

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
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SECOND CONFIRMATION SESSION
December 12, 1989
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SECOND REGULAR SESSION
January 3, 1990 to March 19, 1990

**ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION
28th Legislative Day
Thursday, March 8, 1990**

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

Prayer by Reverend Dan Bowers, Hope Baptist Church, Manchester.

The Journal of Tuesday, March 6, 1990, was read and approved.

Quorum call was held.

PAPERS FROM THE SENATE

The following Communication:

Maine State Senate
Augusta, Maine 04333

March 6, 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 Business Legislation:

Walter H. Foster, Jr. of East Holden for reappointment as a member of the Maine Real Estate Commission.

Hobart F. Harnden of South Portland for reappointment as a member of the Maine Real Estate Commission.

Franklin Howe of Bath for appointment as a member of the Maine Real Estate Commission.

Sharon A. Millett of Poland Springs for reappointment as a member of the Maine Real Estate Commission.

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

Was read and ordered placed on file.

Ought to Pass as Amended

Report of the Committee on Housing and Economic Development reporting "Ought to Pass" as Amended by Committee Amendment "B" (S-551) on Resolve, to Create the Commission to Study the Establishment of a State and Tribal Partnership to Encourage Economic Development (S.P. 607) (L.D. 1701)

Came from the Senate, with the report read and accepted and the Resolve Passed to be Engrossed as amended by Committee Amendment "B" (S-551) as amended by Senate Amendment "A" (S-558) thereto.

Report was read and accepted, the Resolve read once.

Committee Amendment "B" (S-551) was read by the Clerk.

Senate Amendment "A" (S-558) to Committee Amendment "B" (S-551) was read by the Clerk and adopted.

Committee Amendment "B" as amended by Senate Amendment "A" thereto was adopted and the Resolve assigned for second reading Friday, March 9, 1990.

Ought to Pass

Report of the Committee on Judiciary reporting "Ought to Pass" on Bill "An Act Addressing Consecutive Terms of Imprisonment Involving Probation" (S.P. 902) (L.D. 2296)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Senate Amendment "A" (S-559).

Report was read and accepted, the Bill read once. Senate Amendment "A" (S-559) was read by the Clerk and adopted and the Bill assigned for second reading Friday, March 9, 1990.

Non-Concurrent Matter

Bill "An Act to Provide for Base-year Revisions for Intermediate Care Facilities for the Mentally Retarded" (H.P. 250) (L.D. 362) which was passed to be engrossed as amended by Committee Amendment "A" (H-813) in the House on February 26, 1990.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-813) as amended by Senate Amendment "A" (S-554) thereto in non-concurrence.

The House voted to recede and concur.

**PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE**

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

Agriculture

Bill "An Act to Provide for a Study of the Harness Racing Industry" (EMERGENCY) (H.P. 1749) (L.D. 2412) (Presented by Representative TARDY of Palmyra) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.

Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act to Establish Fees for Nonferrous Metal Mining" (EMERGENCY) (H.P. 1753) (L.D. 2416) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsored by Representative LISNIK of Presque Isle, Representative ANDERSON of Woodland and Senator COLLINS of Aroostook) (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 Improve Protective Services for Incapacitated and Dependent Adults" (H.P. 1754) (L.D. 2417) (Presented by Representative AULT of Wayne) (Cosponsored by Senator HOLLOWAY of Lincoln, Senator GAUVREAU of Androscoggin and Representative PARADIS of Frenchville)

Ordered Printed.

Sent up for Concurrence.

Taxation

Bill "An Act to Restructure Exportation of Natural Resources" (H.P. 1748) (L.D. 2411) (Presented by Representative HOGLUND of Portland) (Cosponsored by Senator BERUBE of Androscoggin, Representative FOSS of Yarmouth and Representative NADEAU of Saco) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.

Sent up for Concurrence.

Reported Pursuant to Statutes

Representative ROLDE for the Committee on Audit and Program Review, pursuant to Maine Revised Statutes Annotated, Title 3, Chapter 33 ask leave to submit its findings and to report that the accompanying Bill "An Act to Authorize a General Fund Bond Issue for the Purpose of Promoting the Well-being and Rehabilitation of Children in Need of Care, Treatment, or Shelter" (H.P. 1747) (L.D. 2410) be referred to the Joint Standing Committee on Audit and Program Review for Public Hearing and printed pursuant to Joint Rule 18.

Report was read and accepted.

On motion of Representative Rolde of York, the Bill was referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

Reported Pursuant to Statutes

Representative ROLDE for the Committee on Audit and Program Review, pursuant to Maine Revised Statutes Annotated, Title 3, Chapter 33 ask leave to submit its findings and to report that the accompanying Bill "An Act Regarding Security and Training Functions within the Bureau of Capitol Security" (EMERGENCY) (H.P. 1751) (L.D. 2413) be referred to the Joint Standing Committee on Audit and Program Review for Public Hearing and printed pursuant to Joint Rule 18.

Report was read and accepted, and the bill referred to the Committee on Audit and Program Review, ordered printed and sent up for concurrence.

Reported Pursuant to Statutes

Representative ROLDE for the Committee on Audit and Program Review, pursuant to Maine Revised Statutes Annotated, Title 3, Chapter 33 ask leave to submit its findings and to report that the accompanying Resolve, to Establish a Model Coordinated Response System for Child Abuse Referrals in Penobscot and Piscataquis Counties (EMERGENCY) (H.P. 1752) (L.D. 2415) be referred to the Joint Standing Committee on Audit and Program Review for Public Hearing and printed pursuant to Joint Rule 18.

Report was read and accepted, and the Resolve referred to the Committee on Audit and Program Review, ordered printed and sent up for concurrence.

Reported Pursuant to Statutes

Representative CARTER for the Committee on Appropriations and Financial Affairs, pursuant to Public Law 1989, Chapter 501, Part P, section 46 ask leave to submit its findings and to report that the accompanying Bill "An Act to Implement Certain Recommendations of a Subcommittee of the Joint Standing Committee on Appropriations and Financial Affairs" (H.P. 1755) (L.D. 2418) be referred to the Joint Standing Committee on Appropriations and Financial Affairs for Public Hearing and printed pursuant to Joint Rule 18.

Report was read and accepted, and the bill referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

ORDERS

On motion of Representative McHENRY of Madawaska, the following Joint Resolution: (H.P. 1750) (Cosponsors: Senator ESTY of Cumberland,

Representative CAHILL of Mattawamkeag and Representative RUHLIN of Brewer)

JOINT RESOLUTION RECOGNIZING

APRIL 28, 1990 AS WORKERS MEMORIAL DAY

WHEREAS, every year more than 10,000 American workers are killed on the job; and

WHEREAS, each year tens of thousands more are permanently disabled; and

WHEREAS, an additional 100,000 workers die each year from cancer, lung disease and other diseases related to toxic chemical exposure at work; and

WHEREAS, many concerned Americans are determined to prevent these tragedies by observing Workers Memorial Day on April 28th, a day chosen by the unions of the AFL-CIO as a day to remember these victims of workplace injuries and disease, by renewing their efforts to seek stronger safety and health protections, better standards and enforcement, and fair and just compensation and by rededicating themselves to improving safety and health in every American workplace; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Fourteenth Legislature of the State of Maine, now assembled in the Second Regular Session, recognize April 28, 1990, in recognition of workers killed, injured and disabled on the job; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the President of the Maine Chapter of the AFL-CIO in honor of the occasion.

Was read and adopted and sent up for concurrence.

REPORTS OF COMMITTEES

Unanimous Leave to Withdraw

Representative MacBRIDE from the Committee on Judiciary on Bill "An Act to Provide Authorization to Consent to Health Care" (H.P. 1658) (L.D. 2294) reporting "Leave to Withdraw"

Representative JOSEPH from the Committee on State and Local Government on Bill "An Act to Codify the Maine Vision" (H.P. 1744) (L.D. 2408) reporting "Leave to Withdraw"

Representative MANNING from the Committee on Human Resources on Bill "An Act to Expand Family Reunification Requirements in Child Protective Cases" (H.P. 1587) (L.D. 2199) reporting "Leave to Withdraw"

Representative MANNING from the Committee on Human Resources on Bill "An Act Regarding Preliminary Protection Orders in Child Protective Cases" (H.P. 1530) (L.D. 2115) reporting "Leave to Withdraw"

Representative HOGLUND from the Committee on Energy and Natural Resources on Bill "An Act to Establish Fees for Nonferrous Mining" (EMERGENCY) (H.P. 1713) (L.D. 2364) reporting "Leave to Withdraw"

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

Divided Report

Majority Report of the Committee on Business Legislation reporting "Ought Not to Pass" on Bill "An Act Concerning Contact Lenses" (H.P. 1415) (L.D. 1967)

Signed:

Senators:

BALDACCI of Penobscot
WHITMORE of Androscoggin
LIBBY of Kennebunk
STEVENS of Sabattus
TELOW of Lewiston
REED of Falmouth
MARSTON of Oakland

Representatives:

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-871) on same Bill.

