

MAINE STATE LEGISLATURE

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

VOLUME V

SECOND REGULAR SESSION
March 20, 1990 to April 14, 1990
Index

HOUSE & SENATE LEGISLATIVE SENTIMENTS
December 7, 1988 to April 14, 1990

ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION
40th Legislative Day
Tuesday, March 27, 1990

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

Prayer by Reverend George Curtis, United Methodist Church, Old Town.

The Journal of Monday, March 26, 1990, was read and approved.

Quorum call was held.

PAPERS FROM THE SENATE

The following Communication:

Maine State Senate
Augusta, Maine 04333

March 26, 1990

Honorable Edwin H. Pert

Clerk of the House

State House Station 2

Augusta, Maine 04333

Dear Clerk Pert:

Senate Paper 751 Legislative Document 1959, An Act to Provide Equitable Representation on the Board of Trustees of the Maine State Retirement System, having been returned by the Governor together with his objections of the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration the Senate proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

19 Senators having voted in the affirmative and 13 Senators having voted in the negative, 3 accordingly, it was the vote of the Senate that the Bill not become law and the veto was sustained.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

Was read and ordered placed on file.

The following Communication:

Maine State Senate
Augusta, Maine 04333

March 26, 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 Marine Resources:

For appointment to the Marine Resources Advisory Council:

Burton H. Blanch of Eastport. Mr. Blanch is replacing Willis Spear.

Arthur J. Odlin of South Portland. Mr. Odlin is replacing Dana Urquhart.

For appointment to the Marine Research Board:

The Honorable Kenneth M. Curtis of Castine.

Edward S. Gilfillan of West Boothbay.

Christopher S. Heinig of South Harpswell.

Arthur M. Johnson of Damariscotta.

James T. List of Wells.

Arthur J. Odlin of South Portland.

James H. Storer of Brunswick.

Dennis L. Taylor of Newagen.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

Was read and ordered placed on file.

Bill "An Act to Authorize Refuse Disposal Districts to Handle Partial Waste Streams from Member Municipalities" (EMERGENCY) (S.P. 985) (L.D. 2448)

Came from the Senate, referred to the Committee on Energy and Natural Resources and Ordered Printed.

Was referred to the Committee on Energy and Natural Resources in concurrence.

Unanimous Ought Not To Pass

Report of the Committee on Energy and Natural Resources reporting "Ought Not to Pass" on Bill "An Act to Regulate Trash to Energy Waste Recovery Corporations" (S.P. 803) (L.D. 2051)

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

Unanimous Leave to Withdraw

Report of the Committee on Banking and Insurance reporting "Leave to Withdraw" on Bill "An Act Concerning the Discontinuance and Replacement of Group Health Insurance" (S.P. 880) (L.D. 2250)

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act to Ensure Timely and Equitable Treatment of Discrimination Complaints Made to the Maine Human Rights Commission" (S.P. 948) (L.D. 2399)

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

Non-Concurrent Matter

Bill "An Act Regarding Importation of Liquor" (H.P. 1741) (L.D. 2405) which was passed to be engrossed as amended by Committee Amendment "A" (H-951) in the House on March 22, 1990.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-951) as amended by Senate Amendment "A" (S-604) thereto in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Regulate the Handling of Manure" (H.P. 1575) (L.D. 2182) which was passed to be engrossed as amended by Committee Amendment "A" (H-910) and House Amendment "A" (H-946) as amended by Senate Amendment "A" (S-565) thereto in the House on March 19, 1990.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-910) as amended by Senate Amendment "A" (S-599) thereto and House Amendment "A" (H-946) as amended by Senate Amendment "A" (S-565) thereto in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Deorganize Plantation E in Arrostook County" (EMERGENCY) (H.P. 1667) (L.D. 2308) which was passed to be engrossed as amended by Committee Amendment "A" (H-922) in the House on March 15, 1990.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-922) as amended by Senate Amendments "A" (S-603) and "B" (S-609) thereto in non-concurrence.

The House voted to recede and concur.

COMMUNICATIONS

The following Communication: (S.P. 982)
114TH MAINE LEGISLATURE
March 23, 1990

Senator Stephen C. Estes
Rep. Nathaniel J. Crowley, Sr.
Chairpersons
Joint Standing Committee on Education
114th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Fred Kahrl of Arrowsic for reappointment, James W. Donovan of Scarborough and Richard H. Campbell of Brewer for appointment to the Board of Trustees, Maine Vocational Technical Institutes.

Pursuant to Title 20-A, MRSA Section 12705, these nominations will require review by the Joint Standing Committee on Education and confirmation by the Senate.

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

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

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

The following Communication: (S.P. 983)
114TH MAINE LEGISLATURE
March 23, 1990

Senator Edgar E. Erwin
Rep. Paul F. Jacques
Chairpersons
Joint Standing Committee on Fisheries and Wildlife
114th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Gene L. Brown of Lisbon Falls, Carroll T. Cutting of East Sebago and C. Thomas Jagger of Sanford for appointments to the Inland Fisheries and Wildlife Advisory Council.

Pursuant to Title 3, MRSA Section 151, these nominations will require review by the Joint Standing Committee on Fisheries and Wildlife and confirmation by the Senate.

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

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

Was Read and Referred to the Committee on Fisheries and Wildlife in concurrence.

The following Communication: (S.P. 986)
114TH MAINE LEGISLATURE
March 23, 1990

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

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated the Honorable John W. Benoit of Farmington for reappointment as Judge of the Maine District Court.

Pursuant to Title 4, MRSA Section 157, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

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

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

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

The following Communication: (S.P. 987)
114TH MAINE LEGISLATURE
March 23, 1990

Senator Judy C. Kany
Rep. Michael H. Michaud
Chairpersons
Joint Standing Committee on Energy and Natural Resources
114th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Cheryl H. Russell of Lincoln Center for appointment to the Board of Environmental Protection.

Pursuant to Title 38, MRSA Section 361, this nomination will require review by the Joint Standing Committee on Energy and Natural Resources and confirmation by the Senate.

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

Came from the Senate, Read and Referred to the Committee on Energy and Natural Resources.

Was Read and Referred to the Committee on Energy and Natural Resources in concurrence.

PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE

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

Appropriations and Financial Affairs

Bill "An Act to Require the State to Provide Full Funding for All Mandates Having an Impact on the Expenses of County and Municipal Governments" (H.P. 1783) (L.D. 2453) (Presented by Representative FOSS of Yarmouth) (Cosponsored by Senator PEARSON of Penobscot, Representative SMALL of Bath and Senator LUDWIG of Aroostook)

Bill "An Act to Authorize a Bond Issue in the Amount of \$5,000,000 to Deal with Major Maintenance Problems in Public School Facilities" (H.P. 1786) (L.D. 2456) (Presented by Representative FOSS of Yarmouth) (Cosponsored by Representative SMALL of Bath, Representative CROWLEY of Stockton Springs and Senator ESTES of York)

Ordered Printed.
Sent up for Concurrence.

Legal Affairs

Resolve, Authorizing the Alna Store, Incorporated and Its Proprietors to Sue the State (H.P. 1782) (L.D. 2452) (Presented by Representative KILKELLY of Wiscasset) (Cosponsored by Senator HOLLOWAY of Lincoln) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.

Sent up for Concurrence.

**PASSED TO BE ENGROSSED
WITHOUT REFERENCE TO COMMITTEE**

Bill "An Act Authorizing the Town of Howland to Refinance Certain Temporary Bond Anticipation Notes Issued for its Water Project" (EMERGENCY) (H.P. 1784) (L.D. 2454) (Presented by Representative HICHBORN of Howland) (Cosponsored by Senator PEARSON of Penobscot) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

(The Committee on State and Local Government had been suggested.)

Under suspension of the rules, without reference to any committee, the Bill was read twice, passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Taxation

Bill "An Act to Provide an Income Tax Credit for the Use of Recycled Wood Waste as Fuel" (H.P. 1785) (L.D. 2455) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsored by President PRAY of Penobscot, Representative LISNIK of Presque Isle and Representative MICHAUD of East Millinocket) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.

Sent up for Concurrence.

ORDERS

On motion of Representative HOLT of Bath, the following Joint Resolution: (H.P. 1787) (Cosponsors: Representative MacBRIDE of Presque Isle, Representative FARNSWORTH of Hallowell and Senator HOBBS of York) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 35)

**JOINT RESOLUTION MEMORIALIZING THE PRESIDENT
AND CONGRESS OF THE UNITED STATES TO URGE
THE REVISION OF THE "TAKE TITLE"
PROVISION CONCERNING LOW-LEVEL**

RADIOACTIVE WASTE IN PUBLIC LAW 99-240

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

WHEREAS, current federal law obligates states to take title to, own and be liable for damages associated with low-level radioactive waste; and

WHEREAS, low-level radioactive waste can cause untold amounts of damage to health, property and the environment; and

WHEREAS, the costs of the liability for these damages could be enormous and might possibly bankrupt the State; and

WHEREAS, the largest portions and the most dangerous classes of low-level radioactive waste are produced by private corporations; now, therefore, be it

RESOLVED: That We, your Memorialists,

respectfully recommend and urge the President and Congress of the United States to take action to amend the provision in Public Law 99-240 obligating states to take title and be held liable for low-level radioactive waste to remove a dangerous financial risk to the State; and be it further

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

Was read and adopted and sent up for concurrence.

REPORTS OF COMMITTEES

Unanimous Leave to Withdraw

Representative DiPIETRO from the Committee on Taxation on Resolve, Concerning the Interstate or Foreign Commerce Sales and Use Tax Exemption (H.P. 1390) (L.D. 1920) reporting "Leave to Withdraw"

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

CONSENT CALENDAR

First Day

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

(S.P. 742) (L.D. 1946) Bill "An Act to Establish a Consolidated Retirement Plan in the Maine State Retirement System for Participating Local Districts" (EMERGENCY) Committee on Aging, Retirement and Veterans reporting "Ought to Pass" as amended by Committee Amendment "A" (S-605)

(S.P. 916) (L.D. 2322) Bill "An Act Creating the Long Pond Water District" Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (S-606)

(S.P. 917) (L.D. 2323) Bill "An Act to Create the Winter Harbor Water District" Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (S-607)

(S.P. 939) (L.D. 2374) Bill "An Act to Create the Columbia Falls Water District" (EMERGENCY) Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (S-608)

(H.P. 1709) (L.D. 2358) Bill "An Act to Amend the Laws Administered by the Maine Land Use Regulation Commission" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-990)

(H.P. 1727) (L.D. 2386) Bill "An Act to Amend the Cumberland County Capital Improvement Bonds Act of 1989" (EMERGENCY) Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-992)

(H.P. 1723) (L.D. 2382) Bill "An Act to Deorganize the Plantation of Prentiss in Penobscot County" (EMERGENCY) Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-993)

(H.P. 1651) (L.D. 2284) Bill "An Act to Provide for Forfeiture of Weapons Used in Crimes Against Persons" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-995)

(H.P. 1745) (L.D. 2409) Bill "An Act to Promote the Awareness and Responsibility of Owners of Firearms" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-996)

(H.P. 1640) (L.D. 2273) Bill "An Act to Create a Community Restitution Center" Joint Select Committee on Corrections reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1002)

(H.P. 1690) (L.D. 2340) Bill "An Act to Improve the Job Opportunities Zone Act" Committee on Housing and Economic Development reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1003)

There being no objections, the above items were ordered to appear on the Consent Calendar under listing of Second Day, later in today's session.

CONSENT CALENDAR

Second Day

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

(S.P. 818) (L.D. 2094) Bill "An Act to Amend Vital Statistics Provisions Pertaining to Adoptions" (C. "A" S-602)

(H.P. 1243) (L.D. 1734) Bill "An Act to Increase Various License and Registration Fees of the Department of Agriculture, Food and Rural Resources" (C. "A" H-975)

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

(H.P. 1358) (L.D. 1875) Bill "An Act to Repeal Hospital Assessments Used to Fund State Programs" (C. "A" H-976)

On motion of Representative Manning of Portland, was removed from the Consent Calendar, Second Day.

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

Committee Amendment "A" (H-976) was read by the Clerk.

On motion of Representative Manning of Portland, tabled pending adoption of Committee Amendment "A" (H-976) and later today assigned.

(H.P. 1689) (L.D. 2339) Resolve, Providing for a Study of the Establishment of a Testing Program for the Purity of Agricultural Food Products (C. "A" H-977)

(H.P. 1600) (L.D. 2224) Bill "An Act to Provide Private Remedies for Elderly Consumers Injured by Unfair Insurance Trade Practices" (C. "A" H-979)

(H.P. 1425) (L.D. 1977) Bill "An Act to Extend and Amend the Authorization for the Maine High-Risk Insurance Organization" (EMERGENCY) (C. "A" H-980)

(H.P. 1592) (L.D. 2205) Bill "An Act to Allow Towns to Lay Pipes Under Railroad Tracks" (C. "A" H-982)

(H.P. 1409) (L.D. 1957) Bill "An Act to Clarify the Laws Governing Prelitigation Screening Panels" (EMERGENCY) (C. "A" H-984)

(H.P. 1336) (L.D. 1853) Bill "An Act to Facilitate the Admission and Treatment of Involuntary Patients by Community-based Mental Health Institutions" (C. "A" H-986)

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

**PASSED TO BE ENGROSSED
As Amended**

Bill "An Act to Clarify the Negotiability of Sabbatical Leave Agreements" (H.P. 1613) (L.D. 2230) (C. "A" H-981)

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

On motion of Representative Small of Bath, the House reconsidered its action whereby Committee Amendment "A" (H-981) was adopted.

The same Representative offered House Amendment "A" (H-1004) to Committee Amendment "A" (H-981) and moved its adoption.

House Amendment "A" (H-1004) to Committee Amendment "A" (H-981) was read by the Clerk.

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

Representative SMALL: Mr. Speaker, Ladies and Gentlemen of the House: This bill takes the length and payment of sabbatical leave out of the statute and puts it into collective bargaining at the local level. All my amendment does is to clarify that the terms and conditions are not subject to binding arbitration. This will truly make it a local control bill and not allow an outside arbitrator to raise local costs.

I hope that you will vote for the amendment.

Subsequently, House Amendment "A" (H-1004) to Committee Amendment "A" (H-981) 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.

Bill "An Act to Amend the Natural Resources Protection Act" (EMERGENCY) (S.P. 894) (L.D. 2276) (H. "A" H-987 to C. "A" S-594)

Was reported by the Committee on Bills in the Second Reading, read the second time, the Senate Paper was Passed to be Engrossed as Amended in concurrence.

ENACTOR

**Emergency Measure
Later Today Assigned**

An Act Related to the State Board of Substance Abuse Counselors (S.P. 699) (L.D. 1837) (S. "A" S-506; H. "B" H-963 to C. "A" S-483)

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

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

**PASSED TO BE ENACTED
Emergency Measure**

An Act to Create an Appeals Procedure for the State Bidding Process (S.P. 895) (L.D. 2277) (H. "A" H-968; S. "A" S-576; C. "A" S-571)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 113 voted in favor of the same and 2 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**PASSED TO BE ENACTED
Emergency Measure**

An Act to Continue the Effort to Preserve and Promote Affordable Housing and Economic Opportunities for Maine People (H.P. 1564) (L.D. 2170) (H. "A" H-953 to C. "A" H-931)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 118 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED
Emergency Measure

An Act Concerning Private Wells Contaminated by Hazardous Substances (H.P. 1736) (L.D. 2397) (C. "A" H-943)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 121 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED
Emergency Measure

An Act to Provide For a Study of the Harness Racing Industry (H.P. 1749) (L.D. 2412) (C. "A" H-941)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 123 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED
Emergency Measure

An Act to Provide for State Sharing of Certain Minor Capital Costs (S.P. 82) (L.D. 83) (C. "B" S-587)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 120 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED
Emergency Measure

An Act Requiring Notice by Water Utilities Proposing to Initiate Condemnation Proceedings for Land for Water Treatment Facilities (H.P. 1663) (L.D. 2303) (C. "A" H-934)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 123 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

ENACTOR
Emergency Measure

An Act to Authorize the Annexation of Land Adjacent to the Town of East Millinocket (S.P. 746) (L.D. 1950) (H. "A" H-900 and H. "B" H-955 to C. "A" S-547)

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

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

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House: We have before us today a bill to become law without debate. I have been involved with a bill similar to this one for two sessions. The voices that were heard before seem silent on this bill and the words "landgrabbers" setting a precedent and so forth has not been heard. I wonder why. Some bills originate in this body and die in the other body. Some originate in the other body and die here. This bill originated in the other body and I hope it will die in this body.

In this body, I can never recall rejecting having a roll call on any bill. We have no problems with that. I believe what is good for the goose is good for the gander and I request a roll call on this.

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

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

The SPEAKER: The pending question before the House is passage to be enacted. This being an emergency measure, a two-thirds vote of all the members elected to the House is necessary.

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

Representative MAYO: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with the Representative from Orono, Representative O'Dea. If he were present and voting, he would be voting nay; I would be voting yea.

The SPEAKER: The pending question before the House is passage to be enacted. This being an emergency measure, a two-thirds vote of all the members elected to the House is necessary. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 198

YEA - Aliberti, Anderson, Bailey, Begley, Bell, Burke, Carroll, D.; Carter, Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Conley, Constantine, Cote, Crowley, Curran, Daggett, Dexter, DiPietro, Dore, Duffey, Dutremble, L.; Erwin, P.; Farnsworth, Foster, Gould, R. A.; Gurney, Gwadosky, Hale, Handy, Heeschen, Hichborn, Higgins, Hognlund, Jacques, Joseph, Ketover, Kilkelly, LaPointe, Lawrence, Lisnik, Lord, Luther, MacBride, Macomber, Mahany, Manning, Marsano, McGowan, McPherson, McSweeney, Mills, Mitchell, Moholland, Murphy, Nadeau, G. G.; Nadeau, G. R.; Norton, Nutting, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pineau, Pines, Plourde, Pouliot, Richard, Ridley, Rotondi, Ruhlin, Rydell, Sheltra, Simpson, Stevens, P.; Swazey, Tamaro, Townsend, Tracy, Walker, Webster, M.; The Speaker.

