

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**  
OF THE  
**One Hundred And Fourteenth Legislature**  
OF THE  
**State Of Maine**

**VOLUME IV**

**FIRST SPECIAL SESSION**  
August 21, 1989 to August 22, 1989  
Index

**FIRST CONFIRMATION SESSION**  
October 30, 1989  
Index

**SECOND CONFIRMATION SESSION**  
December 12, 1989  
Index

**SECOND REGULAR SESSION**  
January 3, 1990 to March 19, 1990

**ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE  
SECOND REGULAR SESSION  
26th Legislative Day  
Monday, March 5, 1990**

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

Prayer by Reverend Gary Capen, First United Methodist Church, Boothbay Harbor.

National Anthem by Mount Ararat High School Band, Topsham.

The Journal of Friday, March 2, 1990, was read and approved.

Quorum call was held.

**PAPERS FROM THE SENATE**

The following Communication:

Maine State Senate  
Augusta, Maine 04333  
March 2, 1990

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

In accordance with Joint Rule 38, please be advised that the Senate today confirmed the following: Upon the recommendation of the Joint Standing Committee on Aging, Retirement and Veterans:

Grover B. MacLaughlin of Orono for reappointment to the Maine State Retirement Board of Trustees.

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

Was read and ordered placed on file.

**Unanimous Ought Not To Pass**

Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act Concerning Full Disclosure of Legislation-influencing Donations and Expenditures" (S.P. 882) (L.D. 2252)

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

**Unanimous Leave to Withdraw**

Report of the Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on Bill "An Act to Appropriate \$90,000 for Testing of Low-level Nuclear Waste in Greenbush" (S.P. 724) (L.D. 1899)

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act Concerning Representation of Nonprofit Corporations by Corporate Employees and Officers" (S.P. 874) (L.D. 2236)

Report of the Committee on Appropriations and Financial Affairs reporting "Leave to Withdraw" on Resolve, to Support a Study on Gender Bias in the Maine Courts (EMERGENCY) (S.P. 776) (L.D. 2003)

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

**Non-Concurrent Matter**

Resolve, Authorizing the Kennebec County Commissioners to Issue Bonds in the Amount of \$650,000 for the Renovation of the Hill House County Building in Augusta (EMERGENCY) (H.P. 1719) (L.D. 2375) which was read twice under suspension of the rules without reference to a committee and passed to be engrossed in the House on March 1, 1990.

Came from the Senate referred to the Committee on State and Local Government in non-concurrence. The House voted to Insist.

**Non-Concurrent Matter**

Bill "An Act to Allow State Employees and Teachers to Buy Back Time Spent as Peace Corps Volunteers" (S.P. 787) (L.D. 2033) (C. "A" S-496) which was passed to be enacted in the House on March 1, 1990.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-496) as amended by Senate Amendment "A" (S-541) thereto in non-concurrence.

The House voted to recede and concur.

**COMMUNICATIONS**

The following Communication:

DEPARTMENT OF LABOR  
STATE HOUSE STATION 54  
AUGUSTA, MAINE 04333

March 1, 1990

The Honorable John L. Martin  
Speaker of the House  
State House Station 2  
Augusta, Maine 04333  
Dear Speaker Martin:

I am pleased to submit the first annual report on substance abuse testing in Maine, in accordance with 26 MRSA, section 690.

The report covers the calendar year 1989 where the primary activity was implementation of the new law. There is a brief update, as of February 28, 1990, at the conclusion of this report.

This report was prepared by the Department of Labor, with the assistance of Philip Haines, Ph.D., Director, Public Health Laboratory, Department of Human Services and Sylvia Lund, Office of Alcoholism and Drug Abuse Prevention, Department of Human Services. Both Dr. Haines and Ms. Lund are to be congratulated in their cooperative efforts in preparing this report as well as implementing the law. If you have any questions or comments about this report, please do not hesitate to contact me at 289-6400.

Sincerely,  
S/William A. Peabody  
Acting Director

Was read and with accompanying report ordered placed on file.

The following Communication: (S.P. 947)

114TH MAINE LEGISLATURE

March 1, 1990

Senator Barry J. Hobbins  
Rep. Patrick E. Paradis  
Chairpersons  
Joint Standing Committee on Judiciary  
114th Legislature  
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Paul K. Vestal, Jr. of Skowhegan for appointment as a member of the Maine Human Rights Commission.

Pursuant to Public Law 1988, Chapter 709, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,  
S/Charles P. Pray  
President of the Senate

S/John L. Martin  
Speaker of the House

Came from the Senate, Read and Referred to the  
Committee on Judiciary.

Was Read and Referred to the Committee on  
Judiciary in concurrence.

The following Communication: (S.P. 949)  
114TH MAINE LEGISLATURE  
March 2, 1990

Senator Barry J. Hobbins  
Rep. Patrick E. Paradis  
Chairpersons  
Joint Standing Committee on Judiciary  
114th Legislature  
Augusta, Maine 04333  
Dear Chairs:

Please be advised that Governor John R. McKernan,  
Jr. has nominated the following:

Pursuant to Title 39, MRSA Section 91, Ronald L.  
Vigue of Berwick for appointment as a member of the  
Workers' Compensation Commission.

Pursuant to Title 4, MRSA Section 157, Leigh I.  
Saufley of Yarmouth for appointment as Judge, Maine  
District Court.

Pursuant to Title 7, MRSA Section 1, Honorable  
Margaret J. Kravchuk of Bangor for appointment as  
Justice, Maine Superior Court.

These nominations will require review by the  
Joint Standing Committee on Judiciary and  
confirmation by the Senate.

Sincerely,  
S/Charles P. Pray  
President of the Senate  
S/John L. Martin  
Speaker of the House

Came from the Senate, Read and Referred to the  
Committee on Judiciary.

Was Read and Referred to the Committee on  
Judiciary in concurrence.

**PETITIONS, BILLS AND RESOLVES  
REQUIRING REFERENCE**

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

**Energy and Natural Resources**

Bill "An Act Concerning the Collection of  
Inspection Fees for Overboard Discharge" (H.P. 1740)  
(L.D. 2404) (Presented by Representative FARREN of  
Cherryfield) (Cosponsored by Representative LIBBY of  
Kennebunk, Senator BROWN of Knox and Representative  
JACQUES of Waterville) (Approved for introduction by  
a majority of the Legislative Council pursuant to  
Joint Rule 27.)

Bill "An Act Regarding Squa Pan Stream"  
(EMERGENCY) (H.P. 1742) (L.D. 2406) (Presented by  
Speaker MARTIN of Eagle Lake) (Cosponsored by  
President PRAY of Penobscot, Representative ANDERSON  
of Woodland and Representative MICHAUD of East  
Millinocket) (Approved for introduction by a majority  
of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.  
Sent up for Concurrence.

**Judiciary**

Bill "An Act to Preserve the Rights of Certain  
Litigants in Whistleblower Suits" (EMERGENCY) (H.P.  
1739) (L.D. 2403) (Presented by Representative ROLDE

of York) (Approved for introduction by a majority of  
the Legislative Council pursuant to Joint Rule 27.)

Bill "An Act to Promote the Awareness and  
Responsibility of Owners of Firearms" (H.P. 1745)  
(L.D. 2409) (Presented by Representative MELENDY of  
Rockland) (Cosponsored by Representative CONSTANTINE  
of Bar Harbor, Representative HOGGLUND of Portland and  
Senator BRANNIGAN of Cumberland) (Approved for  
introduction by a majority of the Legislative Council  
pursuant to Joint Rule 26.)

Ordered Printed.  
Sent up for Concurrence.

**Legal Affairs**

Bill "An Act Regarding Importation of Liquor"  
(H.P. 1741) (L.D. 2405) (Presented by Representative  
PRIEST of Brunswick) (Cosponsored by Representative  
JALBERT of Lisbon, Senator MATTHEWS of Kennebec and  
Representative TUPPER of Orrington) (Approved for  
introduction by a majority of the Legislative Council  
pursuant to Joint Rule 27.)

Ordered Printed.  
Sent up for Concurrence.

**Appropriations and Financial Affairs**

Bill "An Act to Dedicate Funds to Ensure Access  
to Health Care" (EMERGENCY) (H.P. 1743) (L.D. 2407)  
(Presented by Representative ROLDE of York)  
(Cosponsored by Representative FOSTER of Ellsworth,  
Senator EMERSON of Penobscot and Senator ANDREWS of  
Cumberland) (Approved for introduction by a majority  
of the Legislative Council pursuant to Joint Rule 27.)  
(Committee on Taxation had been suggested.)

On motion of Representative Cashman of Old Town,  
was referred to the Committee on Appropriations and  
Financial Affairs, ordered printed and sent up for  
concurrence.

**Transportation**

Resolve, to Designate the Quoddy Loop as a Scenic  
Way (EMERGENCY) (H.P. 1738) (L.D. 2402) (Presented by  
Representative TAMMARO of Baileyville) (Cosponsored  
by Representative MCGOWAN of Canaan, Representative  
JACQUES of Waterville and Representative MOHOLLAND of  
Princeton) (Approved for introduction by a majority  
of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.  
Sent up for Concurrence.

