill from there.

Ladies and gentlemen of the House, we have no laws in this state regarding minors working, we simply have none. There are five men in the state whose job it is to go throughout the state and make sure that laws are being obeyed. We asked them about it, if every place was inspected and they said yes, at least once a year they try to inspect every place that hires minors. We asked if there were laws as to how many hours a minor could work during the week, there are, but they admitted that they really were not enforced.

We decided that really the best thing to do would be to study the whole issue of working minors. This body passed a law this year to provide for that study. We then decided that we wouldn't pass any other laws out dealing with minors working because of the study, because we had a very good law before us that would have done away with the sub-minimum wage law. I certainly would have voted for that if we were not going to have the study.

I feel that this bill should not be passed so that it can be a part of the study. I think that 20 rooms is a big Bed and Breakfast, it is certainly not a small motel. I think that if you allow your 15 year olds to work in them, they will be in the bedrooms, not because people are evil, but because they are busy, nobody will be watching over this.

When I go to a motel, the only thing anybody ever asked me for was my credit card. I think that is the only thing they will ask you for.

I ask you to follow Representative McHenry's motion and indefinitely postpone this bill with all its papers.

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

Representative BEGLEY: Mr. Speaker, Men and Women of the House: Since our unemployment rate is so low right now and seasonal help is not that easy to find, I support this bill that Representative Kilkelly has before you.

When my four (now grown) children were that age, I would have been delighted for them to have had an opportunity to work in an area of this kind. I think this is an in-between age, an age to work for a few hours a week in the summer months, this is just a seasonal bill. This is a seasonal bill and it is a reasonable bill and I strongly encourage you to vote against the pending motion.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Dellert.

Representative DELLERT: Mr. Speaker, Men and Women of the House: This is where I first came in to talk about legislation, when we were working with camps and trying to get young people to work in camps and I remember very well talking before the Labor Committee about this. It seems like everything that goes around comes around.

The parents used to say how wonderful it was to have young people at that age working because they are sort of at loose ends and don't know what to do. I am sure that if you control it as far as their hours or their supervision, it is a very important thing for them.

I urge you to vote against the motion.

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

Representative RUHLIN: Mr. Speaker, Men and Women of the House: There are two things that we did back near the end of the 19th Century in this state and that was to end what we called the Child Labor Laws or slave labor laws. One of them was to keep youngsters out of the food processing and manufacturing business. Presently, if you are 16 years old or younger, you may not participate even with a work permit at the manufacturing process or the food processing process because it has been determined through history that these are dangerous processes that can in fact maim and cripple a youngster for life. It may maim and cripple them at a time in their life that their attention span may not be at its highest. This is one of the objections to this bill.

As the Representative from Mexico pointed out to you, we do want to encourage young people with proper supervision and if it does not interfere with their education to participate in the work ethics of this state. However, we want to do it through a study, a proper study, that would consider the issue of such things as, if you have a 15 year old working with food preparations and they slice a hand in the food slicer and lose that hand, they go on Workers' Compensation and get two-thirds percent of the sub-minimum wage that the teenagers in this state are paid -- is that fair? Is that just? Are we treating

that child properly? I would like you to consider that when you consider the motion to indefinitely postpone. I hope when you do that, you will recognize that that motion was made very properly.

The SPEAKER: The Chair recognizes the Representative from Boothbay Harbor, Representative Brewer.

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

You say that 15 year olds cannot work in restaurants. As the bill stands right now, if a restaurant is not attached to a motel, a 15 year old can work in that restaurant in the kitchen and I say yes. But if the restaurant is inside the motel, he or she cannot work in there and I know that for a fact. So, if anyone can answer that question, please do.

The SPEAKER: The Representative from Boothbay Harbor, Representative Brewer, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Brewer, Representative Ruhlin.

Representative RUHLIN: Mr. Speaker, Ladies and Gentlemen of the House: I will respond to the gentleman who asked the question. The present law in the State of Maine says that no person age 16 or under may work in the food processing field. Now we do have people working in restaurants as busboys or girls, as waiters or waitresses -- that is proper because they are not endangering the physical health of that individual. They may not participate in any food processing system within the existing law of the State of Maine. That is the answer.