NAY - Adams, Aikman, Anthony, Ault, Brewer, Butland, Cahill, M.; Carroll, J.; Dellert, Donald, Farnum, Farren, Foss, Garland, Graham, Greenlaw, Hanley, Hastings, Hickey, Holt, Hussey, Hutchins, Jackson, Jalbert, Lebowitz, Libby, Look, Marsh, Martin, H.; McCormick, McHenry, McKeen, Melendy, Merrill, Michaud, Paradis, E.; Parent, Pederson, Pendleton, Priest, Rand, Reed, Richards, Rolde, Skoglund, Small, Smith, Stevens, A.; Stevenson, Strout, B.; Strout, D.; Tardy, Telow, Tupper, Wentworth.

ABSENT - Allen, Boutilier, Coles, Hepburn, Larrivee, Marston, Seavey, Sherburne, Whitcomb.

PAIRED - Mayo, O'Dea.

Yes, 85; No, 55; Absent, 9; Paired, 2; Excused, 0.

85 having voted in the affirmative and 55 in the negative with 9 being absent and 2 having paired, the motion did not prevail.

Representative Michaud of East Millinocket moved that the House reconsider its action whereby L.D. 1950 failed of enactment.

On further motion of the same Representative, tabled pending his motion to reconsider and later today assigned.

**PASSED TO BE ENACTED
Emergency Measure**

An Act Concerning Security Deposits on Propane Gas Deliveries (H.P. 1684) (L.D. 2330) (C. "A" H-933)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 118 voted in favor of the same and 4 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act Related to Overcompensation (S.P. 743) (L.D. 1947) (H. "B" H-890 to C. "A" S-524)

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

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

Representative RICHARDS: Mr. Speaker, Ladies and Gentlemen of the House: I move that this bill and all its accompanying papers be indefinitely postponed.

The reason why I am making such a motion is that, in looking at this bill for the first time this morning, it seems to me to put an unfair burden on small or midsize businesses of 25 employees and over. Basically, for an innocent overpayment to a worker puts a burden on that employer to prove that the employee receiving that over-compensation knew that he was over-compensated. Perhaps the theory is good but the premise as laid out in this bill, I disagree with. I think the burden should be the other way around. If I am getting \$222 a week and I get \$400 a week, it would be obvious to me that, unless I'm on a bonus list, that there must be an overpayment. Why should the employer have the burden of proving that there is an overpayment?

That is probably one of the biggest objections that I have with this bill. If the employer overpays or takes better than 10 percent of the employee's wages, whether that is by agreement or whatever, that he is then going to be penalized. So, I request a roll call on this, Mr. Speaker.

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 Fryeburg, Representative Hastings.

Representative HASTINGS: Mr. Speaker, Ladies and Gentlemen of the House: I rise against this bill for a little bit different reason, if you will. It

purports to apply to only 25 workers or over but this bill in reality applies to every employer in the State of Maine. If, if there is less than 25 workers and I know about this law by some method -- you have to look at S-524, that particular amendment replaces the bill. If you look at the bill, it says that it applies to every employer who knows of the existence of the law. So what you are really doing, as far as I can see, is creating the issue of knowledge that it has to be tried out and played out to every employer because the penalty is very severe. If one does not follow the guidelines, you forfeit the right to recollect any money that is due the employer even though you incorrectly overpaid the employee.

I don't have any problem with the basic intent of the bill but the difficulty I have with it is that it starts right out and says that if it is 15 percent or less overpayment, it is presumed that the employee did not know that there was an over-compensation. It further says nothing about the benefits to the employer -- he has the absolute duty to prove everything. So, even though it is more than 15 percent over, if I owe my person by my computer \$222, as has been suggested, and I paid him \$10,000, there is still no presumption that the employee had any knowledge that there was an overpayment. If I then go to the employee and say, "Pay me back my money in greater than 10 percent of your check, your weekly wages", I lose the \$10,000 as an employer.

Think about this bill, this radically changes things in the State of Maine for every employer. It creates some severe presumptions and the penalty is absolute, I cannot collect anything that I overpay.

I see this as a very severe change. If you want to talk about hounding employers, this is a perfect example of hounding employers. There must be a better way, I am not suggesting that there isn't but if I pay my employee \$10,000 when he is only due \$200, I can only collect no greater than 10 percent of the net amount of any subsequent paycheck. That means I can get \$20 a week back even though I gave him \$10,000 as long as he works for me.

It is a great bill for an employee and it does protect the employee, when maybe I gave him a couple hundred dollars too much, but there is a great potential for abuse here. I would urge you to have the bill indefinitely postponed.

Representative McHenry of Madawaska requested that the Report be read by the Clerk.

Subsequently, the Report was read by the Clerk.

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

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I don't think I should debate this very long. I believe the members of the House know full-well that the two people who got up are attorneys and maybe they are afraid we are going to put them out of business.

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

Representative HASTINGS: Mr. Speaker, Men and Women of the House: Perhaps this individual who just spoke has never been an employer. However, it seems to me that we are talking about a basic issue of fairness. I don't care what my profession is, and frankly, I am not concerned with anybody else's profession. This bill is totally unfair. If I pay you \$10,000 by mistake due to a computer error and you are making \$200 a week, as long as you work for me, I can collect no more than \$20 a week from you. I can get no interest on my money, I can collect no more than \$20 a week from you. I ask you if that is fair?

There is absolutely no presumption here to benefit an employer. It is strictly to presume that if it is 15 percent or less of your wages, then the presumption is that the employee doesn't know. If it is more than 15 percent, there is no presumption that you knew as an employee.

Lastly, what bothers me about this bill is, it applies to every employer in the State of Maine, the mom and pop store, the person who hires somebody to rake leaves, the person who has an office and has two or three secretaries, the contractor that has three carpenters working with him, it applies to everybody. Don't be fooled by the fact that it says 25 in here because it applies to everybody who knows of this bill who is an employer regardless of the number of employees. It is a terribly unfair bill. I don't care what the committee came out with. When I look at this bill as to fairness, I am sorry to say I think they erred and I hope you will correct it by indefinitely postponing this bill.

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

Representative LUTHER: Mr. Speaker, Ladies and Gentlemen of the House: In the same amendment in Part 4, "An employer is not subject to this section if the employee knowingly accepted the over-compensation." If you were over-compensated by \$10,000, I think you would knowingly have accepted it. This does not preclude that an employer can go to the courts to get back his money.

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

Representative RICHARDS: Mr. Speaker, Ladies and Gentlemen of the House: Representative McHenry — this isn't going to gain me a nickel and believe me, I am not going to gain an nickel out of it whether this passes or loses. The fact is, in looking at the bill, it is blatantly unfair. I am sensitive to workers' needs, I am sensitive to employers needs. This bill is just unfair.

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

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: I think I have shown in the past that I am not afraid to stand up and speak out against a bill if I think it is unfair, but this one works and I support this bill. I think the Labor Committee has done a fine job with it.

Representative Luther from Mexico just answered the two concerns raised about employers. This would not apply, as I see it, to the \$10,000 situation. It would also in no way prohibit any employer from going to court to collect the money. I think this is a fair bill and I would urge its support.

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

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

If anyone can answer this question, I would appreciate it. Would the amount which is overpaid be considered as wages and be subject to all federal taxation, federal taxes and be subject to the cost of workers' compensation in a workers' compensation audit?

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

The Chair recognizes the Representative from Fryeburg, Representative Hastings.

Representative HASTINGS: Mr. Speaker, Men and Women of the House: In answer to that question, I would suggest that as long as the individual is challenging it, it would be subject to wages and

would be income to the individual who received it. However, if it was incorrectly paid, then it would not be income to that individual.

Representative Webster of Cape Elizabeth moved that this matter be tabled until later in today's session pending the motion of Representative Richards to indefinitely postpone.

Representative Tracy of Rome requested a roll call vote on the motion to table.

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

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

The SPEAKER: The pending question before the House is the motion of Representative Webster of Cape Elizabeth that this matter be tabled until later in today's session. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 199

YEA - Aikman, Aliberti, Anderson, Anthony, Ault, Bailey, Begley, Brewer, Butland, Carroll, J.; Conley, Constantine, Curran, Dellert, Dexter, DiPietro, Donald, Farnsworth, Farnum, Farren, Foss, Foster, Garland, Gould, R. A.; Greenlaw, Hanley, Hastings, Hepburn, Hickey, Higgins, Holt, Hutchins, Jackson, Kilkelly, Lebowitz, Libby, Look, Lord, MacBride, Macomber, Marsano, Marsh, McCormick, McPherson, Merrill, Moholland, Murphy, Norton, Nutting, O'Gara, Paradis, E.; Parent, Pendleton, Pines, Plourde, Reed, Richards, Seavey, Small, Stevens, A.; Stevens, P.; Stevenson, Strout, B.; Strout, D.; Telow, Tupper, Webster, M.; Wentworth, Whitcomb.

NAY - Adams, Bell, Boutillier, Burke, Cahill, M.; Carroll, D.; Carter, Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Cote, Crowley, Daggett, Dore, Duffy, Dutremble, L.; Erwin, P.; Graham, Gurney, Gwadosky, Hale, Handy, Heesch, Hichborn, Hogle, Hussey, Jacques, Jalbert, Joseph, Ketover, Lawrence, Lisnik, Luther, Mahany, Manning, Martin, H.; Mayo, McGowan, McHenry, McKeen, McSweeney, Melendy, Michaud, Mills, Mitchell, Nadeau, G. G.; Nadeau, G. R.; Oliver, Paradis, J.; Paradis, P.; Paul, Pederson, Pineau, Pouliot, Priest, Rand, Richard, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Sheltra, Simpson, Skoglund, Smith, Swazey, Tammaro, Tardy, Townsend, Tracy, Walker.

ABSENT - Allen, LaPointe, Larrivee, Marston, O'Dea, Sherburne, The Speaker.

Yes, 69; No, 75; Absent, 7; Paired, 0; Excused, 0.

69 having voted in the affirmative, 75 in the negative, with 7 being absent, the motion to table did not prevail.

Representative Hastings of Fryeburg was granted permission to address the House a third time.

Representative HASTINGS: Mr. Speaker, Men and Women of the House: I would like to address the last issue that was raised by my brother Anthony and Representative Luther. The difficulty with this bill is that it puts all of the burdens on the employer. If you read the presumption provision, which is the last provision of this amendment, it clearly states that it is silent as to any presumption that the employee has knowledge of the overpayment. Therefore, it becomes the exclusive burden of the employer, the boss if you will, to always determine overpayment and to prove it. There is a presumption in favor of the employee not knowing that he was overpaid if the error is less than 15 percent. That

is the only presumption there. Therefore, the presumption is always on the employer to prove it. You are creating issues of fact as to knowing. I suggest that my provisions still apply, one has to show that the employee knew that he was over-compensated before you can collect. I disagree that it says that the employer can automatically claim it. If he does automatically claim more than 10 percent, he does so at his peril unless he is absolutely sure that he is right in seeking more than 10 percent because the penalty is absolute, you lose what you overpaid.

Again I say that the bill is flawed. It really weights against somebody who makes an innocent error and I would tell you, with computers these days, it is very very possible to have errors in the workplace on payment, both for and against an employer. I think this bill should be struck aside and I urge you to vote in favor of the motion before you.

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

Representative HUTCHINS: Mr. Speaker, Ladies and Gentlemen of the House: I rise only to speak to the possibility of a mistake in a check due to computer error. About two weeks ago, I delivered a load of pulpwood to Champion International Paper Company in Bucksport for my son who had been cutting the wood on his school holidays. The check that was supposed to be mailed to him would have been approximately \$260. Two or three days later we received one for over \$1300. He was elated, naturally, and when we returned it to Champion, they were very pleased, then they drew the proper check. But this just does show that the computers do make errors or someone punching it in perhaps made one but they were not aware of the error until we brought it to their attention. So, these types of things can occur.

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

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: I have this sense that the Representative from Fryeburg has not looked at House Amendment 884 which amends the Committee Amendment, in particular, it replaces Subsection 4. It does clearly provide that an employer has the burden of proof. It also clearly provides that an employer's general civil remedies are not limited or affected. It also makes clear that, if an employee knowingly accepts the over-compensation, the section does not apply.

I think this is a good balance, I think it is a good approach, a reasoned, thoughtful approach. Of course, computers make errors and we don't want to have employers suddenly stopping paychecks for one or two or three weeks, this makes it clear that that would not happen except in cases where an employee knowingly accepted the overpayment. It clearly allows that if an overpayment takes place and the employer cannot show that the employee knowingly accepted the overpayment, the employer could still recover the money through a small claims action or a regular civil lawsuit. I think this is an effective balance that has been struck by the Labor Committee and I urge its support.

The SPEAKER: A roll call has been ordered. The pending question is the motion of Representative Richards of Hampden that this Bill and all accompanying papers be indefinitely postponed. Those in favor of that motion will vote yes; those opposed will vote no.

ROLL CALL NO. 200

YEA - Aikman, Anderson, Ault, Bailey, Begley, Brewer, Carroll, J.; Carter, Cashman, Crowley, Curran, Dellert, Dexter, DiPietro, Donald, Farnum, Farren, Foss, Foster, Garland, Gould, R. A.; Greenlaw, Hanley, Hastings, Hepburn, Higgins, Hussey, Hutchins, Jackson, KilKelly, Lebowitz, Libby, Look, Lord, MacBride, Marsh, McCormick, McPherson, Merrill, Murphy, Nadeau, G. G.; Norton, Paradis, E.; Parent, Pendleton, Pines, Richards, Ridley, Seavey, Stevens, A.; Stevenson, Strout, B.; Strout, D.; Tardy, Tupper, Webster, M.; Wentworth, Whitcomb.

NAY - Adams, Aliberti, Anthony, Bell, Boutilier, Burke, Butland, Cahill, M.; Carroll, D.; Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Conley, Constantine, Cote, Daggett, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnsworth, Graham, Gurney, Gwadosky, Hale, Handy, Heeschen, Hichborn, Hickey, Hoglund, Holt, Jacques, Jalbert, Joseph, Ketover, LaPointe, Lawrence, Lisnik, Luther, Macomber, Mahany, Manning, Marsano, Martin, H.; Mayo, McGowan, McHenry, McKeen, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Nadeau, G. R.; Nutting, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pederson, Pineau, Plourde, Pouliot, Priest, Rand, Reed, Richard, Rolde, Rotondi, Ruhlin, Sheltra, Simpson, Skoglund, Small, Smith, Swazey, Tammaro, Telow, Townsend, Tracy, Walker, The Speaker.

ABSENT - Allen, Larrivee, Marston, O'Dea, Rydell, Sherburne, Stevens, P..

Yes, 58; No, 86; Absent, 7; Paired, 0; Excused, 0.

58 having voted in the affirmative, 86 in the negative, with 7 being absent, the motion to indefinitely postpone did not prevail.

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

PASSED TO BE ENACTED

An Act Concerning Educational Enhancement (H.P. 762) (L.D. 1066) (H. "A" H-959 to C. "B" H-896)

An Act to Enhance Enforcement of the Driving Under the Influence of Alcohol and Drug Laws (H.P. 814) (L.D. 1126) (H. "C" H-958 to C. "A" H-775)

An Act to Provide Warranties for Manufactured Housing Purchased from Out-of-state Dealers (H.P. 1500) (L.D. 2077) (H. "A" H-957 to C. "A" H-877)

An Act to Amend the State's Hazardous Waste Laws to Be Consistent with the Federal Hazardous and Solid Waste Laws (H.P. 1671) (L.D. 2313) (C. "A" H-932)

An Act to Promote the Well-being and Rehabilitation of Children in Need of Care, Treatment or Shelter (H.P. 1761) (L.D. 2426) (C. "A" H-938)

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

FINALLY PASSED

Resolve, to Create a Pilot Project for a Substance Abuse Halfway House for Pregnant Women and Mothers with Young Children (H.P. 1647) (L.D. 2280) (C. "A" H-937)

Resolve, Authorizing the State to Release Its Interest in Certain Real Property in Richmond, Maine (H.P. 1686) (L.D. 2334) (C. "A" H-942)

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

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

PASSED TO BE ENACTED

Emergency Measure

An Act Authorizing the Town of Howland to Refinance Certain Temporary Bond Anticipation Notes Issued for its Water Project (H.P. 1784) (L.D. 2454)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 126 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**ORDERS OF THE DAY
UNFINISHED BUSINESS**

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

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

HOUSE DIVIDED REPORT - Majority (8) "Ought Not to Pass" - Minority (5) "Ought to Pass" as amended by Committee Amendment "A" (H-972) - Committee on Legal Affairs on Bill "An Act to Authorize the Maine State Lottery to Enter into an Agreement with Other States to Join the Multi-State Lottery Association, Known as Lotto*America, for the Purpose of Operating a Joint Lottery" (H.P. 1711) (L.D. 2362)

TABLED - March 26, 1990 (Till Later Today) by Representative PRIEST of Brunswick.

PENDING - Motion of same Representative to accept the Majority "Ought Not to Pass" Report.

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

Representative PRIEST: Mr. Speaker, Men and Women of the House: The bill which you now have before you would authorize the Maine State Lottery to contract with the Multi-State Lottery Association which is called Lotto*America to operate, market and promote a joint lottery or joint lottery games with other states.

The eight member majority of the Legal Affairs Committee had many concerns about this proposal. There were many unanswered questions, a few of them were the revenues that this proposal might bring in, the effect of this proposal on the Tri-State Megabucks and the implications for Maine of joining what is a national lottery.

If you recall, Maine has now three lottery games. We have an instant game where you scrape off numbers from a ticket. That brings in 51 percent of all our lottery revenues. We have a numbers game where you pick three digits and that brings in about 10 percent of our lottery revenue. Finally, we have the Tri-State Megabucks where you pick six numbers out of a field of 40 and that brings in about 39 percent of the Maine State Lottery revenues.

The lottery itself brings in about \$31,700,000 on a yearly basis. This is about two percent or a little over two percent of all the revenues which are brought into this state. These revenues, however, are below what were projected. The lottery is now running about 14 percent below what it was originally projected to run.

