

# 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

Bill "An Act Regarding Investment of State Funds in Corporations Doing Business in Northern Ireland"  
H.P. 1588 L.D. 2200  
(C "A" H-1006)

Which was READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended, in concurrence.

Out of order and under suspension of the Rules, the Senate considered the following:

SECOND READERS

The Committee on Bills in the Second Reading reported the following:

House As Amended

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  
(C "A" H-972)

Which was READ A SECOND TIME.

On motion by Senator BALDACCI of Penobscot, Tabled 1 Legislative Day, pending PASSAGE TO BE ENGROSSED AS AMENDED in NON-CONCURRENCE.

Off Record Remarks

On motion by Senator DUTREMBLE of York, ADJOURNED until Thursday, March 29, 1990, at 9:00 in the morning.

ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE  
SECOND REGULAR SESSION  
42nd Legislative Day  
Thursday, March 29, 1990

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

Prayer by Reverend John Paddock, Grace Episcopal Church, Bath.

The Journal of Wednesday, March 28, 1990, was read and approved.

PAPERS FROM THE SENATE

Divided Report

Majority Report of the Committee on Banking and Insurance reporting "Ought Not to Pass" on Bill "An Act to Exempt Medical Malpractice Captive Insurance Companies from the Requirement to Obtain Certificates of Authority to Transact Insurance in the State of Maine" (S.P. 705) (L.D. 1843)

Signed:

Senators:

THERIAULT of Aroostook  
COLLINS of York  
KETOVER of Portland  
JOSEPH of Waterville  
RYDELL of Brunswick  
CURRAN of Westbrook  
DONALD of Buxton  
ERWIN of Rumford  
ALLEN of Washington  
GARLAND of Bangor  
TRACY of Rome  
RAND of Portland

Representatives:

Minority Report of the same Committee reporting "Ought to Pass" on same Bill.

Signed:

Senator:

BUSTIN of Kennebec

Came from the Senate with the Minority "Ought to Pass" Report read and accepted and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-625).

Reports were read.

On motion of Representative Rydell of Brunswick, the House accepted the Majority "Ought Not to Pass" Report in non-concurrence and sent up for concurrence.

Non-Concurrent Matter

Bill "An Act to Clarify the Negotiability of Sabbatical Leave Agreements" (H.P. 1613) (L.D. 2230) which was passed to be engrossed as amended by Committee Amendment "A" (H-981) as amended by House Amendment "A" (H-1004) thereto in the House on March 27, 1990.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-981) in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Promote Effective Services Delivery to Children and Youth" (H.P. 1716) (L.D. 2369) on which the Majority "Ought Not to Pass" Report of the Committee on State and Local Government was read and accepted in the House on March 27, 1990.

Came from the Senate with the Minority "Ought to Pass" as amended Report of the Committee on State and Local Government read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-994) in non-concurrence.

Representative Joseph of Waterville moved that the House adhere.

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

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

Representative ANTHONY: Mr. Speaker, I wish to pair my vote with Representative Cashman of Old Town. If he were present and voting, he would be voting nay; I would be voting yea.

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

ROLL CALL NO. 208

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

NAY - Adams, Allen, Bell, Boutilier, Brewer, Burke, Cahill, M.; Carroll, D.; Carter, 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, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, LaPointe, Larrivee, Lawrence, Lisnik, Luther, Macomber, Mahany, Manning, Martin, H.; Mayo, McGowan, McHenry, McKeen, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Nadeau, G. G.; Nadeau, G. R.; Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pederson, Pineau, Plourde, Pouliot, Priest, Rand, Richard, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Sheltra, Simpson, Skoglund, Smith, Stevens, P.; Strout, D.; Swazey, Tammaro, Tardy, Townsend, Tracy, Walker, The Speaker.

ABSENT - Jackson, Marston, Richards, Sherburne.

PAIRED - Anthony, Cashman.

Yes, 51; No, 94; Absent, 4; Paired, 2; Excused, 0.

51 having voted in the affirmative, 94 in the negative, with 4 being absent and 2 having paired, the motion to recede and concur did not prevail.