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

Representative KILKELLY: Mr. Speaker, Men and Women of the House: This bill would not expand the type of work that a 15 year old could do. Currently, if a 15 year old is allowed to bus tables in a restaurant that is not attached to a motel or hotel, then with this bill, they would be allowed to bus tables in a restaurant that was attached to a motel or hotel. If they are allowed to clean the lobby and vacuum the floors, seat customers or wash dishes or something like that in a restaurant that is not attached, this bill would allow them to work in a restaurant that was attached to an inn or a hotel. This does not expand the type of job that that 15 year old would be able to do.

The example that is closest to me is the example of the town of Wiscasset -- in Wiscasset, we have two large restaurants (large by our rural standards, if you will) the Ledges Inn and Le Garage. If my 15 year old son wanted to work at Le Garage washing dishes, busing tables, cleaning the lobby, waiting tables or seating customers, he would be able to do that. If he wished to work in the Ledges Inn doing those same jobs, he could not. That to me is unfair. We are very concerned about 15 year olds driving, we have heard a lot about the accident rate of 15 year olds -- 15 year olds currently can work in fast food restaurants and in order to do that for many of the rural areas including my district, they need to drive to Bath or Brunswick in order to get that job in a fast food restaurant. I feel that it makes sense to allow them opportunities to work closer to home.

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

Representative ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I feel myself in somewhat of an awkward position on this bill. I have always been

a supporter of organized labor and when I was asked to put in a very similar bill by a hotel/restaurant in my area, the first thing I did was check with Representatives of the AFL-CIO to see whether they would object to it. I was told that they had no objections to it so I put the bill in. However, they did come to the hearing and object to it. I am still puzzled because the reason I put the bill in was precisely because of what you have heard, that 15 year olds were able to work in restaurants in my town but not in a restaurant that was attached to a motel. So I was simply trying to level out the playing field.

I think as a practical matter, living in a resort town, we do have many 15 year olds who do work in motels. They are not asked their age, they work as chamber maids and that sort of thing and this bill was simply to try and deal with this situation I think you will find exists in many resort areas.

The SPEAKER: The Chair recognizes the Representative from Baileyville, Representative Tammaro.

Representative TAMMARO: Mr. Speaker, Ladies and Gentlemen of the House: I supported this bill in committee because I believed in it. There were quite a few differences of opinion but in my own personal opinion, I felt that it was a good bill. In my area in Washington County, there is not nearly enough jobs to go around. I know that the youth, the 15 and 16 year olds are always looking for jobs. When they read this bill in the papers, they were quite enthused. I was asked on several occasions, "Are we going to be able to work next summer?" I said, "I don't know, there is a bill before the House and I suppose if we are lucky enough to pass it, yes; if not, you are going to have to stay home."

If this bill should pass, the people in my area would have an opportunity to go to work in these places. There is no "Help Wanted" sign in my area, I will tell you that right now. The 15 and 16 year olds are looking for jobs like this and if they get these jobs, (like one of the former Representatives said) it would keep them handy to home. They could go to work there.

Not only that, the local inns and local places of business where they can hire these kids would be very happy to have them. They would really welcome them with open arms. So I hope that you won't support the motion before us.

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

Representative DEXTER: Mr. Speaker, Men and Women of the House: After all these years, I now know what ails me. The gentleman from Brewer said that I was ruined. At 15 years of age, I begged a job up in Rangeley, a resort town. It was during the '30's, jobs were at a premium. I got the magnificent sum of \$1.50 a day and I got up at four o'clock in the morning and worked until eight o'clock at night. All that did, ladies and gentlemen of the House, was to teach me good work habits. I survived, I believe the young people today will survive and they won't have to work for a \$1.50 a day.

The SPEAKER: The Chair recognizes the Representative from Penobscot, Representative Hutchins.