The Lottery Commission has attempted two main ways of countering this, one was to go to a biweekly drawing on Megabucks, something which will begin on May 2nd of this year. The Lottery Commission has projected an increase of about 20 to 40 percent because of that step.

The second proposal was the one before us now which was that Maine should join Lotto*America.

Lotto*America is a national association of nine states and the District of Columbia. These states are Oregon, Rhode Island, Idaho, Iowa, Kansas, Missouri, Montana, West Virginia and Wisconsin. This group of states has a population of about 24 million. By the end of 1990, Lotto*America expects three more states to join with 10 million more people, which would give a field of about 34 million people playing Lotto*America. In effect, clearly by adopting this proposal, Maine would be joining a national lottery.

The game Maine would join in Lotto*America would give you six picks out of 54 numbers. If you remember Maine's Megabucks now gives you six picks out of 40. The odds of Lotto*America are about one in 13 million of winning. Maine, in joining this program, would be expected to join for about 12 to 18 months because only that length of time is sufficient to show whether in fact the revenues are justified under the program. Obviously, this is an interesting program, but the majority of the committee felt that there were too many unanswered questions, questions which we asked and were not able to get responses we could rely on. First was the amount of revenues this proposal would bring in. The estimates we got were about \$3.6 to \$7 million a year. Those estimates were based primarily on the experience of other states.

Unfortunately, the experience of other states sometimes varies in the amount of increase of revenue (if there is some) varies with the situation in the individual state.

There was also a telephone survey of 1200 people which asked whether or not you would appreciate joining a program such as Lotto*America and there was a positive response. Those two items were the basis for the revenue projections. In fact, the program might bring in \$3, \$4, \$5 or \$6 million, but frankly, the basis for those estimates is extremely weak.

There is the question as well about the effect of joining Lotto*America on the Tri-State Megabucks system, the lottery which we are now involved with. Joining Lotto*America would mean that we have two simultaneous lotteries which would be proceeding in our state. How buyers would react to that is unclear, there might be confusion, there might be a tendency to split monies between the Tri-State Megabucks and Lotto*America.

There is also a concern about Maine's ability to control its participation in Lotto*America. Clearly, in determining policy, Maine would be outvoted by the nine other states that make up Lotto*America. The traditions, outlooks and geography of the Lotto*America states are frankly very different than those of Maine, New Hampshire or Vermont. Lotto*America might indeed choose to operate a number of games, some of which might be contrary to Maine's present gambling policy.

Interestingly enough, our sister states of Vermont and New Hampshire have chosen not to participate in Lotto*America. New Hampshire had a concern, frankly, that it would not be able to control its participation and that was the reason given for its decision not to join Lotto*America. They have chosen instead to begin their own cash-lotto games within their borders. This is a step, obviously, which is available to Maine under present law, it would require no action from us to undertake. It has been estimated again by the Lottery Commission, if we were to join and begin such a game within our borders, we would generate between \$2 and \$2.4 million if it began in the late part of this calendar year.

Finally, the committee had a great concern that in joining Lotto*America, Maine might begin promoting gambling much too heavily. Lotteries such as Maine's often lose money. This is countered in two basic ways. One is by the so-called fantasy payoff, that is to increase the field of people who are buying tickets for the lottery which in turn increase the odds but also increases the payoff, so the odds become astronomical even though the payoff or fantasy payoff is astronomical for that one lucky person.

The other way, frankly, is to increase the types and change the types of games. Oregon has gone to legalized sports betting. Kentucky is in a program with a partnership in a semi-private lottery and in fact there are proposals to have private lotteries which the state could tax. These types of private lotteries have a long history in the United States and their corruption led largely to the death of lotteries during the 19th Century.

The issue of expanding state-sponsored gambling is a very difficult one. This legislature has always shown great care with our lottery system. If you recall, there was a bill for Delaware to join the Megabucks system and this legislature rejected it. If you also recall, there was great concern in this legislature when the field for the Tri-State Megabucks went from six out of 36 to six out of 40.

It seems to the majority of the committee that we must show equal care with this proposal. Maine should not rush in to joining Lotto*America. We need a firmer set of revenue projections. We need to have a firmer estimate as to what the effect of joining Lotto*America would be on our Tri-State Megabucks system. We need to consider the effects of joining a national lottery instead of staying with our sister states of New Hampshire and Vermont and we need to carefully consider where ultimately Maine's reliance on gambling to finance state government should end. This proposal, unfortunately, does not answer those questions and the majority of the committee strongly urges this legislature to reject that proposal until those questions are answered.

Mr. Speaker, I request a roll call.

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

Representative STEVENS: Mr. Speaker, Men and Women of the House: First of all, I think Chairman Priest has done an excellent job of explaining the Lotto*America. I am not for Lotto*America but the question is, where else does one get \$7 million to help the budget of the state? That is one of the reasons why I voted this L.D. out of committee "Ought to Pass" so it could be debated on the floor of the House.

It is time to come forward with ideas to help balance the budget. Decisions have to be made in this year of bad economy. Now is the time, if one has any ideas, they should be presenting them to make a decision on something as serious before we vote on one more sin tax.

As I understand it, the Lottery Commission has planned to come up with \$7 million in their proportion to try to balance the budget. My personal thought was, I would rather see them have a game of less numbers, smaller winnings, because I believe if the people who win a \$50,000 pot in one payment, they would manage it better. We think that this plan could be what New Hampshire and Vermont might do so the Megabucks would be in trouble.

Let me list some of the things in our future we may have to replace with other taxation. As of February 1990, our budget has received a little over \$29 million from cigarette and tobacco taxes, yet we have set a goal of the year 2000 for a smoke-free

state. From liquor taxes, revenues received is about \$19 million and we are trying to keep our drunk drivers off the highway. We know that alcohol is the biggest problem for human services and our prisons. So, there could be \$50 million more that we might have to find within the next ten years.

This vote on Lotto*America is only one revenue source. There must be more. I know you are all working on a way to solve this problem and now is the time to present those ideas. Remember, nature's way of making an oak is to produce 1,000 acorns.

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

Representative LAPOINTE: Mr. Speaker, Ladies and Gentlemen of the House: Recently, several members of the Legal Affairs Committee met with Governor Brennan to discuss the feasibility of Lotto*America. We all mutually agreed....

The SPEAKER: Is the Representative referring to Governor Brennan or Governor McKernan?

Representative LAPOINTE: McKernan. It was happy wishing.

We all mutually agreed that a resource had to be found to fund the current crisis, the Governor (I won't say who) expressed that his experts indicated that \$7 million could be realized with Lotto*America. At that time, I explained that my experts differed, my experts being numerous men and women that I took the time to talk to in local clubs and gathering rooms. People who frequently, after a tough week at work at the shoeshops stop at local clubs and drop \$10 to \$20 on the Megabucks, always with the slight hope of winning and getting a better opportunity in life. I plainly stated each time, "If Lotto*America had two weekly drawings with a pot of several million dollars, would you buy Lotto*America?" They all enthusiastically said, "Yes, sure." Then I asked, "What would you do with Megabucks?" One guy said it all, "Lady, you got to be nuts, I would put my dough on the big one and to heck with Megabucks." That is why I voted against Lotto*America because I think we would be destroying something now that is working.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: Today you have before you the Governor's proposal to have Maine join the Lotto*America game. Right now, the issue is whether we should follow the committee's recommendation and accept the "Ought Not to Pass" or whether we should instead give this bill our support. I urge you strongly to let this bill become law.

I know some of you out there are not enthusiastic about Lotto*America but I feel as though you should be. I am going to try today to convince you why I believe that.

There are two main reasons why I believe this bill should become law. I would like to take a few minutes and explain them. First, Lotto*America will raise \$7 million. In my view, that is a good reason for this bill to become a law. The alternative is to cut another \$7 million out of the budget because this \$7 million is included in the Governor's budget.

I guess the question that has to be asked of those who would forego this \$7 million is, where do you want to cut? Sooner or later, we will either have to pass Lotto*America or we will have to take the money out of the budget, it is just that simple. Maybe there are some of you who don't mind doing that and maybe there are some others who think that perhaps we should just raise \$7 million in taxes. I won't vote for a tax increase, especially in the area

I live in. We all know where the Governor stands on that issue. So, it is not much of an option.

Can we really go back to the people of our districts and say, "Well, we had a chance to raise some money, we needed to keep the budget balanced through Lotto*America, a voluntary system, but we decided that you would rather have your taxes increased." I, for one, pay my taxes and I am a little upset at the time but I do play the lottery and I feel as though that is something that I contribute because I want to. I don't look at it as gambling, I look at it as taking a chance. I enjoy doing it and it helps my state and they aren't taking it from me and telling me I have to pay it, they are giving me a choice and I like that choice. We could always cut the funds for head injuries, counseling for our abused children or any other program that we happen to want to cut. I don't want to go back to my district with that kind of a message.

There is another reason why Lotto*America deserves your support. It is a good program, it is a voluntary program. A lot of you may realize that but listen to the facts. The Tri-State Lottery Commission released a study in January of this year that is very comprehensive, in fact it was about an inch thick and it is full of information about the kind of people who buy lottery tickets and why they buy them. The single item that stands out most in this report is that people love big lottery pots. Megabucks is the biggest pot in Maine and it is most popular of the four games we have here, by far 93 percent of the players in the study played Megabucks, 55 percent played the instant games and barely one in four played pick three or pick four, the two small pot games. Even more important is that the study showed a great deal of interest in Lotto*America, 73 percent of the players cited the big pot offered by Lotto*America as the reason that they would be able to play it.

Coming from the New Hampshire border as I do, both of my towns are right on the border, they cross into Massachusetts and buy their lottery ticket. We could pass a law that -- well its illegal now, we don't have to pass a law to go out there and buy lottery tickets and bring it back for anyone else. We can go out and buy it for ourselves and there is no law against it. If I went to Newburyport and purchased 100 Massachusetts lottery tickets and I was stopped on the Berwick bridge, they could arrest me for having \$100 worth of lottery tickets. All I would have to say is, they are mine, I have a right to go out there and buy them. I don't have a right to come back and sell them but I have a right to go out there and buy them. I don't believe we can prove that people are buying them to sell, it is a hard thing to do.

Last week, when the Megabucks grew to record size, as you all know it was almost \$10 million, we had a five week rollover and because nobody won for five weeks, this is how the Megabucks sales grew in Maine. Week one, \$671,000; week two, \$772,000; week three, \$1.6 million; week four, \$1,399,000; week five, \$2,560,000. By the way, the pot by the fifth week, which produced over three times the normal weekly sales for Megabucks, was about the same size as the average Lotto*America pot. So, each week the Lotto*America pot would be approximately \$10 million. In the information that I read, that was the lowest pot they had had. I believe that that would keep the people in Maine from going to Massachusetts for the big pot. I also believe the fact that New Hampshire and Vermont have already voted to go to their own weekly game, individually in each state, that they are going to have small pots.

Back when New Hampshire started the lottery, and by the way was the first state in the nation to do that, the pot was \$10,000. It didn't go over that big and that is why they kept expanding it.

I believe that for once, maybe by passing this bill, we can outwit New Hampshire. We are always concerned about the passing laws, that we can't go to New Hampshire and bring things back, because we don't pay the sales tax and don't pay the liquor tax, we don't pay this tax or that tax. Well, now we will be enticing them to come across the border into Maine for this big pot and believe me, they will come. It also will keep our people from going out. I firmly believe that and this fact isn't even taken in the estimate of the \$7 million.

I heard some people express the fear that, if we expand sales through Lotto*America, it will just mean that we will lose money elsewhere. Remember one thing, when New Hampshire and Vermont go into their own weekly games, individually in each state and the Tri-State Megabucks does go down in those states, Maine has to pick up more of the cost of operating Tri-State Megabucks. So, we do have a chance of losing Tri-State Megabucks and some of the profits going down for that one reason alone.

I don't think that Tri-State Megabucks will go down because of Lotto*America. If it does go down, it will be because of those weekly games in the other two states.

There is a study that shows that nearly half the people who play the Maine lottery would increase their purchase if Lotto*America were available to them. I know some of you are hard to convince on that, maybe you don't think the study is correct, so let's look at what people have actually done here in Maine when the Megabucks pot grew.

If it is true that people just switch from one lottery game to another, then we have a perfect test tube for that theory -- we can look at the records of the last five weeks to see if people stopped buying the other lottery tickets in order to buy into the Megabucks pot as it got bigger and bigger. They did not. In fact, the purchases and the other games offered by the Maine lottery stayed almost exactly the same. For example, ticket sales in the instant game changed by less than \$30,000 over this period and never fluctuated very far from the normal \$900,000 average. Ticket sales for the pick three and pick four game were so regular that you could practically set your watch by them. Here are the pick three ticket sales for that same five week period, week one, \$103,000; week two, \$101,000; week three, \$105,000; week four, \$105,000; week five, \$104,000. That proves the theory of people shifting from one lottery game to another.

What explains the big ticket sales when the pot gets big? The fact is that the regular players are the ones that push the big pots up. These are the players that don't get too excited about playing the lottery unless there is a lot of money at stake. Then they come out in droves. Those of us who play every week usually double. Who are these people? They are not who you think they are. Some of you will be surprised to learn that the regular players are mostly college educated with above average incomes. The study shows that the largest group of them are white-collar, college graduates and 60 percent of them have at least attended college some of the time. Maybe they are hoping to pay off their student loans, maybe that would explain the big pot. They earn more than the average. Nearly half of them earn \$30,000 a year or over. So, Lotto*America is the ultimate irony. It will raise \$7 million that we desperately need so that we don't have to cut

programs that go to the least fortunate among us. The money will be voluntary and will come mostly from those who can most easily afford it.

I hope that is enough reason for you to vote for this but I have a feeling some of you may still be on the edge so I want to see if I can just offer one more reason.

Many of you know that I used to be in the retail business and I ran a store just across the line in New Hampshire so I have some idea of what happens along the border. Let me tell you, we lose a lot of businesses to other states in the lottery.

There was a study done in Massachusetts that showed that 9 percent of Maine lottery players also play in New Hampshire and 11 percent play in Massachusetts. That is a lot of money that we are losing and we should try to keep it here in Maine. This is why I think we can outwit New Hampshire and Massachusetts by having our big pot.

New Hampshire people are used to traveling to play the lottery, 51 percent of them go to Massachusetts to play the Massachusetts lottery and it is just for the simple reason of the big pot. If we could just get 25 percent or 26 percent of them to come into Maine, it certainly would be a good profit. I am sure that those along the border where I live would just as soon drive across the river as to drive 25 miles to Massachusetts.

I want to point out to the good members of this body that this \$7 million estimate for Lotto*America does not include any of the benefits from across the border sales. If anything, the estimate is low. After all these years of watching Maine's sales tax dollars and liquor sales revenues get gobbled up by New Hampshire, wouldn't it do your heart good to have things go in the other direction for once? Lotto*America is waiting for your vote, here is your chance.

Everyone is talking about our four games, so what is one more game? It is just another way of doing business, you just come up with new ideas and this is just a new idea (in my opinion), it is just one more game. We already have four, so what's five? I don't see the difference.

Another thing, it has been stated here today that the estimate was \$3.6 million to \$7 million, nothing definite. Well, the reason for that was because when we looked at this bill, they were talking about going into it the first of October or first of the year. In order to have \$7 million, we have to get this up and running by July 1st and that is where the \$7 million estimate comes in. I believe it is a true estimate and I believe we can raise this money.

I urge you not to support the "Ought Not to Pass" Report so that we can go on and accept the "Ought to Pass" Report.

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

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

I would like to pose a question to the Representative from Brunswick, Representative Priest. When he talks about the eight other states that are involved in the Lotto, could he tell us if those states also have instant games, pick three or Megabucks? Do they have those in addition to Lotto or do they not?

The SPEAKER: Representative Macomber of South Portland has posed a question through the Chair to Representative Priest of Brunswick who may respond if he so desires.

The Chair recognizes that Representative.

Representative PRIEST: Mr. Speaker, Men and Women of the House: As best I can answer -- each state of the nine other states in addition to the District of Columbia has a different form of gambling. Some have other types of Lotto games, some have other instant picks. Some like Oregon have sports betting. Each state is a little different and so there is no uniform gambling policy in all the states that you could use to compare to Maine.

Frankly, that is what makes it so difficult to try to come up with estimates based on other states experiences as to how this state would do simply because their experience and their traditions and their geography and their citizen makeup may be so different than ours that the revenue estimates based on their experiences I don't think are tremendously reliable.

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

Representative LAWRENCE: Mr. Speaker, Men and Women of the House: Two important facts came out in the debate in our committee. First of all, when people talk about raising \$7 million, we are talking about Maine citizens spending another \$18 million on the lottery in order to raise \$7 million. I will put forth to you, if you believe your constituents are going to spend \$18 million more on a new lottery without cutting back what they are spending on another lottery, then you are buying into a pipe dream.

The other fact is, a question asked of the Administration -- the question was, if we were not in a financial crisis today, would the Administration be proposing Lotto*America? The answer was absolutely not. In other words, the Administration does not believe, without a financial crisis, that Lotto*America is a worthwhile proposition. I would put forth to you that that is not the way to set policy for gambling in this state and that is not the way to solve a state budget crisis.

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

Representative GURNEY: Mr. Speaker, Men and Women of the House: I just want to expand on a small point that has been brought up several times. If I told you, give me one dollar and I could give you \$10 million for Lotto*America or I could tell you, give me one dollar and I will give you \$1 million from Megabucks, I put it to you that no one would buy Megabucks.

Instant pick three and pick four sales will go down dramatically. Looking at the Lotto*America to balance the budget shortfall is, in my opinion, bad judgment, bad policy, and a pie in the sky approach to balance the budget. I urge you to support the Majority "Ought Not to Pass" Report.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I was in that delegation that met with Governor McKernan and I told his Excellency that I didn't feel that a single member of this body or the other body did not want to see the position that we were in resolved. I then told him that this is (as they say) no way to run a railroad. This is trying to run something like a church with Beano and suppers. It is too unsure.

If this thing could work, I would be the happiest man in this body but if this thing does not work, there is only one person that is going to end up biting the dust and it is going to make him look bad and that is his Excellency, the Governor. I don't think I want to do that to our Governor, he is my Governor like everyone else.