Subsequently, the House voted to adhere.

COMMUNICATIONS

The following Communication:

STATE OF MAINE

ONE HUNDRED AND FOURTEENTH LEGISLATURE  
COMMITTEE ON AUDIT AND PROGRAM REVIEW

March 27, 1990

The Honorable John L. Martin  
Speaker of the House  
114th Legislature  
Dear Speaker Martin:

We are pleased to report that all business which was placed before the Committee on Audit and Program Review during the Second Regular Session of the 114th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	4
Unanimous reports	4
Leave to Withdraw	0
Ought to Pass	0
Ought Not to Pass	0
Ought to Pass as Amended	4
Ought to Pass in New Draft	0
Divided reports	0

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

REPORTS OF COMMITTEES

Unanimous Leave to Withdraw

Representative CASHMAN from the Committee on Taxation on Bill "An Act to Restructure Exportation of Natural Resources" (H.P. 1748) (L.D. 2411) 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:

(H.P. 1708) (L.D. 2357) Bill "An Act to Amend the Laws Applicable to Medicare Supplement Insurance Policies" Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1017)

(H.P. 1710) (L.D. 2361) Bill "An Act to Establish a System to Provide Continuous Telecommunications Relay Services for Deaf, Hearing Impaired or Speech Impaired Persons Who Must Rely on Teletypewriter Equipment for Telecommunications" (EMERGENCY) Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1019)

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

CONSENT CALENDAR

Second Day

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

(H.P. 1621) (L.D. 2243) Bill "An Act to Amend Certain Provisions of the Fish and Wildlife Laws" (EMERGENCY) (C. "A" H-1012)

(S.P. 712) (L.D. 1889) Bill "An Act to Clarify and Improve the General Assistance Laws" (C. "A" S-622)

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.

(S.P. 807) (L.D. 2070) Bill "An Act to Assist the Department of Human Services in Conducting Chronic Disease Investigations and Evaluating the

Completeness or Data Quality of its Disease Surveillance Programs" (C. "A" S-621)

On motion of Representative Carter of Winslow, was removed from the Consent Calendar, Second Day.

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

Committee Amendment "A" (S-621) was read by the Clerk.

Representative Carter of Winslow offered House Amendment "A" (H-1024) to Committee Amendment "A" (S-621) and moved its adoption.

House Amendment "A" (H-1024) to Committee Amendment "A" (S-621) was read by the Clerk.

On motion of Representative Manning of Portland, tabled pending adoption of House Amendment "A" to Committee Amendment "A" (S-621) and later today assigned.

**PASSED TO BE ENGROSSED  
As Amended**

Bill "An Act to Ensure and Maintain Water Quality" (H.P. 1703) (L.D. 2352) (H. "A" H-1016 to C. "A" H-1015)

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

**PASSED TO BE ENACTED  
Emergency Measure**

An Act to Extend the Sunset and to Evaluate the Motor Vehicle Insurance Laws (S.P. 849) (L.D. 2178) (S. "A" S-598 to C. "A" S-588)

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. 110 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 the Licensing of and Use of Funds Raised by Organizations Operating Games of Chance or Beano (S.P. 937) (L.D. 2372) (S. "B" S-597; S. "A" S-596)

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 to Clarify Eligibility Requirements for the Open Space Land Program (H.P. 1639) (L.D. 2272) (C. "A" H-973)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 122 voted in favor of the same and 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 Deorganize Plantation E in Aroostook County (H.P. 1667) (L.D. 2308) (S. "A" S-603 and S. "B" S-609 to C. "A" H-922)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 124 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**ENACTOR  
Emergency Measure  
Later Today Assigned**

An Act to Amend the State's Hazardous Materials and Underground Tank Installer Laws (H.P. 1729) (L.D. 2388) (C. "A" H-961)

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.

**ENACTOR  
Emergency Measure  
Later Today Assigned**

An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Act (H.P. 1762) (L.D. 2427) (C. "A" H-960)

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.