Signed:

Senator: HOBBS of York
 Representatives: CONSTANTINE of Bar Harbor
 GURNEY of Portland
 ALLEN of Washington
 GRAHAM of Houlton
 SHELTRA of Biddeford

Reports were read.

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

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

The bill that you have before you today is actually a committee amendment so I want to tell you right away that we are not talking about the original bill that was submitted to the committee.

I would like to tell you at the onset that I am going to be referring to prescriptions in my remarks. The bill refers to specifications. Eye care professionals call your contact lenses specifications. Lay people call them prescriptions, so when I say prescriptions, I mean specifications.

The bill that has come out of the committee has been revised significantly to take into account several of the concerns that were raised both at the public hearing and then at the committee work session. First of all, this does not mandate that eye care professionals have to give you your prescriptions. What it says is, upon request, they shall give you your prescription for your contact lenses. It also does not mandate that they give you that prescription without first having performed an eye examination on you, ordered your original pair of contact lenses, fitted those contact lenses to your eyes, and in fact followed up on any number of follow-up visits that they request or require. So, this is not a wholesale mandate demanding that your eye care professional give you that contact lens prescription, which is what the original bill required.

Let me also say that from the very beginning the Committee made this major change in the original piece of legislation at the suggestion of the Maine Ophthalmologists. As you probably know, ophthalmologists are licensed eye care professionals in this state who are medical doctors. They have been to medical school. They have studied this particular issue with regard to contact lenses for several years and, in 1984, made a recommendation that, after you as a patient had been fitted for your contact lenses, that that specification be made available to you as the patient, upon your request. So this bill, as redrafted by the committee, has the support of the Maine Ophthalmologists.

Who then, you might ask, opposes this bill? I am happy to say that there is only one special interest group in this entire state that is in opposition to this bill and that is the licensed optometrists. Why? If the medical doctors of this state are satisfied that the redraft by the committee satisfies their concerns about health and safety and I would suggest that they are at least as concerned about the health and safety, not only of your eyes but of your physical well being, then why, you might ask, the optometrists be opposed to this legislation? This is my answer and my answer only — the optometrists have a gold mine right now, they have a virtual monopoly in filling your eye glass prescriptions and your contact prescriptions.

Let me say that I am a contact lens wearer, I am a contact lens consumer. In fact, I had my eyes examined a little over a year ago by an optometrist here in the city of Augusta. I went in for my examination and my fitting and I paid \$325 for that visit and I thought it was well worth it, my eyesight is very important to me. I knew that I was going to be doing a great deal of reading so I thought it important that I have it done properly. My opinion, frankly, hasn't changed any. In giving me my contact lenses, I sat down with his assistant for nearly an hour to go over the proper care of my eyes, proper care of my contacts, etcetera, etcetera and also to go over a contact lens service agreement with my optometrist and, for a mere \$60, I could insure myself with this optometrist for a year. If I lost or tore one of my contacts, I could have that contact lens replaced at a reduced rate which was guaranteed in writing. Within a month, I lost my first contact, called my optometrist, he ordered me a new one. I walked in to pick it up and, lo and behold, it was \$15 more than he told me it would be in my contract. I said, "Wait a second, I paid \$60 to get a guarantee that these contact lenses would not go up in price." He said, "Oh, there is a line down at the bottom that you must have missed that says these prices are subject to change." Now if I have to replace my contact lenses, my left eye costs me \$70 and my right eye costs me \$90. That is a significant amount of money. If you wear contact lenses, you know how easy it is to lose one and you know how easy it is to tear one.

I cannot imagine for the life of me a wholesale rampage of the local optometrist office demanding the specification for contact lenses. However, I can envision people going out of town on business, someone going out of state for a prolonged period of time and wanting to have their prescription in hand should anything like a lost contact occur or a tear or whatever. Because eyesight is such an important necessity for all of us, I have to believe that we all very much care about the health of our eyes. I can't imagine anyone going to ask a non-eye care professional to fill a contact lens prescription and not care very much how that contact lens fits. I think the consumer is very capable of understanding that the contact that they have had replaced doesn't fit properly and can in fact go back to their optometrist for proper fitting.

The bill, as drafted, provides that the prescription not be given out unless it is requested by the patient. I might point out that the patient has in fact paid for that service, the very least that they can get is a copy of that prescription and that the optometrist has the right and certainly the responsibility to limit the length of time that that prescription is useful. For instance, my particular prescription is good for eighteen months. We have made it clear in our legislation that the eye care professional say, here's your specifications, it is good for three, six or eighteen months, whatever that particular professional feels is appropriate for your eyes.

We have also said, if you bring your prescription to a pharmacy and they fill that prescription for your contact lenses, that that pharmacy must report to your eye care professional, the person that wrote your prescription, that he in fact has filled that prescription for you so that your eye care professional is, at all times, aware of what is going on with your prescription needs.

Lastly, anyone that gets involved in filling these types of prescriptions must be engaged in the business of optometrics in some way. It may be

Welby's where they have a section of the pharmacy devoted to eye wear or whatever. The local market who does not engage in the sale of eye care at all is prohibited in this bill from entering into that profession.

I would urge the House this morning to accept the Minority Report. I can assure you that those of us on the Minority Report, those of us that wear contacts and those of us that don't, are equally concerned with the health and welfare of the eyes of people in the State of Maine. We believe they have a certain responsibility to care for their eyes and that this bill allows that kind of flexibility. I think it is absolutely imperative from the consumers point of view and I urge you to support the "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Kennebunk, Representative Libby.

Representative LIBBY: Mr. Speaker, Members of the House: I strongly urge you to vote against this Minority Report. There isn't a state in the United States that mandates the release of prescription specifications to unlicensed people for contact lenses, Maine would be the first. I don't believe in this instance I would like to be the leader.

Contact lenses are different from glasses, as you are well aware. They adhere to the eye and must match exactly a doctor's prescription and specifications. The wrong lens can lead to a variety of problems including abrasions, ulcers, eye irritations, etcetera. Surveys have shown when lenses are obtained from non-licensed sources, drug stores, pharmacies — in over 50 percent of the cases, the patient did not get the lens the doctor prescribed. Substitution of brands of lenses occurred in over 40 percent of the cases.

The Minority "Ought to Pass" version of the bill supports having non-licensed people providing the lens. Opticians are not licensed and pharmacists are not licensed and have no expertise in this field and do not have equipment to fit, check and verify the lenses. It would be appropriate to have a mandatory law for contact lenses specifications only if licensed eye care professionals were authorized to fill the prescription.

The SPEAKER: The Chair recognizes the Representative from Dover-Foxcroft, Representative Merrill.

Representative MERRILL: Mr. Speaker, Men and Women of the House: L.D. 1967 has been a great concern to the area ophthalmologists and optometrists in my area. They have no concern as far as entrepreneurs that would venture into the contact lens business but for the safety of those wearing and desiring to wear contact lenses. The Federal Trade Commission studied mandatory release of lens specifications even to unlicensed providers and rejected the idea. There are over 100 variations in brands of lens possible on a single lens specification. Some variations include diameter, thickness, shape, whether the lens is astigmatic, daily or extended wear, and whether it is disposable. Only a qualified licensed professional, an optometrist or ophthalmologist, can verify the appropriateness of the lens and concern that exactly meets the prescription.

I hope you will consider these facts carefully as you vote.

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

Representative REED: Mr. Speaker, Ladies and Gentlemen of the House: L.D. 1967 has an understandable and acceptable goal, that of saving

some money. However, I would submit to you that it is shortsighted legislation.

I would like to make a brief analogy, if I may, to another act that we all go through from time to time, that of automobile inspection. Why do we have a rule requiring automobile inspection? It is because it is a matter of individual and public safety that our automobiles be in proper working order. However, I suspect that there is not one of us in this House that has not at some time or another knowingly gone to an automobile inspection station with perhaps tires that weren't quite right or a little bit of a leak in the exhaust system and thought, well, maybe we will get the sticker without having to spend the extra money. It is just a human act that, if we can avoid spending some money, we will do so. The primary objection of the bipartisan majority on this bill is that we fear that in order to follow very normal human actions to save some money, some serious harm may result.