Representative HUTCHINS: Mr. Speaker, Ladies and Gentlemen of the House: Part of the young peoples education that we have today or have the opportunity of is just that, the opportunity to work. If they can be given the opportunity to work in a safe place, and this bill I think has addressed the problems that were first thought of in the bill and that is the problem of working in the bedrooms of these motels,

the only thing that it does now is it gives these young people a chance to work in a restaurant setting just like they are now allowed to only it expands it to a restaurant that might be connected to a motel. This is part of the growing process for students and they need this in their growth process.

The SPEAKER: The Chair recognizes the Representative from Mexico, Representative Luther.

Representative LUTHER: Mr. Speaker, Ladies and Gentlemen of the House: Right now, we are in a high employment time but we go in cycles. I want you to remember that next year or the year after we might not have these "Help Wanted" signs everywhere. It is a lot cheaper to hire a kid at \$2.85 than it is to hire an adult at \$3.65, then when they get to be 19, they let them go and hire more kids. This is not a good labor bill.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I ran across this law that we have today when I was hiring a young girl to work in a guest house which I ran in York. She was 15 and I didn't know about the law so I sent her down to get her working papers, thinking nothing of it. The Superintendent of Schools down there called me and told me about the law, that she couldn't work in a guest house until she was 17. I said, "I guess I am ignorant of the law, but why is that law such as it is?" He explained that it is because they are afraid they will get into the bedrooms, liquor is left in these rooms, and that was the reason why the law was passed. I guess to me it just made good common sense that you don't give kids that age that responsibility. I couldn't hire the girl, of course, but I believe it is not such a great law when you really look it over.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the Representative from Madawaska, Representative McHenry, that this bill and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Representative Ruhlin of Brewer requested a roll call.

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

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

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

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I didn't want to go through this but I guess I had better. The way these bills appeared before my committee -- there were two bills dealing with the same subject. I wanted to take Representative Kilkelly's bill and have a study. She refused so we took Representative Rolde's bill to have a study. So we made a study of this bill and now this study has come before one of my own bills that I was pushing very hard for. We are going to appropriate money for that one before one of mine.

I think I have been more than fair to the good lady from Wiscasset. I bent over backwards to help her and I asked the Executive Council to hold that bill for the committee. The good lady from Wiscasset went over and asked some members of that council not to grant us holding over her bill. I wanted her to

get the credit for passing this legislation, she wants to do it now. She wants to put the cart before the horse. We want to study this bill and we (the Labor Committee) were chastised in an editorial because we did not bite the bullet to take care of our sons and daughters in this state. That editorial was wrong, ladies and gentlemen, because we did bite the bullet and we took the time to hold these bills and have a study in order to do a proper job and do it right. It involved the Superintendent's of Schools, involved the parents, involved the industry, involved everybody concerned regarding our children.

I have worked since I was in 5th grade and I assure you that, out there in the real world, it is not all nice. There are things that happen to children and I don't want these things to happen. We do not have the proper law enforcement in this state, we have five people to cover the whole state. There is no way in God's name that they can do a decent job so that is why we wanted to study this bill.

I hope that you will vote to indefinitely postpone this bill so that the study can be done and we can do things properly.

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

Representative MOHOLLAND: Mr. Speaker, Ladies and Gentlemen of the House: I would like to remind my good friend across the hall that you can't eat those studies. We have a lot of 15 and 16 year olds in Washington County who are out cutting pulpwood in the summertime and I would like to see some of them get an easier job working in the kitchen to help their families. I hope you will go along with this bill today.

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

Representative PINEAU: Mr. Speaker, Ladies and Gentlemen of the House: The hour grows late and I guess a lot of our patience does too. I just can't go on Record as just a light on this one. We had two bills in front of our committee, like my Committee Chair just explained. We asked the Department of Labor to come in and we saw there was a problem. Some of us on the committee did some calling and checking and there is a problem with the kids that are now working with enforcement levels, i.e., 16 year olds working until midnight or one o'clock in the morning. The Department of Labor said that they didn't have the staff or manpower to enforce this.

