

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

Off Record Remarks

On motion by Senator KANY of Kennebec, ADJOURNED until Friday, June 30, 1989, at 1:00 in the afternoon.

ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
91st Legislative Day
Friday, June 30, 1989

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

Prayer by Father John Shorty, St. Mary's Catholic Church, Augusta.

The Journal of Thursday, June 29, 1989, was read and approved.

PAPERS FROM THE SENATE

Bill "An Act Concerning the Salaries of the Washington County Treasurer and Deputy Treasurer" (EMERGENCY) (S.P. 663) (L.D. 1776)

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

(The Committee on Reference of Bills had suggested reference to the Committee on State and Local Government.)

Under suspension of the rules and without reference to a Committee, the bill was read twice.

Representative Look of Jonesboro offered House Amendment "A" (H-688) and moved its adoption.

House Amendment "A" (H-688) was read by the Clerk and adopted.

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

Resolve, to Modify the Kennebec County Budget (EMERGENCY) (S.P. 662) (L.D. 1775)

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

(The Committee on Reference of Bills had suggested reference to the Committee on State and Local Government.)

On motion of Representative Gwadosky of Fairfield, tabled pending reference and later today assigned.

COMMUNICATIONS

The following Communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333

June 29, 1989

TO: The Honorable Members of the 114th Legislature:

I am returning without my signature or approval H.P. 1259, L.D. 1756, "AN ACT to Ensure a Cooling-off Period before the Hiring of Permanent Replacement Workers during a Labor Dispute."

On June 19 of this year, I requested an opinion from the Maine Supreme Judicial Court regarding my continuing concern that legislation limiting an employer's legal right to hire replacement workers would be preempted by federal law. Yesterday, the Court determined that this bill represents "precisely the kind of state action" that the National Labor Relations Act would preempt if this legislature enacted it into law. The Court stated that "we believe it clear that the Supreme Court would hold that L.D. 1756 is preempted by federal law and is therefore repugnant to the Supremacy Clause (art. VI) of the Constitution of the United States." Opinion of the Justices, Slip Op. at 1, (June 28, 1989).

For this reason, I ask that you respect the considered judgment of the highest court in our state and vote to sustain my veto.

Sincerely,
S/John R. McKernan, Jr.
Governor

Was read and ordered placed on file.

The accompanying Bill "An Act to Ensure a Cooling-off Period before the Hiring of Permanent Replacement Workers during a Labor Dispute" (H.P. 1259) (L.D. 1756).

Was read.

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

Representative CLARK: Mr. Speaker, Ladies and Gentlemen of the House: I hope when the vote is taken today that you do vote to override the Governor's veto because this gives a little check and balance to the collective bargaining process. When you bargain your contract, you don't have to fear that there are people out in the streets waiting to take your job if you don't elect to go with the contract that was offered. I still think that this bill gives a little bit of a process to the collective bargaining format of bringing everything in together and it makes it a little bit easier for people to bargain in good faith.

Vision in your mind what it would be like going to the collective bargaining process knowing there are people out in the streets willing to take your job. wanting to take your job if things don't go well at the collective bargaining table.

The only thing we are asking is to give us a chance. Please vote today to override the Governor's veto.

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

Representative RUHLIN: Mr. Speaker, Ladies and Gentlemen of the House: I just want to point out, as I recall from studying government and so forth, it was always my understanding that those powers not specifically given to the federal government are reserved for the states. It was a long time ago that I studied government and I am sure with the march of time, things have changed. It concerns me when the Supreme Court of the State of Maine (and I am going to accept their opinion, I did not go to law school, am not a member of the bar) says that we, the State of Maine, does not have the right to try to maintain labor/peace within our state, that we are preempted by the federal government. I think if that is indeed the case, then we should be considering changes at whatever level is necessary to give a union of states the opportunity to maintain labor/peace and prevent labor strikes. That is my major point and it was a major point in sponsoring the bill and a major point in putting these remarks into the Record today. Those rights should justly remain in the states.

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

Representative PINEAU: Mr. Speaker, Ladies and Gentlemen of the House: This bill was a lot different than a lot of other so-called strikebreaker bills this House has seen in years past. This bill had the full support of Maine's biggest employer, not the employee, the employer. I think this tell us something about the mood that this state's attitude has come from. We saw what happened in my area in Jay, we saw what happened at Boise several years prior to that and the rest of the state wants us, as a body, to act to prevent this from degrading Maine citizens as has been done in the past.

The committee worked long and hard to strike a balance. I think with the Governor's signature, this

might not have been challenged. I think this was a way out, this was a way to look almost pro-labor but not have to come through for the people of Maine.

When you vote today, I hope your vote is there for the workers of Maine.

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

Representative MARSANO: Mr. Speaker, Ladies and Gentlemen of the House: Our society, as you well know, is a society of laws and one of the primary constitutional rights that we as members of this legislature and the Chief Executive has is to ask the Supreme Court to evaluate questions which seem to be of constitutional moment. Just such a thing was done — the Governor's veto message excerpted only one brief phrase from the opinion of the justices which runs to 7 pages and that I have here before me. He indicated that the court had said that under the Second of the Principles that the court had made note of and I now quote, "We believe it clear that the Supreme Court would hold that L.D. 756 is preempted by federal law and is therefore repugnant to the Supremacy Clause of Article 6 of the Constitution of the United States."

The societal compact which we have allows the states certain rights except under such circumstances as exist here where the federal constitutional rights exercised by the legislature, the Congress of the United States, does certain things which mean that the federal law is the guidepost for consideration.

It seems strange to me that we would (today) not recognize that we should support the system of laws in which we all believe because that is why we are here and recognize that this matter is an unconstitutional exercise of our authority and that we should accordingly sustain the Governor's veto.

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

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: We have had several strikebreaker bills before our committee and the Governor knew full-well that this measure was the one that was the weakest, the one more apt to be ruled unconstitutional. Therefore, I have to assume that he and the Republican members on my committee knew full-well what they were doing when they wanted an opinion from the Justices.

Ladies and gentlemen, this is not the same bill at all, it is not dealing with the same issue. The bill that is presently on the Appropriations Table is the bill that labor wants. It is the bill that will prevent violence at the worksite when there are strikes. This bill does not do that. It does a bit of it but it is not sufficient enough to be ruled constitutional and not to be preempted by federal/national relations. So, the Governor knew full-well what he was doing, he is playing with the press.

I will tell you how far he has gone — so far that he didn't give the Chairman of Labor from the House or the other body an opinion from the Justices, he gave it to the press, he gave it to the Minority Leader, he gave it, I assume, to the Speaker, but he did not give it to the Chairs of the Committee where the bill derived from. Why? Who is playing politics? I played above board and he is not playing above board. We have bills chilled — as the Governor stated, we are vetobating — if we were vetobating, we would have had more bills vetoed but we chilled them in our committee. Therefore, just as a sign to the Governor, I hope that you do vote to override even though the Justices have said that it is preempted because we do have a good strikebreaker bill on the Appropriations Table.

The SPEAKER: After reconsideration, the pending question before the House is, shall this Bill become law notwithstanding the objections of the Governor? Pursuant to the Constitution, the vote will be taken by the yeas and nays. This requires a two-thirds vote of the members present and voting. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 147V

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

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

ABSENT - Anderson, Constantine, Farnsworth, Larrivee, Nutting, Paradis, P.; Plourde.
Yes, 89: No, 55: Absent, 7: Paired, 0: Excused, 0.

89 having voted in the affirmative and 55 in the negative with 7 being absent, the Governor's veto was sustained. Sent up for concurrence.

The following Communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333

June 29, 1989

TO: The Honorable Members of the 114th Maine Legislature

I am returning, without my signature or approval, H.P. 408, L.D. 551, "AN ACT To Allow Recovery for Wrongful Death of an Unborn Viable Fetus."

I share with the proponents of this bill a deep sympathy for those who experience the tragedy of the wrongful death of a fetus. Fortunately, we are not without recourse under present law. In Maine, a woman already has a right to recover for emotional distress, mental anguish, and medical expenses resulting from the loss of her pregnancy. I would also support legislation that would expand this right so long as its use and benefits are clearly restricted in law to a woman or a couple who suffer such a loss.

This bill, while it attempts to help those who have suffered the loss of a viable fetus, raises many disturbing questions that could lead to endless and potentially harmful litigation. Therefore, after careful consideration, I have determined that my concerns far outweigh any possible benefits the legislation might provide.

The bill would change the law dramatically. It would create in Maine's Probate Code an estate for an

unborn, viable fetus, thus permitting a personal representative of the estate to bring a legal action when death of the fetus occurs as a result of a wrongful act. In an effort to address the many concerns raised by the original bill, an amendment was added so that a mother of a fetus could not be held liable for wrongful death. Amendments were also added to restrict causes of action to cases where the mother or father of the fetus is still alive, and to prohibit actions against health care providers in some instances.

Notwithstanding these efforts, there are two major problems with L.D. 551. First, it would introduce serious inconsistencies into the Probate Code by giving status and rights to the estate of a fetus in one of the sections, a concept which is different from and in conflict with other sections. Considerable litigation would be required to determine, for example, how a viable fetus which enjoys rights under the wrongful death section, would be affected by sections such as those governing guardianship, estate of dead persons, appointment of personal representatives of estates, beneficial rights, and rights of inheritance.

Second, the bill leaves unanswered many unsettling questions of interpretation that we should not tolerate in our laws. For instance, the bill leaves open the possibility of someone bringing a cause of action on behalf of the estate of the fetus over the mother's objections. It also greatly increases the potential for more medical malpractice suits for situations which are not explicitly excluded. Finally, because the bill confers a legal personality on a fetus for purposes of wrongful death actions, it greatly expands the opportunities for applying this legal status to other circumstances.

I am supportive of the right to recover for the anguish and loss resulting from the untimely death of a viable fetus as currently allowed under Maine law. I would also support legislation that would expand the right to bring an action if the legislation restricted its use and benefits to the mother or both parents of the fetus.

Because this legislation does not provide such assurances, I respectfully request that you sustain my veto of L.D. 551.

Sincerely,
S/John R. McKernan, Jr.
Governor

Was read and ordered placed on file.

The accompanying Bill "An Act to Allow Recovery for Wrongful Death of an Unborn Viable Fetus" (H.P. 408) (L.D. 551) (S. "A" S-274 to C. "A" H-429).

Was read.

On motion of Representative Gwadosky of Fairfield, tabled pending further consideration and later today assigned.

ENACTOR
Emergency Measure
(Reconsidered)

An Act Regarding the Employment of 15-year-olds in Public Accommodations for Lodging (H.P. 293) (L.D. 405) (H. "B" H-682 to H. "A" H-654)

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

On motion of Representative Kilkelly of Wiscasset, under suspension of the rules, the House reconsidered its action whereby L.D. 405 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby House Amendment "A" (H-654) as

amended by House Amendment "B" (H-682) thereto was adopted.

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

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

The same Representative offered House Amendment "C" (H-687) to House Amendment "A" (H-654) and moved its adoption.

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

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

Representative Luther of Mexico offered House Amendment "D" (H-689) and moved its adoption.

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

Representative LUTHER: Mr. Speaker, Men and Women of the House: This bill is like an old comrade in arms, we have been at this so long. I don't know what just happened with House Amendment "B" but I suspect that this no longer is just a little place down the street that Joe and Helen run, this is now for all hotels and motels of any size.

Employment of minors is a very tricky thing if they get injured because you get two-thirds of what you earn and since minors don't work a full year at a time, they would end up with very little in the seven years that they would be able to collect compensation.

What this amendment does is give the minor the option of suing. If a child is hurt at work, if he loses a hand in a meat grinder in a kitchen, he would have the option of suing the hotel owners. I think this is only fair because, to be disabled at 15 years old and then be all done by the time you are 22, is offering very little. It is a small amendment to the bill that I still don't like but I think it is better than nothing and it is something that we could do to help.

The SPEAKER: The Chair recognizes the Representative from Vassalboro, Representative Burke.

Representative BURKE: Mr. Speaker, Men and Women of the House: While I applaud the initiative which would protect our youth while they are working, this amendment is not something that would be applicable to this bill. It is my feeling that we should address this problem for all 15-year-old workers, young farm workers as well as 15-year-olds who are currently legally employed in fast-food restaurants. I would urge the Labor Committee to go ahead and investigate this problem of all young workers.

In the meantime, I move indefinite postponement of this amendment.

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

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

I would like to know what House Amendment "B" is that Representative Kilkelly moved the indefinite postponement of. I would like to know what that is, what are we indefinitely postponing when we postpone House Amendment "B"?

The SPEAKER: The Chair would advise the Representative that the motion now before the body is to indefinitely postpone the Representative's Amendment that was offered by her earlier.

The Chair recognizes the Representative from Madawaska, Representative McHenry.

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I do hope that you do not indefinitely postpone the amendment before us. That amendment is intended to protect these children who

are going to be working in these places. If it is such a safe place to work and they are supervised, what is the fear? What is the fear? Why do these people want to indefinitely postpone a bill that is out there to protect these young kids who want to work for a living? I certainly can't see any sense to it.