One of the earlier speakers said that there is only one single interest group that opposes this legislation. I would respectfully differ with that and say that the bipartisan majority of the committee also opposes this legislation on the grounds that it is an unnecessary risk. It is true that the amendment that represents the Minority Report is far better than the original bill, in our opinion. Also in our opinion, it does not go quite far enough in that it still allows pharmacists and opticians who are skilled professionals in their field but are not skilled or trained in the very, very delicate matter of putting something in your eye to dispense these lenses. For that purpose, the Majority urges you to defeat the pending motion so that we may go on to accept the Majority "Ought Not to Pass" Report.

Mr. Speaker, I request a division.

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

Representative HALE: Mr. Speaker, Ladies and Gentlemen of the House: The pharmacies that are authorized to fill these prescriptions do not actually fill them. They take the prescription from the optometrist or the ophthalmologist and they are sent to people that know how to fill them. They certainly do not participate in unauthorized grinding or trying to fill prescriptions that they are not capable of doing. I know this for a fact. LaVerdiere's does it and Welby's does it but you must have that prescription and it is sent out.

I urge you to support the Minority Report.

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

Representative ALIBERTI: Mr. Speaker, Men and Women of the House: I would like to give you a real in-depth evaluation of supporting this bill. I have in my possession two contact lenses that were fitted to me in Stuttgart, Germany in 1945. I will leave them on my desk so you may examine them. It was really quite an experience. I sat for 45 minutes in an office and all he did was take a glass lens and continue to change it over and over again until I agreed that my sight improved. It is really something to see these lenses.

Now, getting down to the bill itself. This addresses replacement lenses and most replacement lenses have a limited supplier and they are all experts in their particular field — Bausch and Lomb — and this is where the orders go. These orders are not ground out in LaVerdiere's or Welby's or wherever, they are sent to the almost identical place that the ophthalmologist or optometrist send for your contact lenses.

What is hard to accept is that that consumer out there will be afforded the opportunity to go right in and place an order and know the exact cost for replacement of their lenses. What is wrong with that? Are you going to take away the opportunity of getting two pair for the price of one that are advertised now? I just cannot see the optometrist taking the position that this is a dangerous route, all of us are going to go blind if we support this Majority Report as far as the lenses are concerned.

I had to twist an arm and threaten not to continue my services with a particular optometrist because he resisted my request for a prescription. I was going overseas and I feared that I might lose them, misplace them or somehow they would be misdirected so I asked for a prescription. He refused. I insisted that this was my personal property even though the law was on his side. I finally convinced him to make that prescription available to me and I still carry it with me in my wallet.

I urge you to support the Minority Report on the basis of economics. I think there is very little fear of not being fitted properly today. The requirements are specific, you just send them in and if the optometrist fitted it, you would have it in one hand, if these people fitted it, you would have it in the other hand and they are identical lenses.

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

Representative STEVENS: Mr. Speaker, Ladies and Gentlemen of the House: What happens right now in Maine is that people pay more for contact lenses, not only if they have to, but sometimes they can't afford to. In my particular instance, I received my daughter's contact lens prescription because she was going to Europe for the summer and the optometrist agreed to release it under those conditions. She didn't need it in Europe, she took good care of her contact lenses, but when she returned, you know what we did, we took that contact lens prescription that was really pirated and we went down to Sears and we got two contact lenses for \$29 which was half the cost of the warranty contract that I would have had to pay my optometrist to cover one pair plus the \$15 like Representative Allen had to pay. People are paying too much.

The Maine Legislature, by the laws that are on the books, are aiding and abetting the control the chain of that distribution between the optometrist and the consumer. That is the bottom line. Do you ever get those ads from Sears when they have the contact lenses for sale? At the bottom, they say, come in for your examination. Did any of you ever try to go to Sears for a contact lens examination? If you have, you got a rude surprise because that is a national ad and, in the State of Maine, you cannot go to Sears for a contact lens examination. The reason why? Because in the State of Maine, this legislature has said, you can't be an optometrist and work at Sears, you can't be an optometrist and work at Pearl Vision. I bet most of you didn't know we had that law on the books but we do. So, we have a perfectly qualified optometrist or ophthalmologist that is licensed by the State of Maine, he is certified, he or she is verified, they are fully capable, but you know what, if they were to work at Sears under our licensing laws, they cannot do it. Why do you suppose that is? Why are they less qualified just because they want to work at Sears? Why don't our licensing laws control that? The reason why is because, not only in Maine but in states all over this nation, the optometrists have managed to get mercantile exclusions for practice of

their trade so they cannot work at Sears. Now why do the optometrists themselves don't want anyone to work at Sears? You would think this would be another opportunity for an optometrist, he could go work at Sears, have another job, why don't they want that? You don't have to be a genius to know why they don't want that, do you? The reason they don't want it is because, if somebody works at Sears, you know what prescriptions are going to be filled, what contact lenses are going to be sold. They are not going to be sold through that optometrist for \$70, \$80, or \$100 a pair, they are going to be sold through Sears for \$30 a pair.

Right now, we have on our desks from Dr. Small, an optometrist, and he seems real interested in what the Federal Trade Commission is saying about contact lenses — let me tell you what the Federal Trade Commission is saying right now about optometrists and mercantile exclusions for their trade, "Federal Trade Commission has by fiat said, all mercantile exclusions are anti-trade." Do you know what happened when the Federal Trade Commission said that regarding optometrists? The optometrists took them right to court, they said these aren't anti-trade. Right now in the District Court, Washington, D.C., this is being litigated, the optometrists are fighting for their lives to keep these mercantile exclusions on the books. They are suing the Federal Trade Commission to keep it because it is so important to their income. They are fine people, I don't blame them, I would be doing the same thing. I would be doing the same thing if I were them. They see, right now, the potential for the erosion of an enormous share of their income. If it were for the public health and safety which is the argument that they make, we wouldn't have any trouble. We have to realize that consumers in Maine are going to pay more in Maine, continue to pay more in Maine, if we don't pass this today. So, when you go home and someone has to pay \$60 for a warranty contract or \$325 for a pair of contact lenses, knowing full-well they can get it from another source for \$70, \$30, then we are going to be responsible. I suggest you vote with Representative Allen on the Minority Report.

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

Representative STEVENS: Mr. Speaker, Men and Women of the House: You only have one pair of eyes so when you vote, don't vote penny-wise and dollar-foolish, because the price might not be worth the risk. I think we ought to have a roll call.

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

Representative WENTWORTH: Mr. Speaker, Members of the House: I would just like to remind you that one of the most important part of your contact lens program is a required periodic check with your own doctor. That would not be done, I am sure, if you are buying lenses in some other place.

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

Representative GRAHAM: Mr. Speaker, Men and Women of the House: I am sure there are not too many of you here who lack to hear my voice during the course of a day. That is why I try not to speak here in the House too often but there is an important point I think we ought to make at this juncture and that is Representative Reed talking about your automobile inspection. I thought that was a very appropriate way to illustrate Representative Hale's point about the manufacturers of contact lenses. When you go to get the muffler on your car to make it pass inspection, the garage did not construct that muffler, they bought it from a wholesale manufacturer

of which there are several in the country. The same pertains to contact lenses.

I don't think that this is a health care issue at all. I think this is only a money issue. The ophthalmologists who are M.D.'s and surgeons and physicians have said -- and you have it in front of you on your desk -- that it is appropriate that the consumer get their contact lens prescription so that they may go where they wish to have it filled.

I believe that the bill, as originally written, was not a very good one but I believe just as firmly that the amendment that Representative Allen has told you about is an excellent one. It provides for the chain of liability so that we are sure who is responsible if there is a bad contact lens prescribed or issued to a person. We have accounted for the health care issue by requiring that the initial fitting be at your optometrist so that we are sure that you get the right prescription and that you are educated on how to use those contact lenses. It is not a health issue at all. I urge you to support the Minority Report on this bill.

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

Representative LOOK: Mr. Speaker, Ladies and Gentlemen of the House: This will be a bit of a show-and-tell session because I have worn glasses since I was five years old. Two years ago, I had my eyes fitted by an ophthalmologist. I took advantage of a lower price by going to an over-the-counter to buy glasses. I took advantage of, buy a pair, get another pair for \$10. I am wearing the pair for \$10, they have bifocals. The pair I bought for about \$300 were the progressive ones and, for some reason or other, I couldn't wear them, they didn't seem to fit. They were fine for driving but when I tried to read, I was having a lot of problems. I took them back, asked to have them rechecked, which they did and they assured me that they were correct. Until the day before yesterday, I didn't know what the problem was. I took them down to the museum area, they put them on the machine and I found that they weren't even the same prescription. So, I just want to point out to you that, if it can happen with the old frame glasses, the same thing could happen with contacts.