This is too unsure and I think the Representative from Brunswick did a eloquent job explaining the whole picture. I think the good Representative from Kittery made a very good point. This is too unsure, this is no way to run any kind of a business. If it was guaranteed that we could get \$10 million, then I would be the first one to say, let's go for it and let's work it out. This is Maine, I have lived here all my life, you have a different type of people here. If you have five dollars to bet on the Megabucks every week and this Lotto*America comes in, I know I for one would say, three dollars goes to Megabucks and two dollars for Lotto*America or vice versa.

In the hearing and the workshop with the Chairman Mr. Soule, and I think he is very honest and forthright, said that New Hampshire had started their own cash lottery. That means that, once they start that in New Hampshire and Vermont, there will be less money possibly going into the Megabucks from New Hampshire and Vermont. When that happens, then Maine will have to pay more into it to stay within the system. That is how it operates. So, until such time as somebody can guarantee to me -- and I would love nothing better than to say to the Governor right now, "Governor I would like to go along with you", but until such time as someone can explain to me definitely that we will get \$7 million (they said it would be anywhere from \$3 million to \$7 million as the good Representative from Brunswick said), I can't go along with it.

I think that the lottery commission does have the right now to start any other games such as they are going to do in New Hampshire. Let's support the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Orrington, Representative Tupper.

Representative TUPPER: Mr. Speaker, Ladies and Gentlemen of the House: Just to give you a little history, in 1974 (I believe that was the year) the Maine voters supported the continuation of lottery games in public referendum which expressed their desire to have an opportunity to participate in legitimate and properly run lottery games. The principal objective of the lottery was to design and put into practice a group of games that would give us the most revenue. That is just what Director Soule did this past Fall in lining up Lotto*America, to give us more revenue. We must offer something different to promote and attract a broad player base, especially since New Hampshire and Vermont have entered into their own lottery.

I urge you to vote against the "Ought Not to Pass" Report.

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

Representative DORE: Mr. Speaker, Men and Women of the House: I was very interested to hear what the Chair of the Legal Affairs Committee had to say about the information that was gathered in making a decision to support Lotto*America. What bothered me in particular was some similarities to the amnesty proposal that is before the Taxation Committee. The speaker alluded to the rather nebulous item of the tradition of these states being different from Maine's tradition. I think that is true but I also think that is important when you are analyzing whether or not Lotto*America is going to bring us \$7 million. If they reported that was the maximum amount that it could bring us, and we have never met the maximum amount from Maine's Megabucks, then I think you can assume that our income isn't going to reach the \$7 million that the Governor has decided that we need.

I am also concerned because I didn't see any indication when he said there was comparison with other states. I would like to know from anyone on the committee, were the comparisons based on per capita income of those states? Were they based on the population of those states? Were they based on analysis of other lotteries that those states offered? Were they based on the economy of the states at the time that Lotto*America started? Were they based at all on other taxes of revenue sources to the states? I don't think you can answer yes to any of those questions and I think the \$7 million figure is some kind of general averaging (if you will) of projected income and that is no way on which to make a fiscal decision that this is going to bring us \$7 million. You have to really analyze the data and I haven't seen any indication that any analyzed data was brought before the State and Local Government Committee on Lotto*America.

So, I would urge you to vote with the Committee Majority and defeat this.

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

Representative PLOURDE: Mr. Speaker, Men and Women of the House: The question we must ask really is, what kind of public policy are we trying to establish? In my own mind, it seems like this particular program is a scheme for more citizen suckers who believe in an idea of acquiring sudden riches or should we rely on gambling to keep government functioning?

I have taken a poll through my questionnaire and there have been similar polls out there but the one out there that I really got interested in was the one by the University of Southern Maine. It had indicated that a substantial majority, 82 percent, would personally be willing to pay higher taxes to help cover the costs of the programs that we passed last year in which the Governor supported. Really, that is the question -- how do we meet those? It seems that the Governor and maybe some of us are reluctant to meet that. The bottom line is \$7 million does not cover \$210 million. That \$7 million is a guesstimate and we already know about those guesstimates. I encourage and urge you to support the "Ought Not to Pass."

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

Representative LUTHER: Mr. Speaker, Ladies and Gentlemen of the House: Our Governor won't even consider a new tax or an increase in an existing tax but he promotes a new lottery. Services that Maine state government provides costs money and raising funds by lottery is the least responsible way to pay for state services.

We have the option before us today to grow up. I urge you support the Majority "Ought Not to Pass" Report.

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

Representative FARNUM: Mr. Speaker, Ladies and Gentlemen of the House: Right now, Maine is supporting a good many lotteries. They are supporting four in Maine, one in Canada, one in Massachusetts and an extra one coming up in New Hampshire. Why should we let that money go out of the state when we can keep it here? If we have Lotto*America, instead of those people spending it out of state, they will be coming into the state to invest that money.

Also, my non-voting constituents in New Hampshire do not want Lotto*America passed, they want to keep the money in New Hampshire and keep the people going

into New Hampshire so I urge you to please think about this very carefully before you vote.

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

Representative DONALD: Mr. Speaker, Ladies and Gentlemen of the House: No one has said here today that we would not take in any more new money and to me that is the issue. We allow gambling in our state, we allow these games of chance, I don't see any reason not to let one more in. To me, it is a matter of choice allowing one more game. I hear today that the State of New Hampshire is going to be introducing their own cash game which is going to have an impact and diminish the Megabucks and it seems only prudent to me that we should introduce another new game on our own.

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

Representative PAUL: Mr. Speaker, Ladies and Gentlemen of the House: I will attempt to answer Representative Dore's question in regard to current member states of Lotto*America and that type of information.

In the population base of each member state, the number of winners in each state through December 9, 1989 is as follows: District of Columbia, 2 winners \$626,000; Iowa, 3 winners \$2,889,000; Kansas, 2 winners \$2,450,000; Missouri, 6 winners \$5,029,000; Oregon, 3 winners \$2,687,000; Rhode Island, 2 winners \$968,000; West Virginia, 2 winners \$1,936,000; Wisconsin, 4 winners \$4,705,000; Idaho, 0 winners 1,003,000 population base; Montana, 0 winners population base 805,000.

I want to continue on to say that I have served on the Legal Affairs Committee for six years with the good Representative from Berwick and occasionally we tend to agree to disagree respectfully. This happens to be one of those times.

Ladies and gentlemen of the House, if this act, Lotto*America, is signed into law, I believe this will be a state that intends on entering into a big-time gambling where big brother even stands to get a bigger cut of the gambling proceeds. I am not against reasonable amounts of gambling because I realize that a good many people, including myself, like to beat the odds once in awhile.

There has been some mention of why should we go ahead and try Lotto*America, we cannot lose. The present Tri-State Lottery seems to have worked reasonably well since it began bringing into the General Fund millions of dollars. This brings the total year to date sales of the Tri-State Lottery (I have the report before me) to almost \$38 million, total sales, \$37,990,000. Now the net profit to date that was transferred to the General Fund was \$11,559,662.95. I really don't believe that we should let greed overtake our good judgment and ruin what we know is running well. Our dollars can only be stretched so far. Lotto*America, according to some sources, will bring in tons of money to the state coffers -- I really don't believe this. As you all know, the economy is down, real estate sales are down, income taxes paid to the state are down over last year, property taxes and fees for services have gone up -- I could continue to go on and name other areas where the dollars are being stretched to the breaking point. It is true, as in the Tri-State Lottery, when there are rollovers, if someone wins after several weeks, that there is a sharp decline in sales.

The lottery people like to tell us the reason for that is, the jackpot is not high enough for that particular week, but we must not forget that the

economy, such as it is today, has a great effect on the continued sales.

I want to call your attention to the period of July through November, 1989. Lottery total sales increase in July was \$694,000. For the month of August, the total sales decreased \$775,000. In September, there was an increase of \$399,000 of total sales. In October, total sales had an increase of \$276,000, the month of November, we saw a decrease in total lottery sales of \$1,223,000.

Lotto*America, I believe, will have an even greater effect on the present lottery as people will play for the bigger winnings, thus depleting the ticket sales in the Tri-State Lottery. I really don't believe we can have both. Sure, it would be very nice to have a lot of money come in from the Lotto*America to help make up the current deficit by doing it this way. This would be a terrible, terrible gamble. I think it is a sorry state of affairs when we have to depend upon expanding gambling to help make up for the deficit in the current budget. I would rather see money coming in, if it has to come into the state this way, to further provide relief to the elderly for property tax or relief to those that need health insurance that can't afford it. There have been predictions of \$5 to \$7 million that could conceivably be realized from this lotto gamble. I will tell you today, based on predictions that we have gotten for the past month on the deficits that we are facing, these figures completely and continually are changing. The prediction on the revenue that is to be gained by Lotto*America is like predicting how much rain we will be getting this Spring. How close can you call it?

I hope that you will support the Majority "Ought Not to Pass" Report.

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

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

Chairman Priest, did the Legal Affairs Committee have any communication with our Lottery Commission relative to their position on Lotto*America or any other medium of raising \$7 million?

The SPEAKER: The Representative from Augusta, Representative Hickey, has posed a question through the Chair to the Representative from Brunswick, Representative Priest, who may respond if he so desires.

The Chair recognizes that Representative.

Representative PRIEST: Mr. Speaker, Men and Women of the House: The original proposal was from the Lottery Commission and not from the Administration. The Governor decided to adopt to that proposal when he was faced with the shortfall. So clearly, the Lottery Commission supports the proposal.

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

Representative GRAHAM: Mr. Speaker, Ladies and Gentlemen of the House: I would like to approach the question from a slightly different angle than you have heard so far in the debate.

We own a store in Houlton and we sell Megabucks tickets and we sell the instant scratch-off tickets. In order to operate the Megabucks machine on Friday and Saturday nights when the betting gets heavy, we have to have an extra person on hand. I am concerned as a businessperson that I am going to be obligated by the state to have another machine and hire another person to operate the second machine, if this kicks

in as well as everyone thinks it might. That is a side concern of mine.

My big concern is that a small state like Maine, entering into a national lottery with states the size of Wisconsin or Washington, D.C. with their populations, might be a small fish swimming in a big pond and I am afraid of that loss as a kind of a local control.

I was disturbed during the debate that there has been a few undertones of political haggling here that really don't serve any of our purposes so what we need to do is either cut spending or raise revenue. That is clear.

I am not opposed to gambling, I am opposed to a type of gambling that might interfere with what we already do. I think Lotto*America would undercut our present Megabucks system.

There is another type of thing that we could be doing that would leave us local control that I would like to see us explore and that might be to allow a raceway such as Scarborough Downs and Lewiston to have closed circuit TV connections to other parts of the state.

I have a couple of elderly gentlemen in my town who drive to Lewiston and come back on the same day, which is about a four hour drive for them each way, in order to go to the harness races. We don't have access to them in Aroostook County except at the Fair's during the summer. That is a type of betting that would not compete with the Megabucks, that would raise revenue, and it might resolve our issue of race dates if we could just let these two groups compete and maybe race on the same nights and have off-track betting.

I think we have areas here that we can compromise on if we think about them long enough. I am not sure that I am comfortable with Lotto*America and I would just like everyone to look at it in a fresh light and put aside the other things that you have heard and just think the whole thing through.

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

Representative ALIBERTI: Mr. Speaker, Ladies and Gentlemen of the House: I am troubled, I am really troubled. Is there anyone here that has any illusions about what is going to happen to this bill? I have none. I guarantee you that it is a dead bill, so what makes me troubled? It is the short time available to us to replace the estimated \$7 million shortfall. I dread to think what other programs we are going to have to cut. Can we cut them? I know through personal contact that it is almost impossible to find a \$5 or \$10 bill under the existing conditions, whether they are dedicated funds, undedicated funds or bonded funds, I honestly don't know what direction to take. I certainly didn't get any encouragement here so I started as a troubled Representative and I sit down even more troubled.

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

Representative NORTON: Mr. Speaker, Ladies and Gentlemen of the House: My friend from Lewiston is not the only troubled Representative in this House, I share his feelings of uncertainty.

As a member of the Education Committee, yesterday I rehearsed a bit from the same words Representative Aliberti spoke just a few moments ago. Our members are considering the proposing of a \$400,000 addition to the budget after it was cut of the Maine Maritime Academy. We are considering the advocacy of a restoration of \$3.6 million to the budget of the University of Maine System. We are considering the advocacy of \$1.6 million back into the budget of

the Technical Colleges. That is a total of \$5.6 million. I recognize that, undoubtedly, members of the Appropriations Committee will not look upon that very kindly but look upon it, hopefully, and maybe even with a bit of anger, if we don't have a suggestion as to how that money might be raised.

Therefore, I am lending my support to the proposition that Lotto*America will place \$7 million into a category of funding. Moreover, I have looked beyond the lottery bill but I shall not speak to it because I am afraid it wouldn't be germane to my rising on this issue but I have made two other suggestions, which should lend \$3 to \$5 million back into the spending trough. However, you will have to maintain your questioning on those suggestions because, as I said, it would be ruled out as not being germane.

I wonder how much money from the State of Maine right now is going into Lotto Canada. As a former resident along the coast of Maine and a visitor back in the Eastport-Calais area from time to time, I see many Maine cars over in St. Stephen, New Brunswick and I must admit that I have tried my hand at that game. I wonder how much is going into Lotto Canada? I know that we are being bombarded by letters, I don't know if you have received any but I certainly have, possibly because I have tried that game. As pots grow larger, there would be an influx of money from New Hampshire and Massachusetts because some people happen to follow that idea of giving in to the temptation of going for those large pots. This is not in the estimate and I, for one, because I intend to advocate for programs that I believe in, am willing to take a chance. It wouldn't be my first preference probably but I will stand and take a chance with trying to add to the income of this state because I can't be both an advocate for spending restorations in an educational budget of any institution without standing up and venturing forth some way to raise money for those ends.

So, I hope that you will support Maine's joining in this proposition.

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

Representative JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: After you have been around this place a long time, you remember things and I remember when the other Governor (not the Governor that is Governor now) was Governor and he advocated a new program for some new positions and he came out with a funding mechanism, fee enhancers, revenue enhancers I guess they call them, and my good friends who served as Minority Floor Leaders, Representative Higgins from Scarborough and Representative Murphy from Kennebunkport, were quick to point out that it was another bandaid approach of balancing a budget. It was a bandaid approach to funding those very important programs that the good Representative from Winthrop, Representative Norton, talked about.

I guess today, with the new Governor, the bandaid has been displaced by a lottery ticket. That's okay. I disagree with the Representative from Lewiston, Representative Aliberti, I think this bill is going to pass and it is going to pass for all the wrong reasons but that's okay, that happens in this legislature quite often. I think we are between a rock and a hard place and we are going to do what we can to get out of the hard place. It seems ironic to me that you are going try to fund these very important programs at the roll of the dice, a little crap shoot with people's lives and education and all these other worthwhile programs that we are talking about.

It also seems ironic to me that in the time of hard times that was brought about by bad financial times that has gotten people to stop spending and start saving more that we are going to hang balancing the budget on a game that depends almost 100 percent on the current financial situation of the players involved. I don't say that without any experience, I cosponsored the Megabucks Bill so I am not against lotteries and I served as Chairman of the Trustees of the Waldo Elks Lodge for seven years and one of the games we have is (what they call) Lucky Sevens. You could almost tell how the revenues of the Lucky Sevens was going to be depending on the current economic situation in the greater Waterville area. When business was booming and people told you that business was booming, our tickets sales were up, dramatically. When we seem to be in a slump and people said business was slow, you could almost guarantee your monthly income would be cut in half and sometimes by one-third, sometimes two-thirds.

So, it just seems a little ironic that we are hanging our hats on this but I guess from a practical point of view, it would be all right for me to support it because I predict that it is not going to do what people say it is going to do. I think Maine people are smarter than that, they are going to play one lottery against the next. I think Megabucks is going to be affected and we are going to have to make that shortfall up some place else but that is not in my discretion to do, that is up to the Administration. I am sure that they will do that but I would suggest that, if we want to fund programs for the handicapped, the mentally retarded, what we ought to do is get the greyhound dogs in here, build about four or five more tracks, come up with two or three more betting games, and then you would be able to take all this gambling money that is out there floating around and start running state government on it. That's the direction you are taking.

I agree with Representative Norton that education and those other programs are extremely important, vitally important, and now we are going to fund them with the roll of the dice, at the cut of the cards and at the whim of a lottery ticket.

If I could make this decision on my own, I would vote for it because I think it is another pig in a poke. I think it will turn out to be an embarrassment to the Governor and the legislature, I really do, I hope that I am proven wrong but I don't think I will be. Fortunately, the people in my district have expressed their concern of Lotto*America to me over the last couple of weeks since it has been talked about. A great majority of them oppose it for many different reasons. I did point out to them that, if we vote it down, we will have to come up with \$7 million to replace it. They said, "That's your problem, that is why we elected you to Augusta but we oppose Lotto*America." So, I guess if I am going to be truly a Representative of the people, they have expressed their concerns about Lotto*America, so I am going to vote against it. I think it is going to pass, it is going to pass for all the wrong reasons but that is okay because I think it is all going to come back to roost where it belongs and I guess I don't have a problem with that.

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

Representative BOUTILIER: Mr. Speaker, Ladies and Gentlemen of the House: I just want to address a couple of points that were made earlier and also talk about my district and how the lottery sales affect my area.

I live in the downtown area of Lewiston and I represent most of the downtown area. There are a lot of lottery tickets sold in my area and there are a lot of Megabucks machines in my area. In fact, I live above a Megabucks machine to some extent, I live in a building that has a store in the downstairs area and I get to see a lot of the people come and purchase those tickets. I want to say that, of the three reasons that I have heard so far to add Lotto*America (1) we need more money to deal with the shortfall; (2) there is nothing wrong in adding another game and having a choice and (3) that there is not going to be any switching from Megabucks because, when the Megabucks pot was higher, no one switched from the tickets to buy Megabucks. I want to address each one of those.