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

Representative KILKELLY: Mr. Speaker, Men and Women of the House: I rise to support the Representative from Vassalboro's motion to indefinitely postpone this amendment. I do so because I think it is very limited and it is very unfair. What if a 15-year-old is currently working at McDonald's and is injured. What if a 14-year-old who is currently working at a Dairy Queen and that person is injured? Certainly the issue of Workers' Compensation for young people that are working ought to be looked at.

It is my understanding that the Committee on Labor will be doing a study of these kinds of issues. I applaud that study and I support that study wholeheartedly. I feel that by putting a patchwork together of regulations that would change -- for example, if a 15-year-old is working and happens to be injured the day they turn 16 which falls in July, what happens then? I think we have to look at more comprehensive ways of studying state policy rather than reacting to one very small bill.

I would also mention that this bill would no longer have an emergency on it. In fact, it would not go into effect until next year at the end of the completion of the study that would be undertaken by the Labor Committee.

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

Representative RUHLIN: Mr. Speaker, Men and Women of the House: I would like to point out to the ladies and gentlemen of the chamber that I fully agree with the Representative from Wiscasset. The Labor Committee has requested a study of the entire issue to be done. For state policy, I think the entire issue should be studied. I do not think a majority of the Labor Committee are against 15-year-olds per se. What they want to examine more closely are the implications of a 15-year-old minor or any minor who is working at entry level, sub-minimum wages, receiving injuries that will call for Workers' Compensation or some other form of disability. That should be studied. Whether or not that working situation will interfere with their education, that should be studied. There are many issues here that should be studied -- whether or not a person should be working in the vicinity of bedrooms. The committee really wants to study the entire thing.

To get to the question that the Representative from Wiscasset raised in supporting the motion to indefinitely postpone, I think that may very well be a wise motion. I think it probably would be wise to postpone the entire thing until the committee has a chance to report back to this legislature. The committee has gone to Legislative Council and asked permission to establish that commission. Let them come back to the full legislature with a full report so we have the information to proceed. I have no problem with that.

If, in the process of putting on House Amendment "B" we have delayed anything that this bill is going to do after June 15, 1990, why not postpone the entire issue including the proposed amendment and

Let's look at it with a fresh start in January of 1990.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative Burke of Vassalboro that House Amendment "D" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Representative Luther of Mexico requested a roll call vote.

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

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

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

ROLL CALL NO. 148

YEA - Aikman, Allen, Anthony, Ault, Bailey, Begley, Brewer, Burke, Butland, Carroll, D.; Carroll, J.; Cashman, Cathcart, Chonko, Clark, M.; Coles, Conley, Curran, Daggett, Dellert, Dexter, Donald, Dore, Farnum, Farren, Foss, Foster, Garland, Gould, R. A.; Graham, Greenlaw, Gurney, Hanley, Hastings, Hepburn, Higgins, Hogle, Holt, Hutchins, Jackson, Jalbert, Ketover, Kilkelly, Lebowitz, Libby, Lisnik, Look, Lord, MacBride, Mahany, Marsano, Marsh, Marston, McCormick, McGowan, McPherson, McSweeney, Merrill, Moholland, Nadeau, G. G.; Nadeau, G. R.; Norton, O'Gara, Paradis, E.; Paradis, J.; Parent, Pendleton, Pines, Pouliot, Reed, Richard, Richards, Ridley, Rotondi, Seavey, Sherburne, Skoglund, Small, Stevens, A.; Stevens, P.; Stevenson, Strout, B.; Strout, D.; Tammara, Tardy, Telow, Townsend, Tupper, Walker, Webster, M.; Wentworth, Whitcomb.

NAY - Adams, Aliberti, Bell, Boutilier, Cahill, M.; Carter, Clark, H.; Cote, Crowley, DiPietro, Duffy, Dutremble, L.; Erwin, P.; Gwadosky, Hale, Handy, Heeschen, Hichborn, Hickey, Hussey, Jacques, Joseph, LaPointe, Lawrence, Luther, Macomber, Manning, Martin, H.; Mayo, McHenry, McKeen, Melendy, Michaud, Mills, Mitchell, Murphy, O'Dea, Oliver, Paul, Pederson, Pineau, Plourde, Priest, Rand, Rolde, Ruhlin, Rydell, Sheltra, Simpson, Smith, Swazey, Tracy.

ABSENT - Anderson, Constantine, Farnsworth, Larrivee, Nutting, Paradis, P.; The Speaker.

Yes, 92; No, 52; Absent, 7; Paired, 0; Excused, 0.

92 having voted in the affirmative, 52 in the negative, with 7 being absent, the motion did prevail.

Representative Ruhlin of Brewer moved that the Bill and all accompanying papers be indefinitely postponed.

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

Representative PINEAU: Mr. Speaker, Ladies and Gentlemen of the House: This is a real important matter. This isn't just a little bill, it isn't just something that is going to fill a small glitch along the coast. This is a bill that is going to affect minors working in the Maine work force.

I would hate to think that this House is going to enact a measure before knowing full-well what the House already approved. This House has already approved a study to be reportable to this same legislature on December 1st of this year. We are

going to have what we need to know to enact good legislation in December. We don't want, as the good Representative from Wiscasset stated, patchwork -- it was a big issue and I agree with her wholeheartedly. Even our Appropriations Committee deemed it necessary for this study. As tight as monies are, they okayed our study on this.

Commissioner Fitzsimmons from the Department of Labor was 100 percent for this. I am sorry that none of his comrades across the aisle who were on our committee will get up and say the same. For some reason, this has become a partisan issue when it really isn't -- whether the kid be Democrat or Republican, I don't know, but our committee seems to have broken down on this issue.

The committee process, after long hours of dealing with it, wasn't something we just threw out real quick -- before we enacted legislation, we felt we needed more information, we needed to know more. The senior people on our committee to the freshmen on our committee felt the same. We wanted to hold this bill over and use this bill for the legislation that the committee would suggest for the second half of our staying here.

The issue of children in the workplace is a big issue and I agree. If one can work at McDonald's, maybe one ought to be able to work somewhere else. The issue of comp came in after dealing with the 1987 comp reforms. The Representative from Brewer, Representative Ruhlin, brought us up-to-date and gave us a lot of information that made us ask a lot of questions that need to be answered before we go ahead.

The good Representative from Wiscasset has now stripped her emergency off. Therefore, it wouldn't take place until after the study comes back. So, I guess I ask members of this House, what is the fear in waiting for this commission to come back with its answers? Is there a fear of what type of study is going to be held?

I hope that when you vote on this matter, you vote to indefinitely postpone as we will be dealing with it again in December and January in the second half. I can't stress to you enough how important it is that this matter be looked at. It had the full support of the Labor Committee, the administration, the AFL-CIO. I think this is being given a lighthearted look on something and it just shouldn't be.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I feel if we pass this legislation here today, it is going to be a very irresponsible act that this legislature is going to do. Many years ago, this state and every other state in this Union had to have child welfare labor laws. These laws were passed to protect the children of this country. Here we are today going to change the laws in this state without even looking into it to see what the reasons were why these children were prohibited from working in this area. I am not sure whether they should be or shouldn't be. I believe before we start changing our child labor laws that we should do a study and that we should find out the reasons why these laws were put into effect in the first place. I believe that committee will do this study and they will come up with some of these answers.

If these kids are hurt in the workplace, who is going to support them for the rest of their lives? It is going to be the taxpayers. I say it is unfair to these students to put them into situations that most of them cannot handle.

We all know what 15-year-old kids are. Most of us have had 15-year-old kids. If a girl is on a slicing machine and a good looking guy goes by, you know immediately she is going to stop and talk. The same thing if it is a boy and a good looking girl goes by. This is their age, this is the way they react. I say that it is very irresponsible for us to pass this bill here today. I hope that you indefinitely postpone it.

Representative Tracy of Rome 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 Ruhlin of Brewer that this bill and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 149

YEA - Adams, Aliberti, Bell, Boutillier, Cahill, M.; Carler, Cathcart, Clark, H.; Clark, M.; Conley, Cole, Crowley, Curran, Duffy, Erwin, P.; Hale, Handy, Heeschen, Hichborn, Hussey, Jacques, Jalbert, Joseph, Kelover, LaPointe, Lawrence, Look, Luther, Macomber, Martin, H.; Mayo, McHenry, McKeen, McSweeney, Melendy, Michaud, Mills, Murphy, O'Dea, Oliver, Paradis, J.; Paul, Pederson, Pineau, Plourde, Pouliot, Priest, Reed, Richard, Ridley, Ruhlin, Rydell, Sherburne, Simpson, Smith, Swazey, Tracy, Tupper, Walker, Wentworth, The Speaker.

NAY - Aikman, Allen, Anthony, Ault, Bailey, Begley, Brewer, Burke, Butland, Carroll, D.; Carroll, J.; Cashman, Chonko, Coles, Daggett, Dellert, Dexter, Donald, Dore, Dutremble, L.; Farnum, Farren, Foss, Foster, Garland, Gould, R. A.; Graham, Greenlaw, Gurney, Gwadosky, Hanley, Hastings, Hepburn, Hickey, Higgins, Hoglund, Holt, Hutchins, Jackson, Kilkelly, Lebowitz, Libby, Lisnik, Lord, MacBride, Mahany, Manning, Marsano, Marsh, Marston, McCormick, McGowan, McPherson, Merrill, Mitchell, Moholland, Nadeau, G. G.; Nadeau, G. R.; Norton, O'Gara, Paradis, E.; Parent, Pendleton, Pines, Richards, Rolde, Rotondi, Seavey, Sheltra, Skoglund, Small, Stevens, A.; Stevens, P.; Stevenson, Strout, B.; Strout, D.; Tammaro, Tardy, Telow, Townsend, Webster, M.; Whitcomb.

ABSENT - Anderson, Constantine, DiPietro, Farnsworth, Larrivee, Nutting, Paradis, P..

Yes, 62; No, 82; Absent, 7; Paired, 0; Excused, 0.

62 having voted in the affirmative, 82 in the negative with 7 being absent, the motion to indefinitely postpone did not prevail.

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

(At Ease)

The House was called to order by the Speaker.

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 (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 21, 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 to 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 second item of Unfinished Business:

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 Payers" (EMERGENCY) (H.P. 954) (L.D. 1322)

TABLED - June 22, 1989 (Till Later Today) by Representative GWADOSKY of Fairfield.

PENDING - Adoption of Committee Amendment "A" (H-644) as amended by House Amendment "A" (H-653) thereto.

On motion of Representative Mayo of Thomaston, retabled pending Adoption of Committee Amendment "A" (H-644) as amended by House Amendment "A" (H-653) thereto and later today assigned.

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

An Act to Simplify the Process by Which People with Disabilities Are Able to Acquire Information and Apply for Services (H.P. 1032) (L.D. 1438) (H. "A" H-473 to C. "A" H-391)

TABLED - June 29, 1989 (Till Later Today) by Representative GWADOSKY of Fairfield.

PENDING - Reconsideration (Returned by the Governor without his approval)

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

Representative MELENDY: Mr. Speaker, Men and Women of the House: I move that we sustain this veto. Having accepted the veto without new legislation would have cost the state more than \$200,000. However, the Legislative Council accepted an after deadline bill for me at one-thirty this morning so that I could address the problem of this money loss and above all address the needs of the disabled. The Governor's Office has promised to accept and support this bill. So, I would suggest that we go along with sustaining the veto.

The SPEAKER: After reconsideration, the pending question before the House is, "Shall this bill become law notwithstanding the objections of the Governor? Pursuant to the Constitution, the vote will be taken by the yeas and nays. This requires a two-thirds vote of the members present and voting. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 150V

YEA - Handy, McHenry, McKeen.

NAY - Adams, Aikman, Aliberti, Allen, Anthony, Ault, Bailey, Begley, Bell, Boutilier, Brewer, Burke, Butland, Cahill, M.; Carroll, D.; Carroll, J.; Carler, Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Cote, Crowley, Curran, Daggett, Dellert, Dexter, DiPietro, Donald, Dore, Dutremble, L.; Erwin, P.; Farnsworth, Farnum, Farren, Foss, Foster, Garland, Gould, R. A.; Graham, Greenlaw, Gurney, Gwadosky, Hale, Hanley, Hastings, Heeschen, Hepburn, Hichborn, Hickey, Higgins, Hogle, Holt, Hussey, Hutchins, Jackson, Jacques, Jalbert, Joseph, Ketover, Kilkelly, LaPointe, Lawrence, Lebowitz, Libby, Lisnik, Look, Lord, Luther, MacBride, Macomber, Mahany, Manning, Marsano, Marsh, Marston, Martin, H.; Mayo, McCormick, McGowan, McPherson, McSweeney, Melendy, Merrill, Michaud, Mills, Mitchell, Moholland, Murphy, Nadeau, G. G.; Nadeau, G. R.; Norton, 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, Ruhlman, Rydell, Seavey, Sheltra, Sherburne, Simpson, Skoglund, Small, Smith, Stevens, A.; Stevens, P.; Stevenson, Strout, B.; Strout, D.; Swazey, Tannaro, Tardy, Telow, Townsend, Tracy, Tupper, Walker, Webster, M.; Wentworth, Whitcomb, The Speaker.

ARSENT - Anderson, Conley, Constantine, Duffy, Larrivee, Nutting, Paradis, P.

Yes, 3; No, 141; Absent, 7; Paired, 0; Excused, 0.