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

Representative ANTHONY: Mr. Speaker, I wish to pose a question. The question is to any member of the committee or anyone else in the House that wishes to respond. The concern I have with whether or not this should be passed focuses on the word "optician" in the bill because as I read this proposed amendment, it would allow the specifications to be filled by a pharmacist or person licensed to provide lens specifications or an optician. I am curious to know what is meant by an optician? Are these people licensed? Are they trained? Do they need to be trained? Should we have some concerns about having a word in the statute that I am not sure is defined and if it is, I would like to know what the nature of that definition is.

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

The Chair recognizes the Representative from Washington, Representative Allen.

Representative ALLEN: Mr. Speaker, Men and Women of the House: I believe that the language that the Representative is referring to is found on lines 29 and 30 of the bill. The point of having that particular language in the bill is to make sure that

the specifications are filled only by those businesses employing either licensed pharmacists or opticians. Opticians are not licensed in the State of Maine, that is another thing that optometrists are opposed to. Opticians include those people who work for Pearle Vision. They are in fact trained as opticians but this state does not license them per se and therefore there is no prohibition against themselves calling themselves opticians because they are not licensed. It didn't say licensed opticians because we don't license opticians and, frankly, the optometrist wouldn't like it if we tried.

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

Representative SHELTRA: Mr. Speaker, Ladies and Gentlemen of the House: I agonized quite a bit over this bill. At first, I went against it and the more I thought about it in retrospect, I started thinking I can well remember when the osteopaths weren't allowed in a hospital by the M.D.'s, for instance. One of the questions that I proposed at the hearing was to this gentleman (Brad somebody) and said, "Well, will you make it mandatory then that your brothers will have to adjust a prescription once it returns to your desk or their desk?" He said, "Oh no, I can't do that but we will strongly suggest that when these lenses do come back that they should be examined and fitted to the eye properly." So you see, they are not even attending to their own business presently because, if they order a vial, a vial comes in, the customer comes in and picks it up and away he or she goes. Consequently, if they are not willing to mandate to their own professional people that they should check these lenses out, why should we be mandating to the public as to what they should do? I earnestly charge you to go with this bill.

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

Representative MELENDY: Mr. Speaker, Men and Women of the House: I, too, was concerned where I thought I had only one pair of eyes and because I have problems with my eyes, I tend to go to an ophthalmologist rather than an optometrist because my problems are a little bit more severe. My first concern, when I picked up the bill was, oh-oh, we have got to make sure that every one gets proper eye care and I want poorer people as well as wealthier people to have the best possible care so I guess I have got to find out a little bit about this bill. A couple of years ago, we passed a bill that gave the optometrists the ability to give medication and to prescribe medication where they had not had proper training. So, it kind of surprises me today that they are worried about somebody else not having proper training to do the same type of thing.

What I did was call my ophthalmologist on a Saturday and we spent approximately two hours discussing this bill, every facet of it. I called and said, "Listen, I have got to know what the details are of this because I want to protect people who think that they want to buy a bargain." We went on and on in the conversation and he said, "Rita, I have no problem at all with people being able to buy the contact lenses cheaper." He said, "But do yourself and the people of Maine a favor, just make sure that they have the proper exam." He said, "For anybody to have the proper exam, you wouldn't believe how many appointments it can take to properly fit someone a first time. There have been times where I have even given people back a couple of hundred dollars saying, "Look, we have worked at this, we have sent away for contact lenses, they have come back, they don't fit properly and so forth and I

don't think that you can really even be fitted for it, so rather than continue beating our heads against the bush, why don't I give you your money back. If you want to try to get contact lenses with someone else, you are free to, but as far as I am concerned, I don't think that you can be fitted properly." He says, "If this bill is written in such a way that the person who fits them has the ability to sell that first pair because they go through so much and they want to make sure that once they are fitted with them that if there are any complaints in the first few weeks and so forth they have an opportunity to come back and make sure that they are fitted properly. I would have absolutely no problem with giving that prescription because finally that prescription would be perfected."

So, men and women of the House, I have no problem. I have the confidence that this can be done and it is a matter of choice for the consumer. I will be supporting the Minority Report.

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

Representative ROLDE: Mr. Speaker, I would like to pose a question to anyone who may answer.

The remarks of the gentlelady from Rockland have just made me wonder as to whether the bill actually says what a proper fitting is. I have some concern with this bill because of an experience that I have had in my family where my wife, when she went for her first contact lens fitting, received a pair through an optometrist and they weren't fitted correctly and her eye ball actually was ripped because of that. So, I am very concerned about how this is handled and this was done by an optometrist. So I would like to know what a proper fitting would be and when a person could ask for that prescription?

The SPEAKER: Representative Rolde of York has posed a question through the Chair to any member who may respond.

The Chair recognizes the Representative from Washington, Representative Allen.

Representative ALLEN: Mr. Speaker, Men and Women of the House: As a patient, you can ask for the prescription any time you want, this doesn't say when you have to do that. As far as the eye care professional providing you with that specification, he can provide it to you any time, he can provide it to you initially if that is his or her inclination. However, this would require that that not occur until the fitting process has been completed. That fitting process is determined and that completion is determined by your eye care professional, either your optometrist or your ophthalmologist. After that has occurred, then at your request, he or she can provide you with your specifications.

In the committee, we attempted to allow eye care professionals the flexibility to determine when that fitting process was completed and how long that specification was good for.

Several Representatives have mentioned that they have specific problems with their eyes. If your eye care professional determines that the specifications should only be good for one month or two months or 20 months, that is entirely their professional discretion, as is when they define the end of the fitting process.

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

Representative HOGLE: Mr. Speaker, Men and Women of the House: I sponsored this bill. I sponsored it because I had constituents who requested it and it is purely a consumer bill.

I would like to clarify what Representative Reed said, I can't compare eyes with automobiles but I

certainly would like to clarify that the person fitting you, the optometrist or ophthalmologist that gives you the prescription, is the only one that fits the eye, touches the eye or gives you an eye exam. LaVerdiere's, Sears, Welby's, they do not fit or touch the eye, they simply replace the contact lens in a vial and hand it to you across the counter, the same as the optometrists do. If you lose one and you have to go back and replace it, the optometrist hands it to you in a vial across the counter, you go home and put it on. If it doesn't fit, you go back. It is as simple as that. It is a consumer bill and believe me, if anyone knows about a pair of eyes, you might wear mine. Believe me, I cannot see, I have had contact lenses, I cannot seem to keep them in my eyes, I keep losing them. I hope you go along with Representative Allen.

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

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

I would pose this to any member of the committee, is it a fact that because of the ethics of the doctors or is it statutory that the ophthalmologists and optometrists are not giving out their prescriptions to the patients?

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

The Chair recognizes the Representative from Washington, Representative Allen.

Representative ALLEN: Mr. Speaker, Ladies and Gentlemen of the House: I believe in response to your question, there are currently optometrists and ophthalmologists, as Representative Stevens has alluded to, that will give you your prescription if they think you have got a good enough reason. There is no prohibition against that occurring right now, they are not statutorily prohibited from doing this. What we are trying to say is statutorily you will be required to do it if you jump through all of these hoops.

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

Representative FARNSWORTH: Mr. Speaker, Men and Women of the House: I would also like to respond to the question posed by Representative Hastings of Fryeburg because initially I had viewed this bill, of which I am a cosponsor, essentially as a rights bill, a patients' rights bill. My feelings on that were substantially increased when I went to the hearings and we heard the kinds of statements from representatives of the optometrist group like we need to keep these people on a short leash because they really don't know what to do appropriately with prescriptions. I found that really offensive.

In talking about what is shortsighted, I guess I would say that I believe (at the moment) optometrists are not required by law to give out medical records but ophthalmologists, being physicians, are. I think it shortsighted of the optometrists to think that that is going to stay that way for very long. This is just one provision for a prescription or specification, so-called, and the kinds of examples that were provided to the committee and that I have heard about as a cosponsor are very rational kinds of situations where people are traveling or people have a need to get a copy of their specifications. Not all of them plan to go to Welby's or Sears, many of them plan to go to an ophthalmologist or optometrist should the need arise.

Right now, ophthalmologists, as well as optometrists in some instances, do give them out, so

not everybody decides that it is inappropriate to give out the prescriptions. I think that all of that kind of information leads one to the conclusion that there is some sort of interest in restraining trade on this subject, there is some sort of interest in keeping the business localized.