**Reported Pursuant to Resolves**

Representative PRIEST for the Commission on  
Maine's Future, pursuant to Resolve 1987, chapter 60  
and Resolve 1989, chapter 3 ask leave to submit its  
findings and to report that the accompanying Bill "An  
Act to Codify the Maine Vision" (H.P. 1744) (L.D.  
2408) be referred to the Joint Standing Committee on  
State and Local Government for Public Hearing and  
printed pursuant to Joint Rule 18.

Report was read and accepted, and the bill  
referred to the Committee on State and Local  
Government, ordered printed and sent up for  
concurrence.

**ORDERS**

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

ORDERED, that Representative Dana C. Hanley of  
Paris be excused February 26 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Anne M. Larrivee of Gorham be excused February 26, 27 and March 1 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Maria Glen Holt of Bath be excused March 1 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Patrick K. McGowan of Canaan be excused March 1 and 2 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Susan Farnsworth of Hallowell be excused March 2 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Virginia Constantine of Bar Harbor be excused March 2 for legislative business.

AND BE IT FURTHER ORDERED, that Representative John M. Nutting of Leeds be excused March 5, 6, 8 and 9 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Margaret Pruitt Clark of Brunswick be excused March 7 and 8 for personal reasons.

Was read and passed.

**REPORTS OF COMMITTEES**

**Unanimous Leave to Withdraw**

Representative CAHILL from the Committee on State and Local Government on Bill "An Act to Provide for a Decennial Commission on Maine's Future" (H.P. 1706) (L.D. 2355) reporting "Leave to Withdraw"

Representative ROTONDI from the Committee on State and Local Government on Resolve, to Create the Commission to Evaluate the Need for Changes in the Responsibilities of State, County and Local Government for the 21st Century (H.P. 1693) (L.D. 2343) reporting "Leave to Withdraw"

Representative MANNING from the Committee on Human Resources on Bill "An Act Concerning Availability of Income Between Spouses in the Determination of Medicaid Eligibility for Nursing Home Level Care" (H.P. 1501) (L.D. 2081) reporting "Leave to Withdraw"

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

**CONSENT CALENDAR**

**First Day**

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

(S.P. 830) (L.D. 2138) Bill "An Act to Amend and Improve the Education Laws of Maine" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (S-534)

(S.P. 858) (L.D. 2194) Bill "An Act Allowing Affected Citizens to Sue for Injunctive Relief Regarding Lake Water Quality" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-535)

(H.P. 1669) (L.D. 2310) Bill "An Act to Amend the Maine Liability Risk Retention Act" Committee on Banking and Insurance reporting "Ought to Pass"

There being no objections, the above items were ordered to appear on the Consent Calendar of Tuesday, March 6, 1990, under the listing of Second Day.

**CONSENT CALENDAR**

**Second Day**

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

(S.P. 826) (L.D. 2134) Bill "An Act to Change the Name of the Committee for the Interdepartmental Coordination of Services to Children and Families"

(S.P. 833) (L.D. 2141) Bill "An Act to Amend Spinal Screening Laws"

(S.P. 720) (L.D. 1895) Bill "An Act to Expand the Borrowing Power of the Ellsworth School District" (C. "A" S-531)

(S.P. 723) (L.D. 1898) Bill "An Act Related to Smoking in Facilities for the Mentally Ill" (EMERGENCY) (C. "A" S-532)

(S.P. 887) (L.D. 2263) Bill "An Act Related to the Provision of Care for Adults with Long-term Needs" (C. "A" S-533)

(H.P. 1620) (L.D. 2242) Bill "An Act to Implement Changes for the Deferred Collection of Homestead Property Taxes" (EMERGENCY)

(H.P. 1457) (L.D. 2031) Bill "An Act to Establish the Wells Reserve Management Authority" (C. "A" H-853)

(H.P. 1325) (L.D. 1827) Bill "An Act Regarding Excepted Employees of the Judicial Department" (EMERGENCY) (C. "A" H-854)

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

**PASSED TO BE ENGROSSED**

**As Amended**

Bill "An Act to Protect Consumer Privacy by Regulating Automated Telephone Solicitations" (H.P. 1421) (L.D. 1973) (C. "A" H-835)

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

Representative Tannaro of Baileyville offered House Amendment "A" (H-855) and moved its adoption.

House Amendment "A" (H-855) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-835) and House Amendment "A" (H-855) thereto and sent up for concurrence.

**PASSED TO BE ENGROSSED**

**As Amended**

Bill "An Act to Discourage Public Competition with Private Enterprise" (H.P. 1626) (L.D. 2248) (H. "A" H-856 to C. "A" H-832)

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

**PASSED TO BE ENGROSSED**

**As Amended**

Bill "An Act to Provide Access to Preventive Dental Care Services to Adults Eligible for Medicaid" (H.P. 1398) (L.D. 1934) (C. "A" H-831)

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

On motion of Representative Manning of Portland, the House reconsidered its action whereby Committee Amendment "A" (H-831) was adopted.

The same Representative offered House Amendment "A" (H-861) to Committee Amendment "A" (H-831) and moved its adoption.

House Amendment "A" (H-861) to Committee Amendment "A" (H-831) was read by the Clerk and adopted.

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

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

**PASSED TO BE ENACTED**  
**Emergency Measure**

An Act to Initiate a Review of Fuel Cost Adjustment for Electric Rates (H.P. 1474) (L.D. 2059) (C. "A" H-809)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 114 voted in favor of the same and 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**ENACTOR**  
**Tabled and Assigned**

An Act to Reform the Juvenile Criminal Justice System (S.P. 541) (L.D. 1512) (C. "A" S-479)

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

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be enacted and specially assigned for Tuesday, March 6, 1990.

**ENACTOR**  
**Tabled and Assigned**

An Act Related to Overcompensation (S.P. 743) (L.D. 1947) (C. "A" S-524)

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

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be enacted and specially assigned for Tuesday, March 6, 1990.

**PASSED TO BE ENACTED**

An Act to Remove Notarization from the Voter Registration Application Process (S.P. 750) (L.D. 1958) (C. "A" S-522)

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

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

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

Would someone from the Committee please explain this just briefly?

The SPEAKER: The Representative from Rockport, Representative McCormick, has posed a question through the Chair to anyone on the Committee who may respond if they so desire.

The Chair recognizes the Representative from Brunswick, Representative Priest.

Representative PRIEST: Mr. Speaker, Men and Women of the House: The bill itself merely removes the requirement that there be a Notary Public witness the application for registration to vote. The process is otherwise the same and it was felt that the process works very well now without a Notary. The Notary really doesn't add very much and if there is any question as to the signature or the identity of the voter, that Registrar has full authority to go ahead and make proper inquiry. The need for notarization was felt to be redundant. We were also concerned that we now have a large number of

Notaries, a lot of whom are made Notaries just to be able to witness applications for registrations. It just wasn't necessary and the Committee unanimously felt that it ought to be done away with.

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

**PASSED TO BE ENACTED**

An Act to Require the State to Pay a Portion of Retired State Employees' Medicare Costs (S.P. 759) (L.D. 1984) (C. "A" S-516)

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.

**ENACTOR**  
**Tabled and Assigned**

An Act to Clarify Definitions and Provisions of Marine Resources Laws (S.P. 821) (L.D. 2097) (C. "A" S-517)

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

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be enacted and specially assigned for Tuesday, March 6, 1990.

**PASSED TO BE ENACTED**

An Act to Amend the Percent for Art Act (S.P. 834) (L.D. 2142) (C. "A" S-521 and S. "A" S-528)

An Act Concerning Retirees' Return to Employment (S.P. 869) (L.D. 2229) (C. "A" S-520)

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

**ENACTOR**  
**Tabled and Assigned**

An Act to Require Prior Notice of the Sale of Gas Stations (S.P. 846) (L.D. 2176) (C. "A" S-518)

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

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be enacted and specially assigned for Tuesday, March 6, 1990.

**PASSED TO BE ENACTED**

An Act Requiring the State to Pay a Portion of the Health Insurance Premium for Dependents of Retired State Employees (H.P. 1411) (L.D. 1963) (C. "A" H-804)

An Act to Increase Awareness of Fetal Alcohol Syndrome and the Effects of Alcohol and Drugs on Fetuses (H.P. 1470) (L.D. 2055) (C. "A" H-814)

An Act to Establish the Advisory Board on Rights of Children in Need of Services (H.P. 1537) (L.D. 2122) (C. "A" H-812)

An Act to Amend the Laws Relating to the Maine Committee on Aging (H.P. 1546) (L.D. 2131) (C. "A" H-808)

An Act Regarding Mobile Home Safety Standards (H.P. 1562) (L.D. 2168) (C. "A" H-815)

An Act to Create the Maine Coast Environmental Trust Fund (H.P. 1589) (L.D. 2201) (C. "A" H-811)

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

**ORDERS OF THE DAY**

**TABLED AND TODAY ASSIGNED**

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

An Act to Prohibit Motor Vehicle Insurers from Adjusting Personal Insurance Rates of Law Enforcement Officers (S.P. 843) (L.D. 2162)

TABLED - March 2, 1990 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

On motion of Representative Gwadosky of Fairfield, retabled pending passage to be enacted and specially assigned for Tuesday, March 6, 1990.