3 having voted in the affirmative, 141 in the negative, with 7 being absent, the veto was sustained. Sent up for concurrence.

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

Expression of Legislative Sentiment recognizing the Samoset Resort (SLS 260)

- In Senate, Read and Passed.

TABLED - June 29, 1989 (Till Later Today) by Representative MAYO of Thomaston.

PENDING - Passage.

Subsequently was passed in concurrence.

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

Expression of Legislative Sentiment recognizing the Rockland District High School Boys Baseball Team (SLS 262)

- In Senate, Read and Passed.

TABLED - June 29, 1989 (Till Later Today) by Representative MAYO of Thomaston.

PENDING - Passage.

Subsequently was passed in concurrence.

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

Bill "An Act to Amend the Process by Which People with Disabilities Are Able to Acquire Information and Apply for Services" (H.P. 1287) (L.D. 1780) (Presented by Representative MELENDY of Rockland) (Cosponsored by Representative HICHBORN of LaGrange, Representative O'DEA of Orono and Senator PEARSON of Penobscot) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.) (Committee on Education was suggested)

Under suspension of the rules and without reference to any committee the Bill was read once and assigned for second reading later in today's session.

Resolve, to Expand the Borrowing Capacity of Knox County (H.P. 1288) (L.D. 1781) (Presented by Representative ALLEN of Washington) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

(Committee on State and Local Government was suggested)

Under suspension of the rules and without reference to any committee, the Bill was read once and assigned for second reading later in today's session.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative CASHMAN from the Committee on Taxation on Bill "An Act to Reduce the Property Tax Burden" (EMERGENCY) (H.P. 414) (L.D. 557) reporting "Ought Not to Pass"

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

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

PAPERS FROM THE SENATE

Bill "An Act to Encourage Air Transportation to Designated Locations in Maine" (S.P. 665) (L.D. 1778)

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

(The Committee on Reference of Bills had suggested reference to the Committee on Appropriations and Financial Affairs.)

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

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

As you may have recalled from my conversation last week, I said something about a cat with nine lives. Well, this is another in a series of lives. I think we ought to send the same message. As you recall, my friend Representative Swazey was talking about paint. Well, this is another coat of paint. I think we ought to do the same thing. I don't think it is really appropriate at this time in late June when you are a little warm and I am a little warm and you are a little frustrated and I am a little frustrated to be even considering such a ridiculous piece of legislation. I hope you would keep those kinds of things in mind please.

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

Representative PARADIS: Mr. Speaker, Men and Women of the House: I could not disagree more with my good friend, Representative Nadeau from Saco. This is not a frivolous or a laughable issue for me. It took us years to bring Valley Airlines and this is a Valley Airlines bill more than it would be any other name. It took us years to get it up there. It was the single most progressive change that ever has happened to the St. John Valley because it finally gave us access to the outside world. We have one bad road coming into Aroostook County going into the St. John Valley. Finally we have been able to save lives by flying people out. You try to put somebody in an ambulance and drive for a couple of hours and see what shape they are going to be in on bad roads to access another carrier.

I don't like personal stories but my sister just celebrated (this month) her 5th year of being

cancer-free. It was a very serious type of cancer and she had a terminal sentence on her. But I think flying back and forth to Bangor to her oncologist has made all the difference in the world. My 76 year old father, a couple of weeks ago, came down and had surgery in the morning and flew home at night. My single most important issue here is the access to the health care. We have documented stories of all the lives we have saved and the different people that have been able to get care when they would not have been able to before.

We have a member of this body, for example, who had a serious heart attack and he was in Portland and because he had access to care, he came out of it very well. When he was telling me that story, I felt so bad because I thought about all the people that we have lost because we could not get them to the type of attention that they needed.

Beyond health care is having access to this body, for example, to have access to Augusta.

We have long winters, we have one day of summer which is July 4th. The roads are horrendous so for years we have been underrepresented because we could not get out of the valley.

I was around when they put Valley together and it took years to get it on board because there is never been any money up there. So, I would like for you to seriously consider this and think of finally allowing the two Maine's to remain joined.

This is going to be overseen by the Department of Transportation. It is not going to be wasted, we are very conservative people, we will just use what we need and pass it on. Thank you for your attention.

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

Representative MARTIN: Mr. Speaker, Men and Women of the House: I, too, have to disagree with Representative Nadeau of Saco. This certainly is not a Bar Harbor Bill. It's now being lobbied by anybody. It is purely an idea from the members of the St. John Valley delegation. It is a St. John Valley bill. I cosponsored it along with Representative Paradis, Senator Theriault and Senator Bustin. This bill was not prepared or written by any special lobby, any special company, it was written for us by the Department of Transportation. If implemented, it will be supervised by the Department of Transportation.

What this bill would do is subsidize air passenger service to very small communities who don't have much access to the outside world. Representative Paradis is right, there is only one road. It is not necessarily just a Valley Airlines bill. It could be used in other parts of the state where they are far from airports and I am talking maybe the northwestern part of this state that would have to go to Portland to get on an airplane. I think you people should really give a second thought to this and do not keep calling it a Bar Harbor bill because it has nothing to do with Bar Harbor. It just allows us north of Bangor to get in and out of Aroostook County. I ask you to please vote for this bill.

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

Representative BEGLEY: Mr. Speaker, may I direct a question through the Chair. My question is, since it says here on the Supplement that it was suggested reference to the Committee on Appropriations and Financial Affairs, does it have a fiscal note with it?

The SPEAKER: The Chair would answer in the affirmative. The bill has been printed, it is on your desk as L.D. 1778.

The Chair recognizes the Representative from Waldoboro, Representative Begley.

Representative BEGLEY: Mr. Speaker, \$500,000? What happens now that the Appropriations Table has been taken care of if we pass this bill?

The SPEAKER: The Chair will respond that if no additional money is located, there is no money for any additional L.D.'s.

The Chair recognizes the Representative from Waldoboro, Representative Begley.

Representative BEGLEY: Mr. Speaker, so we could pass it but there is no money there is what you are saying?

The SPEAKER: The Chair would answer in the affirmative.

The Chair recognizes the Representative from Sanford, Representative Hale.

Representative HALE: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to vote against the pending motion on the floor. This is a service for the people of the State of Maine. This is a bill for the people of the State of Maine to give them access to services in areas that they do not have but also it is a bill that can be expanded to different communities. My own community in York County, we have no way in and out but by our automobiles. We have an airport. What if we need something like this? The mechanism to apply for these funds would be right there. Irrespective of the fact of no money, this bill should be given serious consideration and should certainly not be indefinitely postponed. We have to service everyone not just ourselves, not just Sanford, not just York County, not just Portland, not just Cumberland. We said no to Bar Harbor Airlines but do we say no to Maine people? Do we say no to Maine services, existing airlines that must come under a very tight criteria? I say to you ladies and gentlemen of the House to vote down the pending motion on the floor and vote this piece of legislation through.

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

Representative RICHARDS: Mr. Speaker, Ladies and Gentlemen of the House: Just briefly. I have great respect for the Representative from Frenchville, Representative Paradis, and the Representative from Van Buren, Representative Martin. I don't think they would sign a piece of ridiculous legislation. This is not the resurrection of the cat, the cat is dead, we killed it last week. So I would ask that you vote on the merits of this bill and that is dealing with access to our remote areas that do not have access.

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

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I am also from the valley but I have always been one not too appreciative of subsidizing this industry. This is a needed industry, we have an airport in Frenchville, the taxpayers of Madawaska have paid dearly for it. We pay dearly for taxes for the Presque Isle Airport and now we want to subsidize them on the state level. Why is it that this industry does not charge a fair fare for the people to fly so that they can survive? We are always saying, let the free enterprise work. Well, let it work.

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

Representative MOHOLLAND: Mr. Speaker, Ladies and Gentlemen of the House: I hope you won't go along with this today. We have a large airport in Princeton and we really need the small service. I think if you are going to shut off Aroostook County

and all the northern parts of the State of Maine where we really need the railroads, which we don't have, but we would like to have the plane service in Washington County and Aroostook County. I do hope you will go along with the bill today.

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

Representative HOLT: Mr. Speaker, Men and Women of the House: This seems like an important bill and if money is found, it is half a million dollars.

I think it may be a naive question but I would like to pose a question through the Chair. Could we have perhaps from the sponsors some explanation of why it is coming to us so late in the session? It might help us because I feel we are in sympathy, many of us.

The SPEAKER: Representative Holt of Bath has posed a question through the Chair to any sponsor of the legislation who may respond if they so desire.

The Chair recognizes the Representative from Frenchville, Representative Paradis.

Representative PARADIS: Mr. Speaker, Men and Women of the House: One of the reasons that it is so late is because they are starting to cut back services back now, so we felt it was important to get one last shot at you people to help us out.

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

Representative MCHENRY: Mr. Speaker, Men and Women of the House: I wish to pose a question through the Chair. Where are the designated areas? Which towns are we talking about? Who is it that is going to benefit by it? Could somebody answer those questions?

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

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

Representative MARTIN: Mr. Speaker, Men and Women of the House: To answer Representative McHenry, I believe it is the immediate company that would get some benefit and that is Valley Airlines. That doesn't preclude airports in Washington County or maybe somewhere in Penobscot County. Piscataquis County, that have to drive quite a ways especially to get sick people to Bangor or in our case people from the Houlton area. It doesn't stop any other small carrier from starting this air service. Since Valley Airlines is already in place, they would be the first to benefit from it but certainly not the only ones.

Mr. Speaker, when the vote is taken, I request it be taken by a roll call.

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

Representative LOOK: Mr. Speaker, Ladies and Gentlemen of the House: I am very happy to see this bill before us. I view this not as just an Aroostook County bill. I was not aware of this until I saw it on my desk. For quite some time, we in Washington County, have hoped to be able to get some air service down there. I do not expect that this can happen immediately, even if this bill is passed but I certainly will support this bill in hopes that eventually such a small commuter service can be expanded across this state. I hope you will support this.

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

Representative RAND: Mr. Speaker, Men and Women of the House: I would like to pose a question through the Chair.

Are there any requirements in this bill that would mandate that the airline that would be

benefiting to the tune of a million dollars over the next biennium be a Maine-owned airline? It seems to me that the same person who owns Valley Airlines is the one who owned the majority of Bar Harbor Airline and as soon as we gave them a break, he sold out to Frank Caruso. Do we have any guarantees that this will remain a Maine airline?

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 Eagle Lake, Representative Martin.

Representative MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: I never thought that this bill would create a 30 minute debate but I think perhaps it is important that you be aware of a little history and also what happened last week.

You probably don't read the Bangor Daily News (some of you who live in southern Maine) and sometimes I wish I didn't have to either but it is the only major paper we have but it did contain the announcement that Bar Harbor Airlines is pulling out of Bar Harbor, Trenton Airport, Augusta and it is pulling out some flights in a couple of other locations including some cutback services in Presque Isle. This will all take place within 90 days according to the announcement.

In part, this may be a result of the fact that they are going to transfer ownership of an aircraft outside this state in order to avoid the sales tax exemption which we did not give them. We all knew that that was going to happen.

The only airline left that would provide services within Maine is Valley Airlines. I know a great deal about Valley Airlines, not because of the person who used to be the owner of it who happens to be named Martin, but because it is an airline which serves Frenchville. One of my other hats in a non-profit capacity is that I am President of the ambulance service which serves the territory between Madawaska to the Canadian border, Daaquam and Estcourt, all the way down through Eagle Lake, Fort Kent and surrounding areas and we have used the facility for air ambulance service over the years. I believe I paid Valley Airlines last year better than \$45,000 transporting almost 100 people out of the hospital in Fort Kent to either Bangor, Portland or Boston. Needless to say, if we were ever to lose that ability, we would have to rely on air transportation now because the Presque Isle operation is no longer functioning on an operation out of Bangor. I think you are fully aware of what that would mean to us.

In effect, this bill is a direct result of that pullout and what it means is that in talking to Commissioner Connors, there are two options, one is to try to give them a tax break on rented aircraft because what they are going to try to do is to get new additional aircraft for services in Maine. Short of that, the other approach is to use the subsidy approach which this bill calls for. I personally prefer the subsidy approach because you can dictate as to where the monies are going to go and to what airports and you can make sure that the plane goes to that airport.

You may remember when we had the Bar Harbor sales tax break last year or two years ago, and those of us

in Aroostook complained bitterly, that after we got the break, the new planes sort of didn't come back to Presque Isle, they went elsewhere. What this bill does is provide for subsidy per head, per person so that when the aircraft goes to Presque Isle or goes to Frenchville and Frenchville to Augusta, then the aircraft would be subsidized on that basis for each person.

I might point out that this used to be the federal system as well a number of years ago prior to the repeal of the federal laws which allowed the cutthroat competition and you all know what happened to air service in some of the smaller areas in this country. This is a way to attract a company to an area and to work out a contract with them. So in effect, we could perhaps start services in Washington County, Houlton or Millinocket, where none are available at the present time. We all know what will probably happen to Lewiston.

I might point out that I am sure the Representative from Madawaska has somewhat lesser concern than the Representative from Frenchville about air service because he flies low constantly coming to Augusta and Representative Paradis flies high and it does make a difference. By that, I mean Representative Paradis uses the airplane to fly and that, of course, in 90 days will be nonexistent except for Valley Airlines ability to come to this facility here in Augusta because Bar Harbor will no longer be servicing this community. It is my understanding that Business Express will be replacing it but, obviously, it will not be going to Frenchville. There aren't enough passengers.