First of all, in terms of the Megabucks and lottery sales as a whole, there is no doubt that Megabucks and the lottery tickets sales help us as a state. They provide us, not only with revenues in terms of those monies that are not sent back to the consumer in the form of winnings and are brought to the General Fund, but they also assist in sales tax because I know for a fact that the store that is right below me and the other stores in my district, there are increased patrons to those stores at times when they wouldn't come in because they come in to purchase a ticket. We all know about impulse buying and when they come in to purchase that ticket, they will purchase other things, even it is only a soda or a sandwich or what have you. I know that the store downstairs notices that change, they know when more people come in to buy Megabucks tickets because, not only are there greater sales for the lottery, but there are greater sales to their general merchandise on the shelves and the sandwiches that they make. So, there is nothing wrong with it.

The second reason that the current system is pretty good and we shouldn't tinker with it is that there is some enjoyment for those individuals who are out there. They do get some kind of ability to dream and hope for a better life but I have to disagree with the Representative Murphy from Berwick who says that this is all paid for by the people who mostly can't afford it. I would radically disagree with that statement. My district is very low-income, there are a lot of shoe workers, textile workers, a lot of individuals who are not making a lot of money and who are barely subsiding on the money they make now. I am not saying that they don't enjoy spending that one buck a week or that two bucks a week but it is not \$2 that they have to throw away. They do it because it gives them a little bit of enjoyment, a little bit to dream that they don't get a chance to do very often because they don't have the money to do the other things that you and I dream about, such as vacations, buying a boat, a new car and whatever else. I would simply disagree, it is not the middle-income, the upper middle-income and the high incomes with the Mercedes that drive to the front door to purchase \$20 in Megabucks tickets.

Third, several years back, I put in a bill which would have mandated that 5.1 percent of all monies spent by the betting public would go back to that same public in the form of winnings. This legislature did not want to have that change but if we truly want to deal with the issue of this game, we want to make people feel confident about the game and we don't view it as just a revenue source, then that is what we should do. We should have the majority of the monies raised by betting go back to those who participate in the game.

About adding one more choice in terms of games -- all we are doing, as Representative Priest has

already stated, is we are making the percentage of winning a game more and more difficult and, to me, that is not appropriate. If we want to be up front and we want to fund the shortfall, then we ought to keep the games we have and give out no winnings for eight weeks, take in all the money that would be raised and put it into the General Fund and be up front about it. Gambling and funding of state programs with gambling is ridiculous. It is inappropriate and it shouldn't be done. We are at a position now where we have almost gone over the edge. Lotto*America will put us over that edge, we will have gone too far. Public policy doesn't need to be driven with gambling dollars and public programs that should be funded by broadbased taxes and other sources should not be funded by the whim of an individual who is throwing their last dollar or two dollars on the chance of winning the \$7, \$10 or even a \$1 million pot.

The other issue with the choice of games -- I know in the store that is right below my apartment, I am down there quite often, my wife and I are friends with the owners and we have dinner and so forth and we are in that store a lot talking with them and there are a lot of people who come into that store and I often talk to them about the lottery games. When the pot is high, they want to buy more tickets. They take what they would spend in a three week time frame and they spend it all in that one week because they want more chances to win that high pot. That is why I feel that the sales go down the week directly after a large pot has been won because the people don't have the money to spend that week on the tickets. They spent in advance what they would have spent over a three or four week period. There are individuals who spend only on the tickets so Representative Murphy is incorrect again, in my opinion, because those individuals do not switch back and forth, depending upon the pot size, with Megabucks and the tickets. There are certain individuals who come in every day and purchase three or four or five tickets or bet on the pick three or pick four, never spend a cent on Megabucks, regardless of the size of the pot because they play the odds and the odds are better on the smaller amounts, the tickets and the picking of numbers. So they don't switch back and forth.

So to say that we have some indication as to when Megabucks were high we had no switching and that means when we have Lotto*America no one is going to switch, that is ridiculous. We are going to clearly lose people who spend money on Megabucks to Lotto*America, no doubt about it. In my district, I agree with Representative Jacques to this point, half and half, pretty much half of the group would like to have a larger pot but if the larger pot was Megabucks, they would spend it in Megabucks. They don't need to have Lotto*America to do that. They don't particularly care about Lotto*America but if the larger pot was in Megabucks, they would spend it in Megabucks, they don't need to have Lotto*America to do that. They don't particularly care about Lotto*America. When given the same question that Representative Jacques was asking -- would you spend it if you know that we have to pick up \$7 million? They have the exact same answer, "That's your problem, you have to deal with that issue."

The last issue that I want to raise is, if the citizens of the state and if we as a legislature, to coin a phrase that Representative Priest mentioned, think that only the citizens, if we establish Lotto*America, are betting on a fantasy jackpot, you are wrong. This legislature and this Governor are

betting on a fantasy and we will if we implement this new game.

For those reasons and many more that are unstated here today, I would urge you to vote "Ought Not to Pass."

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

Representative RAND: Mr. Speaker, Men and Women of the House: I would ask this body to accept the "Ought Not to Pass" motion as put forth by Representative Priest from Brunswick and my reasons for supporting the "Ought Not to Pass" motion are simple.

In these troubled economic times, the state budget should not be balanced to the questionable tune of \$7 million on the backs of some of Maine's people. As Representative Murphy pointed out, the purchase of lottery tickets is not mandatory, some people buy them and some people won't. I expect leadership from the second floor particularly when times are tough, not pie in the sky, we are in a financial crisis. Badly needed services for our people are in grave danger of being cut. These are difficult times and they call for leadership and difficult and possibly unpopular decisions. If money must be raised to remedy our financial woes, Maine people deserve better and far more progressive solutions that an increase in games of chance.

Finally, we are in this mess because of faulty and inaccurate projections and I have little faith in the \$7 million projection.

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

Representative WEBSTER: Mr. Speaker, Men and Women of the House: The debate over Lotto*America is not really whether we need a new lottery game or whether our constituents want a new lottery game or whether anyone in Maine wants state-sponsored gambling. The debate is really focused on a much broader question -- how can we balance this budget? How can we further our priorities? As the Representative from Waterville, Representative Jacques has said, this is our problem.

If we have no Lotto*America, if we fail to pass this bill, then what? Are we going to have new taxes? I, for one, will not vote for new taxes to balance this budget, especially when alternatives are available. The lottery is a form of voluntary tax. As others have said, people can choose not to play, people can choose not to pay. All other taxes are involuntary, they are mandatory, you have to pay, that is the law. So if we have no new taxes, then what? We have to cut the budget. Where are we going to cut the budget? Are we are going to cut education, cut the University, Vocational-Technical Schools? Not me. Are we going to cut AMHI? Not me. Are we going to cut hospice care after we just restored that money to the budget? Not me. Are we going to cut home-based health care? Not me. The list could go on and on and on with things that none of us want to see cut.

There are so many programs that deserve our help that we cannot turn our backs on them. We can be certain that Lotto* America will not raise one dime for these programs unless we enact this bill. No more taxes and no more cuts, please vote no on this motion.

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

Representative KETOVER: Mr. Speaker, Ladies and Gentlemen of the House: I have been trying to speak on this for quite awhile and it has been bothering me because I have been listening to a lot of things that

have been said and now, after hearing the last speaker, I thought maybe I wouldn't speak but now I feel I must.

An involuntary tax -- interesting, that's a new way of saying that we don't want any new taxes but this is a form of tax if you look at it. It is a tax to raise the revenues for the shortfall in our budget, for education, home health care, for all the things that we need. I think that that is an unfair way to do it.

First of all, this is a fantasy that you are talking about, a dream, a dream that you are going to win the lottery, to win the million dollars. I haven't even won a free ticket, I think that that is a dream and millions of dollars are spent every year to win that dream. The choice is yours to buy the Lotto*America, that means that possibly, possibly, two people may win the Lotto*America. I think if you are going to do something, I don't think it should be through Lotto*America, that is not what I am hearing, I think it is something that we need to keep in our own state, the Megabucks. We raise millions of dollars through Megabucks and it is doing well. Sure we have had a lot of apprehensions about it and maybe we should increase that -- but put another game in? I like the idea of having dog tracks, I think that that is an excellent idea.

I feel that putting Lotto*America in is an unfair thing to the people of this state. Choices -- a choice to buy a lottery ticket, that is another one I like to hear, choices. The choice is, do we have a program or don't we have a program? Do we have a tax or don't we have a tax? I say the fair way is certainly not to give them an opportunity to have our money go out of the state. \$7 million, that is a great figure, I would like to bounce around \$210 million, that is another great figure. Every time we look around, the figures keep changing. I haven't heard once that a figure has been accurate. I can't go back to my people because they are so up in arms, I don't know about you but my questionnaire has come back saying "I am angry, I have lost faith in what is happening in state government because people don't give us accurate figures."

The time has come that we do something that is right and this is certainly not it and I would hope that you would go along with this committee "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Ellsworth, Representative Foster.

Representative FOSTER: Mr. Speaker, Men and Women of the House: I am a businesswoman, I didn't grow up in a family of business, I grew up in a family where we had an income every week that we depended on. The father of my children was a businessman and we were in the plumbing and heating business. Thirty-five years ago, when everyone decided they want pink bathtubs and blue bathtubs and purple bathtubs, we talked about it and he said, "I don't think we need pink, blue and purple bathtubs, do you Ruth?" I said, "Yes, we do because they are asking for them and if we don't sell them, they are going somewhere else." He said, "I kind of like these white ones." I said, "I like the white ones too, we will keep the white ones and we will add on." We sold pink bathtubs and if you had told me back then any man in the State of Maine would want a pink bathtub, I would say that this is a gamble, we've got a lot of these little critters in the barn, but we sold them.

Now I am in business myself, I have a child's clothing store. I like to go to Boston and buy all these little preppy things that I wear and little gold pieces but you know, the kids want neon, orange,

pink and purple. When they come in my store and ask for neon and I don't have it, they go somewhere else. I have to keep the competition out and get what they want.

I have never voted for the lottery but ladies and gentlemen of the House, we are in business and we are in the lottery business. Last November, Commissioner Soule bought the concept of Lotto*America to the attention of whoever he should. If the Governor didn't like it, I didn't know that at the time, but if I was in the lottery business, I would listen to whoever was running the lottery. Because if you are in the business, you have to do it right.

Think of it as a business. How many of you people are business people? I would love to go back to the days of having a paycheck that came in every week and knew what it was but let me tell you, if I have these little preppy rags and someone wants neon, I don't make any money. The State of Maine has got to be competitive if they are going to remain in the lottery business, that is all I can say.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to bring a few more things to your attention. First of all, it was said that the people of Maine could not afford another \$18 million -- well, there is one group of people that I don't think we have taken into account and that is the tourists. I know there are a lot of Maine people out there who don't really care about the tourists but here is one Maine citizen who really likes the tourists. I really enjoy the people, I don't mind the crowds, I don't mind the traffic, it is just a good challenge. I also enjoy the money that they spend, the sales tax that we get from them. Not doing a large survey but running a little guest house, I can't help but notice every week the people who I have who ask me, "Where can I go buy a Maine lottery ticket?" These people pay the lottery when they come here. With a bigger pot, I am sure they will play more. That is a group of people that we haven't even taken into account and we have millions of them who come into this state every summer and fall.

Another survey that was quoted here today was raising taxes. The University of Southern Maine said at least 83 percent of the people would raise taxes. Well, here is one person who wouldn't vote for raising taxes, no matter who wanted to do it.

At last Fall's election, we had that whole list of referendum questions on bond issues -- my district, both towns, turned down every single one of them but the \$5 million dollar one. I won't use the adjective today that some of them said to me about us up here and what did we think we were doing putting out bond issues for any such things as those. They do not want taxes to be raised. They believe we are spending enough and they believe there should be other ways of getting our revenues without raising taxes.

York County has been looked at as one of the most affluent counties in this state. Well, let me tell you, my people are very conservative, very hard working and our average weekly rate in York County is \$321.29 a week, \$25 or so beyond the state average. There are many people down there who are not affluent and many people have a hard time paying their property taxes because of the increased valuations and cutting down on all the money we get back from the state. We lost subsidies every day so these people do not want their taxes raised anymore, they cannot afford it.

Another thing I heard was that it was ridiculous and inappropriate to have gambling. I feel as though that maybe some of you here could maybe think of another way to tax the New Hampshire residents but I feel as though taxing the income of the spouses, of putting the rate up on the income of spouses in New Hampshire is not ethical and is immoral. I have a problem with doing that. I would rather put it right out front and have the people of Maine and the people who come in here and enjoy our great state help us pay for these and not on the earnings of people who live in another state who do not have any representation.

I urge you not to support the "Ought Not to Pass" but let's pay our own way on this and get money right up front and not have to hide it by taxing people out of state. I urge you not to support the "Ought Not to Pass" so we can go and accept the "Ought to Pass" Report.

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

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

The SPEAKER: The Chair recognizes the Representative from Madison, Representative Richard.

Representative RICHARD: Mr. Speaker, Ladies and Gentlemen of the House: I have listened very, very carefully to all this argument this morning and something which keeps coming back to my mind is the fact that we do have a deficit at present of \$210 million because we made some incorrect estimations of what our revenue was going to be. Now we are saying, let's take something which we don't know what the revenues are going to be, the lotto, use that and we will replace \$7 million in our budget and then if we fall short, we would be going back and saying the same thing to the people, we are sorry, we again made some incorrect estimations. I ask, are we doing the correct thing?

The SPEAKER: The pending question before the House is the motion of the Representative from Brunswick, Representative Priest, that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 201

YEA - Adams, Aliberti, Anderson, Anthony, Bailey, Begley, Bell, Boutilier, Brewer, Burke, Cahill, M.; Cashman, Cathcart, Clark, H.; Clark, M.; Coles, Constantine, Crowley, Daggett, Dexter, DiPietro, Dore, Duffy, Erwin, P.; Farnsworth, Farren, Graham, Gurney, Hale, Handy, Heeschen, Hichborn, Hickey, Hogle, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, LaPointe, Lawrence, Lisnik, Luther, Mahany, Martin, H.; Mayo, McKeen, McPherson, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Nadeau, G. G.; Nutting, Oliver, Paradis, P.; Paul, Pederson, Pineau, Plourde, Priest, Rand, Richard, Ridley, Rolde, Rotondi, Ruhlman, Rydell, Sheltra, Simpson, Skoglund, Smith, Strout, D.; Swazey, Telow, Townsend, Tracy, Walker.

NAY - Aikman, Ault, Butland, Carroll, D.; Carroll, J.; Chonko, Conley, Cote, Curran, Dellert, Donald, Dutremble, L.; Farnum, Foss, Foster, Garland, Gould, R. A.; Greenlaw, Gwadosky, Hanley, Hastings, Hepburn, Higgins, Hutchins, Jackson, Lebowitz, Libby, Look, Lord, MacBride, Macomber, Manning, Marsano, Marsh, McCormick, McGowan, McHenry, Merrill, Murphy, Nadeau, G. R.; Norton, O'Gara, Paradis, E.; Paradis,

J.; Parent, Pendleton, Pines, Pouliot, Reed, Richards, Seavey, Small, Stevens, A.; Stevens, P.; Stevenson, Strout, B.; Tammaro, Tardy, Tupper, Webster, M.; Wentworth, Whitcomb.

ABSENT - Allen, Carter, Larrivee, Marston, O'Dea, Sherburne, The Speaker.

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

82 having voted in the affirmative and 62 in the negative with 7 being absent, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

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

An Act to Establish the Department of Families and Children (H.P. 1199) (L.D. 1666) (C. "C" H-820)

TABLED - March 26, 1990 (Till Later Today) by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

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

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

An Act to Provide for the 1990 and 1991 Allocations of the State Ceiling on Private Activity Bonds (EMERGENCY) (H.P. 1642) (L.D. 2275) (C. "A" H-902)

TABLED - March 26, 1990 (Till Later Today) by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

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

TABLED AND TODAY ASSIGNED

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

Bill "An Act to Promote Equity of Opportunity for Women in Administrative Positions in the Public School System" (H.P. 1692) (L.D. 2342)

TABLED - March 26, 1990 by Representative BOUTILIER of Lewiston.

PENDING - Adoption of Committee Amendment "A" (H-974)

On motion of Representative Boutilier of Lewiston, retabled pending adoption of Committee Amendment "A" (H-974) and later today assigned.

The Chair laid before the House the following matter: An Act to Authorize the Annexation of Land Adjacent to the Town of East Millinocket (S.P. 746) (L.D. 1950) (H. "A" H-900 and H. "B" H-955 to C. "A" S-547) which was tabled earlier in the day and later today assigned pending the motion to reconsider whereby L.D. 1950 failed of enactment.

Representative Smith of Island Falls requested a roll call.

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

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

The SPEAKER: The pending question before the House is the motion of Representative Michaud of East

Millinocket that the House reconsider its action whereby L.D. 1950 failed of enactment. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 202

YEA - Adams, Anderson, Ault, Bailey, Bell, Boutilier, Brewer, Burke, Butland, Cahill, M.; Carroll, D.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Conley, Constantine, Cote, Crowley, Curran, Daggett, Dexter, DiPietro, Donald, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnsworth, Foster, Gould, R. A.; Graham, Gurney, Gwadosky, Hale, Handy, Heeschen, Hepburn, Hichborn, Hickey, Higgins, Hoglund, Holt, Hussey, Hutchins, Jacques, Jalbert, Joseph, Ketover, Kilkelly, LaPointe, Lawrence, Libby, Lisnik, Look, Lord, Luther, MacBride, Macomber, Manning, Marsano, Martin, H.; Mayo, McGowan, McKeen, McPherson, McSweeney, Michaud, Mills, Mitchell, Moholland, Murphy, Nadeau, G. G.; Norton, Nutting, O'Gara, Oliver, Paradis, E.; Paradis, J.; Parent, Paul, Pederson, Pendleton, Pineau, Pines, Plourde, Pouliot, Priest, Rand, Reed, Richard, Richards, Ridley, Rolde, Rotondi, Ruhlman, Rydell, Sheltra, Skoglund, Small, Stevens, P.; Strout, D.; Swazey, Tammaro, Tardy, Telow, Townsend, Tracy, Walker, Webster, M..

NAY - Aikman, Anthony, Begley, Carroll, J.; Dellert, Farnum, Farren, Foss, Garland, Greenlaw, Hanley, Hastings, Jackson, Lebowitz, McCormick, McHenry, Merrill, Seavey, Smith, Stevens, A.; Stevenson, Strout, B.; Tupper, Wentworth, Whitcomb.