I would just refer you to the policy statement that I believe has been placed on your desks from the American Academy of Ophthalmology which states at the beginning that it supports the principle that patients are entitled to information concerning all aspects of their health care. This principle applies to providing the specifications of fitted contact lenses to patients after the fitting process has been completed. I think that the committee did excellent work on this bill by adding in the reference to having the fittings completed first. I think that it is appropriate for this body to deal with the issue of whether a person is entitled to go to their optometrist and request a copy of this medical record. We entrust people with prescriptions for drugs, we entrust them for a prescription for eye glasses. We then deal with concerns as have been expressed here about safety by regulating who can dispense drugs, who can fill prescriptions for drugs and who can fill prescriptions for eye glasses. I think if there are concerns about that, then those should be dealt with through the licensing process and those have not been proposed, as I understand it, in the past. I see this as an issue of whether a person can ask for a document that shows what specifications have been given to them after fitting for their own eyes and I find it offensive that, as a matter of law, optometrists do not have to provide that to a person, especially where other people providing the same service are required to do so by law. I would urge you to support the Minority Report.

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

A vote of the House was taken.

64 having voted in the affirmative and 56 in the negative, the Minority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (H-871) was read by the Clerk and adopted and the Bill assigned for second reading Friday, March 9, 1990.

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act to Establish Mediation for Mobile Home Park Operators and Tenants" (H.P. 1595) (L.D. 2212)

Signed:

Senators: BALDACCI of Penobscot
DILLENBACK of Cumberland
Representatives: BEGLEY of Waldoboro
JALBERT of Lisbon
PLOURDE of Biddeford
MURPHY of Berwick
STEVENS of Sabattus
TUPPER of Orrington

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-879) on same Bill.

Signed:

Senator: MATTHEWS of Kennebec
Representatives: PRIEST of Brunswick
LAPOINTE of Auburn
PAUL of Sanford
LAWRENCE of Kittery

Reports were read.

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

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

This bill is the result of long discussions involved with the Manufactured Housing Study Commission which this legislature authorized during the past two years in the Legal Affairs Committee. Unfortunately, despite our best efforts and despite significant compromise in the Committee Amendment, we were not able to reach unanimity and so I bring the bill before you at this time.

This bill deals with the stark choice which too often faces a mobile home park tenant who lives in a large park. If the owner of the mobile home park cuts the service or raises the rent or cuts back on utilities, the choice of the tenant is basically to accept the change or to go to court or to move. However, if you are a mobile home park tenant, unlike an apartment dweller, when you move, you take your \$30,000 mobile home with you and you better have a place to be able to put it; otherwise, it is going to be sold out from under you.

The most frustrating thing, I think, for a mobile home tenant in a large park is not being able to discuss a rent increase or a rule change or a decrease in services with the owner of the mobile home park. Perhaps the owner is a corporation and not available. Perhaps the representative simply is not authorized to do anything other than listen to complaints but cannot take any action on them.

This bill will provide a modest way for park tenants and park owners to resolve their differences short of going to court. I want to stress that the bill itself applies to very large mobile home parks, that is mobile home parks having 250 or more lots. The Manufactured Housing Board estimates that there are 15 to 20 mobile home parks in the state so it is a small number.

The bill itself says that the mobile home park owner must give a tenant 30 days notice of a rent change or a change in park rules or reduction in services or utilities. Once that notice is given, if a majority of the tenants of the park or the Board of Homeowners Association, if the park has one, want to meet with the owner or the representative of the mobile home park, they can do so. If that meeting is unsatisfactory, the tenants then can ask for up to three hours of mediation. It is limited to no more than three hours, so it is not going to be used to drag things out.

I want to stress the mediation proposed by this bill is a nonbinding situation. Mediation is only an attempt to work out differences with a skilled mediator and that is all it is. If in fact the mobile home park owner is not satisfied with the mediation, then the change goes into effect and the tenants can decide whether or not they want to go to court.

However, I think that most problems can be worked out by sitting down and talking them over for a short period of time. This legislature has tried mediation in a number of settings quite successfully. As you know, if you have a divorce situation which involves children, you are going to mediate that question before the divorce becomes final.

In the Workers' Compensation area of which I am familiar with, we require claimants and insurance companies to sit before a commissioner and try to work out their differences in an informal setting before you go on to a formal hearing and that process has been successful.

Mediation is a process which this legislature has supported in the past and I would urge that it be applied to this situation.

Under the bill, the burden on the park owner is minimal and the tenants will have some way of trying to work out their differences with the park owner. Although the burden is minimal, I think the bill is important. I can tell you from my own experience that it would have been very helpful in my district.

A few years ago, there was a mobile home park which has now about 350 units in it which was sold to new owners. The new owners were getting into the mobile home park business, took over the mobile home park, and suddenly discovered that the rents they had were not going to be sufficient to give them a profit on the mobile home park. Like any good businessman, they decided that they were going to have to raise the rent to make a profit. The rent notices went out. The rent increases were due to take place within the month and they averaged 39 percent of rent increases. You can imagine what happened next. I got several calls, especially from elderly people on fixed incomes who said essentially that they simply could not manage a 39 percent rent increase, especially within a single month. They said they were going to have to sell their homes or leave and they literally didn't know what they were going to do. There were a lot of questions about how to apply for welfare from people who were not connected with the welfare system.

What happened next was what you would predict -- there was a meeting in the local Baptist Church in the basement of 300 of the angriest people that I have ever had the pleasure to talk to. Their elected representatives were there as well. There were also two representatives of the mobile home park owners. Unfortunately, the owners, not being skilled at how to manage the situation, had sent two people who were authorized to observe but not to answer any questions. So, it was the worst of all possible situations -- you have a group of people who were very concerned about their future and two representatives of the new owners and they can answer no questions at all, all they can do is observe. That made this group even angrier. The questions they next put were obviously put to their elected representatives of which I was one.

The ultimate answer that I had for them was that your only choice, frankly, is to go to court. In fact, that is what happened, they passed the hat, hired a lawyer and the lawyer threatened to sue. At that point, the mobile home park owners backed down with the lawyer for the tenants and worked out a reasonable solution to the situation. The rent increases of over almost 40 percent were rescinded and much more modest increases were substituted.

That park went through tremendous upheaval, which is still remembered by the park tenants today. This bill could have avoided that upheaval and would have allowed that problem to be worked out. That is basically the reason why I fought for this bill and why I think it is so important.

You may hear from some of the opponents that in fact there is a voluntary service which has been set up by park owners and that is true. I applaud them for that. I would say, however, that the voluntary mediation service has been used only twice during the past year and it is clear that tenants do not want to use a service which is put forth by park owners when their main dispute is with park owners. Tenants are concerned that there be a neutral body which would guarantee mediation, this bill provides that as the mediation services are arranged for by the Manufactured Housing Board.

This bill seems to me to be one of the clearest pro-consumer bills I have seen in the mobile home area. It gets people together and encourages them to work out their problems without burdening the courts. It applies only to large parks where there may not be a local owner who lives in the area and who you can talk to day by day, as is the case in many small parks. It only applies to parks of 250 or more.

The delay here is only 30 days for a park owner, that is not a great amount of time. In fact, that is a normal period for rent increases, rules changes or service decreases that is given by a mobile home park owner.

I would urge you, therefore, to accept the "Ought to Pass" Report. I think it is an important bill and I think it will significantly help mobile home park tenants who live in large parks.

Mr. Speaker, I would request the yeas and nays.

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

Representative BEGLEY: Mr. Speaker, Men and Women of the House: I would ask you today to vote against the Minority Report so that we could accept the Majority Report of the committee.

This bill was brought to us from the Commission on Manufactured Housing but I would like to call your attention to the fact that this was presented by a minority of the commission. In fact, I believe by two people from the commission. In other words, the majority of the Manufactured Housing Commission did not support this concept at this time.

We had many bills last year and this year dealing with the rights of mobile park owners and mobile home park tenants. In fact, I would like to call your attention today to the Consent Calendar on Page 9 -- 8-12, 8-13 and 8-15, which all deal with some of the concerns that we have been dealing with in our committee. Therefore, I believe that this particular bill at this time is unnecessary and I would like to give you at least two reasons.

Representative Priest has referred to the one that I am going to speak about at this time. I would like to submit to you that I feel one of the reasons that the tenants have not been supportive of this concept and the Maine Manufactured Housing Association, right now working with Maine Manufactured Housing Board, has started a voluntary mediation service. This was only started last year and I do not believe enough time has elapsed to give this a fair try. I think, as I said earlier, one of the problems that we had pointed out to us is that the tenants have not been willing to work with the Manufactured Housing Board and the association to give this a try. I submit to you that we believe that more time should be given to that.

The cost of the mediation service would be borne by both parties as is suggested but if a need can be established, a fund that is located at the Manufactured Housing Board, can be tapped to pay for this. One of my concerns is that this fund will be more apt to be used by tenants than by the owners and that the cost of the mediation will cause an undue burden on park owners. I believe that we should encourage the voluntary mediation process that has already been established, and we do not feel that it has been utilized to its fullest yet. I urge you to vote against L.D. 2212.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I hate to disagree with my good Chairman, the very capable Chairman Representative Priest, he has given a good argument,

but this bill, as Representative Begley said, does nothing. What worries me the most is that you will have many people who are mobile home park tenants, elderly people, single parents, who will believe that this is a protection. We have mediation — any problem that I have, I can go to mediation. It will not do that. That will be false hope.