The Representative from Madawaska, on the other hand, manages to establish speed records between here and Madawaska every weekend and so it is somewhat less of a problem for him. For those of us on the Aroostook County delegation, the Representative from Madawaska has never supported the airport, either in monies for the construction or the renovation, whether it be in Presque Isle, Frenchville, or even if it were located in Eagle Lake. I understand that but I think there are a number of valid reasons why it is there and why it is needed and I think if we have the money (and we may not before it is all over, right now I know that we don't) it is our only option left.

The reason it came in so late, as has been pointed out already, is that it just happened, in case you missed it in the Bangor Daily. That really is all there is to it. It is not a much longer story than that. There is no attempt to try to bring monies to Bar Harbor Airlines, I think we all know that that issue is dead, it got five votes the first time and 26 the second. It would take a magician to try to reverse that.

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

Representative ALLEN: Mr. Speaker, Members of the House: I would like to pose a question through the Chair.

My question is to anyone, either a member of the Appropriations or Transportation Committee or the previous speaker -- certainly the arguments we have heard on both sides of this issue is very persuasive but my question is, the suggestion of a subsidy approach came from Commissioner Connors but in reading the fiscal note on the bill, I see that the monies are allocated from the General Fund. I know that our local airport received some state money and federal money but those all came from the Transportation Fund and if we were to support a subsidy, is there a problem with having that money

come from the Transportation Fund as opposed to the General Fund?

The SPEAKER PRO TEM: The Representative from Washington, Representative Allen, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative MARTIN: Mr. Speaker, Men and Women of the House: The construction and renovations of an airport under federal law normally runs about 90/10, 90 percent being federal money and 10 percent being matched locally or for that matter, state funds. On the other hand, anything which deals with operations or subsidies or whatever, is not an item that the federal government will reimburse for. So there is no money in the aeronautics account which would be the subsidized account for that purpose unless the federal government were to make those funds available in the future. So that is the reason why the money has to come from the General Fund..

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

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

I looked at the amendment and I noticed that Section 19, items 1 through 5 are underlined. Sections 2 and 3 are not underlined -- is that to assume that Sections 2 and 3 are not changing existing law?

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

The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative Martin: Mr. Speaker, Ladies and Gentlemen of the House: Unfortunately, I was speaking and I shouldn't have been, could the Representative please restate his question?

Representative HASTINGS: Mr. Speaker, Members of the House: The question is, the first part of the bill under Section 19, items 1 through 5 are underlined which would indicate that that is new language in the law. Sections 2 and 3 are not underlined and I ask whether or not those are existing laws?

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

Representative Martin: Mr. Speaker, Ladies and Gentlemen of the House: In response to the question, Sections 2 and 3 need not be because those have not become permanent sections of the law. One basically provides how the department would do it and the third is an appropriation and those would not remain. Those are not continuing items that would be included in the Revised Statutes. The only thing that would remain in the Revised Statutes if this were to pass would be Sections 1 through 5.

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

Representative HASTINGS: Mr. Speaker, Members of the House: I am very aware after having taken the tour as many of the first year members of this House took into Aroostook County, the needs they have in transportation. I am a little more concerned when I hear people from York County indicate that they may have needs as well for transportation needs under this Act. I am also chagrined to see set before us on the last day of supposedly a more harmonious ending to this session a bill of this nature. I can understand the concerns that those people have in Aroostook County because of the recent cutbacks in

services by the airlines that in the past have given them fair transportation. However, we did know what we were doing when we voted for the Bar Harbor bill and defeating the tax exemption. The ones that I read in the paper primarily dealt with Augusta and Bar Harbor as being cut back or eliminating services to those two areas. The others were a cutback in services but not the elimination of services.

I would agree that we should be very concerned with transportation needs throughout the state. I would be in favor of looking at that as Section 2 suggests and acting on it at the next session. I am not in favor of attempting to appropriate money at this point in time, putting it on the Appropriations Table to perhaps create additional concerns and difficulties in arranging an appropriation or budget which I understand is near (hopefully) completion and for us to now attempt to undo or strain the accommodations that have been reached in that by a half a million dollars, I think, is a little bit difficult to accept at this point in the debate. Therefore, I would suggest if there is any way that this could be carried over, that Section 2 be allowed, but I am not in favor of Section 1 or 3 which would create an appropriation at this point in time in hopes that they could squeeze out of the budget somehow a half a million dollars.

I am aware that this may be done but I think it is a little late to do it at this time and I would approve only if it were to be put in at the next session.

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

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: In reply to the good Representative from Eagle Lake, Representative Martin, yes, I do fly low but sometimes I see the Speaker passing by me.

Regarding the other issue, in the 107th, I cosponsored a bill to help Valley Airlines and I got it through this House with a hundred plus votes and it was killed in the other body by the good Senator from Perham, Senator McBreaarty and Senator Collins who claimed that it was unconstitutional to use public money to help private industry. That is why that bill died so I did try to help the airline at one time. I have been very reluctant since that time. I believe they ought to be able to survive on their own but maybe in this case I was wrong and maybe they ought to be helped. I could possibly be wrong, I have been wrong before, many a time.

I will not vote for indefinite postponement because I don't have all the facts. I like to have all the facts when I vote on something and with this, I don't have all the facts. I would like to know who it is we are going to help. Apparently, we are helping Valley Airlines but I don't want to mislead other people here into believing that we are helping them if this is only for Valley Airlines. I want the facts. That is all.

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

Representative ALIBERTI: Mr. Speaker, Men and Women of the House: I was very upset when I read in the newspaper the change that took place. The first thing that came to my mind was the concern in case of crisis, in case of ill health that was brought out before, but more than that, who is next? Where is it going to hit next? I think our area is very vulnerable at this time by the same situation. Does it make a difference when they come here and make a plea to this body? They made a plea at this time because the necessity is now.

In answer to a question, there is frustration that goes along with this. A good Representative asked, is there money? Is the Appropriations Table closed? The answer was an absolute yes by the Speaker. That, too, is a frustration. I think it is a humiliation to have to come in here and beg for a service, knowing full-well that there are no dollars there and they are still going to beg for that service. I, for one, sympathize with that cause, there is a great deal of justice to be done here and I think that we ought to give them an opportunity to open that door, no matter how slight, to serve this vital need for them.

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

Representative HALE: Mr. Speaker, Men and Women of the House: I rise for the second time today to allay the fears of the good Representative from Fryeburg about the concerns regarding your county. Your county is well aware of its needs. I speak as a member of the delegation and I am very pleased with this bill because I know in the future it is an avenue that York County and my town that has the fourth largest airport in the state couldn't utilize for a service. Under this bill, there certainly isn't anything that we can utilize and I am well aware of that but I do not want the good Representative from Fryeburg to base his decision on disturbances or fears from my county. He should base his concerns as we all should on services for all of the people of the State of Maine.

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

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

In the Supplement that was handed out to us, it reads "The remaining funds shall be reimbursed to eligible carriers." Will Bar Harbor Airlines, if they reinstate their service, then become an eligible carrier?

The SPEAKER PRO TEM: The Representative from Mexico, Representative Luther, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: In working with Commissioner Connors, they would have to become an intrastate system as opposed to interstate. If they were to cease their operation from going outside the state, they would qualify; if they were to become a Maine company doing business only within Maine with that capacity, they would not qualify and that was the intent and the direction with which we had the discussion with the Commissioner.

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

Representative MACOMBER: Mr. Speaker, Men and Women of the House: I have voted against Bar Harbor for the last nine years that I have been here but I think we are talking about a different situation here today. I just got off the phone a few minutes ago with Commissioner Connors, a man whom I have a great amount of trust in. I think he is a very honest, very forthright man, and I asked him if he was aware of this bill and he said that he certainly was. I asked him if he was in favor of it and he said he was. I asked him if I could say that on the floor and he said to go right ahead. He said what has happened with Bar Harbor in the past weeks — that without some sort of air service, he does feel that there is a critical situation in Aroostook County and

he thinks this is the best way to go and he thinks the evaluation the Department of Transportation people will be doing will show that there is a necessity and he does endorse it.

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

Representative MOHOLLAND: Mr. Speaker, Ladies and Gentlemen of the House: I would like to remind you that last week we voted to give a Canadian Company, a Canadian Railroad, two or three hundred thousand dollars. Here we are today about ready to go home trying to screw up the deal on Valley Airlines.

Representative Martin of Van Buren requested a roll call.

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

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

I would like to pose a question to Representative Lisnik of Presque Isle -- if this bill should pass and go to Appropriations, will it delay their action in any way?

The SPEAKER PRO TEM: The Representative from Island Falls, Representative Smith, has posed a question through the Chair to Representative Lisnik of Presque Isle who may respond if he so desires.

The Chair recognizes that Representative.

Representative LISNIK: Mr. Speaker, Men and Women of the House: It will not delay our actions one second.

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

Representative DORE: Mr. Speaker, I would like to pose a couple of questions.

First, I would like to state a concern that makes me uncomfortable and that is, as soon as we remove the tax break (we knew they were leaving anyway) but as soon as we remove the tax break, I think what they tried to do, like cutting service to Augusta, Presque Isle and Bar Harbor, was to cut services to legislators from regions who really needed it, of getting into the Capitol and it was sort of a "let's see how long you can bleed move." I can't help but note where they chose to do the cutting. That makes me very uncomfortable. On the other hand, Representative Paradis's statement about the needs of her community and the isolation, I certainly know to be true, I guess I have a couple of things that bother me. If we were to do this, where is the money going to come from? I think the budget is practically closed and I am worried about what else gets cut. First, where does the money come from and who loses in order to fund it?

The second thing I need to know is how are we going to know when it is necessary to subsidize an airline industry? How are we going to know which ones we subsidize, the amounts we subsidize and are we going to be basing this on their corporate past records because Valley Air is the lessee and the lessor? In the case of its airlines, it is easy enough to show constant loss as the Valley Air that leases and the Bar Harbor leasing at least could show the profit. So, I guess I am wondering how we can identify the financial needs for the subsidy.

I have one more question. Will this only be a subsidy for Washington and Aroostook Counties? Will other areas that have lack of air service and isolation also be included?

The SPEAKER PRO TEM: The Representative from Auburn, Representative Dore, has posed a series of

questions through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative MARTIN: Mr. Speaker, Members of the House: In reference to the last question, the way the legislation is drafted, it would actually be possible for any community that has inadequate air service to qualify under the legislation.

Second, in reference to whether or not you subsidize someone who doesn't need it, the subsidy would occur on only those flights and locations where there is insufficient revenue, producing revenue, to make it worthwhile.

Under the old federal system, basically it was a subsidy based on the assumed number of passengers that could be boarded at a particular location in terms of total population. In effect, if you were to fly out of Frenchville at any given time, the state would reimburse based on the number of passengers that are there so you would not be subsidizing. For example, when an aircraft was flying out of Portland or out of Bangor, you would be subsidizing only in those instances and in those locations where there is insufficient passenger traffic. The only way you can have an aircraft operate is with that subsidy.

Finally, in reference to whether or not there is money available -- at this point, as I indicated earlier, there is no money at the present time. There was none last night, I haven't seen the final totals today as to whether or not any money was left over because the final totals were not available until early this morning. We would not be killing any item that has been authorized to date in order to fund this one. That is to say, if there were additional revenues, then there would be a possibility but there are also other bills on the Table that would also have to qualify and would compete against this one and any other that was there.

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

Representative FARNUM: Mr. Speaker, Ladies and Gentlemen of the House: I speak on emergency basis only on this case. Twenty years ago, I brought some emergency people, very badly injured people to Boston, and I realized the time it took. In South Berwick now, we can call Emergency Ambulance Service and they fly them down immediately.

I have traveled Aroostook County many times and I am scared to death if someone is really hurt up there and needs help, where is the air service? I would vote no on this bill.

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

Representative DUFFY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question after I try to make a statement.

If I understand the way this bill is written, only an airline that is an intrastate airline would be eligible. If I understand it correctly, Valley Airlines and Bar Harbor Airlines both provide service to out of state. I think Valley provides service to New Hampshire. If that is the case, then are we providing money for a yet existent or now non-existent airline company?

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

Representative MARTIN: Mr. Speaker, Members of the House: If anyone had told me that this bill would go on for this long, I would have said, of course not, not today, but we obviously need to fill in time, this may be a good way to do it.

Let me respond to that question. Valley Airlines does in fact operate between Boston and Laconia, it does not operate between Maine and New Hampshire so the subsidy applies within Maine. At this point, Valley service would provide service from point A in Maine to point B in Maine, not to any outside of the state.

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

Representative MOHOLLAND: Mr. Speaker, Ladies and Gentlemen of the House: If you would look at the Statement of Fact it says, "intrastate." Intrastate means within the state.

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

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

The SPEAKER: The pending question before the House is the motion of the Representative from Saco, Representative Nadeau, that L.D. 1778 and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 151

YEA - Anthony, Begley, Brewer, Dellert, Foss, Handy, Hanley, Hastings, Hepburn, Higgins, Jackson, Marsano, Mills, Nadeau, G. R.; Pendleton, Pines, Reed, Rotondi, Seavey, Small, Stevens, P.; Strout, B.; Tardy, Tracy, Webster, M..