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

An Act to Enhance Enforcement of the Driving Under the Influence of Alcohol and Drug Laws (H.P. 814) (L.D. 1126) (H. "A" H-801 to C. "A" H-775)

TABLED - March 2, 1990 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

On motion of Representative Gwadosky of Fairfield, retabled pending passage to be enacted and specially assigned for Tuesday, March 6, 1990.

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

An Act to Revise the Medical Examiner Act (H.P. 905) (L.D. 1262) (C. "B" H-788)

TABLED - March 2, 1990 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

On motion of Representative Gwadosky of Fairfield, retabled pending passage to be enacted and specially assigned for Tuesday, March 6, 1990.

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

An Act Regarding the Maine Technical College System (H.P. 660) (L.D. 902) (C. "A" H-735)

TABLED - March 2, 1990 by Representative GWADOSKY of Fairfield.

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

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

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: If you remember from the February 23rd Journal, the message from John R. McKernan, Jr., Governor -- "I am returning without approval L.D. 902, An Act Regarding the Maine Technical College System. I cannot support the provisions that would remove the Commissioner of Labor and the Commissioner of Economic and Community Development as ex officio members of the board. They are not only ex officio members, I might add, but they are also voting members of the Maine Technical College Board."

The Committee on Education did not arrive at this decision hastily or in a vacuum. We worked L.D. 902 over a period of 12 months and we discussed with the Acting Director, the now present Director of the Technical College, with the Board of Trustees and the six college presidents. The faculty and the students are especially high on this change. They want the Maine Technical Colleges to be first-class in their Board of Trustee makeup, using the same format that the University of Maine system uses and the Maine Maritime Academy system.

The administration was silent all the while we worked this bill, they gave us no help, they were completely uncommitted and now we have this veto. The Governor's veto stated that the primary goals of post-secondary vocational-technical education and the Maine Technical College system would create an educated, skilled and adaptable labor force which is responsive to the changing needs of the economy of the state and to promote regional and statewide economic development. He underlined and I underline labor force.

The veto message speaks of the labor force as the primary goal or the primary mission and it is here at this point that we disagree. The primary mission of the Technical Colleges is to serve the educational needs of the people, the needs of students, young men and women graduating from Maine high schools and older men and women of Maine, the non-traditional students. The average technical college student, at this point, is about 27 years of age. The technical colleges serve people. First they are called students, I agree that the labor force is served by the technical colleges, it always has and always will, but I think the Maine Technical Colleges as educational institutions develop productive citizens. The veto message uses the word "vocational" -- this shows an insensitivity maybe or misunderstanding toward the college mission of the six college campuses. To think of them primarily as labor force institutes sounds degrading. They are truly colleges and, if we don't believe this, you should attend some of their classes and see how bright and creative their students and faculty are. You are living in the dark ages if you look at these highly technical colleges as trade schools. Math, science, technology are their trade marks.

My last point is, the Governor's Cabinet should not control these educational colleges, no more than they should control the University of Maine system or the Maine Maritime system. To say that his Commissioner of Labor or his Commissioner of Economic Development is smarter or better equipped than thousands of talented people in business and industry is stretching the imagination.

The Maine Technical College systems has been hit very hard, harder than other parts of our government, in this budget crunch. This may be because of the makeup of this board where there are three commissioners there that have other priorities above the technical colleges. The University of Maine system and the Maine Maritime system have very bright, articulate, dedicated trustees. They don't need cabinet officers and neither do the technical colleges. Perhaps our commissioners would be more efficient and more productive if they weren't involved in projects flying the length and breadth of the State of Maine on junkets not related to their responsibilities. For example, the Commissioner of Mental Health should spend more time in the mental health institutions, the Commissioner of Economic and Community Development should spend more time with business, industry, finance and world trade and not running the technical colleges.

I am a realist and know where the votes on L.D. 902 will fall but I hope you will vote with us to keep politics out of the higher educational technical colleges.

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

Representative SMALL: Mr. Speaker, Ladies and Gentlemen of the House: Today, I am supporting the Governor's veto of L.D. 902, An Act Regarding the Maine Technical Colleges. I do this because I feel strongly, as the Governor does, that the

vocational-technical college system ought to have the input on the Board of Trustees of the experts on Maine's labor market.

The two people who are best equipped to bring that kind of expertise to the vocational college board are the Commissioner of Labor and the Commissioner of the Department of Economic and Community Development. This bill before us takes those two commissioners off the board. In doing so, it deprives the board of the voice of the state's experts.

The members of the committee have worked long and hard to create a document which would serve the best interests of the people of Maine by strengthening the vocational college system. In putting together L.D. 902 last year, a legislative proposal which ran for 45 pages, the committee explores nearly every element of the vocational college system.

The bill was held, however, and this year the committee reported out an amendment to replace this 45 page bill. This amendment, which you now have before you, runs for only two pages. Basically, the gist of the bill is to ask for the creation for a five year comprehensive plan, something which I know has bipartisan support of the committee. This comprehensive plan will be drawn up by the Board of Trustees and will be a statement of strategies and specific actions designed to achieve the academic, occupational and technical educational mission of the system. This aspect of the plan deserves bipartisan support. However, if the Board of Trustees are to be charged with the responsibility of putting together such a comprehensive plan, it only makes sense that the two experts on the labor market in the State of Maine be included on the board so that their comments and their voices can be heard. These two experts, the Commissioners of Labor and the Department of Economic Community Development would be stricken from the board under the provisions of L.D. 902. The Governor, in his veto message, has stated why the Commissioners ought to be included. As the Governor said, Maine faces the projected shortage of 35,000 by the year 1995 and the number of non-traditional workers in the new labor force can be expected to grow. The Department of Labor handles approximately 18 million a year in job training resources and, in addition, is responsible for collecting and analyzing statistical data regarding all aspects of employment in Maine. This makes the Department of Labor and its commissioner uniquely qualified to help the technical colleges focus on their goals and meet their goals. In the same way, the Department of Economic and Community Development is responsible for a budget of \$13 million a year to attract and retain new businesses to the State of Maine.

As we look to the Department of Economic and Community Development to assist us in developing the kind of business opportunities that will keep the State of Maine a desirable place to work and raise a family, it only makes sense the commissioner of that department have a voice on the Board of Trustees for the technical college systems.

Why then are we taking these two members off the board? The legislature acted only 23 months ago to accept the unanimous recommendations of the Joint Standing Committee on Education to add the Labor Commissioner on to the board. What has changed in the labor market or in the mission of the colleges that now requires us to ask the commissioners to step down? Frankly, if our purpose is to serve the educational prospects of Maine people who desire the training they need to join the changing job market, these commissioners must remain.

I know that some of you might think it is okay to remove these commissioners because the Governor could then choose to appoint them subject to confirmation by the Senate. But what would be the rationale for that exercise? Both commissioners are already subject to confirmation, the legislature knows their qualifications and will have the opportunity to work with them regularly on all sorts of issues involving Labor and Economic Development. I can't see the reasons for changing the position the legislature took 23 months ago. For that reason, I am voting to sustain the Governor's veto.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: I don't serve on the Education Committee but I have served 12 years on the Advisory Council with the VTI in my area which was the former KVVTI which is now Kennebec Valley Technical College. And yes, 23 months ago, we might have voted to put these two commissioners on there but we made a very serious mistake in doing that. I think we lost sight of what we were trying to accomplish and who the VTI system, the technical college system, is there for and that is the students. I can tell you the students have indeed some type of resentment and the whole direction of the VTI's (if you remember) changed a little bit. It had different phrases for it but it seemed industry was going to have their hands in running the VTI system and telling you what you were going to do and what you were going to offer for programs. Wrong, men and women of the House, very wrong. The students, the people who go there, should have some say and control in what programs are offered. We do not need commissioners from anyone's administration involved in that process.

Speaking for the school that I happen to serve on, we have gone out actively from day one when Bernard King was our first director, when we moved to our expanded facility and sought out from the businesses in the area and in the region what we could do, what our students could do, and what we could offer our students so they, in turn, could offer something to these businesses. We aligned our courses to work with the business. We didn't have the business telling us how many students you were going to have in welding, how many students you were going to have in machine tool. We had business saying there is a need in this area in this particular direction, the businesses offered 110 percent help, they offered equipment, they offered instructors and I think we are going to get into a real mess if we even give the perception that we are taking that away from the students. That is what it is all about, it's the students in this system, the students that fall between the cracks, the students that didn't get to go to college, the students that are trying to learn a trade, the students that work with their hands. If you give them the impression that we are taking some of their control away and make it sound like business and labor either one are going to be putting policy forth and deciding how a VTI or college should be run, you are going to have problems.