ABSENT - Aliberti, Allen, Carter, Larrivee, Mahany, Marsh, Marston, Melendy, Nadeau, G. R.; O'Dea, Paradis, P.; Sherburne, Simpson, The Speaker.

Yes, 112; No, 25; Absent, 14; Paired, 0; Excused, 0.

112 having voted in the affirmative and 25 in the negative with 14 being absent, the motion to reconsider did prevail.

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

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House: We voted on this and I think we have shown our vote and I hope that we will stay with it.

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

Representative MICHAUD: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you will vote for enactment of this bill. This was a unanimous report from the Committee on State and Local Government. Representative Smith earlier quoted a situation that happened with his bill on Island Falls and I supported that annexation of Island Falls.

The way that this bill is drafted, it will have to be a majority vote in East Millinocket and would have to approve of the annexation and a majority vote from those in the unorganized territories would have to approve before the annexation could go through. So I hope that this body would for enactment of this bill.

Representative Tracy of Rome requested a roll call.

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

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

The SPEAKER: The pending question before the House is passage to be enacted. This being an emergency measure, a two-thirds vote of the members elected to the House is necessary. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 203

YEA - Adams, Aikman, Aliberti, Anderson, Anthony, Ault, Bailey, Begley, Bell, Boutilier, Brewer, Burke, Butland, Cahill, M.; Carroll, D.; Carroll, J.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Conley, Constantine, Cote, Crowley, Curran, Daggett, Dexter, DiPietro, Donald, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnsworth, Foster, Gould, R. A.; Gurney, Gwadosky, Hale, Handy, Hastings, Heeschen, Hepburn, Hichborn, Hickey, Higgins, Hoglund, Holt, Hussey, Hutchins, Jacques, Jalbert, Joseph, Ketover, Kilkelly, LaPointe, Lawrence, Libby, Lisnik, Lord, Luther, MacBride, Macomber, Mahany, Manning, Marsano, Marsh, Martin, H.; Mayo, McGowan, McKeen, McPherson, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Murphy, Nadeau, G. G.; Nadeau, G. R.; Norton, Nutting, O'Gara, Oliver, Paradis, E.; Paradis, J.; Paradis, P.; Parent, Paul, Pederson, Pendleton, Pineau, Pines, Plourde, Pouliot, Priest, Rand, Reed, Richard, Ridley, Rolde, Rotondi, Ruhlman, Rydell, Seavey, Sheltra, Simpson, Skoglund, Small, Stevens, A.; Stevens, P.; Stevenson, Strout, D.; Swazey, Tammaro, Tardy, Telow, Townsend, Tracy, Tupper, Walker, Webster, M..

NAY - Dellert, Farnum, Farren, Foss, Garland, Graham, Greenlaw, Hanley, Jackson, Lebowitz, Look, McCormick, McHenry, Merrill, Richards, Smith, Strout, B.; Wentworth, Whitcomb.

ABSENT - Allen, Carter, Larrivee, Marston, O'Dea, Sherburne, The Speaker.

Yes, 125; No, 19; Absent, 7; Paired, 0; Excused, 0.

125 having voted in the affirmative and 19 in the negative with 7 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

CONSENT CALENDAR

First Day

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

(S.P. 827) (L.D. 2135) Bill "An Act to Implement Changes to the Homestead Property Tax Exemption Law" (EMERGENCY) Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-613)

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

The Chair laid before the House the following matter: (H.P. 1358) (L.D. 1875) Bill "An Act to Repeal Hospital Assessments Used to Fund State Programs" (C. "A" H-976) which was tabled earlier in the day and later today assigned pending adoption of Committee Amendment "A."

Representative Manning of Portland offered House Amendment "A" (H-1005) to Committee Amendment "A" (H-976) and moved its adoption.

House Amendment "A" (H-1005) to Committee Amendment "A" (H-976) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted and the Bill assigned for second reading later in today's session.

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

(Off Record Remarks)

(At Ease to 4:00 p.m.)

The House was called to order by the Speaker.

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

PAPERS FROM THE SENATE

The following Communication:

Maine State Senate
Augusta, Maine 04333
March 27, 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 Judiciary:

- Honorable Bernard M. Devine of Falmouth for appointment as Active Retired Judge of the Maine District Court.
- Honorable Margaret J. Kravchuk of Bangor for appointment as Justice, Maine Superior Court.
- Honorable Margaret J. Kravchuk is replacing Justice McKinley.
- James E. Smith of North Whitefield for reappointment as a member of the Workers' Compensation Commission.
- Paul K. Vestal, Jr. of Skowhegan for appointment as a member of the Maine Human Rights Commission. Paul K. Vestal, Jr. is replacing James Mundy.

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

Was read and ordered placed on file.

Bill "An Act to Ratify the Results of a Municipal Referendum Authorizing the Annexation of Cove Point Township by the Town of Greenville" (S.P. 984) (L.D. 2447)

Came from the Senate under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed as amended by Senate Amendment "A" (S-620).

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

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

Senate Amendment "A" (S-620) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was given its second reading without reference to the Committee on Bills in the Second Reading and passed to be engrossed as amended in concurrence.

Bill "An Act to Ensure the Proper Payment of Property Tax Relief Funds" (S.P. 988) (L.D. 2451)
Came from the Senate, referred to the Committee on Taxation and Ordered Printed.

Was referred to the Committee on Taxation in concurrence.

Non-Concurrent Matter

Bill "An Act to Amend the Laws Relating to Whitewater Rafting" (H.P. 1648) (L.D. 2281) which was passed to be engrossed as amended by Committee Amendment "A" (H-935) in the House on March 20, 1990.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-935) as amended by Senate Amendment "B" (S-610) thereto in non-concurrence.

The House voted to recede and concur.

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on Housing and Economic Development reporting "Ought Not to Pass" on Bill "An Act to Establish the International Commerce Council" (H.P. 1726) (L.D. 2385)

Signed:

Senators:

- ANDREWS of Cumberland
- DUTREMBLE of York
- GRAHAM of Houlton
- BELL of Caribou
- NADEAU of Lewiston
- MILLS of Bethel
- MELENDY of Rockland
- KILKELLY of Wiscasset

Representatives:

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-991) on same Bill.

Signed:

Senator:

Representatives:

- WEYMOUTH of Kennebec
- LEBOWITZ of Bangor
- DONALD of Buxton
- BAILEY of Farmington
- HEESCHEN of Wilton

Reports were read.

Subsequently, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

Divided Report

Majority Report of the Committee on State and Local Government reporting "Ought Not to Pass" on Bill "An Act to Promote Effective Services Delivery to Children and Youth" (H.P. 1716) (L.D. 2369)

Signed:

Senator:

Representatives:

- ESTY of Cumberland
- JOSEPH of Waterville
- ROTONDI of Athens
- CAHILL of Mattawamkeag
- HEESCHEN of Wilton
- DAGGETT of Augusta
- LARRIVEE of Gorham

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-994) on same Bill.

Signed:

Senators:

- BERUBE of Androscoggin
- CARPENTER of York

Representatives: WENTWORTH of Wells
McCORMICK of Rockport
BEGLEY of Waldoboro
CURRAN of Westbrook

Reports were read.

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

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

Representative BEGLEY: Mr. Speaker, Men and Women of the House: I encourage you to vote against the Majority "Ought Not to Pass" so that we can accept the Minority Report.

The Minority Report would provide for an Office for Children, not only will an office be able to facilitate coordination between the departments that provide children services, it also would provide strong policy direction from the Governor's Office to the department. An office to provide strong policy direction costs very little because it does not disrupt state government services. Any money that this legislature can identify for children and families this session should go into direct services, not into more bureaucracy. The Governor's Office is willing to absorb the costs of such an office for the time being until resources can be identified and the state's fiscal situation improves.

On the particular report in front of you, the only person who came to the hearing and spoke against this bill agreed that the special education division for children should stay in the Department of Education and that it would not be practical to separate it from that department. Therefore, I believe that children with special needs that would be beyond this group could be very well served by this proposed office and I encourage you to vote no on the pending motion so that we can accept the Minority Report.

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

Representative WENTWORTH: Mr. Speaker and Members of the House: This office does not replace the separate Department for Children. The office would always be needed to provide policy direction throughout all of state government. No single department can ever hope to have within its organization all services required to address the needs of the whole family. There will always be a need for interdepartmental coordination such as we have with the IDC and a capability within the Governor's Office to ensure strong policy direction beyond any single department.

I would ask for a roll call, please.

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

Representative JOSEPH: Mr. Speaker, Men and Women of the House: As you have heard, this legislation would promote an Office of Children in the Governor's Office. Actually, this proposal does not change anything that is happening today except that that one executive person in the Office of the Governor would help to develop a master plan in the future to provide services for children and their families. It would work with the IDC, it would work with the four departments and one division that presently offers services for children and their families. As well, this piece of legislation has a fiscal note of \$52,000 to provide for the director of that Office of Children. The majority of the committee felt that this would not be an effective way to provide those services that are much needed by families and children in need.

The SPEAKER: A roll call has been requested.

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

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

The SPEAKER: The pending question before the House is the motion of Representative Joseph of Waterville that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 204

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

NAY - Aikman, Aliberti, Anderson, Anthony, Ault, Begley, Butland, Carroll, J.; Curran, Dellert, DiPietro, Donald, Farnum, Farren, Foss, Foster, Garland, Gould, R. A.; Greenlaw, Hanley, Hastings, Hepburn, Higgins, Hussey, Hutchins, Jackson, Libby, Look, Lord, MacBride, Marsano, Marsh, McCormick, Merrill, Murphy, Norton, Parent, Pendleton, Pines, Reed, Richards, Seavey, Small, Stevens, A.; Stevenson, Strout, B.; Strout, D.; Telow, Tupper, Webster, M.; Wentworth, Whitcomb.

ABSENT - Bailey, Coles, Dexter, Heeschen, Larrivee, Lawrence, Lebowitz, Marston, McPherson, Mills, Nadeau, G. G.; Nutting, Paradis, E.; Pineau, Sherburne.

Yes, 84; No, 52; Absent, 15; Paired, 0; Excused, 0.

84 having voted in the affirmative, 52 in the negative, with 15 being absent, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

Divided Report

Majority Report of the Joint Select Committee on Corrections reporting "Ought Not to Pass" on Bill "An Act to Clarify County Responsibility for Support of Prisoners" (H.P. 1756) (L.D. 2419)

Signed:

Senators:

MATTHEWS of Kennebec
BUSTIN of Kennebec
MELENDY of Rockland
MANNING of Portland
MAYO of Thomaston
ANTHONY of South Portland
SMITH of Island Falls
DORE of Auburn
GREENLAW of Standish
STROUT of Windham
LIBBY of Kennebunk

Representatives:

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-997) on same Bill.

Signed:

Senator:

PERKINS of Hancock

Representative: HEPBURN of Skowhegan
Reports were read.

On motion of Representative Melendy of Rockland the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

Divided Report

Majority Report of the Committee on Human Resources reporting "Ought Not to Pass" on Bill "An Act Concerning the Funding of Boarding Home Depreciation Accounts Under the Cost-reimbursement Program" (EMERGENCY) (H.P. 1699) (L.D. 2348)

Signed:

Senators: TITCOMB of Cumberland
GAUVREAU of Androscoggin
RANDALL of Washington

Representatives: MANNING of Portland
CATHCART of Orono
PENDLETON of Scarborough
PEDERSON of Bangor
DELLERT of Gardiner
HEPBURN of Skowhegan
BURKE of Vassalboro
CLARK of Brunswick

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1000) on same Bill.

Signed:

Representatives: BOUTILIER of Lewiston
ROLDE of York

Reports were read.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: I move that the House accept the Majority "Ought Not to Pass" Report.

We dealt with this particular piece of legislation in our committee. The sponsor had some concern when the rulemaking process at the Department of Human Services first came about because that rulemaking was not given in a timely fashion so that people could respond to it after people had told the Department of Human Services they had some real problems with the rulemaking. The Department changed their mind and went along with what the public was asking. Therefore, we feel that, if the department has gone along with what the public is asking for, we should not be putting the same exact piece of language in statute and we ought to leave it in rules and regulations.

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

Representative BOUTILIER: Mr. Speaker, Men and Women of the House: Let me take a few moments of your time to give you some background on this and the reason I signed out as one of two members of the Human Resources Committee.

A number of you who serve on other committees that get a lot of rulemaking, Banking and Insurance, Fisheries and Wildlife, other committees that get a lot of the rules promulgated by the departments, you know that a good deal of their rulemaking occurs during the off session. We can say that maybe it is easier for them to do it at that time but there is other intent behind that and that is that the legislature is not in session to deal with changes in the intent of legislation that was passed because the rules promulgated by the departments aren't what the legislature wanted. I, as one member of the Human Resources Committee, get the rules that DHS attempts to promulgate (the pending rules) and I attend some hearings to hear what their positions are. In this

case, dealing with a technical aspect of the funding of the boarding home depreciation accounts, the department attempted to take this little technical section in the law under cost-reimbursed boarding homes and allow for that fund to be funded and the monies not to be touched. Well, what it did (without getting into all the complexities of the issues) it actually set up a situation whereby these cost-reimbursed homes that are bare bones financially, many of which could close very easily if they were not given all the opportunities to use funds etcetera, who may have, in order to recruit staff because there has been a high turn-over of staff in these facilities, paid a little more to recruit them and had to raid their depreciation account temporarily to pick up the cost of those increased salaries or other things.

The department was saying, you could have that fund there but you cannot touch that pool of money. To many homes that would mean they would not be able to deal with those increased salaries or deal with equipment and furnishings in their facility which maybe became consumable sooner than they anticipated in their original depreciation schedule.

So I said to the department during the public hearing section of which we received a copy of the rules the day prior to the public hearing, but during the comment period, I sent a letter to the department saying I disagreed with this section in the rulemaking process and several others, and at that time, they notified me that they were uninterested in allowing for an extension of the comment period, they were uninterested in allowing for an additional public hearing to allow proper comment from the industry which had received the rules the day before the hearing and they were uninterested in any of the changes that I suggested and other members in the industry had suggested, not only identical to my changes but their own, they were not interested in any of those.

I then kept sending my letters to higher-ups and finally got to the commissioner and, through various negotiations, the commissioner basically sent down a message that he did want to have a new public hearing so the industry and other interested parties would get a chance to really analyze the impact of the rule changes and comment appropriately. That was granted. The comment period was then extended, that was done. In the meantime, because I saw them doing this particular item which I felt would detrimentally affect those boarding homes that were on the verge of closure, I put a bill in, requested that it go through Legislative Council after deadline to codify the rules that they were trying to change, as an additional incentive for the department to act in a wise manner in dealing with this particular section. When that occurred, they backed off and chose not to make the change and said that they also felt that maybe some of those concerns were correct. I understand that that was made and I agree that they did it and did it fairly but the issue is that this legislature will adjourn again and, if this department feels that they can go back in and do the rule change and will not have any difficulties, they can do it during the off session again.

It is technical but boarding home providers right now are under a cost reimbursement system -- most of them are. Some day, we will go to a prospective reimbursement system. The cost reimbursement system is bare boned, these homes can barely survive under the current reimbursement structure. A prospective system will provide more leeway for them to do that, to provide care to the elderly who do not have a family structure, have lost their home or whatever,

need that additional ability for a structured environment for care. Until we get to a prospective system, the use of those boarding homes depreciation accounts will be vital to these homes to recruit and retain staff. They will have to increase their wages to get the staff to come in and to increase their wages to retain the ones they have. It will also be vital to pick up the cost of equipment and furnishings which get destroyed sooner than they anticipated with the negotiated depreciation schedule. By codifying these rules, they won't have to fight this battle again whether we are in session or not.

The other issue that I am trying to deal with in this committee version that I voted out is, in the meantime, when I was researching the issue and discussing it with the committee, we initially had a vote in committee to pass out this Divided Report, as it was. The industry then talked to the department and the department said, we don't want this to be codified because if it is put into statute, we won't be able to be flexible with you in determining your depreciation schedule.

I thought they were incorrect so I went and read the statute and the enabling legislation and the rules. The depreciation schedule is already stated in the regulation and they in fact had been ignoring that, had not been using that depreciation schedule in every act and had been negotiating different schedules with different providers. They were breaking the law. They were telling the providers that we can do that because it is in rules but we can't do it if it is in statute. All of us in this body know that when a rule goes through the APA process, it has the same weight as statute and they have no right to countermand that or ignore it. So I added a section in this which allows them to negotiate the depreciation schedule so that they won't have to break the law anymore and they can take into account those individual personalized examples of homes that are ending up consuming the depreciable items faster than they anticipated.

It is clearly a technical issue and I don't expect everybody in this body who has not served on our committee before or is not on it currently to understand it but I am asking for this body to consider the fact that, without this change, they will continue to break the law unless they make a rule change. I cannot feel comfortable knowing that when we adjourn, they very well might go back to that same section of funding of the depreciation accounts and attempt to change it again through rule. I would hope we could avoid that occurrence and not have to read every single line to make sure they are not countermanding what the legislative intent is.

I would ask for a roll call when the vote is taken and I would urge as many of you who can to vote with me on the pending motion.

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

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

The SPEAKER: The pending question before the House is the motion of Representative Manning of Portland that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 205

YEA - Adams, Aikman, Aliberti, Allen, Anderson, Anthony, Ault, Bailey, Begley, Bell, Burke, Butland, Cahill, M.; Carroll, D.; Carroll, J.; Cashman, Cathcart, Chonko, Clark, M.; Coles, Conley, Constantine, Cote, Crowley, Curran, Daggett, Dellert, Dexter, DiPietro, Donald, Dore, Dutremble, L.; Erwin, P.; Farnsworth, Farnum, Farren, Foss, Foster, Garland, Gould, R. A.; Greenlaw, Gwadosky, Hale, Handy, Hanley, Hastings, Hepburn, Hichborn, Higgins, Hogle, Hussey, Hutchins, Jackson, Jacques, Joseph, Ketover, Kilkelly, LaPointe, Libby, Lisnik, Look, Lord, MacBride, Macomber, Manning, Marsano, Marsh, Mayo, McCormick, McGowan, McHenry, McSweeney, Melendy, Merrill, Mills, Mitchell, Murphy, Nadeau, G. R.; Norton, Nutting, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pederson, Pendleton, Pines, Pouliot, Rand, Reed, Richard, Richards, Ridley, Rotondi, Rydell, Seavey, Simpson, Small, Stevens, P.; Stevenson, Strout, B.; Strout, D.; Swazey, Telow, Tupper, Walker, Webster, M.; Wentworth.