NAY - Adams, Aikman, Aliberti, Allen, Ault, Bailey, Bell, Boutilier, Burke, Butland, Cahill, M.; Carroll, D.; Carroll, J.; Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Conley, Cote, Crowley, Curran, Daggett, DiPietro, Donald, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnsworth, Farnum, Farren, Foster, Garland, Gould, R. A.; Graham, Greenlaw, Gurney, Hale, Heeschen, Hichborn, Hickey, Hoglund, Holt, Hussey, Hutchins, Jacques, Jalbert, Ketover, Kilkelly, LaPointe, Lawrence, Lebowitz, Libby, Lisnik, Look, Lord, Luther, MacBride, Macomber, Mahany, Manning, Marsh, Marston, Martin, H.; Mayo, McGowan, McHenry, McKeen, McPherson, McSweeney, Melendy, Merrill, Michaud, Mitchell, Moholland, Murphy, Nadeau, G. G.; Norton, O'Dea, O'Gara, Oliver, Paradis, E.; Paradis, J.; Parent, Paul, Pederson, Pineau, Plourde, Pouliot, Priest, Rand, Richard, Richards, Ridley, Rolde, Ruhlin, Rydell, Sheltra, Sherburne, Simpson, Skoglund, Smith, Stevens, A.; Stevenson, Swazey, Tamaro, Telow, Townsend, Tupper, Walker, Wentworth, The Speaker.

ABSENT - Anderson, Carter, Cashman, Constantine, Dexter, Gwadosky, Joseph, Larrivee, McCormick, Nutting, Paradis, P.; Strout, D.; Whitcomb.

Yes, 25; No, 113; Absent, 13; Paired, 0; Excused, 0.

25 having voted in the affirmative and 113 in the negative with 13 being absent, the motion did not prevail.

Under suspension of the rules, the bill was read a second time, passed to be engrossed in concurrence.

At this point, the Speaker resumed the Chair.

The House was called to order by the Speaker.

Unanimous Leave to Withdraw

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act Concerning Property Tax Relief for the Elderly" (S.P. 368) (L.D. 985)

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

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

PAPERS FROM THE SENATE

Non-Concurrent Matter

An Act to Provide for State Sharing of Certain Minor Capital Costs (Emergency) (S.P. 82) (L.D. 83) which was Passed to be Enacted in the House on June 14, 1989. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-238) as amended by Senate Amendment "A" (S-249) thereto)

Came from the Senate, the Bill and accompanying papers committed to the Committee on Appropriations and Financial Affairs in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Increase the State Share of Education Funding (S.P. 169) (L.D. 326) which was Passed to be Enacted in the House on June 12, 1989. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-209)

Came from the Senate, the Bill and accompanying papers committed to the Committee on Appropriations and Financial Affairs in non-concurrence.

The House voted to recede and concur.

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

PAPERS FROM THE SENATE

Non-Concurrent Matter

An Act to Clarify Costs Associated with the Purchase of Land by School Administrative Units (S.P. 181) (L.D. 338) which was Passed to be Enacted in the House on April 24, 1989. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-43)

Came from the Senate, the Bill and accompanying papers committed to the Committee on Appropriations and Financial Affairs in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Encourage Development and Use of Community Corrections Programs (H.P. 370) (L.D. 501) which was Passed to be Enacted in the House on May 24, 1989. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-207)

Came from the Senate, the Bill and accompanying papers committed to the Committee on Appropriations and Financial Affairs in non-concurrence.

The House voted to recede and concur.

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

PAPERS FROM THE SENATE

Non-Concurrent Matter

An Act to Amend the Community Corrections Law (S.P. 277) (L.D. 723) which was Passed to be Enacted in the House on June 14, 1989. (Having previously

been passed to be Engrossed as amended by Committee Amendment "A" (S-255)

Came from the Senate, the Bill and accompanying papers committed to the Committee on Appropriations and Financial Affairs in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Create the Youth-at-Risk Alternative Education Program (H.P. 585) (L.D. 789) which was Passed to be Enacted in the House on May 30, 1989. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-250)

Came from the Senate, the Bill and accompanying papers committed to the Committee on Appropriations and Financial Affairs in non-concurrence.

The House voted to recede and concur.

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

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

An Act to Require the Department of Human Services to Set Child Welfare Fee-for-service Rates Based on Yearly Negotiations with Private Nonprofit Community Residential Treatment Providers (Emergency) (H.P. 744) (L.D. 1027) which was Passed to be Enacted in the House on May 23, 1989. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-188)

Came from the Senate, the Bill and accompanying papers committed to the Committee on Appropriations and Financial Affairs in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act Concerning Educational Enhancement (H.P. 762) (L.D. 1066) which was Passed to be Enacted in the House on June 14, 1989. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-501)

Came from the Senate, the Bill and accompanying papers committed to the Committee on Appropriations and Financial Affairs in non-concurrence.

The House voted to recede and concur.

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

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

An Act to Increase Family Support Services to Maine Families Who Choose to Care for Their Developmentally Disabled Children at Home (H.P. 805) (L.D. 1117) which was Passed to be Enacted in the House on May 12, 1989.

Came from the Senate, the Bill and accompanying papers Recommitted to the Committee on Appropriations and Financial Affairs in non-concurrence.

The House voted to recede and concur.

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

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

An Act to Establish the Department of Families and Children" (H.P. 1199) (L.D. 1666) which was passed to be enacted in the House on June 22, 1989. (Having previously been passed to be engrossed as

amended by Committee Amendment "A" (H-621) as amended by House Amendment "B" (H-658) thereto)

Came from the Senate, the Bill and accompanying papers committed to the Committee on Appropriations and Financial Affairs in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Create the Maine Family Development Foundation (EMERGENCY) (H.P. 1226) (L.D. 1698) which was Passed to be Enacted in the House on June 19, 1989. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (H-597)

Came from the Senate, the Bill and accompanying papers committed to the Committee on Appropriations and Financial Affairs in non-concurrence.

The House voted to recede and concur.

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

**REPORTS OF COMMITTEES
Unanimous Leave to Withdraw**

Representative CARTER from the Committee on Appropriations and Financial Affairs on Bill "An Act to Improve the Operations of the Division of Public Administration" (EMERGENCY) (H.P. 1233) (L.D. 1718) reporting "Leave to Withdraw"

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

**PASSED TO BE ENACTED
Emergency Measure**

An Act to Correct Certain Technical Errors in the Laws of Maine (H.P. 1285) (L.D. 1777)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 122 voted in favor of the same and 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

(At Ease)

The House was called to order by the Speaker.

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

**REPORTS OF COMMITTEES
Ought to Pass as Amended**

Representative CARTER from the Committee on Appropriations and Financial Affairs on Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1990, and June 30, 1991" (EMERGENCY) (H.P. 475) (L.D. 640) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-690) (Representative FOSS of Yarmouth - of the House - abstaining)

Report was read and accepted, the Bill read once.

Committee Amendment "A" (H-690) was read by the Clerk.

Representative Foss of Yarmouth offered House Amendment "A" (H-691) to Committee Amendment "A" (H-690) and moved its adoption.

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

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

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to explain my abstention vote on the budget for the Record because frankly I cannot ever remember abstaining on anything before in my life. My reason is simple, I wish to express my opposition to one and only one component of this complex budget bill and I want to do that without requiring the printing of a complete minority report that is almost 250 pages. Clearly the time and expense required by that kind of effort would be indefensible and a total waste of the taxpayers dollars. The one issue of concern to me in this budget is important enough for me to make this statement.

As I am sure you all know, legislative pay increases and other increases in constituent allowances, per diem, meal allowances and housing allowances are included in this budget. My objection is that they are folded into the budget and not left out on a separate bill so that we can vote up or down on that issue alone. For me, I cannot justify the need to fold it into an omnibus package and at this point, I think it is important to note that some legislators who support my position are also very strongly supportive of a pay increase.

This has been a very difficult budget to craft for all of us especially because deep cuts have been made to match declining revenues. I do not support enacting a legislative pay increase in this budget but I also respect the right of others to disagree with me on that position. More importantly, I believe that when the vote is taken, it should be done in the open.

I made it clear early in the budget negotiations process that I could not vote for a budget that contained a legislative pay increase. I was very candid with my colleagues on the committee and I worked in good faith through all the negotiations hoping that this issue would end up outside the budget and be run as a separate bill off the table. That did not happen and I do not take this abstention position lightly knowing how much we all treasure unanimity on the Appropriations Committee. I do believe strongly in what I am saying, fully recognizing that legislative pay is a sensitive issue. I believe that it is worth defending a principle even though I am well aware of the need to compromise in order to reach an agreement in the legislative process. However, I cannot compromise on this principle. My motive is not to politically embarrass anyone but rather to defend that principle.

To be specific, my amendment would remove the legislative pay increase in the budget and implement the judges salary increase now rather than December of 1990. In order to fund the legislative increase, it was necessary to defer the unanimously approved judges salary increase.

The legislative pay increase does not go into effect until the 115th Legislature which is the second year of the biennium so we could address the funding for that when we reconvene in January. Certainly other spending decisions for FY '91 have been deferred in this budget.

I stand to defend a principle, I believe that supporters and opponents of a legislative pay

increase should declare their positions openly on a separate bill. This issue has not gone to the floors of the House and Senate this session in the regular legislative process. Its first appearance for a floor vote, in my opinion, should not be on the omnibus budget bill.

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

Representative MCGOWAN: Mr. Speaker, I move the indefinite postponement of House Amendment "A."

Mr. Speaker, Ladies and Gentlemen of the House: The Representative from Yarmouth is indeed correct, that the budget process in this legislature is a very sacred and unified effort made by all of the members of the legislative Appropriations Committee. It is a process of which I have seen over the past six years that I have served on that committee as something that is very much taken with the seriousness and concern of all of you in mind.

I would also say that we have, by a law established several years ago, a legislative compensation commission which dealt with the issue of pay to members of the legislature and members of the judiciary, constitutional officers and other such people. I would tell you that that was taken out of this process, out of the political process, and put into a compensation commission appointed by members of leadership and members of the executive department to deal with the pay that we will receive in subsequent legislatures, should we decide to run for the following legislature.

I have several questions that I would like to address to the Representative from Yarmouth, Representative Foss.

One, does she intend to vote for the legislative pay increase?

Number two, does she plan to accept the legislative pay increase should it be adopted by this body?

Number three, would she support the amendment of which I am proposing (you may have it on your desk) should her amendment be adopted - which would freeze the executive positions pay raise in the budget, the omnibus budget?

I would propose those questions to her at this time, Mr. Speaker.

The SPEAKER: Representative McGowan of Canaan has posed a series of questions through the Chair to Representative Foss of Yarmouth who may respond if she so desires.

The Chair recognizes that Representative.

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: I have not seen the amendments to freeze the salary increases in the executive branch, so I have no comment at the moment and I don't think it is relevant to the issue before us. I think I was very clear in my statement that I am not debating the value or the demerits of a pay increase. I feel, however, that it should be done on a separate bill outside of the budget process.

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

Representative MCGOWAN: Mr. Speaker, Ladies and Gentlemen of the House: I think I still have two questions left unanswered that I posed to the Representative from Yarmouth and I wait anxiously to hear the answers to those questions this evening.

I believe that we are still involved in a very delicate, very precise posture in this legislature of adopting a comprehensive budget, a very comprehensive budget, which deals with foster care parents, which deals with things to help abused victims of spouses, which helps people who have a different variety of problems in the State of Maine dealing with Human

Services. It also deals with a \$3 million computer for the Finance Department, \$3 million plus for the Finance Department. There are many things in this budget that many of us on the majority side of the caucus felt were not acceptable to us initially but were dealt out in a process of negotiations. I think that this recommendation from the Compensation Commission, which was a unanimous recommendation from Democrats and Republicans alike should be dealt with in the same vein as an item in that precise delicate process.

I wait the answers to the questions that I posed to the gentlelady from Yarmouth.

The SPEAKER: Representative McGowan of Canaan has posed additional questions through the Chair to Representative Foss of Yarmouth who may respond if she so desires.

The Chair recognizes that Representative.

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: I did say in my statement that I do not intend to vote for the pay increase. I also have stated several times that my objection is not to the pay increase per se and I recognize that it would pass, maybe as an emergency, and that there is a lot of support for the pay increase. I just think that it should be run on its own. As far as accepting it, I have no idea if I will be running for the 115th.

As far as the comments about other social service programs and the computers. I understand that it is a delicate, fragile process, that there are many programs in that budget that we all support and it has nothing to do with party. My position today has nothing to do with party. There are many members in my party who support the pay increase. I also understand that the computer issue has been very sensitive. I have been responsive to that and have tried to stay away from making this a partisan issue. I simply wanted to state my objections to including it in the budget.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative McGowan of Canaan that House Amendment "A" be indefinitely postponed.

A vote of the House was taken.

112 having voted in the affirmative and 15 in the negative, the motion did prevail.

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

(At Ease)

The House was called to order by the Speaker.