We did make a mistake 23 months ago. I will admit that I made that mistake and I am sorry that everybody doesn't grasp the fact that we did make that mistake. I think if you go to your area technical colleges and spend some time there and talk to the students, the bottom line here is the students. I think that these two commissioners' time would be much better served doing the job that they are statutorily assigned to do then they would be



spending time dealing with a vocational system that really has no equal. The system in the State of Maine, I think, has no equal anywhere. As far as placement, productivity, programming, it has no equal. If you follow their scenario through, then maybe we ought to put the Commissioner of Finance on the Board of Trustees for the University of Maine System because they sure need to know where their money is going.

I would urge you to vote to override this veto and do what is best for the students for a change.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative O'DEA.

Representative O'DEA: Mr. Speaker, Men and Women of the House: I would submit to this body that the students at the technical colleges in our state are not a commodity to be bought and sold on the open market but rather are the future of our state and will truly be the leaders of our state's industries in the years to come. It would be encouraging for us to be able to see the Board of Trustees of the technical colleges acting as vocal advocates for the system, vocal advocates for the students, much as the Board of Trustees for the University System has done recently in the light of some horrific budget cuts that have come down from the second floor.

I would ask that this body vote yes and override this veto here today so that we can say, once again, NO to the whole concept of the market-driven approach to technical education. It is something that has been a long time coming, it is something that we need to do today.

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

Representative HANDY: Mr. Speaker, Members of the House: I certainly can easily justify a change of mind of two years ago but I would find it difficult to justify a change of mind of just a matter of weeks ago as some members of the Education Committee have apparently done. That is fine, they are entitled to do that.

I would point out that the Board of Trustees of the Technical College System is currently lacking two members of the Board of Trustees, there have been vacancies since September of last year. It seems to me if the Governor of the State of Maine is truly interested in the Technical College System and devoted to it, he would be assuring us that those slots would be filled on a continuing basis.

We have had these two Commissioners of Labor and two Commissioners of the Department of Economic and Community Development since we started having them on there, two different ones in each case. Does that provide the continuity that an educational system desperately needs? It certainly doesn't.

This concept of academic freedom, I believe, goes far beyond the classroom in that relationship between a professor and his or her students, it goes to the administration and the governing structure of educational entities. When you have the Executive Branch of government involved in the administration of education, I think that infringes upon that concept and that principle of academic freedom.

Again, I would submit that, if the Governor is truly concerned about the quality of the Technical College System, the Technical College System would not be faced with, in fiscal year 1990, a 3.3 percent budget reduction and, in fiscal year 1991, a 10.5 percent reduction in its budget. If those individuals, as the Governor points out, are so important to the operation of the Technical College System, then I submit they should be advocating for the Technical College System and not for those kinds of substantial budget cuts because what the Technical

College System will be faced with is training those students on archaic and obsolete equipment because of these budget cuts. We have not had these people advocating for the Technical College System. There is no useful reason why they should be there.

The Education Committee in an 11 to 2 "Ought to Pass" Report voted to remove those quotas and to have a 12 member Board of Trustees with the Commissioner of Education and Cultural Services as the sole ex officio member as that individual in that position is also on the Maine Maritime Academy Board of Trustees as well as the University of Maine System Board of Trustees. That only makes sense, but to have the dog's tail wagging the dog, in this case, does not make for sound educational policy.

I hope today that you will vote yes to override the Governor's veto of this legislation which, in my mind, is the final step in that transition to making this, the Technical College System, the quality system it deserves to be and put that on the same par as the University of Maine System, the Maine Maritime Academy and every other educational institution in the State of Maine.

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

Representative RICHARDS: Mr. Speaker, Ladies and Gentlemen of the House: I didn't intend to get up and say anything on this bill since I don't sit on the Education Committee. I am sure that there have been a lot of hearings and dialogue on this bill, but I am prompted by Representative Handy to get up and say something. I always thought that by having these two Commissioners on as Trustees, we were creating a dialogue between industry and education. This is uniquely different. The VTI's, the colleges, are uniquely different, they are providing labor in this state competing with labor outside this state internationally. We are importing hundreds of thousands of people in this nation every day that are better qualified than Americans to take care of the technology that we are either adopting from other countries or we ourselves are expanding, robotics, computers -- specifically with computers, we are now training all our students on the traditional keyboard that we have used the last 150 years. The keyboard that is more practical is being taught in Europe and Asia and Americans don't know how to use that keyboard, we can't compete. The service industry, whether it be food, whatever it is, is going to robotics day by day to cut down on the expense to make operations more efficient. We are not cranking out Americans that know how to do that. These are jobs that are getting \$19, \$20, \$25 an hour and they are getting that high because we don't have people that can go out and compete for those jobs. I see it as very essential that we have somebody on as trustees from state government to create some kind of communication as an interest between government and citizens of this state, as well as this nation. We need to have a strong dialogue so that when we recognize a problem we are not saying we have got to regulate you as a business to do something because we have a problem. The problem is that we have to have a strong dialogue between industry and government. I see the Commissioner of Labor, the Commissioner of Economic and Community Development providing that very ingredient.

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

Representative KILKELLY: Mr. Speaker, Men and Women of the House: The Education Committee did work long and hard on this piece of legislation and on others to deal with the technical colleges. The

whole idea has been all along to bring the technical colleges up to the same level as the University of Maine. Vocational or technical education should not be a poor stepister to a university education.

The argument that the technical colleges are providing laborers for this state and other states is accurate. Also, the University of Maine provides laborers for this state and other states as does any educational institution.

Last year, the Education Committee had a bill before it to put the Commissioner of Agriculture on the Board of Trustees for the University of Maine. I felt very strongly in support of that legislation. The reason was that farmers in my district had complained that the University of Maine was not responsive to their needs as people within the agricultural community. After long and difficult discussion, I was convinced that it did not make sense to politicize the board of trustees. If we were to take it a step further, the Commissioner of Agriculture could serve on the University of Maine Board of Trustees, so could the Commissioner of Marine Resources as it is the sea grant university. How about the Commissioner of Conservation because the University of Maine has the largest forestry program in the state? All of these things would tend to imbalance the board of trustees. Well, I support this override because I believe that what we are doing here is putting an imbalance in the board for the vocational program. I would urge you to support the override of the veto.

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

Representative WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: It has been my experience that the Governor has written very clear and concise veto messages to us when he has had objections to bills that we have passed.

I would like to read directly two paragraphs from the veto message that he sent to us in relation to this piece of legislation. "The mission of the Technical College System is inextricably related to the services and resources provided by the Department of Labor and the Department of Economic and Community Development. The statute establishing the Technical College System could not recognize this point any more clearly. The primary goals of post-secondary vocational-technical education and the Maine Technical College System are to create an educated, skilled and adaptable labor force which is responsive to the changing needs of the economy of the State and to promote local, regional and statewide economic development. It is, in my view, critical to the proper functioning of the Board that the State's leaders in those two critical areas participate in the policy decisions affecting the colleges."

The Governor's veto message concludes: "Because there is no rational reason to strip the technical colleges of their direct access to the guidance of the state's highest labor and economic development leaders and because the technical colleges clearly benefit from the expertise of these leaders, I urge you to sustain this veto."

I, too, urge you to sustain the Governor's veto.

The SPEAKER: The Chair recognizes the Representative from Wayne, Representative Ault.

Representative AULT: Mr. Speaker, Ladies and Gentlemen of the House: I rise today to speak in support of the Governor's veto for L.D. 902, An Act Regarding the Maine Technical College System. I was considering not saying anything in this debate but a couple of points have been raised in the debate which I feel really need to be corrected and clarified so

that the members of the House have a full record before they cast their vote.

It has been mentioned that the Governor did not indicate his position early enough to satisfy some of the members of the Education Committee or whether he waited too long (in their minds) to tell them that he might veto this bill. If there is a point to that criticism of the Governor I can't see it.

The members of the Education Committee have consistently stated that they play their role as members of the Legislative Branch and they expect to be treated separate and distinct from the Executive Branch. Of course, they are absolutely right in this regard but they have to consider that the Governor plays his role as the Chief Executive Officer of this state and as the leader of the Executive Branch. When a bill comes to his desk, the Constitution of the State of Maine gives him the power to sign it into law, allow it to become law without his signature, or to return it to the legislature with his objections, in other words, to veto the bill. That is a process as old as the laws of this state and known to every one of us. No member of this body can seriously express the pride when the Governor exercises that constitutional prerogative.