The bill says that you will sit down and you can look at each other for three hours and then get up and walk out. Nothing comes of it. Any time that you have mediation with teachers, labor negotiations, mediation — there is something in place that you automatically go up to. All this says is, you sit down and look at each other for three hours. That is very bad because we are in the position, and I pride myself that I understand a little bit what mediation could be, what my rights are, but the average person in the parks, the elderly, the retired, the single parents, they believe that this will be a godsend. I come into this park, you have mediation now, I have a problem — that's all right, I will get in touch with the park owner, we will sit down. Or the park owner has a problem with a tenant, let's sit down and absolutely nothing comes of it. They just go back home and decide whether or not to go to court.

I am in favor of this but let's put some teeth into it. What you are doing here is giving false hope to the poor tenants and some of the park owners who have problems with tenants.

I would urge that you defeat the Minority Report and adopt the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Kittery, Representative Lawrence.

Representative LAWRENCE: Mr. Speaker, Men and Women of the House: I rise to respond to two statements which were made, which I find very curious.

The Representative from Waldoboro stated that the tenants don't support mediation. The tenants came before our committee, they did support mediation and they support this bill. The failure of the current process is due to the fact that there aren't enough mobile park owners participating in the process.

I am also curious about the remarks from the Representative from Lisbon that this bill does not do enough. In committee, we wanted the bill to do more but we didn't have the support for it, so we took this very conservative step to provide protection for the tenants of mobile home parks. Many of us in the State of Maine come from communities that are dotted with our past history of triple decker tenement homes that were a form of usury back 40 or 50 years ago where out-of-state landlords took rents from tenants who lived there and forced them to live in horrible conditions. We think we have come a long way in the past 40 or 50 years but I can tell you, having three manufactured housing parks in my district, that manufactured housing is rapidly becoming the tenements of the 1990's. We owe it to protect the tenants of these parks.

I will tell you one very good reason why I support this bill and why I think you should support this bill. I have three manufactured housing parks in my district. As constituents, I have two owners of manufactured housing parks. As constituents, I have 650 tenants of mobile home parks and I know who I was elected by to represent this body.

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

Representative BEGLEY: Mr. Speaker, Men and Women of the House: I just want to clarify one comment that Representative Lawrence made. I believe he misunderstood what I was trying to say. I did not mean to say that the tenants did not support mediation. What I was trying to say was that we did

not feel that they had supported the concept of the voluntary one that had been presented to them. We felt that they had not passed the word around among the tenants enough to use that. That was the point that I was trying to make, not that they did not support the mediation process itself.

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

Representative PAUL: Men and Women of the House: The good Representative from Brunswick and Chair of the Legal Affairs Committee has very eloquently explained to you what is proposed in L.D. 2212. I don't believe that I can add to that without being repetitious.

Representative Priest has spent many, many hours serving on the Manufactured Housing Commission and I haven't met anyone more knowledgeable on mobile home park issues than he is.

During this session, you will be asked to examine other housing bills and without hesitation today, I will be supporting the Minority "Ought to Pass" Report and I hope that you will do the same.

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

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

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

Representative FARNSWORTH: Mr. Speaker, Men and Women of the House: I just wish to make two points and before I do that, I would like to say that I have a professional interest in mediation. I really believe in mediation and hope to do work as a mediator some day.

My concern here arises from constituent complaints that I received last year from a mobile home park too small to be affected by this bill but which I think illustrates the reasons why the Minority "Ought to Pass" Report ought to be supported.

The people that came to me were concerned about the rent increase that had been imposed on them and they were terrified of approaching the owner of the park directly. They had put all of their life savings, their hopes and retirement plans into moving into this park, as I think is the case with many older people in this state. For them, it was a total disastrous consequence to consider. If they ran into trouble with the owner of the park and were evicted, where would they go? Their friends were there, they had been there for quite awhile and they felt that they needed to worry about that and expressed their concern about the rent increase.

One of the things that they wanted, one way or another, was to convey to the owner of the mobile home park that the timing of the rent increase could make a huge difference to people. I have forgotten the specifics but what I recall was that the date that had been suggested for the proposed increase came at such a time in relation to when their Social Security checks always came, that it really imposed a hardship. A slight adjustment of a few days on the day of the rent increase would have made a big difference to them. That is why I think mediation is really in the best interests of both the park owners and the tenants because things like that that people are truly afraid to bring up that can make everybody accommodate themselves better to changes, mobile home owners do have reasons to raise rents from time to

time, but if they can do so in a way that will be less disruptive to the people who live there, it is in their interest as well.

I think the voluntary program that was in existence does not provide the kind of safeguards that tenants feel they need in order to dare to challenge something like that. I think this is such a modest proposal (I almost view it as a model project) and if this works, I think we will find that the mobile home owners would be less upset about this kind of requirement. I think there are other things than simply opposing some of the decisions that mobile home owners have to make that can happen in the course of mediation and it is a way for people to talk to each other. For those reasons, I support the Minority "Ought to Pass" Report and I hope that you will.

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

Representative PLOURDE: Mr. Speaker, Men and Women of the House: These past few weeks our committee has dealt with numerous bills to assist tenants' rights in mobile home parks. We as a body have supported all of them.

When this bill came before us, there was a strong division because the Commission study came out and out of the 15 people (approximately) that sat on that commission, only two voted for this type of bill. One was the Chairman of our Committee, who does an excellent job for us, and a tenant who has had a major problem for the last few years with her own mobile park owner. Yes, tenants would like to have the right to mediation and I think the committee all felt that the bottom line came -- do we place a law or we are stating that mediation should happen? Or should we continue the volunteer process that exists now?

I would like to add that listening to the comments as far as that volunteer group is concerned that it has been in place a very short period of time. When you sit down and analyze the number of mobile home parks that have been created the past few years, it has been astronomical.

The question we have to ask ourselves today is, should we, more or less, mandate mediation or continue the process of voluntary? The majority of the committee supported the voluntary so I urge you to vote no on the Minority Report.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to get the record straight in reference to Representative Lawrence's comment about having six mobile home parks. I am not insensitive to the mobile home park tenants because I have nine in my town and about a quarter of my constituents live in mobile home parks. I can't see putting something on the books that builds up false hopes. I have had a lot of people call me up and they said, "This will be great." I said, "Do you realize what it is?" If we are to have mediation, let's have mediation which will really work.

I would ask that you not support the Minority Report and support the Majority Report.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: It is really hard to get up here and go against our good Chairman because most of the bills in that committee do come out unanimously. I don't think there is a committee in this legislature who has more respect for their Chairman than the Legal Affairs Committee because he is such a

fair person. Many of the things he has said, I agree with, there are a lot of problems out there and I think most of us have mobile home parks in our district.

Over the past couple of years, we have done many things to help the tenants in mobile home parks. They had some very serious concerns and I believe that we tried to deal with them in a very fair way. We even went so far as taking away local control on allowing mobile home parks. We told the towns back home that they could not deny mobile home parks, that they had to reserve a space for them. I don't think there was a bill that I took any more flack on than I did when I voted on that one. I still maintain that was the right thing to do. We also gave the tenants the right to be able to sell their mobile home, we took off the 1976 HUD standards and told the towns and mobile home park owners that they could not judge mobile homes just on the 1976 age. We told them that they had to judge them on safety and things like that so they could get out the equity that they had built up in their mobile homes. We have done many things for the tenants and I agree that they are the right things.

My problem with this bill is that we did put in the voluntary mediation and I feel as though one year is really not enough time to see if that works. We are all concerned with affordable housing, especially those of us who live in the southern part of the state because our property taxes are so expensive and our land is so expensive and that this is the only form of home many people can afford, especially young couples and our retired people. Our tax rate is so high right now that many elderly people are having to sell their homes in order to get into a mobile home. My concern is for the tenants and the consumers out there. However, I am afraid that this bill will put an added cost on to mobile home park owners because they are going to plan to go to arbitration. Before they sit down, both parties can agree to an arbitrator and if both parties agree to an arbitrator, the cost is split. You know that the tenant isn't going to plan ahead to pay his or her half of the arbitrator because people don't have it. The mobile home park owner is going to put that cost into the rent on these mobile home parks and I am afraid that it is going to put the rents up and cost these people more money. This is my concern about this bill.

A year from now, I may be very happy to vote for it, but right now, I would like to see if the voluntary mediation can work and then, hopefully, it will resolve a lot of problems and we will not have to put this added cost on to the mobile home parks.