NAY - Boutilier, Brewer, Clark, H.; Duffy, Graham, Gurney, Hickey, Holt, Jalbert, Luther, Mahany, Martin, H.; McKeen, Michaud, Moholland, O'Dea, Parent, Plourde, Priest, Rolde, Ruhlin, Sheltra, Skoglund, Smith, Stevens, A.; Tammaro, Tardy, Townsend, Tracy.

ABSENT - Carter, Heesch, Larrivee, Lawrence, Lebowitz, Marston, McPherson, Nadeau, G. G.; Paradis, E.; Pineau, Sherburne, Whitcomb, The Speaker.

Yes, 109; No, 29; Absent, 13; Paired, 0; Excused, 0.

109 having voted in the affirmative, 29 in the negative, with 13 being absent, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

CONSENT CALENDAR

First Day

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

(S.P. 964) (L.D. 2431) Resolve, to Reauthorize the Commission to Evaluate the Adequacy of the Aid to Families with Dependent Children Need and Payment Standards Committee on Human Resources reporting "Ought to Pass"

(S.P. 958) (L.D. 2422) Bill "An Act to Allow Certain School Secretaries to Elect Not to Be Members of the Maine State Retirement System" Committee on Aging, Retirement and Veterans reporting "Ought to Pass" as amended by Committee Amendment "A" (S-616)

(S.P. 942) (L.D. 2380) Bill "An Act Regarding the Operation of Bottle Clubs" (EMERGENCY) Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-615)

There being no objections, under suspension of the rules, Consent Calendar Second Day notification was given, the Senate Papers were Passed to be Engrossed or Passed to be Engrossed as Amended in concurrence.

CONSENT CALENDAR

Second Day

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

(S.P. 742) (L.D. 1946) Bill "An Act to Establish a Consolidated Retirement Plan in the Maine State Retirement System for Participating Local Districts" (EMERGENCY) (C. "A" S-605)

(S.P. 916) (L.D. 2322) Bill "An Act Creating the Long Pond Water District" (C. "A" S-606)

(S.P. 917) (L.D. 2323) Bill "An Act to Create the Winter Harbor Water District" (C. "A" S-607)

(S.P. 939) (L.D. 2374) Bill "An Act to Create the Columbia Falls Water District" (EMERGENCY) (C. "A" S-608)

(H.P. 1709) (L.D. 2358) Bill "An Act to Amend the Laws Administered by the Maine Land Use Regulation Commission" (C. "A" H-990)

(H.P. 1727) (L.D. 2386) Bill "An Act to Amend the Cumberland County Capital Improvement Bonds Act of 1989" (EMERGENCY) (C. "A" H-992)

(H.P. 1723) (L.D. 2382) Bill "An Act to Reorganize the Plantation of Prentiss in Penobscot County" (EMERGENCY) (C. "A" H-993)

(H.P. 1651) (L.D. 2284) Bill "An Act to Provide for Forfeiture of Weapons Used in Crimes Against Persons" (C. "A" H-995)

(H.P. 1745) (L.D. 2409) Bill "An Act to Promote the Awareness and Responsibility of Owners of Firearms" (C. "A" H-996)

(H.P. 1640) (L.D. 2273) Bill "An Act to Create a Community Restitution Center" (C. "A" H-1002)

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. 1690) (L.D. 2340) Bill "An Act to Improve the Job Opportunities Zone Act" (C. "A" H-1003)

On motion of Representative Tammaro of Baileyville, was removed from the Consent Calendar, Second Day.

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

Committee Amendment "A" (H-1003) was read by the Clerk.

Representative Tammaro of Baileyville offered House Amendment "A" (H-1011) to Committee Amendment "A" (H-1003) and moved its adoption.

House Amendment "A" (H-1011) to Committee Amendment "A" (H-1003) was read by the Clerk and adopted.

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

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

(At Ease)

The House was called to order by the Speaker.

The Chair laid before the House the following matter: Bill "An Act to Promote Equity of Opportunity for Women in Administrative Positions in the Public School System" (H.P. 1692) (L.D. 2342) which was tabled earlier in the day and later today assigned pending adoption of Committee Amendment "A" (H-974).

Subsequently, Committee Amendment "A" (H-974) was adopted.

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

The Chair laid before the House the following matter: An Act to Provide for the 1990 and 1991

Allocations of the State Ceiling on Private Activity Bonds (EMERGENCY) (H.P. 1642) (L.D. 2275) (C. "A" H-902) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Gwadosky of Fairfield, under suspension of the rules, the House reconsidered its action whereby L.D. 2275 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-902) was adopted.

The same Representative offered House Amendment "A" (H-1013) to Committee Amendment "A" (H-902) and moved its adoption.

House Amendment "A" (H-1013) to Committee Amendment "A" (H-902) was read by the Clerk and adopted.

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

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

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

CONSENT CALENDAR

First Day

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

(S.P. 801) (L.D. 2049) Bill "An Act to Make Revisions in the Drug Testing Laws" Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (S-600)

On motion of Representative Ruhlin of Brewer, was removed from Consent Calendar, First Day.

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

Committee Amendment "A" (S-600) was read by the Clerk.

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

(S.P. 60) (L.D. 43) Bill "An Act Relating to the Maine Correctional Advisory Commission" (EMERGENCY) Joint Select Committee on Corrections reporting "Ought to Pass" as amended by Committee Amendment "B" (S-618)

(S.P. 891) (L.D. 2267) Bill "An Act to Strengthen the Laws Regarding the Casual Disposal of Solid Waste" (EMERGENCY) Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-619)

(H.P. 1685) (L.D. 2333) Bill "An Act to Provide Greater Opportunities for Orphans and Foster Children" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1010)

There being no objections, under suspension of the rules, Consent Calendar Second Day notification was given, the Senate Papers were Passed to be Engrossed as Amended and the House Paper was passed to be engrossed as amended and sent up for concurrence.

**PASSED TO BE ENGROSSED
As Amended**

Bill "An Act to Repeal Hospital Assessments Used to Fund State Programs" (H.P. 1358) (L.D. 1875) (H. "A" H-1005 to C. "A" H-976)

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

**ENACTOR
Emergency Measure
Later Today Assigned**

An Act to Implement Changes to the Homestead Property Tax Exemption Law (S.P. 827) (L.D. 2135) (C. "A" S-613)

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

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

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

ORDERS

On motion of Representative GWADOSKY of Fairfield, the following Joint Order: (H.P. 1789)

Ordered, the Senate concurring, that Bill, "An Act to Amend the Solid Waste Landfill Remediation and Closure Laws Administered by the Department of Environmental Protection," H.P. 1712, L.D. 2363, and all its accompanying papers, be recalled from the legislative files to the House.

Was read.

Pursuant to Joint Rule 4, a two-thirds vote of those present and voting is required. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

113 having voted in the affirmative and 5 in the negative, the Joint Order was passed and sent up for concurrence.

(At Ease)

The House was called to order by the Speaker.

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

ORDERS

On motion of Representative CASHMAN of Old Town, the following Joint Order: (H.P. 1791)

Ordered, the Senate concurring, that the Joint Standing Committee on Taxation report out a bill, "An Act to Provide Funds for the Maine Solid Waste Management Fund" to the House.

Was read and passed and sent up for concurrence.

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

**PAPER FROM THE SENATE
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) (H. "B" H-880; H. "A" H-818) which was passed to be enacted in the House on March 12, 1990.

Came from the Senate passed to be engrossed as amended by House Amendment "A" (H-818) as amended by Senate Amendment "A" (S-623) thereto and House Amendment "B" (H-880) in non-concurrence.

The House voted to recede and concur.

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

**REPORTS OF COMMITTEES
Divided Report**

Majority Report of the Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1006) on Bill "An Act Regarding Investment of State Funds in Corporations Doing Business in Northern Ireland" (H.P. 1588) (L.D. 2200)

Signed:

Senators:

Representatives:

BERUBE of Androscoggin
ESTY of Cumberland
CURRAN of Westbrook
LARRIVEE of Gorham
HEESCHEN of Wilton
JOSEPH of Waterville
CAHILL of Mattawamkeag
ROTONDI of Athens
DAGGETT of Augusta

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-1007) on same Bill.

Signed:

Senator:

Representatives:

CARPENTER of York
WENTWORTH of Wells
McCORMICK of Rockport
BEGLEY of Waldoboro

Reports were read.

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

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

This is an issue of fairness, this is an issue of equal opportunity and yes, it is an issue of discrimination that is occurring in Northern Ireland, in six counties of Northern Ireland. This amendment, the Majority Report, amends the bill and requires the Treasurer of the State of Maine and the Board of Trustees of the Maine State Retirement System to prepare a list of companies that the State of Maine has invested in in Northern Ireland. It requires that Maine would divest their interests in those companies if those companies were not adhering to the MacBride Principles.

This bill would be effective in 1994. It is presently estimated that we have 35 companies that the State of Maine Retirement System is invested in. The MacBride Principles are so stated in this amendment, first of all, increasing the representation of individuals from under-represented groups in the work force, including managerial, supervisory, administrative, clerical and technical jobs. Two, adequate security for the protection of employees at the workplace. Three, the banning of provocative, religious and political emblems from the workplace. Number four, the public advertisement of all job openings as special recruitment to attract applicants from under-represented religious groups. Number five, layoff, recall and termination procedures that do not in practice favor particular religious groups. Number six, the abolition of job reservations, apprenticeship restrictions and differential employment criteria that discriminate on the basis of religion or ethnic origin. Number seven, the development of training programs that prepare substantial numbers of minority employees for skilled jobs, including the expansion of existing programs and the creation of new programs to train, upgrade and improve the skills of minority employees. And last, the appointment of a senior

management staff member to oversee the companies' affirmative action efforts in the creation of time tables to carry out affirmative action principles. I urge you to support the Majority "Ought to Pass" Report.

Mr. Speaker, I request a roll call.

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

Representative WENTWORTH: Mr. Speaker, Men and Women of the House: I hope you will vote against this motion so that we might consider the Minority Report.

There are so many things I am against, I don't know how to tell you. The first thing I am against is the fact that we are interfering with the trustees of the retirement system in handling and carrying out their charge of prudent investments for their people. I don't think we have any right to do that.

As for interfering with the a brand new Fair Labor Practice Bill that has only been in operation since the first of January, if we withdraw business, there is no way they can use fair employment, there will be none.

MacBride Principles -- at great difference with the beliefs in Ireland -- if we use fair treatment or something like that, it would be different.

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

Representative DELLERT: Mr. Speaker, Men and Women of the House: The proposed amendment on the Minority Report which would use compliance with the act rather than with the MacBride Principles indicates that it is not expected to have any fiscal impact with respect to the Maine State Retirement System or with the State Treasurer's Office since those state agencies will obtain certification from the Fair Employment Commission.

I would also like to talk about the MacBride Principles. At best, the Principles are divisive and confusing. At worst, they could mislead an employer into illegal actions. Either way, they are positively harmful to the prospect of creating equal opportunity for all in Northern Ireland.

Secondly, and even more importantly, the government believes that the overall effect of the MacBride campaign is to discourage creating new U.S. investment in Northern Ireland which is badly needed. Threats of divestment, shareholders resolutions, product boycotts and burdensome reporting requirements are the parcel of the MacBride campaign.

Most significant though, the government has brought in comprehensive new anti-discrimination legislation which will.....

The SPEAKER: The Chair inquires for what purpose the Representative from Saco rises?

Representative NADEAU: Mr. Speaker, I would take issue with the fact that the Representative is alluding to another branch of our government.

Representative DELLERT: I apologize Mr. Speaker.

The SPEAKER: The Representative may make reference to the other branch of government as long as the action of the other branch of government is not used to influence this branch of government.

The Representative may proceed.

Representative DELLERT: Thank you Mr. Speaker. I hope you will vote against the Majority Report so that we may vote for the Minority Report.

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

Representative CASHMAN: Mr. Speaker, Men and Women of the House: I am the sponsor of this L.D. and I wholeheartedly support the Majority Report.

It was interesting that the last speaker said that the government believes that the MacBride Principles will hurt investment in Northern Ireland. I assume that the speaker was referring to the government that rules Northern Ireland, the British Government. Men and women of this House, I want to assure you the British Government has absolutely no interest in ending discrimination in Northern Ireland. They have proven that through 300 years of action.

The Minority Report that has been touted by the past two speakers would tie divestiture to the Fair Employment Act passed by the British Government in 1989. This is not the first Fair Employment Act passed by the British Government to address Northern Ireland, it is not the first act passed by the British Government that outlawed discrimination and I suspect it won't be the last. As international pressure has been brought upon the British Government to end their practices in Northern Ireland of discrimination, they have passed a series of bills attempted to not end discrimination but rather to create the image they are trying to make progress. They passed a Fair Employment Act in 1976, 14 years ago, that outlawed discrimination against Catholics in Northern Ireland. When that bill was passed, the chances of a Catholic being unemployed in Northern Ireland were two times greater or two to one to a Protestant being unemployed. Today as I stand here, the official figure is two and a half times to one. So, the last Fair Employment Act didn't work out very well and neither will this one. If you read the one that has been passed, there are no affirmative action quotas, there are no dates set for quotas, that is left up to the employer. It is fraught with problems just as the last Fair Employment Act was and it is essentially meaningless.

The MacBride Principles were drafted by Sean MacBride, a Nobel Peace Prize winner and they are an attempt to peacefully address the problems in Northern Ireland that grow ever more violent even as we debate this issue here tonight. They are specifically designed to address the problems in Northern Ireland, the problems of discrimination that are unique in Northern Ireland. They have been adopted by a number of states, I believe 14. New Hampshire has adopted them so it is not exactly a radical idea that the State of Maine would adopt this.

The intent is the same as the divestiture bill we heard here in the last session of the legislature to divest from companies doing business in South Africa that supported apartheid.

What we are attempting to do is place economic pressure in Northern Ireland to end 800 years of discrimination. It should not be a crime in Northern Ireland to be a Catholic but it is. One speaker before me said we are interfering with the retirement funds, our ability to invest money. If our investment policy in this state reflects an attitude of profit at any cost, then I think that should be of concern to people in this legislature. I think that the cost in human dignity that is brought about by investing in companies that encourage the practices that are going on over there far outweighs any monetary gain. We stand for things in this country, we stand for things in this country and we would not tolerate in this country what happens there. Our investment policy in the state retirement fund should not encourage it but it does. This bill is an attempt to correct that.

There really aren't a lot of tools available to fight this kind of discrimination. The violence in Northern Ireland is brought about by the fact that there are unemployment rates as high as 85 percent in

the Catholic sections. You are talking about people 20 years old who have never had a job, their father has never had steady employment and their grandfather never had steady employment. If you were in that situation, how violent would you be? If there is one source that sticks out in Northern Ireland, one source to the violence, it is discrimination in employment and discrimination in housing.

This bill provides another tool by which pressure can be brought to bear on the powers that rule Northern Ireland to end the long standing practice that we in this country find so disgusting, a practice that we would not tolerate here but we are encouraging it through our investment. I urge this House to look at the situation over there and ask yourselves if you can sit here and say we are not going to get involved in that, we are not going to interfere because, when you do that, you are saying it is all right with me, I don't care. I do care, I care about this bill a great deal and I hope that this House will support the Majority Report.

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.

To the men and women of the House and/or to Representative Cashman who perhaps (as the sponsor) may know the answer to this. I am interested as to the MacBride Principles, are they similar to the principles that was promulgated, I believe, through Columbia University that applied to South Africa or do they mirror them or what is the relationship between those types of principles that I do know are used in divestiture by several universities?

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

The Chair recognizes that Representative.

Representative CASHMAN: Mr. Speaker, Men and Women of the House: I believe the gentleman refers to the Sullivan Principles (I think was the name of them) I am not very well versed on the Sullivan Principles, but in answer to your question, the MacBride Principles were drafted by a person who is intimately familiar with the problems in Northern Ireland. They are directed specifically at the root causes of those problems specific to Northern Ireland. Whether they mirror the principles in South Africa or not, I don't know, but I do know they are intended to be directed at this specific problem in Northern Ireland.

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

Representative DELLERT: Mr. Speaker, Men and Women of the House: I would like to make one thing clear on the MacBride Principles. One of the facts of the Principles is that the employer must guarantee the safety of the worker to his home and back again each time or from his home to work and back again. The Principles also offer slogans and not programs, it has no legal status in Northern Ireland, it offers employees no detailed practical guidance on how they should actually go about practicing equal opportunity, contains no provisions for monitoring enforcement or regular reviews by employers. That is why I feel that you should vote for the Minority Report and not vote for the Majority Report.

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

Representative HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: I speak today to ask your support for a measure designed to bring about a peaceful resolution to the troubles in Northern

Ireland. Just as economic sanctions placed on South Africa led directly to changes taking place in their country, the people of Maine should send a clear signal to the government of Great Britain that we will not continue to support a policy of overt religious discrimination.

By enacting this piece of legislation, we will stop supporting religious discrimination with our retirement system funds. By enacting this bill, we will continue to invest and purchase products from these companies that implement fair employment standards and rewarding those companies that abide by the MacBride Principles and avoiding those companies who chose to continue their policy of discrimination.

As you have heard from previous speakers, the employment rate among Catholics in Northern Ireland has not changed in over 60 years. Despite promises over and over, the British Government's discrimination is just as rampant today as it was ten, twenty, thirty, forty, fifty years ago.

We can help push the powers that be in London to recognize that discrimination among Catholic people is unacceptable in our civilized society. By passing this piece of legislation, we will be sending a clear message to the British Government that the State of Maine cares about the well-being of all people regardless of their religious preference. It is time to take action to promote affirmative action. It is time to make a statement in this rapidly changing world that any discrimination is unacceptable in a free and democratic society. We would never accept this type of discrimination in Maine companies and we should not accept this type of discrimination in companies that use Maine dollars.