Furthermore, it should be pointed out that the Governor didn't want to veto this bill because he recognized the value of the comprehensive plan that the bill would achieve. With the Commissioners of Labor and Economic and Community Development, that comprehensive plan would undoubtedly be successful. Without them, the Governor felt the program would be ill-served. That is why a week ago Friday, he asked the committee to reconsider its position and recall the bill from his desk so that perhaps we could work together to overcome the differences on the membership of the Vocational Technical College Board. If we worked together, the Governor felt the meat of this bill, the comprehensive plan, could go forward. It was my understanding and the Governor's that as of that Friday, this opportunity might be available to us. Last week, as you all know, the committee met again and decided that they would prefer not to work with the Governor on this bill. They would prefer to have a veto, so here it is.

I think that is a shame. Why can't we work together on this issue? Isn't the comprehensive plan what we all agree is needed and isn't the Governor right that the Vocational Technical Board should have consistent input from the two commissioners that this bill would remove? The Governor would support L.D. 902 were it not for the removal of those two commissioners because he feels that it would be the wrong thing to do and it would end up hurting the Vocational Technical College System.

I have heard a lot of people say that the comprehensive plan contained in this bill is necessary. Well, it seems to me that we ought to do the right thing, put the two commissioners back on the board and pass this comprehensive plan, that is the solution for everyone.

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

Representative PARADIS: Mr. Speaker, Men and Women of the House: The hearing process allows every citizen to have input in the formulation of our laws at every step, that includes our Governor. To not be involved and to say at the 11th hour, "I am sorry, I have changed my mind, I want input now" undermines the process.

When former Commissioner Fitzsimmons came back from his tour of the technical colleges last week, he went out to survey the damage that our cuts are

causing to the schools, he reported that there are some very positive things that the schools felt about with some of the things that the legislature had done. For example, the name change and other such things. I submit to you men and women that this is that type of change that technical colleges need and want. We want trustees who have the time, the interest, the qualifications to oversee the work and the mission of the technical colleges.

The SPEAKER: After reconsideration, the pending question before the House is, Shall this bill An Act Regarding the Maine Technical College System (H.P. 66) (L.D. 902) (C."A" H-735) 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 of this Bill becoming law notwithstanding the objections of the Governor will vote yes; those opposed will vote no.

ROLL CALL NO. 178V

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

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

ABSENT - Allen, Coles, Hutchins, Jackson, LaPointe, Mahany, Mitchell, Nutting, Sherburne, Skoglund, Swazey.  
Yes, 91; No, 49; Absent, 11; Paired, 0; Excused, 0.

91 having voted in the affirmative, 49 in the negative, with 11 being absent, the veto was sustained. Sent up for concurrence.

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

Bill "An Act to Improve the Organizational Structure of the Fish and Wildlife Advisory Council" (EMERGENCY) (H.P. 1660) (L.D. 2300) (H. "A" H-818)  
TABLED - March 2, 1990 by Representative JACQUES of Waterville.

PENDING - Passage to be Engrossed.

On motion of Representative Jacques of Waterville, retabled pending passage to be engrossed and specially assigned for Tuesday, March 6, 1990.

(At Ease)

The House was called to order by the Speaker.

The SPEAKER: By unanimous consent, unless previous notice is given to the Clerk of the House or the Speaker of the House by some member of his or her intention, the Clerk is authorized today to send to the Senate, 30 minutes after the House recesses, all matters passed to be engrossed in concurrence and all matters that require Senate concurrence. After such matters have been sent to the Senate by the Clerk, no motion to reconsider will be allowed.

(Off Record Remarks)

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

An Act to Coordinate and Consolidate Student Financial Assistance Services under the Finance Authority of Maine (EMERGENCY) (S.P. 865) (L.D. 2216) (C. "A" S-484)

TABLED - March 1, 1990 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

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

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: Over the past weekend, statements have been made and accusations directed toward the Democratic members of this body. Questions have also been raised in regards to my personal motives in regard to this pending legislation, particularly at tabling this bill somewhat at the last moment.

I would like to take this opportunity to invite the members of this body to understand my involvement in this legislation and perhaps set the record straight. As you know, this bill deals with the creation of one-stop shopping for student financial loans. This issue was first brought to my attention back in the late fall of 1988 when Dick Pierce and a few other folks contacted me and wished to sit down and discuss some legislation they were working on on behalf of the Governor. I agreed to that meeting and spent approximately an hour meeting with them as they told me that they had been assigned as a task force to recommend some legislation to combine the various loan programs that currently existed in state government into one consolidated comprehensive one-stop shopping. I told them at that time I was very enthusiastic, I was excited about the possibility and what it would mean for Maine students. I offered my concerns about the transferring of employees from the Department of Education to a separate state entity and then volunteered my services any way that I could to help make that become a reality. In fact, the administration assistant within our House Majority Office actually drafted the original Governor's bill that was presented to the legislature last year. As you know, that legislation was bipartisan. In fact, the Speaker of the House was the sponsor of that legislation. I remember vividly the press conference that was held at Gardiner High School where both the Speaker and the Governor of this state talked about the promise of one-stop shopping for Maine students.

The bill was referred to committee and the Education Committee began a long series of public hearings and work sessions on that somewhat

complicated piece of legislation. From the outset, it was clear that there was general support for the comprehensive consolidated system of the delivery of these financial services. In the final outcome, the Education Committee decided to locate those various loan programs within the Finance Authority of Maine. That made sense to me. The Finance Authority of Maine has a lot of experience in the bond market and they have a built-in network with financial institutions. In fact, I thought that was an accurate move at that time.

In July and August of last year, the Education Committee enacted legislation creating a Transition Advisory Committee. The purpose of that advisory committee was to kind of oversee the move of all these various programs to FAME to make sure that it was done in an appropriate fashion. The responsibility of the Transition Advisory Committee was to recommend implementing legislation to the Joint Standing Committee on Education.

In the law that we passed last year, it actually said that we should actually be enacting legislation to provide one-stop shopping by January 10th of this year. Obviously, that date has passed. Why do we find ourselves here at this point in time? As you may know, at that point in time, the Transition Advisory Committee was wrestling with how to best fund the administrative costs of this one-stop shopping program. At that time, the projected deficit in the State of Maine was \$67 million. The concerns of the Transition Advisory Committee was, if a bill was to go the Appropriations Committee as it normally does during the normal course of our proceedings, that it wouldn't be enacted until later on in the session and be far too late for Maine students to take advantage of this type of change. So a decision was made to try to seek an alternative funding and that took some time. Frankly, anything you do with funding takes time.

The bill that was referred to the Education Committee this year was actually referred on January 22nd, 12 days after that deadline and the Committee on Education, knowing that the bill was going to be referred, had a hearing on the 23rd.

The funding mechanism that the Transition Advisory Committee recommended to the Education Committee and the Education Committee had to grapple with was essentially to utilize the interest earned that is currently available in the Blaine House Scholars program to fund the administrative costs for one-stop shopping. The administrative costs were to be approximately \$390,000. This interest earned is forward funding, it is not money that is traditionally used for student loans itself unless the legislation was to be changed or the laws were to be changed but this was a dramatic departure to use interest money on a scholars program for administrative costs.

I think most people recognize that it probably wasn't the best solution to fund this program but it was indeed a solution. So, during the last part of January, the Education Committee kicked out a bill that did just that. At that time, I was approached by some of the members of the Education Committee as well as the representatives from the Financial Authority of Maine and I was asked to help lobby that bill, which I did. I contacted most of the members of the Appropriations Committee, contacted all the members of leadership — I remember specifically a conversation I had after one of our council meetings with Representative Marsano in which I tried to encourage him and relay to Representative Webster as well as Representative Cahill, who were not there at that time or had left probably as the meeting ended,

that I was very concerned about getting this bill on line in a timely fashion and that I needed to know if there were any problems in advance. About that same time, there were some initial objections from Sawin Millett, the Commissioner of Finance who was a little concerned about the funding mechanism and the shifting of monies and making sure that we paid back the Blaine House Scholars program. But finally, during the last week of January, the Commissioner of Finance gave the green light. Then on Wednesday, Black Wednesday as it is now known, January 31st, the Governor announced that the deficit was not \$67 million but it was in fact \$210 million. The Governor, on February 5th, gave his State of the Budget, the day after that he presented his budget plan to the Appropriations Committee and the Appropriations Committee had begun a several weeks process of trying and attempting to validate that proposal to see if in fact it was a proposal for a balanced budget. At that point in time, we began to slow down that particular piece of legislation. Our concerns were because of the way it was funded. Keep in mind that we said the ability to finance the administrative costs of this particular program rested upon the ability of those loan programs to make interest.

Now the legislature and the administration have been extremely supportive in their attempt to provide monies for financial loans. I direct their attention to a particular program, the Maine Student Incentive Program. In the fiscal year of 1990, there is currently set aside \$2 million for student loans. In fiscal year, 1991, there is set aside \$4.7 million. That is a \$2.7 million increase in that student loan program. Now we can say that we don't want to dip into that loan program, the Governor can say that, individual members can say that, certainly members of the Appropriations Committee don't want to dip into that particular program but the fact is we find ourselves now with a budget, presented by the Governor, that we know is going to cause layoffs. We know that there are new programs that are going to be delayed. We know that there are existing programs affecting handicapped, senior citizens, many of the retarded, home-base care, that are being cut across the board and only common sense and fairness would dictate that to the extent that cuts are being made across the board in every other department and agency of this state that we have to look very carefully at a \$2.7 million increase in any program. We all hope that we can contribute that money and keep that money in that particular program but to the extent that we cannot continue to put an additional \$2.7 million, that is going to lessen the amount of money that is available in interest to fund the administration of the one-stop shopping program.