What depresses me on this one is that it was a total bipartisan effort in the Labor Committee. Now this happens once every blue moon or once every Century. There was a unanimous decision to study it in order to make sure the legislation put on the books was good legislation and could be properly enforced. The committee process worked (I thought) at this time and I just want you to know that there is a problem out there, the problem really exists. You vote against indefinite postponement, you are voting to expand this problem until someday in time when someone cries foul because of a serious injury. We are only asking until December 1st when the committee is going to report back.

If you want to use children to fill an employment void, be my guest, but my light won't be with yours.

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

Representative MCCORMICK: Mr. Speaker, Men and Women of the House: My wife and I raised seven children and they all worked when they were 15 and 16 years old. They all turned out to be very responsible citizens. Other children 15 and 16 years

old who did not have something to take up their time were out racing around on motorcycles and cars, many of them got killed and injured, many of them got into trouble, most of them were in bedrooms, not hotel bedrooms, but in bedrooms long before my children were because they had nothing else to do.

I think one of the troubles with society today is that these children have been kept out of the workplace, they have not been allowed to do apprentice work, learn to get along with fellow workers -- I think that is one of the problems with society today and it is one of the reasons we have a growing problem with juveniles. I think we do not treat our 15 and 16 year olds for the age that they are at, we don't give them responsibility, we don't allow them a chance to apprentice in the workplace and I strongly believe that this is a good bill.

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

ROLL CALL NO. 127

YEA - Adams, Carter, Clark, H.; Conley, Cote, Curran, DiPietro, Duffy, Gould, R. A.; Hale, Handy, Heesch, Hichborn, Hickey, Hussey, Lawrence, Luther, Macomber, Martin, H.; Mayo, McHenry, McKeen, Michaud, Mills, Murphy, Nadeau, G. R.; O'Dea, Oliver, Paradis, P.; Pederson, Pineau, Rand, Reed, Richard, Ruhlin, Simpson, Smith, Swazey, Tracy, Tupper, Wentworth.

NAY - Aikman, Aliberti, Allen, Anderson, Ault, Bailey, Begley, Bell, Boutilier, Brewer, Burke, Butland, Cahill, M.; Carroll, D.; Carroll, J.; Cashman, Cathcart, Chonko, Clark, M.; Coles, Constantine, Crowley, Daggett, Dellert, Dexter, Donald, Dore, Dutremble, L.; Farnsworth, Farnum, Farren, Foss, Foster, Garland, Graham, Greenlaw, Gurney, Gwadosky, Hanley, Hastings, Hepburn, Higgins, Hoglund, Holt, Hutchins, Jackson, Jacques, Joseph, Ketover, Kilkelly, LaPointe, Larrivee, Lebowitz, Libby, Lisnik, Look, Lord, MacBride, Mahany, Manning, Marsano, Marston, McCormick, McGowan, McPherson, McSweeney, Melendy, Merrill, Mitchell, Moholland, Nadeau, G. G.; Norton, Nutting, O'Gara, Paradis, E.; Paradis, J.; Parent, Paul, Pendleton, Plourde, Priest, Richards, Ridley, Rolde, Rotondi, Seavey, Sheltra, Sherburne, Skoglund, Small, Stevens, A.; Stevens, P.; Stevenson, Strout, B.; Strout, D.; Tammaro, Telow, Townsend, Walker, Webster, M.; Whitcomb.

ABSENT - Anthony, Erwin, P.; Jalbert, Marsh, Pines, Pouliot, Rydell, Tardy, The Speaker.

Yes, 41; No, 101; Absent, 9; Paired, 0; Excused, 0.

41 having voted in the affirmative and 101 in the negative with 9 being absent, the motion did not prevail.

On motion of Representative Pineau of Jay, tabled pending further consideration and later today assigned.