**FINALLY PASSED  
Emergency Measure**

Resolve, Establishing the Commission to Assess the Impact of Increased State Spending on the University of Maine System (H.P. 1637) (L.D. 2270) (H. "A" H-998 to C. "A" H-928)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 119 voted in favor of the same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

**ENACTOR  
Emergency Measure  
Later Today Assigned**

Resolve, to Establish a Model Coordinated Response System for Child Abuse Referrals in Penobscot and Piscataquis Counties (H.P. 1752) (L.D. 2415) (H. "A" H-970; C. "A" H-956)

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

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

**PASSED TO BE ENACTED**

An Act Concerning the Annual License Fee for Overboard Discharges (H.P. 1740) (L.D. 2404) (H. "A" H-983 to C. "A" H-962)

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

ENACTOR

Later Today Assigned

An Act to Repeal the Homestead Exemption (S.P. 829) (L.D. 2137) (H. "A" H-988)

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

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

Representative WEBSTER: Mr. Speaker, I request a roll call on enactment of this bill and I further request that people vote against enactment of this legislation. This legislation is designed to repeal the Homestead Program, probably one of the best broadbased property tax relief programs that we have in the State of Maine.

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

ENACTOR

Later Today Assigned

An Act Relating to Services to Infants and Young Children, Ages 0 through 5, Who Are Handicapped or at Risk for Developmental Delay (S.P. 805) (L.D. 2068) (S. "A" S-595 to C. "A" S-592)

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

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

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

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

Representative BOUTILIER: Mr. Speaker, Men and Women of the House: I am not going to oppose this bill at this time but I do want to speak on the Record and make some comments for future reference for this body.

As many of you know, this bill came from a very large and all encompassing study funded and staffed, I believe, by the Department of Human Services and other individuals and had a very broadbased representation to look at adoption law in Maine and the circumstances surrounding that. I happen to be an adopted child and I am very concerned about the issue as it references me as an individual and others who are affected by that.

I just want to put on the Record a few concerns that I have about changes that were envisioned in the original bill and what this bill does and what I think the House and the other body can look forward to in future years and let you think about those things.

I appreciate the committee's hard work in reference to this bill. I think there was a lot of comment, some negative, some positive, that the committee had to endure and felt that they came up with a quality compromise that all of them could equally support on the committee. I still have some

concerns on the bill as currently drafted but I am willing to support the effort that the committee made. I feel that they were trying to do what they thought was best for the citizens of Maine, for adoptive parents, for natural parents, for adoptive children and other relatives. I do want to say that I think as a whole that we must be very careful as a state as to where we go with our state policy regarding adoption as an issue.

I think it is a very tenuous situation when individuals decide either to give up a child for adoption or to take in a child for adoption. We are trying to enable them to create a family unit which for whatever reason was not possible in its original state. That relationship, as tenuous as it is, must be supported by individuals who know them and by the state in our actions.

I do not feel that adoption is a matter which should be taken lightly. I also feel it is probably the most unselfish act that any individual can do. I would say possibly only organ donorship being in the same rank with that. I also feel very strongly that the most selfish act someone can do is to search for their natural parents or to have natural parents search for their child that they gave up for adoption after the fact.

Having said that, I understand that there are circumstances that do happen that are in the best interest of the child and of the parents involved to have that search occur, but I do not think in terms of drafting state policy that we should make that extremely easy to do.

I, for one, have very personal feelings about the situations arising in my adoption. I will always have a void in my life due to the fact that I do not know what my natural parents were like. I do not know what their ethnic, cultural and other backgrounds were like. I do not know my disease history in the family that I was born to, but I am grateful to my adoptive parents for their bringing me up, even though at this time they are divorced. I am not going to blame circumstances that arise in my life on the fact that I was adopted; to the contrary, I think I am privileged to happen to be one of those individuals that was accepted by a family and brought up in that situation.

I have met a lot of adopted children in my short life and I have met a lot of adoptive parents as well as natural parents who are searching for their kids that they gave up for adoption. There is no doubt there is extreme turmoil with all parties involved during that decision, but once the decision is made, you have to live with it and hope that that was the best decision you could make. I think in terms of crafting public policy, sometimes we go too far to deal with the extreme or minority, in fact hurting the majority.