(Off Record Remarks)

The Chair laid before the House the following matter: Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1990, and June 30, 1991" (EMERGENCY) (H.P. 475) (L.D. 640) as amended by Committee Amendment "A" (H-690) which was tabled earlier in the day and later today assigned pending adoption of Committee Amendment "A."

Subsequently, Committee Amendment "A" was adopted.

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

By unanimous consent, was ordered sent forthwith to the Senate.

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

PAPER FROM THE SENATE

Bill "An Act Concerning the Medicaid Advisory Committee to the Bureau of Medical Services in the Department of Human Services" (S.P. 666) (L.D. 1779)

Came from the Senate under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed as amended by Senate Amendment "A" (S-411).

(The Committee on Reference of Bills had suggested reference to the Committee on Human Resources.)

Under suspension of the rules and without reference to a Committee, the Bill was read once.

Senate Amendment "A" (S-411) 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 by Senate Amendment "A" in concurrence.

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

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Amend the Process by Which People with Disabilities Are Able to Acquire Information and Apply for Services" (H.P. 1287) (L.D. 1780)

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

Representative Melendy of Rockland offered House Amendment "A" (H-693) and moved its adoption.

House Amendment "A" (H-693) was read by the Clerk and adopted.

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

PASSED TO BE ENGROSSED

As Amended

Resolve, to Expand the Borrowing Capacity of Knox County (H.P. 1288) (L.D. 1781)

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

Representative Allen of Washington offered House Amendment "A" (H-692) and moved its adoption.

House Amendment "A" (H-692) was read by the Clerk and adopted.

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

(At Ease)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 12 was taken up out of order by unanimous consent:

PAPER FROM THE SENATE

Non-Concurrent Matter

An Act to Amend the Local Road Assistance Distribution Formula (Emergency) (S.P. 50) (L.D. 23) which was Passed to be Enacted in the House on March

23, 1989. (Having previously been passed to be Engrossed as amended by Committee Amendment "A" (S-8)

Came from the Senate, Passed to be Engrossed as amended by Committee Amendment "A" (S-8) as amended by Senate Amendment "A" (S-401) thereto in non-concurrence.

The House voted to recede and concur.

The following item appearing on Supplement No. 13 was taken up out of order by unanimous consent:

ENACTOR

Recommended

An Act to Encourage Air Transportation to Designated Locations in Maine (S.P. 665) (L.D. 1778)

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

The House voted to recommit to the Committee on Transportation. Sent up for concurrence.

The following items appearing on Supplement No. 19 were taken up out of order by unanimous consent:

COMMUNICATIONS

The following Communication:

STATE OF MAINE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
COMMITTEE ON TAXATION

June 30, 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 Taxation 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	170
Unanimous reports	157
Leave to Withdraw	63
Ought to Pass	5
Ought Not to Pass	73
Ought to Pass as Amended	16
Ought to Pass in New Draft	0
Divided reports	9
Carry Overs	4

Respectfully submitted,

S/Thomas H. Andrews S/John A. Cashman
Senate Chair House Chair

Was read and ordered placed on file.

PASSED TO BE ENACTED

Emergency Measure

An Act Concerning the Salaries of the Washington County Treasurer and Deputy Treasurer (S.P. 663) (L.D. 1776) (H. "A" H-688)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 109 voted in favor of the same and 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The following items appearing on Supplement No. 21 were taken up out of order by unanimous consent:

COMMUNICATIONS

The following Communication:

STATE OF MAINE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
COMMITTEE ON EDUCATION

June 30, 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 Education 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	92
Unanimous reports	83
Leave to Withdraw	17
Ought to Pass	4
Ought Not to Pass	18
Ought to Pass as Amended	44
Ought to Pass in New Draft	0

Divided reports	6
Carry Overs	3

Respectfully submitted,

S/Stephen C. Estes S/Nathaniel J. Crowley, Sr.

Senate Chair House Chair

Was read and ordered placed on file.

CONSENT CALENDAR

First Day

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

(H.P. 837) (L.D. 1169) Bill "An Act to Improve the Delivery of Higher Education Finances in Maine" (EMERGENCY) Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "C" (H-694)

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

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

PAPER FROM THE SENATE

The following Communication:

Maine State Senate
Augusta, Maine 04333

June 30, 1989

Honorable Edwin H. Pert
Clerk of the House

State House Station 2
Augusta, Maine 04333

Dear Clerk Pert:

Senate Paper 118 Legislative Document 184, An Act Clarifying Intoxication Under the Workers' Compensation Law, having been returned by the Governor together with his objections of the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration the Senate proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

4 Senators having voted in the affirmative and 30 Senators having voted in the negative, with 1 Senator being absent, accordingly, it was the vote of the Senate that the Bill not become law and the veto was sustained.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

Was read and ordered placed on file.

The following Communication:

Maine State Senate

Augusta, Maine 04333
June 30, 1989

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

Senate Paper 442 Legislative Document 1195, An Act to Clarify the Definition of State Employee under the State Employee Labor Relations Act, having been returned by the Governor together with his objections of the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration the Senate proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

19 Senators having voted in the affirmative and 15 Senators having voted in the negative, with 1 Senator being absent, accordingly, it was the vote of the Senate that the Bill not become law and the veto was sustained.

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

Was read and ordered placed on file.

The following items appearing on Supplement No. 23 were taken up out of order by unanimous consent:

PAPER FROM THE SENATE

The following Communication:

Maine State Senate
Augusta, Maine 04333
June 30, 1989

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

Senate Paper 467 Legislative Document 1252, An Act to Establish the Mental Health Advisory Committee on Medicaid, having been returned by the Governor together with his objections of the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration the Senate proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

18 Senators having voted in the affirmative and 16 Senators having voted in the negative, with 1 Senator being absent, accordingly, it was the vote of the Senate that the Bill not become law and the veto was sustained.

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

Was read and ordered placed on file.

Unanimous Leave to Withdraw

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act to Relieve the Burden of Property Taxes Through Creation of the Property Tax Relief Fund" (S.P. 605) (L.D. 1699)

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

The Chair laid before the House the following matter: H.P. 408, L.D. 551, "AN ACT To Allow Recovery for Wrongful Death of an Unborn Viable Fetus." which was tabled earlier in the day and later today assigned pending further consideration.

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

Representative PARADIS: Mr. Speaker, Men and Women of the House: At this very late hour, I shall be very brief. You have the veto message from the Governor in front of you, you can all read what the veto message says.

I was not surprised by the veto. I was certainly disappointed. I think the majority signers of the Judiciary Committee share in that disappointment because we had all worked very long and very hard in crafting a bill that we thought was very fair and addressed the issue, the issue being allowing for recovery when a Tort has been done, a wrongful act has been done against a viable fetus.

It is difficult to understand the Governor's actions at this late hour because throughout the process no one from his office contacted any member of the committee. The Majority signers signed the report "Ought to Pass" and tried to communicate their feelings, their comprehension, their misgivings about the bill and the wording that we had.

I found out about the veto late yesterday afternoon and it was confirmed to me by a member of the press, that is how I found out about the veto. I was not given the courtesy of being contacted by any member of the Governor's Office so that we could at least talk about the veto and I would at least know before the press was made aware of this.

I note the Governor's offer and I quote, "I would also support legislation that would expand the right to bring an action if the legislation restricted its use and benefits to the mother of both parents of the fetus." That was always our intention, it was in May when we debated the bill and again in June. I would invite the Governor to file legislation in the Second Regular Session if he is sincere in his veto message to us, if he truly believes that we ought to have a wrongful death act in this field, if he really empathizes with the young families in this state who have gone through what the lady from Fairfield went through just several months ago from a drunk driver. The ball is in his court.

A columnist wrote yesterday in one of our leading newspapers that it is far easier to govern with a veto than it is to propose legislation. It is easier to destruct a house than to construct a house. I think the business of legislators and Governors is to construct legislation, not to destruct legislation. I think that is why I serve in this body and am proud to be a Representative.

I thank every single member of this body who voted with us the five or six times that this bill came before the body. I know where your hearts are. I know where your feelings are. It was a tremendous battle. We sent the right message to the people in this state that we wanted to give value to these young families. We wanted to give value to a viable fetus that was struggling for its life, struggling for its constitutional rights, and I am very proud of that battle. Notwithstanding the veto of the Governor, I think that this body can be very proud of itself on this 30th of June, 1989. I know that the writing is on the wall because of what the Governor has done. I challenge him. I would like to be able to sit here seven or eight months from now and propose his bill before this body and see what he would really like to do rather than just simply return the bill without his signature. I think he has done the easiest thing and he has not chosen the road less traveled. I urge you to vote your conscience and vote to override this veto.

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

Representative ANTHONY: Mr. Speaker, Men and Women of the House: I also will be very brief.

I would like to reiterate that, while this bill was being discussed and modified extensively in committee, there was no involvement whatsoever by any representative from the Governor's office. If he had had concerns about this bill, they could have easily been accommodated during that committee process.

In his veto message, the Governor expresses that he "shares a deep sympathy for those who experience the tragedy of the wrongful death of a fetus." If that had been truly so, he could have contributed to the crafting of an acceptable proposal which would redress the wrongful loss of a viable fetus.

I am very disappointed in this veto coming as it does, completely without warning or efforts to express concern during the legislative process. I would second the expression of my Committee Chair to encourage the Governor's office to participate in presenting an acceptable proposal during the Second Regular Session.

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

Representative WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: I take some pleasure in debating this bill this evening because it is not a partisan issue. It is an issue where there were men and women in both parties who voted in favor of this bill and men and women in both parties who voted against this bill when it was before us. It does happen to be a veto that I support the Governor's position on. I think he has written a very articulate veto message to you but one sentence I would draw your attention to because it is one I think for me is the essence of why I am going to vote to sustain this veto. It says, "Finally, because the bill confers a legal personality on a fetus for purposes of wrongful death actions, it greatly expands the opportunities for applying this legal status to other circumstances." That is, I think, a section of the proposed law that sets an undesirable precedent for us to have. So, I hope you will vote to sustain this veto.

After reconsideration, the pending question before the House is, "Shall this Bill become a law notwithstanding the objections of the Governor?" Pursuant to the Constitution, the vote will be taken by the yeas and nays. This requires a two-thirds vote of all the members present and voting. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 152V

YEA - Aliberti, Anthony, Boutilier, Brewer, Cahill, M.; Cashman, Clark, H.; Cote, Dexter, DiPietro, Duffy, Dutremble, L.; Erwin, P.; Gould, R. A.; Gwadosky, Hale, Hickey, Hutchins, Jacques, Jalbert, LaPointe, Luther, Macomber, Manning, Marston, Martin, H.; Mayo, McCormick, McGowan, McSweeney, Melendy, Michaud, Moholland, Murphy, Nadeau, G. G.; Nadeau, G. R.; Nutting, O'Dea, O'Gara, Paradis, P.; Parent, Paul, Pineau, Plourde, Pouliot, Richard, Richards, Ridley, Rotondi, Seavey, Sheltra, Smith, Strout, D.; Tamaro, Tracy, Walker, The Speaker.

NAY - Adams, Aikman, Allen, Bailey, Begley, Bell, Burke, Butland, Carroll, D.; Carroll, J.; Cathcart, Chonko, Clark, M.; Coles, Curran, Daggett, Dellert, Donald, Dore, Farnsworth, Farnum, Farren, Foss, Foster, Garland, Graham, Greenlaw, Gurney, Handy, Hanley, Hastings, Heeschen, Hepburn, Hichborn, Higgins, Hoglund, Holt, Jackson, Joseph, Ketover,

Kilkelly, Larrivee, Lawrence, Lebowitz, Libby, Lisnik, Look, Lord, MacBride, Mahany, Marsano, Marsh, McKeen, McPherson, Merrill, Mills, Mitchell, Norton, Oliver, Paradis, E.; Pederson, Pendleton, Pines, Priest, Rand, Reed, Rolde, Rydell, Sherburne, Simpson, Skoglund, Small, Stevens, A.; Stevens, P.; Stevenson, Strout, B.; Swazey, Telow, Townsend, Tupper, Webster, M.; Wentworth, Whitcomb.

ABSENT - Anderson, Ault, Carter, Conley, Constantine, Crowley, Hussey, McHenry, Paradis, J.; Ruhlin, Tardy.

Yes, 57; No, 83; Absent, 11; Paired, 0; Excused, 0.

57 having voted in the affirmative and 83 in the negative with 11 being absent, the veto was sustained.

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

COMMUNICATIONS

The following Communication:

STATE OF MAINE

ONE HUNDRED AND FOURTEENTH LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT

June 22, 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 State and Local Government 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	147
Unanimous reports	124
Leave to Withdraw	32
Ought to Pass	13
Ought Not to Pass	21
Ought to Pass as Amended	38
Ought to Pass in New Draft	1
Pursuant to Joint Order	17
Re-refer to another Committee	2
Divided reports	22
Carry Over	1

Respectfully submitted,
S/Georgette B. Berube S/Ruth Joseph
Senate Chair House Chair
Was read and ordered placed on file.