I urge your support for L.D. 2200 and adopt the amendment that is proposed by Representative Cashman.

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

Representative BEGLEY: Mr. Speaker, Men and Women of the House: I would just like to quote to you a statement that was made at the Ohio State Legislature in 1988. "If the British Government should promote and adopt legislation with clear and comprehensive legal powers to eradicate discrimination and to ensure equality of opportunity, the MacBride Principles would become redundant." This was submitted by the MacBride supporters to the Ohio State Legislature in 1988.

I would like to remind you what has already been said to you by some people before me, that in 1989, the new Fair Employment Act was passed to deal with hiring of discrimination in Northern Ireland. That just went into effect January 1, 1990. It has a compulsory registration process, a compulsory monitoring process and a process for review of practices, affirmative action goal and time tables to accomplish these.

It is interesting to note that the bill that I am opposing today focuses exclusively on pressuring U.S. companies in Northern Ireland. We have been told that the American employers are some of the best in the region and already use fair employment practices to a great degree. Threats of divestment, shareholder resolutions, product boycotts, tend to just discourage U.S. companies from making new investments in Northern Ireland. New investments are the key to more jobs and the more jobs are the key to reducing unemployment.

I would like to say, I have shared with Representative Cashman and some other folks on the committee and some other folks who feel very strongly about this bill, that I personally have lived through some of the discrimination that we are talking about and I do understand and know that it is certainly

better in this generation than it was in the last generation on our immediate family. I would love to take a brush and just do away with all the discrimination. I don't think there is any one of us here that would not like to be able to do that. I would sincerely love to do that as all of you folks would too. I am asking you today to vote against the Majority Report so that we could let the Fair Employment Act, which was passed last year and went into effect January 1, 1990, to have a chance to work.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: There is nothing in this bill that tells the government of Northern Ireland or the British Government what they should do. All it says to the American corporations is, if you want us to invest our funds in the Maine State Retirement System or the funds of the State of Maine in your corporation, you will have to abide by the same principles that you are made to abide by when you are doing business in this country. That is all it amounts to.

If the government of Northern Ireland or the British Government does not wish to abide by any principles of fairness, that's doing it at their own peril.

We have done it in South Africa. To say to anyone that there is no discrimination in Northern Ireland is being naive.

This bill was before the other committee that I am on and we heard testimony days upon days of some of these goings on in Northern Ireland. Their argument is because certain people of certain religions are only in certain trades because that is what they want. I asked them why there are so few Catholics in the constabulary? They said most of the Irish Catholics do not want any dispute. I never thought I would live long enough to hear anybody tell me that a good Irish boy would run away from a fight. That is the way it is going on.

I repeat again, this bill in no way, shape or manner tells the Ford Motor Company or anyone that you must do what we want. If you want to do business in Northern Ireland, you go right ahead and do it, we are not going to keep you from going. We have had sanctions here against Panama, the government is saying, we want you (Russia) to keep out of Lithuania, we want you to do what is right in East Germany but we are saying Northern Ireland because you are supposed to be modern or civilized like we are, you can do as you please. I ask that you vote for the Majority Report.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Curran.

Representative CURRAN: Mr. Speaker, Men and Women of the House: I am on the committee that heard this bill and I guess I heard so many things about it in such a distorted and disoriented way that I really am a little reluctant to talk about it anymore for fear that my mind itself is even a little distorted and disoriented. But that is not true, I know that.

I was a sponsor of a bill two years ago like this one that this body passed. This issue wasn't put to rest then, it is not going to be put to rest by us now in its entirety by any means, but the last thing this body wants to do I think is ignore such blatant injustice. There is nothing in this bill, believe me, that anybody in this chamber really would not subscribe to. There is nothing in this bill that anybody in this chamber wouldn't teach his or her children to subscribe to. There is nothing in it that will injure or damage any person in the State of Maine. It is a good bill. I speak from a vantage

point of being closely associated with it for about three years.

It is not surprising that the people that you heard this year talking so vehemently against this bill in such holy terms for the most part except for the new ones who have come along in the last election are the same people who did it last time around. The words are so very much the same that they must be using the words or at least the same sources and I can assure you some of those sources are the same because I know who they are and I see them whispering out in the corridor and I see them leading minds down the wrong road. If there is nobody in this chamber who would object to this bill on the grounds of justice and there is nobody in the State of Maine, then who does object to it? I will tell you who objects to it and who puts the words in these peoples mouths, who leads them down the dirty roads -- it is one of our allies, it is the British Government that is the source of the discrimination, the recipients that all the favored class gets, those are the people who are telling you these things. A few of us are trying to tell you not to listen to that and not to believe them. I am trying not to get passionate, believe me, but the people that you are hearing from have been hearing from others with little sensitivity.

Knowing the people who are speaking to you, I find it very difficult to say that about them, that they have little sensitivity because I know differently, they are just misled. They are not showing you any sensitivity to the real problems. Believe me, it makes no difference to me one way or the other what religion any person is in this chamber. It makes absolutely, totally no difference whatsoever when I tell you this. It is only coincidental that it is the Catholic population in Northern Ireland that we are talking about who is discriminated against and have such tough lives. Tough lives, that is an easy expression but tough lives over there means something quite different than most of you know here. If the roles were reversed and it was Catholic dominating the Protestants, the situation would be just exactly the same from a viewpoint of justice and injustice and fairness. It would breed the same sense of unfairness in all of us if the roles were reversed.

You have heard about the grand new law of 1989 that is going to solve all the problems in Northern Ireland -- well, I have read book after book, history book after history book, trip after trip over to Ireland, nothing has changed before that law and believe me, little if anything is going to change as a result of that law. It just doesn't change, there are laws and laws and nothing improves.

I think all of you know that I have been involved in Christian movements that take me back and forth there on missions that have nothing to do with violence except the elimination of violence. I have been over there more than once. The Representative from Old Town is absolutely correct, I have been in Catholic sections where the unemployment rate is 85 percent. Now, if the unemployment rate in your neighborhood or another neighborhood of Belfast was 20 percent, perhaps that is tolerable. Perhaps 85 percent doesn't sound that bad to you unless you are one of those 85 percent where generation after generation are on the dole and have no hopes. That must be mind boggling, I know, to even the most callous of people and to the most zealous of people who isolate us from these moral issues on the flimsy grounds I have heard here today for about the 50th time since I have been in this legislature, that another country's distress is not our business. Of

course it is our business, we make it our business everywhere all over the world.

The amendment before you is a practical and peaceable approach to putting a dent in that soul chilling discrimination -- isn't that a nice warm phrase? Soul chilling discrimination and that is precisely what it is. In this bill is our signal to our own American companies that they must treat people over there with the same affirmative action and dignity that is required of them by law here at home. That is our right and that is our obligation to keep faith with our own responsibility to do anything to abate the existence of violence in that place. It is especially to keep faith with the many, many thousands and thousands of Maine natives around us whose derivation and bloodlines are from that country.

To sum up, employment, discrimination is a root cause of violence over there. It probably is the root cause of all the troubles and so little headway. I believe that, I have seen it as I told you I have. We can do something about it without harm to ourselves or to our pensioners -- these are jobs for people, this is social justice for people that we are talking about, these are human rights that we are talking about and the elimination of violence anywhere in the world is our business. It is not partisan business, friends. I hope that you make this the law of the land.

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

Representative WENTWORTH: Mr. Speaker, Members of the House: First, I would like to say that I object very much to Representative Curran's opinion of those who disagree with him but I would like to ask a question through the Chair.

If this is such a good bill, why did we only insist on the retirement people staying in this bill, why did you take out the fact that we are asking the state not to purchase anything at all from companies not conforming?

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

The Chair recognizes the Representative from Waterville, Representative Joseph.

Representative JOSEPH: Mr. Speaker, Ladies and Gentlemen of the House: It was the feeling of the majority of the committee that this was a first step. This may be something that we would like to consider at another time and those who testified before us testified to the divesting in companies that do business in Northern Ireland. It was our hope to deal with the procurement issue; however, there were several things unknown as far as how to enforce that particular issue and how would we in fact be assured that those companies that were not making purchases were adhering to the MacBride Principles in Northern Ireland? Therefore, we chose simply to go with the main bill and not the amendment that was proposed by the sponsor of this bill to deal with the procurement issue.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: I never expected to be speaking on the MacBride Principles. If you look at my name, there is really nothing Irish about it but when I was sitting here I was thinking back to 1978 when I first chose to enter the foray of the Maine Legislature and I remember the fact that I was a Franco-American Catholic boy, which was brought up on numerous

occasions. I remember the snide remarks and the innuendoes that were made at that time because I was Franco-American and Catholic and I wish I could say to you that it was made by a foreign, outside organization but it was made by my own Democratic party in the city of Waterville. It didn't leave a real good taste in my mouth, didn't make me feel real good, but fortunately for me, the people in District 97 rejected that foolishness and that sickness, discounted the fact that I would be less of a Representative because I was of Franco-American descent and a Catholic boy and sent me here and sent me here six times.

My ancestors left France to escape, they left their home, their birthplace to escape certain forms of discrimination, they made their way to Canada where they were welcomed. From Canada, they made their way to the State of Maine.

Discrimination, religious or otherwise, is something we cannot and must not condone. Whether it be apartheid in South Africa or religious discrimination in Northern Ireland, we don't have an awful lot to say about things, we cannot vote to displace the governments that has taken the discriminatory actions. Men and women of the House, we certainly can file our protest by voting for the Majority Report of this bill. There may not be a lot that I can do to get the British Government to understand that this is 1990, not 1690, but I will send a message by casting my vote that we will not support the sickness that is permeating their government in the forms of discrimination. That is why the United States of America became the United States of America, because everybody that came here, came here to avoid some type of discrimination. This country has not been perfect but we have come a long way.

The Franco-American boy from District 97 now sits in Seat 143 of the Maine Legislature and he did so because the people in his district did not condone the snide remarks, the innuendoes about his ethnic background and his religious background and he has been supported by many people of many ethnic and religious backgrounds and I am very proud of that. So, I would urge you to support the Majority Report...because it is right.

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

Representative KILKELLY: Mr. Speaker, Men and Women of the House: Early in the debate, Representative Joseph shared with you the MacBride Principles and I would like to share them with you again in a different way. If you vote against Amendment "A", then what you are implying is that you are supporting companies that are opposed to increasing the representation of individuals of under-represented groups in the work force, you are opposed to adequate security for the protection of employees at the workplace. The companies are opposed to the banning of provocative religious and political emblems from the workplace. The companies are opposed to the public advertisement of all job openings and special recruitments to attract applicants from under-represented religious groups. The companies would be opposed to layoffs, recall and termination procedures that do not in practice favor particular religious groups. The companies would be opposed to the abolition of job reservations, apprenticeship restrictions and differential employment criteria that discriminate on the basis of religious and ethnic origins. The companies would be opposed to the development of training programs that prepare numbers of minority employees for skilled

jobs. The companies would be opposed to the appointment of senior management staff members to oversee the companies' affirmative action efforts. In other words, it would be opposed to fairness.

I urge your support of Committee Amendment "A."

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

Representative DORE: Mr. Speaker, Ladies and Gentlemen of the House: I just want to respond to a comment made a couple of times by opponents of this Committee Amendment "A" and that is the suggestion that it would be ineffective. I cannot believe that in 1990 anyone would suggest that economic sanctions are ineffective. This is the year that Nelson Mandela walked out of prison and make no mistake, he didn't walk out of prison because the government wanted him to walk out of prison, he walked out of prison because the government had to let him go. Economic sanctions are effective. They are a non-violent, very effective tool and I urge you to adopt Committee Amendment "A."

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

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

The SPEAKER: The pending question before the House is the motion of Representative Joseph of Waterville that the House accept the Majority "Ought to Pass" as amended Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 206

YEA - Adams, Aliberti, Allen, Anthony, Bell, Boutilier, Brewer, Burke, Butland, Cahill, M.; Carroll, D.; Carroll, J.; Carter, Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Conley, Constantine, Cote, Crowley, Curran, Daggett, DiPietro, Donald, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnsworth, Farnum, Foster, Garland, Gould, R. A.; Graham, Greenlaw, Gurney, Gwadosky, Hale, Handy, Hanley, Hastings, Heeschen, Hichborn, Hickey, Hogle, Holt, Hussey, Hutchins, Jacques, Jalbert, Joseph, Ketover, Kilkelly, LaPointe, Lisnik, Lord, Luther, Macomber, Mahany, Manning, Marsano, Marsh, Martin, H.; Mayo, McGowan, McHenry, McKeen, McSweeney, Melendy, Michaud, Mitchell, Murphy, Nadeau, G. R.; Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pederson, Pineau, Plourde, Pouliot, Priest, Rand, Richard, Richards, Ridley, Rolde, Rotondi, Rydell, Simpson, Smith, Stevens, A.; Stevens, P.; Strout, D.; Swazey, Tamaro, Tardy, Telow, Townsend, Tracy, Tupper, Walker, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, Begley, Dellert, Dexter, Farren, Foss, Hepburn, Jackson, Libby, Look, MacBride, McCormick, Merrill, Parent, Pendleton, Pines, Reed, Skoglund, Small, Stevenson, Strout, B.; Webster, M.; Wentworth, Whitcomb.

ABSENT - Higgins, Larrivee, Lawrence, Lebowitz, Marston, McPherson, Mills, Moholland, Nadeau, G. G.; Paradis, E.; Ruhlman, Seavey, Sheltra, Sherburne.

Yes, 110; No, 27; Absent, 14; Paired, 0; Excused, 0.

110 having voted in the affirmative and 27 in the negative with 14 being absent, the Majority "Ought to Pass" as amended Report was accepted, the Bill read once.

Committee Amendment "A" (H-1006) was read by the Clerk and adopted.

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

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

The Chair laid before the House the following matter: An Act to Establish the Department of Families and Children (H.P. 1199) (L.D. 1666) (C. "C" H-820) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Joseph of Waterville, under suspension of the rules, the House reconsidered its action whereby L.D. 1666 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 "C" (H-820) was adopted.

The same Representative offered House Amendment "A" (H-1008) to Committee Amendment "C" (H-820) and moved its adoption.

House Amendment "A" (H-1008) to Committee Amendment "C" (H-820) was read by the Clerk.

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

Representative WENTWORTH: Mr. Speaker, Men and Women of the House: This bill still creates a separate department on the same time table and still does not allow any other option to be considered. A commissioner is still appointed by the Governor before a plan for a department can even be presented to the Governor and legislature for approval. This bill still deappropriates several positions in state government which would undermine our ability to provide services. No analysis was ever done that would show any duplication.

The Governor already submitted a budget and these deappropriations were not in his budget. When the vote is taken, I would request a Division.

The SPEAKER: The Chair will order a vote. The pending question before the House is adoption of House Amendment "A" (H-1008) to Committee Amendment "C" (H-820). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

71 having voted in the affirmative and 41 in the negative, House Amendment "A" to Committee Amendment "C" was adopted.

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

Representative Begley of Waldoboro requested a roll call on engrossment.

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

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

The SPEAKER: The pending question before the House is passage to be engrossed as amended by Committee Amendment "C" as amended by House Amendment "A" thereto. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 207

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

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

ABSENT - Foster, Higgins, Larrivee, Lawrence, Lebowitz, Marsano, Marston, McCormick, McPherson, Mills, Moholland, Nadeau, G. G.; Paradis, E.; Ruhlin, Seavey, Sherburne, Strout, D.

Yes, 89; No, 45; Absent, 17; Paired, 0; Excused, 0.

89 having voted in the affirmative and 45 in the negative with 17 being absent. L.D. 1666 was passed to be engrossed as amended by Committee Amendment "C" as amended by House Amendment "A" thereto in non-concurrence and sent up for concurrence.

(Off Record Remarks)

At this point, the Speaker appointed Representative Michaud of East Millinocket to act as Speaker pro tem for March 28, 1990.

On motion of Representative Hussey of Milo, Adjourned until Wednesday, March 28, 1990, at nine o'clock in the morning.

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

In Senate Chamber
Tuesday
March 27, 1990

Senate called to Order by the President.

Prayer by Reverend Charles Johnson of the Christ Episcopal Church in Gardiner.

REVEREND CHARLES JOHNSON: Good morning. A word from the gospel of Matthew. "Come to Me all who labor and are heavy laden, and I will give you rest. Take My yoke upon you and learn from Me, for I am gentle and lowly in heart, and you will find rest for your souls, for My yoke is easy, and My burden is light."

Let us pray. First in silence as we seek to know how the Lord would have us serve Him on this day.

O mighty God, our heavenly Father, send down upon those who hold office in this Senate of the State of Maine, the spirit of wisdom, the spirit of charity, the spirit of justice. That with steadfast purpose they may faithfully serve in their office to promote the well-being of all people. And grant, O God, that Your holy and life giving Spirit may so move every human heart in this state, that barriers which divide us may crumble, suspicions disappear, and hatred cease. That our divisions being healed we may live in justice and peace, through Jesus Christ our Lord. Amen. May the peace of the Lord be with you.

Reading of the Journal of Monday, March 26, 1990

PAPERS FROM THE HOUSE
Non-concurrent Matter

Bill "An Act to Establish Licensing Requirements and a Cooperative Monitoring Program for Mahogany Quahogs"

H.P. 1541 L.D. 2126
(C "A" H-874)

In Senate, March 12, 1990, PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-874), in concurrence.

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-874) AS AMENDED BY HOUSE AMENDMENT "A" (H-989) 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 Repeal the Homestead Exemption" (Emergency)

S.P. 829 L.D. 2137
(S "A" S-590)

In Senate, March 20, 1990, PASSED TO BE ENGROSSED AS AMENDED BY SENATE AMENDMENT "A" (S-590).

Comes from the House PASSED TO BE ENGROSSED AS AMENDED BY HOUSE AMENDMENT "A" (H-988) in NON-CONCURRENCE.

The Senate RECEDED and CONCURRED.

Non-concurrent Matter

Bill "An Act Relating to Pharmacy Services to Nursing Home Residents"

S.P. 886 L.D. 2262