The following item appearing on Supplement No. 23 was taken up out of order by unanimous consent:

#### CONSENT CALENDAR

##### First Day

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

(H.P. 1272) (L.D. 1768) Bill "An Act Authorizing a Referendum to Ratify a Contract for the Disposal of Low-level Radioactive Waste" (EMERGENCY) Committee

on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-665)

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

The following item appearing on Supplement No. 24 was taken up out of order by unanimous consent:

PAPER FROM THE SENATE  
Non-Concurrent Matter

Bill "An Act to Promote Reduction, Recycling and Integrated Management of Solid Waste and Sound Environmental Regulation" (EMERGENCY) (H.P. 1025) (L.D. 1431) which was passed to be engrossed as amended by Committee Amendment "A" (H-640) as amended by House Amendments "D" (H-661) and "E" (H-663) thereto in the House on June 20, 1989.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-640) as amended by House Amendments "D" (H-661) and "E" (H-663) and Senate Amendment "A" (S-353) thereto in non-concurrence.

The House voted to Adhere.

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

The following item appearing on Supplement No. 25 was 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. 124) (L.D. 209) Bill "An Act Concerning Technical Changes to the Tax Law" Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-383)

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

On motion of Representative Gwadosky of Fairfield, the following was removed from the Tabled and Unassigned matters:

Bill "An Act Clarifying Intoxication Under the Workers' Compensation Law" (S.P. 118)(L.D. 184)(C."A" S-182)

TABLED - June 6, 1989 by Representative GWADOSKY of Fairfield

PENDING - Passage to be Engrossed.

On motion of Representative Gwadosky of Fairfield, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (S-182) was adopted.

The same Representative offered House Amendment "B" (H-664) to Committee Amendment "A" (S-182) and moved its adoption.

House Amendment "B" (H-664) to Committee Amendment "A" (S-182) was read by the Clerk and adopted.

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

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

The Chair laid before the House the following matter: HOUSE DIVIDED REPORT - Majority (7) "Ought to Pass" as amended by Committee Amendment "A" (H-611) - Minority (6) "Ought to Pass" as amended by Committee Amendment "B" (H-612) - Committee on Education on Bill "An Act to Improve the Delivery of Higher Education Finances in Maine" (EMERGENCY) (H.P. 837) (L.D. 1169) which was tabled earlier in the day and later today assigned pending the motion of Representative Gwadosky of Fairfield that L.D. 1169 be recommitted to the Committee on Education.

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

Representative SMALL: Mr. Speaker, Ladies and Gentlemen of the House: Earlier today, we talked about the process of recommitting the bill and tried to get some assurances that this bill would be brought back out before the end of the session, whenever that may be. I have not heard any positive remarks on that nor have there been any attempts to organize the committee to discuss this. I just feel now that perhaps it is the time to get out into the open what the bill does and why we feel that it should be voted on now and not recommitted to the committee for a time uncertain.

I would like to pose a question to the Chair.

Is it appropriate now to be able to debate this bill or can we only debate recommitment?

The SPEAKER: The Chair would answer in the negative. The only motion before the body is the motion to recommit.

Representative SMALL: So we can only discuss whether or not the bill should be sent back and nothing else?

The SPEAKER: The Chair would answer in the affirmative.

Representative SMALL: Thank you Mr. Speaker. I would hope that we would not send this bill back to committee. Most everybody has heard, one way or another, basically what this bill is and I would like us to vote against the recommit motion so that we could then debate either tonight or tomorrow the actual merits and demerits of this bill and bring it to a vote.

I just fear that if we do send it down to committee, we may not see it again this session. I think the issue is much too important, the time clock is running out, people feel that it is a thing that has to be enacted this session in order to provide the best financial service for our parents and our students. So I would hope that you would vote against recommitment to committee and I would request a roll call.

The SPEAKER: The Chair would advise the Representative from Bath, Representative Small, and members of the House that pursuant to House Rule 1 that Maine is one of the few states in the country where all bills that are in committee must come out of committee before the end of the session.

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

Representative O'GARA: Mr. Speaker, Ladies and Gentlemen of the House: I also rise very, very reluctantly to ask you to vote against this motion. We have tried all day long, we have had no commitment from anybody that anything else but where we are right now is going to come from sending it back to committee. You were all here and he heard me ask, just short of actually pleading, would someone in leadership on the committee indicate that we would meet and some of you noted as I did (members of the Majority are shaking their heads, no) when it was

suggested by Representative Jacques that something be done along this line.