CONSENT CALENDAR

First Day

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

(H.P. 1219) (L.D. 1691) Bill "An Act to Reimburse the Department of Inland Fisheries and Wildlife for Search and Rescue Operations" Committee on Appropriations and Financial Affairs reporting "Ought to Pass"

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

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

On motion of Representative Gwadovsky of Fairfield, the following was removed from the Tabled and Unassigned matters:

An Act to Authorize the Department of Human Services to Implement the Provisions of the United States Family Support Act of 1988 (EMERGENCY) (H.P. 767) (L.D.1071) (C."A" H-592)

TABLED - June 19, 1989 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

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

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

Mr. Speaker, Ladies and Gentlemen of the House: I have made that motion because the language in this bill is currently in the budget and this bill is no longer necessary.

Subsequently, the Bill was indefinitely postponed. Sent up for concurrence.

(At Ease)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 33 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED
Emergency Measure

An Act to Provide Comprehensive, Consolidated Student Financial Assistance Services (H.P. 837) (L.D. 1169) (C. "C" H-694)

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

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

Representative HANDY: Mr. Speaker and Members of the House: I wanted to just take a moment of your time tonight to explain quickly the process the Education Committee pursued in obtaining this compromise proposal. The Education Committee worked long and hard beginning on Monday and every day this week to come to a compromise proposal on consolidation of Student Financial Assistant Services. As we all know, a compromise doesn't please every party but we believe the compromise that this report represents is one that will be to the benefit of Maine's families and students throughout the state. There will be a transition committee established by the legislation which will work and bring those recommendations back on how this new authority, which will come under the Financial Authority of Maine, will administer the delivery of higher education services in the State of Maine.

I wish to publicly thank the Chairs of the Education Committee and the members for the hard work that they all put in and the long hours. I think this will go a long way toward making student aid available and the counseling that should accompany it for students in the State of Maine for many years to come.

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

Representative SMALL: Mr. Speaker, Ladies and Gentlemen of the House: I, too, wish to make a few remarks before this bill is hopefully passed to be enacted.

As a cosponsor of this bill with the good Speaker from Eagle Lake, there are a number of times when I

really thought this bill was not going to reach fruition. I was afraid that it was going to be buried. It is fortunate to know that a good idea, a great idea, cannot be dispelled. I particularly want to thank many members of the House that stood behind us and kind of gave us the support we needed to keep going back to committee and getting something that is very important to the students and parents of this state.

For those who haven't had a chance to really look at the bill and see what the newest legislation involves, I think it has got three major points that were in the original bill and are still intact in the compromise bill. One is the Independent Higher Education Authority which will be out from under the Department of Education and which can administer private and public dollars for financial aid programs. It also will have the one-stop shopping concept that so many of you deemed was important for parents and students to be able to call a toll-free number and find out what is available for financial aid assistance, another part that was so important.

I think a third part, and the part that many of us feel was the most important concept, was the outreach and counseling. We felt that it was not enough to just make money available for college but that every student beginning in the elementary school should have an understanding that, if their aspirations took them on to college, that money would not be a financial barrier to them.

So, I am really looking forward to this bill being enacted and this new authority being created under FAME. I just want to thank all the members of the House that held with us and really took an interest in this. I think we can all go home and, as I said earlier, this is a win/win situation and the biggest winners of all are the parents and students of the state.

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. 126 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.

The following item appearing on Supplement No. 34 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED

An Act Concerning the Medicaid Advisory Committee to the Bureau of Medical Services in the Department of Human Services (S.P. 666) (L.D. 1779) (S. "A" S-411)

Was 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.

On motion of Representative Gwadovsky of Fairfield, the following was removed from the Tabled and Unassigned matters:

An Act to Expand the Maine Job Training Partnership Program (S.P. 462) (L.D. 1247) (C. "A" S-310)

TABLED - June 19, 1989 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

On motion of Representative Gwadovsky of Fairfield, under suspension of the rules, the House reconsidered its action whereby L.D. 1247 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 (S-310) was adopted.

The same Representative offered House Amendment "A" (H-698) to Committee Amendment "A" (S-310) 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.

By unanimous consent, was ordered sent forthwith to the Senate.

(Off Record Remarks)

The following item appearing on Supplement No. 32 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Measure

An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change 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 (H.P. 475) (L.D. 640) (C. "A" H-690)

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. 113 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.

By unanimous consent, was ordered sent forthwith to the Senate.

The following items appearing on Supplement No. 35 were taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Measure

An Act to Amend the Process by Which People with Disabilities Are Able to Acquire Information and Apply for Services (H.P. 1287) (L.D. 1780) (H. "A" H-693)

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. 113 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 Expand the Borrowing Capacity of Knox County (H.P. 1288) (L.D. 1781) (H. "A" H-692)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 120 voted in favor of the same and 3 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

The following item appearing on Supplement No. 37 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Measure

An Act to Amend the Local Road Assistance Distribution Formula (S.P. 50) (L.D. 23) (S. "A" S-401 to C. "A" S-8)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 119 voted in favor of the same and 2 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The following item appearing on Supplement No. 38 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED

An Act Regarding the Employment of 15-year-olds in Public Accommodations for Lodging (H.P. 293) (L.D. 405) (H. "C" H-687 to H. "A" H-654)

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

Representative Pineau of Jay requested a roll call vote.

Representative Carter of Winslow moved that L.D. 405 and all accompanying papers be indefinitely postponed.

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

Representative CARTER: This piece of legislation strikes me as being a form of class legislation in an attempt to roll back what has been accomplished in dealing with young people being employed at a young tender age when they should be in school.

This document will serve no purpose except create problems in the future. I haven't had much time to do much research, we have been very busy on the Appropriations Committee, but I have done some. This is not a new problem. It might interest you people to know that in 1847 debate took place on the floor of the legislature in Maine debating very much the same similar issue, that of child labor and the problems associated with it and the problems that it creates.

I have here a document in my hand that runs from 1847, the first law that was enacted to try and correct problems created by allowing youngsters to work in different factories, especially factories that would benefit one particular industry. It really makes no difference whether it is one industry or a multitude of industries, the end results are the same.

Interestingly enough in those days, they were so concerned about the problems that the fines imposed for violation of these laws ran as high as \$50 for a violation and \$100 per violation. I want you to stop and think, this was a long, long time ago when \$1 was an awful lot of money. I can remember when I used to work for \$18 a week.

I also have an extract from a debate that took place dealing with the same issue and the person leading the debate was a gentleman from Waterville or Augusta. Let me just quote, "They come here this session and ask that the exemption be extended to cover the factories where cans or containers are manufactured, thus placing tin cans on the list of perishable goods and getting them included acquired the right to employ children in their manufacturing without regard to the other mechanical and manufacturing establishments in the state. This session of the legislature has passed a 58 hour law for the women and children of our state without a dissenting vote, that law to apply to manufacturing and mechanical establishment endorsed by both political parties and heartedly approved by our

Governor. You are now in the same session going to start nullifying the law. Are you going to say that you did not mean it when you voted that the women and children of our state would enjoy a shorter week of labor and that Washington County should be set off from the rest of the state in which illiteracy and immorality shall reign? I have been told by the members of this House who come from that part of the state that women nowhere in Maine have morals as loose as they are in these coastal towns where their large factories are located.

The argument will be used on the floor of this House that these cans have to be used as soon as made, that they cannot be made and piled up ahead as they deteriorate and, when an extra large catch of fish come in to can, shops have to run night and day. I submit to you gentlemen that these shops are running today putting up cans against the coming seasons business and that if they keep these cans from now until the season opens they can keep them during the fish season. Then, if they have to run these shops nights, let them employ men to do the work and not keep these children from their beds to do it.

There have been a few cases in this House this winter where persons have come here asking for class or private legislation and they have been turned down good and hard. Gentlemen, I do not think that there has been a piece of legislation asked for here this winter that has been so plain a case of class legislation as this one. It is for the benefit of the American Can Manufacturing Company and for them only."

A specific example of why people are tampering with the long established rule that youngsters under 16 belong in the school. It used to be that you had to get beyond the eighth grade before you were allowed to work. The laws have been changed. The last change, I believe was in 1947 or 1949. What we are doing here is attempting to roll the clock back. It simply does not work. All we have to do is read a bit of history, do a little research. It is very easy to see that youngsters belong in the school system. Without the proper tools for the future, they are going to become a tremendous problem to society. In the long-run, we will pay for it. It may be convenient in the short-run but in the long-run, society pays for it.

I urge you to vote against this document. There is a study pending and I am sure that when the committee gets done with its study, they will go through these documents and perhaps they can come to the legislature and make a recommendation that we can all be proud of. In the meantime, I would urge you to indefinitely postpone this bill.

Mr. Speaker, I request the yeas and nays.

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

Representative KILKELLY: Mr. Speaker, Ladies and Gentlemen of the House: Little did I know in January as I came into this session that most of this session I would be spending my time dealing with employment of 15-year-olds. I hope this is the last time I have an opportunity to speak on this bill.

I really feel that we have gone away from the issue and I would just like to bring it back and I will do it concisely and quickly -- bear with me. We are not talking about opening up all new avenues to 15-year-olds. Currently, as I said before, in the Town of Wiscasset at the Ledges Inn, a 15-year-old cannot wash dishes, cannot clean public areas, cannot clean rooms, cannot set tables, cannot wait tables and cannot use machinery. At Le Garage, which is a

restaurant not attached to an inn, a 15-year-old can wash dishes, can clean public areas, can set tables and can wait on tables, they cannot use machinery. This bill will not allow 15-year-olds to clean rooms. This bill will not allow 15-year-olds to use machinery that they currently cannot use. This bill merely says that, if you have a restaurant that is attached to an inn, a 15-year-old may be employed there in the same capacity that that 15-year-old can be employed in a restaurant that is not attached to an inn.

This bill has been amended so that it does not have an emergency, it will be in effect next year. If the study does happen, then we will have the information and then certainly maybe some other things will take place by April before the June 15th implementation of this bill.

It has also been implemented to include only summers, it does not keep children out of school as very few children go to school between June 15th and Labor Day.

I would ask you not to support the indefinite postponement of this bill and allow it to become law.

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 Biddeford, Representative Sheltra.

Representative SHELTRA: Mr. Speaker, Ladies and Gentlemen of the House: This bill makes me think back a ways to when I was 15 years old. I was living at the beach at the time and, during the summer months, my friends and I were pretty bored and didn't have too much to do. Consequently, what we did mischievously was to more or less rob our parents of nickels and dimes and we used to nickel and dime them to death. One day, I got pretty fed up with it because all we were thinking of was ways of getting into mischief. Consequently, I went to see this man who had a bicycle shop and I got a job renting bikes and fixing them up. It made me feel good that I didn't have to go to my dad or my mom for a weekly allowance. It made me feel like I was standing on my own two feet, plus the fact that it gave me experience and it gave me responsibility.

I see nothing wrong with a 15-year-old going to work and being made to appreciate the economics of life and being in the position to do for himself. I think our kids today are far advanced and a lot more intelligent than we were. I wouldn't want to see them looking for crack or drugs or anything of that nature when they can be gainfully employed and keep them out of mischief.

At 16 years of age, I was the barker on the Old Orchard Pier, I used to go there at one o'clock in the afternoon until one o'clock at night. I came from a family of means, it wasn't because I had to work, it was because I wanted to work. It did keep me out of mischief. I appreciated the fact that I could do this and it gave me one heck of an education.

Furthermore, I think that my good friend, Representative Carter, is misrepresenting the fact here, we are talking about summer employment, we are not talking about year-round employment. So, I feel that this is a good bill. I would appreciate your going along and voting against the indefinite postponement.

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

ROLL CALL NO. 153

YEA - Adams, Aliberti, Boutilier, Carter, Cathcart, Clark, H.; Clark, M.; Cote, Duffy, Erwin, P.; Hale, Handy, Heeschen, Hichborn, Jacques, Jalbert, Joseph, LaPointe, Lawrence, Look, Luther, Macomber, Martin, H.; Mayo, McKeen, Michaud, Mills, Murphy, Nutting, O'Dea, Oliver, Paradis, P.; Paul, Pederson, Pineau, Plourde, Pouliot, Priest, Rand, Reed, Richard, Ridley, Simpson, Smith, Swazey, Tracy, The Speaker.

NAY - Aikman, Allen, Anthony, Ault, Bailey, Begley, Bell, Brewer, Burke, Butland, Cahill, M.; Carroll, D.; Carroll, J.; Coles, Curran, Daggett, Dellert, Dexter, Donald, Dore, Farnsworth, Farnum, Farren, Foss, Foster, Garland, Gould, R. A.; Graham, Greenlaw, Gurney, Hanley, Hastings, Hepburn, Hickey, Higgins, Hoggund, Holt, Hutchins, Jackson, Ketover, Kilkelly, Larrivee, Lebowitz, Libby, Lord, MacBride, Mahany, Manning, Marsano, Marsh, McCormick, McGowan, McPherson, McSweeney, Merrill, Mitchell, Moholland, Nadeau, G. G.; Nadeau, G. R.; Norton, O'Gara, Paradis, E.; Parent, Pendleton, Pines, Richards, Rolde, Rotondi, Rydell, Seavey, Sheltra, Sherburne, Small, Stevens, A.; Stevens, P.; Stevenson, Strout, B.; Strout, D.; Tammaro, Telow, Townsend, Tupper, Walker, Webster, M.; Wentworth, Whitcomb.

ABSENT - Anderson, Cashman, Chonko, Conley, Constantine, Crowley, DiPietro, Dutremble, L.; Gwadosky, Hussey, Lisnik, Marston, McHenry, Melendy, Paradis, J.; Ruhlin, Skoglund, Tardy.