The Governor's own revised budget envisioned a loss of \$500,000 to be taken out of the medical compact. On February 16th, I notified the Governor of this state as well as leaders of my intention to table this bill pending our overall scrutiny of this legislation. I indicated in that letter of my complete support for one-stop shopping. I also said that we had an opportunity and responsibility to explore every possible alternative before we raided the surplus in the Blaine House Scholars Program, that perhaps it didn't make sense to be channeling more money into an administration of a program when the program could still exist. It was a sense somewhat of irony when I heard the Governor oppose the funding scheme for the Department of Children because he said that we shouldn't be advancing administrative costs in new programs at a time when there is uncertainties to the budget.

I tabled that bill, however, only with the certainty and assurances that I received from the Financial Authority of Maine, the Department of Education and financial aid people across the state, that that delay would not affect a single Maine student. As you know, most students are applying in February, March and April as they get their acceptance letters and they then begin to develop their financial package. Currently, individuals who do apply for these particular loan programs can currently apply as they always have through the Department of Education. There is an 800 number in place and is being manned.

Guidance counselors and our financial aid people are uniquely tuned-in to the status of this change and will be ready at a moment's notice to adjust, when we finally enact this legislation.

We heard from day one that April is perhaps the most critical month, because in April, students are beginning to receive their information as to whether or not they are receiving financial loans and needs some help, some outreach or counseling and if we are going to be able to put a proposal on the books, it needed to be in place prior to that.

Finally, this is emergency legislation and as soon as that legislation is passed, the change will take place and I am sure the Finance Authority of Maine will be able to accomplish that.

As we explore alternatives, I and several others have done just that over the past several weeks, we realized that there are not a lot of pots of money available to fund something like administrative costs of \$390,000. That hasn't stopped us from looking. One of the areas we looked was the Maine Educational Loan Marketing Corporation, otherwise known as MELMC. MELMC was established in 1983 by then Governor Brennan, it is a non-profit corporation. MELMC was established by Executive Order, not by statute. As I said, it is a non-profit corporation and MELMC's role is to purchase student loans from Maine financial institutions to enable those same institutions to be able to offer other student loans. MELMC purchases their loans with the proceeds they receive from private tax-free activity bonds that are allocated to MELMC by the State of Maine. As you can see, MELMC has a very important and critical role to play to the extent that they are able to purchase guaranteed loans at various financial institutions that enables those institutions to offer more loans for Maine students. The corporation operates on profits earned from the difference between the interest paid by the corporation to bond holders and the money it receives from students and parents in the loans that they purchase. MELMC also runs a supplemental loan program that is different from most of our loan programs. Most of them are based on need but the supplemental loan program (and they went out to bond last year, a \$35 million bond) and incurred a supplemental loan program that individuals can utilize if they need additional monies on top of the package already. It is not as an attractive loan program, you have to pay it back immediately, you have to have some resources to really be able to do that, it is cost prohibitive for many people, but it is an option. MELMC up-fronted the money of some \$700,000 so that that program could be run. That program has not gone as well as expected and to date they have only drawn down \$12 to \$14 million in that program.

How has MELMC done and what kind of financial condition are they in? That is very difficult to determine. Unlike some state agencies, because MELMC is not established in statute, they are not subject

to any reporting requirements. They are accountable only to the Board of Directors of MELMC.

On August 22nd of this past year, Senator Bost, then a member of the Transitional Advisory Committee, contacted MELMC and asked for some basic information regarding the balance sheet budgets for additional information. On November 28th of 1989, I sent a letter out to MELMC and asked for information. I received some information. I then sent a follow-up letter on December 7th and asked for some additional information. We were provided with the bond sales documents. By state law, when a corporation goes out to bond, they have to list for public exposure, their bond sale documents. In reading the bond sales documents for the corporation, which show in terms of their operating expenses, their expenses have increased. In 1985, they were \$570,000. In 1986, they were \$648,000, in 1987, they were \$851,000, 1988, they were \$1,463,000. Look at their excess revenues over-expenses, 1985 they were \$90,000, 1986, they were \$327,000, 1987, they were \$427,000, 1988, \$2,061,000 -- not bad for a non-profit corporation.

Two weeks ago, the Joint Standing Committee on Economic and Community Development had a public hearing regarding an additional bond allocations. I was scheduled to be the original sponsor of that legislation. In 1986, when I was a member of the State Government Committee with many other members here, Representative Wentworth and Representative Lebowitz, we passed legislation that said, when the State of Maine was allocating tax exempt bonds, that the legislature should be involved. In 1986, Congress first gave states tax exempt bond capacity and allocated to us \$150 million and each year our issue is whether the Housing Authority, FAME, bond bank and treasurer of MELMC gets together what they think each group will need. In each year since then, we have had a bill before us that has validated that allocation. This year MELMC was up for an additional \$25 million worth of bond capacities. Since bonds have been made available, the State of Maine has allocated to MELMC \$220 million dollars worth of tax exempt private activity bonds. My testimony at the hearing before Economic and Community Development was that I was fully supportive of the allocation to FAME, the Housing Authority, but I did have reservations on the additional \$25 million going to MELMC until we had some basic reporting. I thought it was reasonable to expect any corporation that had received \$220 million dollars worth of tax exempt bonds from the State of Maine to be able to report some basic information about balance sheets, assets, liabilities and a breakdown of the budget.

Later that same week, I had an opportunity to meet Dick Pierce who is the President of MELMC. I had, what I would call, a very productive meeting. It was eye opening for me and for him, I think. I was encouraged by our conversation. I encouraged him to testify on another bill that was coming before the Education Committee, and to continue to provide him with information as they saw fit. Last week on Tuesday, there was a bill before the Joint Standing Committee on Education that would require non-profit corporations such as MELMC to disclose some of this basic information. I testified in support of that as did the sponsor, Senator Bost. Dick Pierce, to his credit, came and thought it was a great idea and offered what appeared to be some information for the first time on a breakdown of their budget. I was pleased that Dick took that opportunity to do that because I think it was very helpful to the committee.

Is it realistic to expect that this state would be able to utilize MELMC's monies toward the administrative costs of one-stop shopping? Quite

honestly, I don't know. But don't you think if we have given \$220 million dollars worth of tax exempt bonds to a corporation that now has \$2 million set aside in a reserve fund that it is at least appropriate to ask the question?

What has been the role of the Governor during this process? As I said earlier, I notified the Governor of my intentions to table this bill on February 16th. I received a letter on February 21st from the Governor indicating that I should expect correspondence from the Finance Authority of Maine. I received that correspondence. Last Tuesday, I was told that the Governor wanted to meet with us to discuss this legislation. Last Friday, the presiding officers of this state, Speaker Martin and President Pray in a meeting with Governor McKernan, also heard from the Governor that he expected to have a meeting with us any time. In the news this weekend, the Governor also indicated that he had planned to have a meeting. To this day, I have not heard from the Governor. I am hoping that the Governor will wish to meet and I am confident that that will probably happen and I will be optimistic that we will be able to move forward once that meeting takes place.

What has been the role of the Minority party of this legislature, specifically the Minority leaders? After giving you the background and the series of events that have taken place, what has been the role of our Minority leaders and have they acted in a responsible fashion? I can inform you that, as of this date, neither of the two Minority leaders have yet to approach me and ask to sit down to discuss the prospects of this particular bill.

Last Thursday morning, I had a conversation with Representative Marsano and I asked him if they were going to continue requesting roll calls as we tabled this bill. He smiled, which I took as a yes. I informed him at that time that I would very likely table this bill Unassigned to avoid the necessity of tabling this bill and then asking for roll calls, day after day after day. Moments before I made that motion, I was on the phone with Representative Webster, she was inquiring as to my actions in regards to an amendment that was on your desks. I told her that my inclination was to proceed with that amendment but that I understood Representative Small had some questions as well as members of my own caucus. She asked for my intentions and I said that I would be tabling Unassigned at that time. I told her at that time on the phone that I would be happy to discuss this bill with her, that I would be in my office all afternoon, she said, fine. I waited during most of the afternoon and I never heard from Representative Webster. The reason that I didn't hear from her was because she was quite busy, first producing a press release and rather than meet with myself or other members, she chose to take her case to the press, issuing a press release indicating and explaining the history of one-stop shopping and let me share with you some of the comments. She goes on to say, after explaining how important the legislation is, "That if that legislation were in place today, it would be a very straightforward simple process for Maine students to take advantage of the resources available to them. The means to find the help has, again, being tabled in the Maine House of Representatives." "The Democratic Floor Leader, Dan Gwadosky," it says here, "For the nth time, in the past three weeks, again tabled the higher education bill just as it was poised for enactment. The Republicans who favor the proposal have been impatient with Gwadosky's foot dragging. We have asked for repeated roll calls on this subject. Each time the roll call comes up, all the

Democrats vote to table the bill and all the Republicans vote to pass it. Democrats resorted to one of the most extreme parliamentary moves available by moving to table the bill Unassigned. It is almost in oblivion. It can only come back with Representative Gwadosky's permission. We ask Democrats to get off the dime and help pass this piece of legislation before it is too late for Maine students to use this year."