I am very sorry to have to ask you this but I am urging you please to vote against recommitment so we can debate the issues, once and for all, as soon as we possibly can.

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 Fairfield, Representative Gwadosky, that L.D. 1169 be recommitted to the Committee on Education. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 128

YEA - Adams, Aliberti, Allen, Bell, Boutilier, Burke, Cahill, M.; Carroll, D.; Carter, Cashman, Cathcart, Chonko, Clark, H.; Coles, Conley, Cote, Crowley, DiPietro, Dore, Duffy, Erwin, P.; Gould, R. A.; Graham, Gurney, Gwadosky, Hale, Handy, Heeschen, Hickey, Hoglund, Hussey, Jacques, Joseph, Ketover, LaPointe, Larrivee, Lawrence, Lisnik, Luther, Mahany, Manning, Marston, Martin, H.; Mayo, McGowan, McHenry, McKeen, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Nadeau, G. G.; Nadeau, G. R.; O'Dea, Oliver, Paradis, J.; Paradis, P.; Paul, Pederson, Pineau, Plourde, Priest, Rand, Richard, Rolde, Rotondi, Ruhlén, Rydell, Sheltra, Simpson, Skoglund, Smith, Stevens, P.; Swazey, Tardy, Townsend, Tracy, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, Begley, Brewer, Butland, Carroll, J.; Clark, M.; Constantine, Curran, Daggett, Dexter, Donald, Farnsworth, Farnum, Farren, Foss, Foster, Garland, Greenlaw, Hanley, Hastings, Hepburn, Higgins, Holt, Hutchins, Jackson, Kilkelly, Lebowitz, Libby, Look, Lord, MacBride, Macomber, Marsano, Marsh, McCormick, McPherson, Merrill, Murphy, Norton, Nutting, O'Gara, Paradis, E.; Parent, Pendleton, Pines, Reed, Richards, Seavey, Sherburne, Small, Stevens, A.; Stevenson, Strout, B.; Tammaro, Telow, Tupper, Webster, M.; Wentworth, Whitcomb.

ABSENT - Anthony, Dellert, Dutremble, L.; Hichborn, Jalbert, Pouliot, Ridley, Strout, D.; Walker.

Yes, 80; No, 62; Absent, 9; Paired, 0; Excused, 0.

80 having voted in the affirmative and 62 in the negative with 9 being absent, the motion did prevail.

The following items appearing on Supplement No. 26 were taken up out of order by unanimous consent:

PAPERS FROM THE SENATE

Non-Concurrent Matter

Bill "An Act to Establish the Bureau of Juvenile Corrections" (H.P. 1147) (L.D. 1590) which was passed to be engrossed as amended by Committee Amendment "A" (H-496) as amended by House Amendment "B" (H-650) thereto in the House on June 20, 1989.

Came from the Senate with that Body having insisted on its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-496) as amended by House Amendment "A" (H-569) thereto in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Joint Order (S.P. 658) relative to Recalling "An Act to Recover Windfall Profits from Bottle Deposits," H.P. 787, L.D. 1099, from the Governor's Desk to the Senate which was indefinitely postponed in the House on June 20, 1989.

Came from the Senate with that Body having adhered to its former action whereby the Joint Order was passed in non-concurrence.

The House voted to Adhere.

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

(Off Record Remarks)

The House was called to order by the Speaker.

The Chair laid before the House the following item:

PAPER FROM THE SENATE

The following Joint Order: (S.P. 659) ORDERED, the House concurring, that H.P. 895, L.D. 1239, "An Act to Amend and Update Laws Pertaining to Inland Fisheries and Wildlife" be recalled from the Engrossing Division to the Senate.

Came from the Senate, read and passed.

Was read and passed in concurrence.

On motion of Representative Hussey of Milo, Recessed until Wednesday, June 21, 1989, at ten o'clock in the morning.