Yes, 47; No, 86; Absent, 18; Paired, 0; Excused, 0.

47 having voted in the affirmative, 86 in the negative, with 18 being absent, the motion did not prevail.

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

(At Ease)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 40 was taken up out of order by unanimous consent:

COMMUNICATIONS

The following Communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333

June 30, 1989

TO: The Honorable Members of the 114th Legislature:

I am returning without my signature or approval H.P. 292, L.D. 404, "AN ACT to Reduce the Potential for Violence During Labor Disputes."

This week, the Maine Supreme Judicial Court determined that the National Labor Relations Act preempts this legislature from establishing a 45 day cooling-off period during a labor dispute. The Court specifically recognized that "the right of an employer to continue his operations in the face of a strike by hiring replacement workers is one of the 'weapons of economic pressure' that Congress left unregulated and to be controlled by the free play of economic forces." (Emphasis added.) The Court based its decision on a fifty-year line of United States Supreme Court decisions that a state cannot "enter

the substantive aspects of the bargaining process" by establishing a law whose "operative consequence" is to limit that right.

This language reinforces my now oft-stated concern that legislation of this type is preempted by federal law. This conclusion necessarily follows from the two restrictions under L.D. 404 that make that bill more onerous than L.D. 1756 for an employer to exercise its legal right to maintain operations during a labor dispute. First, the hiring ban in L.D. 404 applies to both permanent and temporary replacements, whereas the cooling-off bill applied only to permanent replacements. Second, the hiring ban under this bill has no time limit, whereas the cooling-off bill was limited to just 45 days. Those differences, coupled with the fact that several courts have already invalidated laws nearly identical to L.D. 404, persuades me that there are substantial legal and constitutional problems with this bill.

Of equal concern, though, is my continuing objection to the breadth of this bill. The threshold of this bill -- that a company shall be defined as a strikebreaker if it furnished 10 or more employees on more than 1 occasion in a 10 year period -- is of course far lower than any of the three previous strikebreaker bills I have rejected. My attempt this session to compromise on this issue by offering a proposal that would prevent large-scale replacements by companies both in and out of this state was apparently rejected because it did not go so far as to limit the hiring of as few as 10 people. The statement of fact of L.D. 404, however, indicates that the purpose of the bill is to protect a local community from the potential threat of violence arising from the "mass" hirings of replacement workers in a strike-laden community. I do not regard employing 10 replacement workers as a "mass" hiring, nor do I believe it reasonable to conclude that the employment of 10 such workers would threaten the safety of a community.

For all of the foregoing reasons, I once again request that you respect the dictates of federal law and vote to sustain my veto.

Sincerely,
S/John R. McKernan, Jr.
Governor

Was read and ordered placed on file.

The accompanying Bill "An Act to Reduce the Potential for Violence During Labor Disputes" (H.P. 292) (L.D. 404).

Was read.

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

Representative PINEAU: Mr. Speaker, Men and Women of the House: I would like to sit down and not say anything to this but coming from where I come from I can't and I hope you bear with me.

This is just another veto in the long list of anti-labor positions that the administration has taken. I know you don't have it in front of you on the veto message. I think when you get it, it will look something like what you read two years ago if you were here. It looks something like we read earlier today.

It is obvious that the Governor doesn't want to take a position for the workers of the state, the organized workers. It is obvious that he doesn't see that there are problems when there is a massive strike in one's town. It is obvious that he doesn't care when communities get ripped apart. It is also obvious he doesn't care how much money comes out of the unemployment insurance fund. It is obvious he doesn't care how much public safety funds are expended on an area when it is all needless. It is

obvious he doesn't want to use his gubernatorial authority to try to get the parties to come to an agreement. It is obvious he is leaving the Maine workers out to be the victims of multi-national corporations. I hope you remember this when you vote on this veto.

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

Representative WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: I think you will find that there are two significant problems with this bill which may cause you to vote to sustain the Governor's veto.

The first one is the question of preemption of whether Maine's laws are preempted by the National Labor Relations Act. I think there is every indication that in fact this law is preempted by federal law and that there are substantial legal and constitutional problems with this bill as a result of that.

The second concern is the breadth of this bill. The thresholds of this bill that a company shall be defined as a strikebreaker if it furnished ten or more employees on more than one occasion in a ten year period is far lower than any of the three previous strikebreaker bills that have been rejected by the Governor.

I hope that you will vote to sustain his veto of this bill.

After reconsideration, the pending question before the House is, "Shall this Bill become a law notwithstanding the objections of the Governor?" Pursuant to the Constitution, the vote will be taken by the yeas and nays. This requires a two-thirds vote of the members present and voting. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 154V

YEA - Adams, Aliberti, Allen, Anthony, Bell, Boutillier, Burke, Cahill, M.; Carroll, D.; Carter, Cathcart, Clark, H.; Clark, M.; Coles, Cote, Daggett, Dore, Duffy, Erwin, P.; Farnsworth, Gould, R. A.; Graham, Gurney, Gwadosky, Hale, Handy, Heeschen, Hichborn, Hickey, Hoglund, Holt, Jacques, Jalbert, Joseph, Ketover, Kilkelly, Larrivee, Lawrence, Luther, Macomber, Mahany, Manning, Martin, H.; Mayo, McGowan, McKeen, McSweeney, Michaud, Mills, Mitchell, Moholland, Nadeau, G. G.; Nadeau, G. R.; Nutting, O'Dea, O'Gara, Oliver, Paradis, P.; Paul, Pederson, Pineau, Plourde, Pouliot, Priest, Rand, Richard, Ridley, Rolde, Rotondi, Rydell, Sheltra, Simpson, Smith, Stevens, P.; Swazey, Tammaro, Townsend, Tracy, Walker, The Speaker.

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

ABSENT - Anderson, Cashman, Chonko, Conley, Constantine, Crowley, DiPietro, Dutremble, L.; Hussey, LaPointe, Lisnik, Marston, McHenry, Melendy, Paradis, J.; Ruhlin, Skoglund, Tardy.

Yes, 80; No, 53; Absent, 18; Paired, 0; Excused, 0.

80 having voted in the affirmative and 53 in the negative with 18 being absent, the veto was sustained. Sent up for concurrence.

The following item appearing on Supplement No. 41 was taken up out of order by unanimous consent:

COMMUNICATIONS

The following Communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333

June 30, 1989

TO: The Honorable Members of the 114th Legislature:

I am returning without my signature or approval H.P. 1008, L.D. 1406, "AN ACT Relating to Compensation for Hearing Losses Under the Workers' Compensation Act."

This bill amends the Workers' Compensation Act to provide benefits for occupational hearing losses up to 3000 cycles per second. I recognize that hearing loss is an area that requires careful examination and perhaps benefit review. I cannot, however, support this bill when no one -- including the Labor Committee, the Bureau of Insurance, the Maine Council of Self-Insurers, the National Council of Compensation Insurers and even the proponents of the bill -- could determine what cost this benefit increase would impose on our compensation system.

The unknown costs of this bill come at a time when the expense of our present system is already prohibitively high. The benefit increase to 3000 cycles per second may be consistent with the standards adopted by other states, but there is presently no basis for calculating the financial impact of this standard in Maine where our benefit costs are already higher than most other states. Moreover, this bill does not provide any sure means of limiting that potential impact.

I recognize that the use of the "state average weekly wage" standard, as opposed to the "individual average wage standard," may offset some of the costs, but no one at this time knows whether that method of compensation is an adequate limitation. Prudence dictates that we not proceed with any benefit changes without a sufficient knowledge of their effect on our system. This is especially true when this system will be required to accept additional costs as a result of other legislation this session.

At this point, I simply ask the Legislature to give my administration the opportunity to evaluate the cost impact of this reform. I would certainly be willing to attempt to complete this evaluation prior to the second session of the 114th Legislature. At that time we would all be in a better position to evaluate this legislation. To that end, I urge you to oppose this bill and vote to sustain my veto.

Sincerely,
S/John R. McKernan, Jr.
Governor

Was read and ordered placed on file.

The accompanying Bill "An Act Relating to Compensation for Hearing Losses Under the Workers' Compensation Act" (H.P. 1008) (L.D. 1406).

Was read.

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

Representative PRIEST: Mr. Speaker, Ladies and Gentlemen of the House: I am the sponsor of this bill and I confess that having a bill of mine vetoed is definitely a new experience and one which I hope will not be repeated very often.

I introduced this bill in the last legislature and the Committee on Labor came close to considering it and passing it out but they chose not to. I introduced it again in this legislature. The committee worked it very hard, they weakened it considerably, but still made one important change and that is, when you consider hearing loss into the

Workers' Compensation Act, you now consider hearing loss at the frequency of 3,000 cycles which is a very common speech-related level of frequency.

The committee worked the bill hard and I thought that agreement had been reached with all parties. I understand the report was unanimous on the committee. At no time did I ever hear from the Governor or the Governor's office that there was a problem with it.

I can assure you that under the present law, few people get hearing loss benefits in Maine. In fact, if you look at Bath Iron Works where workers have the choice of filing either in federal law or state law for hearing loss benefits, they invariably choose federal law to collect for hearing loss. The state hearing loss law is so severe that very few people can collect on it.

The reforms recommended by this bill are modest and modest indeed. In fact, if you look at the Governor's veto, he himself agrees that the 3,000 cycle level is consistent with that commonly adopted in other states. He also agrees that this area needs some reworking. What he said is, we need more time to study the impact. Well, I can tell you for the vast majority of the people in Maine who have lost their hearing because of noise-induced hearing loss at work, with the statute passed, those people cannot collect now. Their hearing loss will always go uncompensated. But for those few people now who suffer hearing loss, this bill is terribly important.

The expense is not likely to be great because most workers now use hearing protection as they are required to under OSHA and most employers knowing how important that is will enforce it. It is only in those situations where the hearing loss protection is not being enforced that this may arise. The fears of that expense simply aren't justified.

It is hard for me to understand the need for further study when this bill has been before the legislature for at least three years now when the committee itself worked this bill extensively and reported it out unanimously, both parties in support. In fact, even some employers' representatives agreed with me that this reform was needed and the 3,000 cycle level was a reasonable compromise.

I would urge that this veto be overridden.

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

Representative WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: The principle problem with this bill is the fact that it is impossible to measure the cost if we were to enact it. Apparently no one, including members of the Labor Committee, the Bureau of Insurance, the Maine Council on Self-Insurers or the National Council of Compensation Insurance could determine what cost this benefit increase would impose on our compensation system.

The unknown costs of this bill come at a time when the expense of our present system is already prohibitively high. There is presently no basis for calculating the financial impact of the proposed standards in Maine where our benefit costs are already higher than most other states. Moreover, this bill does not provide a sure means of limiting that potential impact. So, I hope you will vote to sustain the Governor's veto.

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

Representative PINEAU: Mr. Speaker, Ladies and Gentlemen of the House: The Governor's answer to our unanimous Labor Committee's Report, who was working with the Department of Labor and with the

Commissioner on Unemployment Compensation, also I must add, came as a surprise to me and I don't know if it was a surprise to those on the other side of the aisle but it kind of shocked us. In the Governor's message, he keeps restating that it is impossible to measure the costs on the system. He never once mentioned about the loss of hearing of the Maine worker in the workplace. It seems he cares more about what the insurance company is going to do than what the people in Maine are going through.

After reconsideration, the pending question before the House is, "Shall this Bill become a law notwithstanding the objections of the Governor?" Pursuant to the Constitution, the vote will be taken by the yeas and nays. This requires a two-thirds vote of the members present and voting. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 155V

YEA - Adams, Aliberti, Allen, Anthony, Bell, Boutilier, Brewer, Burke, Cahill, M.; Carroll, D.; Cathcart, Clark, H.; Clark, M.; Coles, Cote, Daggett, Dore, Duffy, Erwin, P.; Farnsworth, Gould, R. A.; Graham, Gurney, Gwadosky, Hale, Handy, Heeschen, Hichborn, Hickey, Hoglund, Holt, Jacques, Jalbert, Joseph, Ketover, Kilkelly, Larrivee, Lawrence, Luther, Macomber, Mahany, Manning, Martin, H.; Mayo, McGowan, McKeen, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Nadeau, G. G.; Nadeau, G. R.; Nutting, O'Dea, O'Gara, Oliver, Paradis, P.; Paul, Pederson, Pineau, Plourde, Pouliot, Priest, Rand, Richard, Ridley, Rolde, Rotondi, Rydell, Sheltra, Simpson, Smith, Stevens, P.; Swazey, Tamaro, Townsend, Tracy, Walker, The Speaker.

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

ABSENT - Anderson, Carter, Cashman, Chonko, Conley, Constantine, Crowley, DiPietro, Dutremble, L.; Hussey, LaPointe, Lisnik, Marston, McHenry, Paradis, J.; Ruhlin, Skoglund, Tardy.

Yes, 81; No, 52; Absent, 18; Paired, 0; Excused, 0.

81 having voted in the affirmative and 52 in the negative with 18 being absent, the veto was sustained. Sent up for concurrence.

On motion of Representative Hickey of Augusta,
Adjourned until Saturday, July 1, 1989, at nine o'clock in the morning.