The SPEAKER: The Chair recognizes the Representative from Kittery, Representative Lawrence.

Representative LAWRENCE: Mr. Speaker, Men and Women of the House: I just want to correct two more points that were made. Reference was made to this being mandatory, it is not mandatory, and I want to stress that. I would love to have it mandatory but it is a voluntary process.

The word arbitration was used, this is not arbitration, this is mediation, voluntary mediation. There was some discussion about the report with the commission voting 13 to 2 and that is true but, as you know, the makeup of the commission often determines what the report will be. There was only one representative of tenants on this commission at the time the vote was taken. I am pleased to see that one of the legislators on the committee, the Chair of our Committee, stood up for the tenants and voted to bring this out in a minority so our

committee and the legislature could discuss it and turn out a bill that can do something for the tenants.

Again, I urge you to put yourself in the shoes of the tenants, somebody who has spent \$60,000 to buy a mobile home, has it in the park, and it is totally at the whim of the owner of the park. The value of that home can easily be decreased by what the mobile park owner does. All this says is that the tenant and the park owner should sit down and discuss the issue.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: If I gave you the impression that this is binding arbitration or binding mediation, I am sorry. It is not. They only have an arbitrator when both parties (before they sit down) agree to an arbitrator when they disagree. I thought I made that clear but maybe I didn't. It is not binding mediation, not binding arbitration, it is binding if both parties agree to it before they sit down. If they cannot come to an agreement, they will go to an arbitrator.

The SPEAKER: The pending question before the House is the motion of the Representative from Brunswick, Representative Priest, that the House accept the Minority "Ought to Pass" Report.

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

Representative CASHMAN: Mr. Speaker, I request permission to pair my vote with the Representative from Brunswick, Representative Clark. If she were present and voting, she would be voting yea; I would be voting nay.

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

ROLL CALL NO. 182

YEA - Adams, Aliberti, Allen, Anthony, Bell, Brewer, Burke, Cahill, M.; Carroll, D.; Carter, Cathcart, Chonko, Coles, Conley, Constantine, Cote, Crowley, Curran, Daggett, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnsworth, Farnum, Graham, Gurney, Gwadosky, Hale, Handy, Heeschen, Hickey, Hoglund, Holt, Joseph, Ketover, LaPointe, Larrivee, Lawrence, Lisnik, Luther, Macomber, Mahany, Manning, Mayo, McGowan, McHenry, McKeen, McSweeney, Melendy, Mitchell, Moholland, Nadeau, G. G.; Nadeau, G. R.; Norton, O'Dea, Oliver, Paradis, J.; Paradis, P.; Paul, Pederson, Pouliot, Priest, Rand, Richard, Ridley, Rolde, Ruhlman, Rydell, Simpson, Skoglund, Smith, Stevens, P.; Strout, D.; Swazey, Tammaro, Telow, Townsend, Tracy, Walker, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, Begley, Butland, Carroll, J.; Clark, H.; Dellert, Dexter, DiPietro, Donald, Farren, Foss, Foster, Garland, Gould, R. A.; Greenlaw, Hanley, Hastings, Hepburn, Hichborn, Higgins, Hussey, Hutchins, Jacques, Jalbert, Kilkelly, Lebowitz, Libby, Look, Lord, MacBride, Marsano, Marsh, McCormick, McPherson, Merrill, Michaud, Murphy, O'Gara, Paradis, E.; Parent, Pendleton, Pines, Plourde, Reed, Richards, Rotondi, Seavey, Sheltra, Small, Stevens, A.; Stevenson, Strout, B.; Tardy, Tupper, Webster, M.; Wentworth.

ABSENT - Boutilier, Jackson, Marston, Martin, H.; Mills, Nutting, Pineau, Sherburne, Whitcomb.

PAIRED - Cashman, Clark, M.
Yes, 81; No, 59; Absent, 9; Paired, 2; Excused, 0.

81 having voted in the affirmative and 59 in the negative with 9 being absent and 2 paired, the

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

Committee Amendment "A" (H-879) was read by the Clerk and adopted and the Bill assigned for second reading Friday, March 9, 1990.

CONSENT CALENDAR

First Day

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

(S.P. 823) (L.D. 2099) Bill "An Act to Clarify the Maine Juvenile Code" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-550)

(H.P. 1679) (L.D. 2320) Bill "An Act to Further Clarify the Relationship Between Woodcutters and Landowners" (EMERGENCY) Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-882)

(H.P. 1666) (L.D. 2307) Bill "An Act to Provide Legislative Oversight of Transactions Dealing with State Held Lands and Property" Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-883)

(H.P. 1342) (L.D. 1859) Bill "An Act Concerning the Definition of Security Guard" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-886)

(H.P. 1635) (L.D. 2268) Bill "An Act to Conform Maine Antifouling Paint Law to Federal Standards" (EMERGENCY) Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-888)

(H.P. 1533) (L.D. 2118) Bill "An Act Regarding Municipal Shellfish Regulations" Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-887)

(H.P. 1738) (L.D. 2402) Resolve, to Designate the Quoddy Loop as a Scenic Way (EMERGENCY) Committee on Transportation reporting "Ought to Pass"

(H.P. 1543) (L.D. 2128) Bill "An Act to Replace the Large Lot Exceptions under the Site Location of Development Law with a Low-density Exemption" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-889)

There being no objections, the above items were ordered to appear on the Consent Calendar of Friday, March 9, 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:

(H.P. 1540) (L.D. 2125) Bill "An Act to Clarify the Laws Regarding Recovery of Medicaid Payments from Liable Third Parties" (C. "A" H-864)

(H.P. 1619) (L.D. 2241) Bill "An Act Providing for the 1990 Amendments to the Finance Authority of Maine Act" (C. "A" H-866)

(H.P. 1439) (L.D. 2009) Bill "An Act to Promote Judicial Economy by Allowing Corporate Self-representation in Traffic Cases" (C. "A" H-867)

(H.P. 1542) (L.D. 2127) Bill "An Act to Amend the Maine Human Rights Act with Regard to Housing Discrimination on the Basis of Handicap" (C. "A" H-868)

(S.P. 816) (L.D. 2080) Bill "An Act to Require That Certain 3rd-party Prescription Drug Programs Be

Subject to the Provisions of the Appropriate Preferred Provider Arrangement Act" (C. "A" S-543)

(S.P. 872) (L.D. 2234) Resolve, Authorizing the Director of the Bureau of Public Improvements to Sell the Maine Criminal Justice Academy Campus in Waterville, Maine (C. "A" S-548)

(H.P. 1638) (L.D. 2271) Bill "An Act to Create Low-interest Loans for Businesses to Purchase Furnaces or Boilers That Burn Waste Motor Oil" (C. "A" H-869)

(H.P. 1622) (L.D. 2244) Bill "An Act to Reclassify Surface Waters of the State" (C. "A" H-870)

(H.P. 1599) (L.D. 2223) Bill "An Act to Clarify the Tax Lien Discharge Law" (C. "A" H-872)

(H.P. 1441) (L.D. 2010) Bill "An Act Concerning the Depuration Digging of Shellfish" (C. "A" H-873)

(H.P. 1541) (L.D. 2126) Bill "An Act to Establish Licensing Requirements and a Cooperative Monitoring Program for Mahogany Quahogs" (C. "A" H-874)

(H.P. 1582) (L.D. 2191) Bill "An Act to Facilitate the Disclosure of the Mobile Home Statutory Warranty" (C. "A" H-876)

(H.P. 1500) (L.D. 2077) Bill "An Act to Provide Warranties for Manufactured Housing Purchased from Out-of-state Dealers" (C. "A" H-877)

(H.P. 1405) (L.D. 1953) Bill "An Act to Strengthen Penalties for Operating under the Influence When a Minor Is a Passenger" (C. "A" H-878)

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

(H.P. 1563) (L.D. 2169) Bill "An Act Regarding Homeowners' Rights When Mobile Home Parks are Sold" (C. "A" H-875)

On motion of Representative Priest of Brunswick, was removed from the Consent Calendar, Second Day.

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

Committee Amendment "A" (H-875) was read.

On motion of Representative Priest of Brunswick, tabled pending adoption of Committee Amendment "A" and specially assigned for Friday, March 9, 1990.

**PASSED TO BE ENGROSSED
As Amended**

Bill "An Act to Implement the Recommendations of the Special Commission to Study the Organization of the State's Cultural Agencies" (S.P. 885) (L.D. 2254) (C. "A" S-546; S. "A" S-549)

Bill "An Act to Provide Equitable Representation on the Board of Trustees of the Maine State Retirement System" (S.P. 751) (L.D. 1959) (C. "A" S-542)

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

**ORDERS OF THE DAY
UNFINISHED BUSINESS**

The following matter, in the consideration of which the House was engaged at the time of adjournment Tuesday, March 6, 1990 has preference in the Orders of the Day and continues with such preference until disposed of as provided by Rule 24.