In the Lewiston paper, Representative Webster said, "House Republican Leader complained that Majority Leader, Dan Gwadosky, was playing politics with the McKernan administration plan for one-stop shopping for college financial aid. House Minority Leader, Mary Clark Webster, said that Gwadosky was attempting to embarrass Governor John R. McKernan's re-election bid this fall by delaying the aid program. The Governor won't be able to point to it as his program to help Maine students," says Webster. It doesn't end there, for those of you who have the opportunity to watch the editorial on Channel 13 tonight at 6:29 p.m., it will also reappear on 12:29 tomorrow noontime, Representative Webster will be presenting her case on Channel 13 and let me share with you her comments in advance. I think they are revealing. Once again, the comments of Representative Webster: "This station has been very supportive of Governor McKernan's proposal for one-stop shopping post-secondary education financing, the plan to help students find loans, scholarships and grants. However, this proposal is not yet a reality. The station has blamed bureaucracy for its failure to pass this major hallmark of the Governor's administration. It is important for people to understand what part of the bureaucracy is to blame and question the reason. Democrats in the House of Representatives have been tabling this legislation for three weeks. They have given no reason for opposing this wonderful opportunity for Maine students. Just Tuesday in the legislature, Democrats tabled it one more time. Republicans asked for a roll call. Every Democrat voted to table the bill; every Republican voted to pass the bill. It is time the Democrats got off the dime and voted for this significant piece of legislation; otherwise it will be too late to help the Maine students this year."

I was questioned by several correspondents over the weekend as to my reaction to phone calls they had received from Representative Webster. I was asked when did I think this bill would be finally enacted. I alluded that I was confident that within the week if things began to move that we could quite easily enact this piece of legislation. I was then asked if that was indeed the case, why was Representative Webster acting so hysterical? I alluded that I didn't think it was appropriate for me to speculate the motives of Representative Webster. But in my own mind, I couldn't help but speculate if this wasn't indeed some sort of pathetic attempt to divert attention away from the budget crisis and on to the backs of the legislature.

Because of the words and actions of this administration, this issue has put the administration in a very unbelievable, difficult position. During the State of the State address, Governor McKernan said that one-stop shopping is a reality. He compounded that misstatement as he has for the past six months by then saying that, under the Loan of Last Resort Program, that no Maine student will be denied the opportunity to attend a college of his or her choice because of financial reasons.

Ladies and gentlemen of the House, the unfortunate truth is, there is no Loan of Last Resort Program, it simply does not exist. The Finance

Authority of Maine has given direction to try in attempt at some point to create a Loan of Last Resort Program but it does not exist. The concern of many people, because of those actions and words of the Governor and others, are going to be creating some false hope for a lot of Maine students and families.

I think what troubles me the most in this entire scenario, where so many good people have worked so hard to accomplish a good thing, has been the concerns and the actions that we have seen expressed by members of our Minority Leadership. I would suggest to them that they have a responsibility as elected members of this body to go beyond the rhetoric. I would suggest to them that they have a responsibility as members and elected officials to attempt to work out the differences of opinion when they exist and not to resort to this type of cheap, malicious, political stunt. If you can't understand that, then I would respectfully suggest that you reconsider why you are here in the first place.

I apologize to the members of this body for taking your time at this juncture on this issue but when the motives of my caucus and the motives of myself are questioned, it is important to state the case clearly and firmly. The Democratic caucus is ready and able to enact necessary legislation that will provide for one-stop shopping and we will consider that legislation in a responsible, prudent and thoughtful manner. After we have explored every possible alternative, the final result will be a delivery of financial aid services to Maine students and their families that we can all be proud of. To that end, we call upon the Governor and the members of the Minority Party to join us in that effort.

Representative Mayo of Thomaston moved that L.D. 2216 be tabled Unassigned and requested a roll call.

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

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

The SPEAKER: The pending question before the House is the motion of Representative Mayo of Thomaston that L.D. 2216 be tabled Unassigned. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 179

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

NAY - Aikman, Anderson, Ault, Bailey, Begley, Butland, Carroll, J.; Curran, Dellert, Dexter, Donald, Farnum, Farren, Foss, Foster, Garland, Greenlaw, Hanley, Hastings, Hepburn, Higgins, Lebowitz, Libby, Look, MacBride, Marsano, Marsh, McCormick, McPherson, Merrill, Murphy, Norton, Paradis, E.; Parent, Pendleton, Pines, Reed,

Richards, Seavey, Small, Stevens, A.; Stevenson, Strout, B.; Strout, D.; Telow, Tupper, Webster, M.; Wentworth, Whitcomb.

ABSENT - Allen, Coles, Hutchins, Jackson, LaPointe, Lord, Marston, Mitchell, Nutting, O'Gara, Sherburne, Skoglund, Swazey, Walker.

Yes, 88; No, 49; Absent, 14; Paired, 0; Excused, 0.

88 having voted in the affirmative and 49 in the negative with 14 being absent, L.D. 2216 was tabled Unassigned pending passage to be enacted.

(At Ease to 4:30 in the afternoon)

The House was called to order by the Speaker.

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

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on Business Legislation reporting "Ought to Pass" on Bill "An Act Concerning the Bulk Transfer Provisions of the Uniform Commercial Code" (H.P. 1606) (L.D. 2219)

Signed:

Senator:

Representatives:

HOBBINS of York  
ALLEN of Washington  
SHELTRA of Biddeford  
GRAHAM of Houlton  
CONSTANTINE of Bar Harbor  
GURNEY of Portland  
MARSTON of Oakland

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

Signed:

Senator:

Representatives:

WHITMORE of Androscoggin  
TELOW of Lewiston  
LIBBY of Kennebunk  
STEVENS of Sabattus  
REED of Falmouth

Senator BALDACCII of Penobscot - of the Senate - abstaining.

Reports were read.

On motion of Representative Allen of Washington, the Majority "Ought to Pass" Report was accepted, the Bill read once and assigned for second reading Tuesday, March 6, 1990.

CONSENT CALENDAR

First Day

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

(H.P. 1472) (L.D. 2057) Bill "An Act to Increase the Effectiveness of the Handicapped Parking Laws" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-862)

(H.P. 1347) (L.D. 1864) Bill "An Act Allowing Day Care Centers to Use Cloth Diapers" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-863)

There being no objections, the above items were ordered to appear on the Consent Calendar of Tuesday, March 6, 1990, under the listing of Second Day.

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

Bill "An Act Regarding Written Notice to Employees of Layoff or Termination" (H.P. 1577) (L.D. 2184) (C. "A" H-827)

TABLED - March 2, 1990 by Representative ALLEN of Washington.

PENDING - Motion of same Representative to reconsider whereby the Bill Failed of Passage to be Engrossed.

Representative Allen of Washington withdrew her motion to reconsider whereby the Bill failed of passage to be engrossed.

Subsequently, the Bill was released to the Senate.

(At Ease)

The House was called to order by the Speaker.

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

**PAPERS FROM THE SENATE**

Bill "An Act to Amend the Reporting Procedures for the Governmental Ethics Laws" (S.P. 951) (L.D. 2401)

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 any Committee, the bill was read once and assigned for second reading, Tuesday, March 6, 1990.

**Reported Pursuant to Resolves**

Report of the Commission on Maine's Future, pursuant to Resolves 1987, Chapter 60 and Resolves 1989, Chapter 3 ask leave to submit its findings and to report that the accompanying Bill "An Act to Institutionalize Strategic Planning in State Government" (S.P. 950) (L.D. 2400) be referred to the Joint Standing Committee on State and Local Government for public hearing and printed pursuant to Joint Rule 18.

Came from the Senate with the report read and accepted and the bill referred to the Committee on State and Local Government and ordered printed.

Report was read and accepted and the bill referred to the Committee on State and Local Government and ordered printed in concurrence.

**Unanimous Ought Not To Pass**

Report of the Committee on State and Local Government reporting "Ought Not to Pass" on Bill "An Act to Require That Relevant Experience Be a Consideration in Selecting Members of the State Employee Health Commission" (S.P. 905) (L.D. 2299)

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

**Unanimous Leave to Withdraw**

Report of the Committee on State and Local Government reporting "Leave to Withdraw" on Resolve, to Create the Commission on Effective Information Systems in State Government (S.P. 919) (L.D. 2325)

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

**Ought to Pass as Amended**

Report of the Joint Select Committee on Corrections reporting "Ought to Pass" as Amended by Committee Amendment "B" (S-519) on Bill "An Act to Require Counties to Accept Prisoners with Sentences up to One Year in Length and to Provide Assistance to Counties in Developing Community Corrections Programs" (S.P. 277) (L.D. 723)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "B" (S-519) as amended by Senate Amendment "A" (S-537) thereto.

Report was read and accepted, the bill read once. Committee Amendment "B" (S-519) was read by the Clerk.

Senate Amendment "A" (S-537) to Committee Amendment "B" (S-519) was read by the Clerk and adopted.

Committee Amendment "B" as amended by Senate Amendment "A" thereto was adopted and the Bill assigned for second reading Tuesday, March 6, 1990.

**Divided Report**

Majority Report of the Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-540) on Bill "An Act to Require Disclosure of Parents' Social Security Numbers at the Time of a Child's Birth and to Amend the Provisions of the Law Concerning Disclosure of Information" (S.P. 889) (L.D. 2265)

Signed:

Senators:

GAUVREAU of Androscoggin  
TITCOMB of Cumberland  
MANNING of Portland  
PENDLETON of Scarborough  
PEDERSON of Bangor  
BURKE of Vassalboro  
CLARK of Brunswick  
BOUTILIER of Lewiston  
DELLERT of Gardiner  
CATHCART of Orono  
HEPBURN of Skowhegan

Representatives:

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

Signed:

Senator:

Representative:

RANDALL of Washington  
ROLDE of York

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-540).

Reports were read.

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

Committee Amendment "A" (S-540) was read by the Clerk and adopted and the Bill assigned for second reading Tuesday, March 6, 1990.

**Non-Concurrent Matter**

Bill "An Act to Improve Credit Reporting" (S.P. 767) (L.D. 1992) on which the Majority "Ought to Pass" as amended by Committee Amendment "A" (S-529) report of the Committee on Business Legislation was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-529) in the House on March 2, 1990.

Came from the Senate with that Body having adhered to its former action whereby the Minority "Ought to Pass" as amended by Committee Amendment "B"



(S-530) report of the Committee on Business Legislation was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "B" (S-530) in non-concurrence.

On motion of Representative Allen of Washington, the House voted to adhere.

**Non-Concurrent Matter**

Bill "An Act to Amend the Procedure for Approval of the Lincoln County Budget" (H.P. 1250) (L.D. 1748) which was passed to be engrossed in the House on March 2, 1990.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-544) in non-concurrence.

The House voted to recede and concur.

**REPORTS OF COMMITTEES**

**Unanimous Leave to Withdraw**

Representative MANNING from the Committee on Human Resources on Bill "An Act to Facilitate Policies and Procedures of the Driver Education Evaluation Program" (H.P. 1596) (L.D. 2208) reporting "Leave to Withdraw"

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

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

**CONSENT CALENDAR**

**First Day**

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

(S.P. 822) (L.D. 2098) Bill "An Act to Increase Eligibility for Imprisonment with Intensive Supervision" Joint Select Committee on Corrections reporting "Ought to Pass" as amended by Committee Amendment "A" (S-539)

There being no objections, the above item was ordered to appear on the Consent Calendar of Tuesday, March 6, 1990, under the listing of Second Day.

Representative Webster of Cape Elizabeth was granted unanimous consent to address the House:

Representative WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: I wanted to take a brief moment to respond to some of the comments that were made earlier today by my colleague from Fairfield, Representative Gwadosky. As you know, tabling motions are not debatable in this body, so we have not had an opportunity to discuss what our differences are on L.D. 2216.

Representative Gwadosky, at great length, explained what his views were and also what my views were, so it really does not require me to take a great deal of time today to add to his comments, only to let you know that that bill is one of my prize priorities. It is one of the highest priorities of a great many people in this legislature. I think all of us would like to see it pass as soon as we can to find out what objections there are that people may have that would prevent us from enacting it as soon as possible. We need to have any of those objections before us as amendments and otherwise to get on with the business of passing the bill so that that program can be enacted into law and be in place for those people in Maine who can benefit from it this year.

**BILL HELD**

An Act Regarding the Maine Technical College System (H.P. 660) (L.D. 902) (C. "A" H-735)

TABLED - March 2, 1990 by Representative GWADOSKY of Fairfield.

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

Representative Gwadosky of Fairfield moved that the House reconsider its action whereby the House failed to override the Governor's veto.

The same Representative requested a roll call vote.

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

Representative GWADOSKY: Mr. Speaker, Men and Women of the House: Under normal circumstances, I would not waste the precious legislative moments of this House to respond, once again, to what I would describe as frequent and misguided partisan attacks we have seen and described earlier today by the House Minority Office. It is with some reluctance that I do it again. However, I think that the press release that went out today blistering Democratic legislators for overriding the Governor's veto, a veto which was in fact sustained, represents a new level of partisanship and I was surprised to see it happen, given the earlier discussion that took place in the hall of the House.

Let me read into the Record -- I am sure that there may be members of the Appropriations Committee who would like to contribute to this press release from the House Republican Minority Office for immediate release. "House Republican Criticizes Override. The original proposal to put the Commissioner of Economic Development on the Board of the Maine Technical College System was sponsored in bipartisan spirit by Republicans and Democrats and passed by unanimous vote, including the Commissioner of Labor on the Board was a unanimous vote as well. Now Democrats are trying to take these two people off the board. The purpose of the Technical College system is to train Maine people for Maine jobs. Who would be more effective at marrying these two principles than the Commissioner of Economic Development and the Commissioner of Labor? The unanimous decision of the legislature 23 years ago shouldn't have been this unanimous opinion today but because it wasn't, the Governor vetoed the bill."

I continue now on the comments of Mary Clark Webster, "I am appalled that the politics of the Governor's race seems to have clouded the judgment of people and stood in the way of their ability to pass non-partisan legislation. I hope that this is not the theme of the rest of this legislative session because we have a serious challenge with our own budget. If the Democrats are going to play gubernatorial politics with the budget, we will be here until election day. There is no reason not to pass the budget now. The Governor's budget has been before the Appropriations Committee for five weeks and Democrats have not offered one constructive alternative, although they have criticized the budget day in and day out. I urge Democrats to put aside the partisan tone, today's debate, and budget deliberations and get on with the business of governing the State of Maine the way it should be governed. I was very disappointed when we were not able to sustain the Governor's veto today. None of the Governor's vetoes have been overridden since his election. Voters need to remember that this election year 1990, with 98 Democrats and 53 Republicans in the House, it is difficult to sustain a veto. When

voters elect a Governor, they need to give him a vote in the legislature that allows the Governor to participate in the legislative process." Signed, State Representative, Mary Clark Webster, House Republican Leader.

I am curious that this is a press release criticizing the Democrats in the Maine Legislature for our overriding the Governor's veto today when, as you all know, we sustained that veto. It reinforces, certainly to my way of thinking, the comments that were made earlier today in regards to the zeal of some people in this chamber to utilize the press for every possible opportunity versus dealing with the issues at hand. Indeed, in Mary Clark's own words, doing the peoples business.

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

Representative WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: Obviously, that was the wrong press release. I hope you will vote against the pending motion.

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

Representative CARTER: Mr. Speaker, Ladies and Gentlemen of the House: When I was first made aware of this release, I was appalled to say the least. I am serving my 18th year on the Appropriations Committee and ladies and gentlemen, I have never seen anybody stoop this low. We on the Appropriations Committee strive not to interject partisan politics. If we were, we would never get a budget out. Let me assure you that I feel for my counterparts of the other party on the committee, this puts them in a very awkward position, to say the least. The last thing we want to do on the Appropriations Committee is start playing politics.

I am also appalled at the fact that whoever put this thing together could not get the facts straight. For one thing, the Appropriations Committee knew that time was getting short so we actually started the hearings without the Governor's budget. We started the hearings on February 2nd. The Governor's budget was not printed until February 6th. Now, if you count the days, that ain't no five weeks.

Furthermore, it states here that there is no reason not to pass the budget now. Well, I beg to disagree with you. If we were to pass the budget out the way it is now, they would label us as irresponsible because the budget is imbalanced by \$430,000. According to the statutes, the budget is supposed to be balanced when it is presented to us but it is not balanced, it is short by \$430,000. It is very difficult to operate in the atmosphere that we are operating now. All this type of shenanigan does is fuel the fires of partisanship. If that is what you want, keep up the work.

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

Representative WEBSTER: Mr. Speaker, is the pending motion reconsideration?

The SPEAKER: The Chair would answer in the affirmative.

On motion of Representative Gwadosky of Fairfield, tabled pending reconsideration and specially assigned for Tuesday, March 6, 1990 (a roll call having been requested.)

On motion of Representative Rydell of Brunswick,  
Adjourned until Tuesday, March 6, 1990, at  
eight-thirty in the morning.