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

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

- In House, Failed to Override Governor's Veto. TABLED - March 5, 1990 by Representative GWADOSKY of Fairfield.

PENDING - Motion of same Representative to Reconsider. (Roll Call Requested)

Subsequently, the House voted to reconsider.

The SPEAKER: After reconsideration, the pending question before the House is, Shall this Bill An Act Regarding the Maine Technical College System (H.P. 660)(L.D. 902)(C."A"H-735) become law not withstanding 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. All those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 183V

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

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

ABSENT - Boutilier, Clark, M.; Jackson, Marston, Nutting, Sherburne, Strout, D..

Yes, 95; No, 49; Absent, 7; Paired, 0; Excused, 0.

95 having voted in the affirmative and 49 in the negative with 7 being absent, the Governor's veto was sustained.

TABLED AND TODAY ASSIGNED

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

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

TABLED - March 6, 1990 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

On motion of Representative Paradis of Augusta, under suspension of the rules, the House reconsidered its action whereby L.D. 1512 was passed to be engrossed.

On motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (S-479) was adopted.

The same Representative offered House Amendment "B" (H-893) to Committee Amendment "A" (S-479) and moved its adoption.

House Amendment "B" (H-893) to Committee Amendment "A" (S-479) was read by the Clerk and adopted.

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

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

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

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

TABLED - March 6, 1990 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

On motion of Representative Mitchell of Freeport, under suspension of the rules, the House reconsidered its action whereby L.D. 2097 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-894) and moved its adoption.

House Amendment "A" (H-894) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-517) and House Amendment "A" (H-894) thereto in non-concurrence and sent up for concurrence.

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

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

TABLED - March 6, 1990 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

On motion of Representative Allen of Washington, under suspension of the rules, the House reconsidered its action whereby L.D. 2176 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (S-518) was adopted.

The same Representative offered House Amendment "A" (H-892) to Committee Amendment "A" (S-518) and moved its adoption.

House Amendment "A" (H-892) to Committee Amendment "A" (S-518) was read by the Clerk.

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

Representative ALLEN: Mr. Speaker, Men and Women of the House: Very briefly, this bill went through our committee and was signed out unanimous as an "Ought to Pass" Report. We are making two changes in the committee report that I believe was intended by the committee and are improvements to the draft as it came out of our committee. One, it clarifies that in fact the substantial assets that are being sold when you are talking about a gas station refer to the gasoline sales portion of the sale. So, if it is a small store with the gasoline sales in front of the store, for instance, the notice of sale only has to be reported if it a substantial asset regarding the sale of gasoline, not regarding anything that has to do with the store.

There is language in this new amendment that improves that and clarifies that even further.

The second part is a more major change in that it is a change from the original penalty signed out by committee. The committee had gone with the Fair

Trade Practices Act. This changes that and allows for total enforcement by the AG's office as opposed to allowing private action which I think is an improvement over the bill. The AG will lose his power to seek injunctive relief. The AG's office has no problem with that and because this is more than just a slight technical amendment, I wanted to clarify that for the Record.

Subsequently, House Amendment "A" (H-892) to Committee Amendment "A" (S-518) was adopted.

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

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

The Chair laid before the House the fourth 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 6, 1990 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

On motion of Representative Mayo of Thomaston, retabled pending passage to be enacted and specially assigned for Friday, March 9, 1990.

BILL HELD

Bill "An Act Related to Overcompensation" (S.P. 743) (L.D. 1947) (H. "A" H-884 to C. "A" S-524)

- In Senate, Passed to be Engrossed as amended by Committee Amendment "A" (S-524)

- In House, Passed to be Engrossed as amended by Committee Amendment "A" (S-524) as amended by House Amendment "A" (H-884) thereto in non-concurrence.

HELD at the request of Representative MICHAUD of East Millinocket.

On motion of Representative Michaud of East Millinocket, the House reconsidered its action whereby L.D. 1947 was passed to be engrossed as amended by Committee Amendment "A" (S-524) as amended by House Amendment "A" (H-884) thereto.

On further motion of the same Representative, the House reconsidered its action whereby Committee Amendment "A" (S-524) as amended by House Amendment "A" (H-884) thereto was adopted.

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

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

The same Representative offered House Amendment "B" (H-890) to Committee Amendment "A" (S-524) and moved its adoption.

House Amendment "B" (H-890) to Committee Amendment "A" (S-524) was read by the Clerk and adopted.

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

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

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

PAPER FROM THE SENATE

The following Joint Resolution: (S.P. 953)

JOINT RESOLUTION RECOGNIZING MARCH 10, 1990
AS TIBET DAY

WHEREAS, the Dalai Lama was awarded the Nobel Peace Prize in 1989 for his nonviolent struggle for freedom for Tibetans who have been under Chinese tyranny since 1951; and

WHEREAS, there are 300,000 Chinese troops in Tibet; and

WHEREAS, since their occupation in Tibet, the Chinese have committed numerous atrocities against the people and natural resources of Tibet, including causing the deaths of over 1,200,000 Tibetans; subjecting Tibetan women to mandatory sterilization and forced abortions; imprisoning thousands of religious and political persons; irreversibly destroying Tibet's natural resources and fragile ecology including extermination of many species of wildlife, deforestation and soil erosion; destroying over 6,000 monasteries housing irreplaceable works of art and literature, which were destroyed, sold or taken out of Tibet; and using Tibet as a nuclear waste dumping ground; and

WHEREAS, on March 10, 1990, Tibetans throughout the world will gather in their host countries to commemorate the 31st anniversary of the Tibetan national uprising against the Chinese occupation of their country and honor more than 1,000,000 Tibetans who have died in their struggle for the independence of Tibet; and

WHEREAS, ongoing human rights abuses in Tibet are deplorable and must be denounced by all civilized nations; and

WHEREAS, the suppression of human rights and freedom in Tibet must be the concern of all freedom-loving people everywhere; and

WHEREAS, the Tibetan Cultural Center of Old Town and the Maine and New Hampshire Friends of Tibet are working to increase awareness of the plight of Tibetans among people in Maine; and

WHEREAS, it is fitting to recognize the Tibetan community and its plea for justice on this 31st anniversary of Tibetan National Day; and

WHEREAS, the people of Maine respectfully urge Nobel Laureate Dalai Lama to honor Maine with a visit during his stay in America; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Fourteenth Legislature, now assembled in the Second Regular Session, take this occasion to recognize March 10, 1990 as Tibet Day; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Dalai Lama.

Came from the Senate, read and adopted.

Was read and adopted in concurrence.

On motion of Representative Cote of Auburn,
Adjourned until Friday, March 9, 1990, at twelve o'clock noon.

STATE OF MAINE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
SECOND REGULAR SESSION
JOURNAL OF THE SENATE

In Senate Chamber
Thursday
March 8, 1990

Senate called to Order by the President.

Prayer by Father Louis Berube of the Holy Family Catholic Church in Sanford.

FATHER LOUIS BERUBE: You have shown Your love for us in the beauty and diversity of Your creations. We give You praise, we give You thanks.

On this beautiful day, we thank You particularly for the gift of life and all the freedoms of our land.

We do not forget, nor overlook the peoples of other lands and nations that You call us to consider in the human family.

We pray Your special blessings this day on every member of the Senate of Maine, on their families and their constituents. May our gratitude make us more worthy of Your continued protection. Amen.

Reading of the Journal of Tuesday, March 6, 1990.

Off Record Remarks

PAPERS FROM THE HOUSE

Non-concurrent Matter

Bill "An Act to Revise the Medical Examiner Act"

H.P. 905 L.D. 1262

(C "B" H-788)

In Senate, February 23, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-788), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "B" (H-788) AS AMENDED BY HOUSE AMENDMENT "A" (H-885) thereto, in NON-CONCURRENCE.

On motion by Senator CLARK of Cumberland, Tabled until Later in Today's Session, pending FURTHER CONSIDERATION.

Non-concurrent Matter

Bill "An Act to Prohibit Motor Vehicle Insurers from Adjusting Personal Insurance Rates of Law Enforcement Officers"

S.P. 843 L.D. 2162

In Senate, February 20, 1990, PASSED TO BE ENGROSSED.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-881) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act to Improve the Organizational Structure of the Fish and Wildlife Advisory Council" (Emergency)

H.P. 1660 L.D. 2300

In Senate, February 16, 1990, PASSED TO BE ENGROSSED, in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENTS "A" (H-818) AND "B" (H-880) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.