This bill adds other individuals besides the natural parents, the adoptive parents, and the child to have access to the ability to search by getting those records through the adoption registry. It also makes the adoption registry much more visible and much more accessible.

I am not going to redebate the issue that occurred in that committee but I just think that having the number of hoops and barricades to having that search occur very quickly and easily is not necessarily the most appropriate thing to do.

In the future, I will carefully, as a member of this body or any future time that I am lucky enough to serve in the Legislature, monitor bills that deal with adoption records and the whole issue. I would hope that this body would be open to listening to those of us who are either adoptive parents or

adopted children or those who are natural parents who gave their kids up for adoption.

I will support this bill with my reservations, with the comments I have said on the Record, but I hope in the future that we as a legislature will continue to keep a close eye on this issue and give it its just deserts in terms of understanding and awareness of the problems and the issues that are raised regarding the registry of adoptions, the searching of adopted kids and adoptive parents and the emotional state that these individuals go through during that process.

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

**PASSED TO BE ENACTED**

An Act Relating to Pharmacy Services to Nursing Home Residents (S.P. 886) (L.D. 2262) (H. "A" H-969 to C. "A" S-586)

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

**ENACTOR**

**Later Today Assigned**

An Act to Regulate the Handling of Manure (H.P. 1575) (L.D. 2182) (H. "A" H-946 to S. "A" S-565; S. "A" S-599 to C. "A" H-910)

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.

**ENACTOR**

**Later Today Assigned**

An Act to Clarify the Role of the Board of Environmental Protection (H.P. 1602) (L.D. 2214) (C. "A" H-950)

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**

An Act to Amend the Child and Family Services and Child Protection Act (H.P. 1611) (L.D. 2227) (C. "A" H-952)

An Act to Amend the Definition of Public Way (H.P. 1645) (L.D. 2278) (C. "A" H-971)

An Act Regarding Importation of Liquor (H.P. 1741) (L.D. 2405) (S. "A" S-604 to C. "A" H-951)

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

**ENACTOR**

**Later Today Assigned**

An Act to Amend the Laws Concerning the Theft of Blueberries (H.P. 1757) (L.D. 2434) (C. "A" H-967)

Were 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.

**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:

An Act to Adjust Commercial Motor Vehicle Fees (EMERGENCY) (H.P. 1379) (L.D. 1910) (C. "A" H-948) TABLED - March 28, 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 second item of Unfinished Business:

An Act Regarding Security and Training Functions within the Bureau of Capitol Security and Funding for the Bureau of State Employee Health (EMERGENCY) (H.P. 1751) (L.D. 2413) (C. "A" H-945) TABLED - March 28, 1990 (Till Later Today) by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 116 voted in favor of the same and 3 voted against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

An Act Related to the State Board of Substance Abuse Counselors (EMERGENCY) (S.P. 699) (L.D. 1837) (S. "A" S-506; H. "B" H-963 to C. "A" S-483) TABLED - March 28, 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 fourth item of Unfinished Business:

Bill "An Act to Make Revisions in the Drug Testing Laws" (S.P. 801) (L.D. 2049)

TABLED - March 28, 1990 (Till Later Today) by Representative RUHLIN of Brewer.

PENDING - Adoption of Committee Amendment "A" (S-600)

Representative Ruhlin of Brewer offered House Amendment "B" (H-1027) to Committee Amendment "A" (S-600) and moved its adoption.

House Amendment "B" (H-1027) to Committee Amendment "A" (S-600) was read by the Clerk and adopted.

Committee Amendment "A" as amended by House Amendment "B" 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" (S-600) as amended by House Amendment "B" (H-1027) thereto in non-concurrence and sent up for concurrence.

**TABLED AND TODAY ASSIGNED**

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

JOINT RESOLUTION Petitioning the Congress of the United States to Propose an Amendment to the Federal Constitution to Limit the Terms of Members of Congress (H.P. 1790)

TABLED - March 28, 1990 by Representative ROLDE of York.

PENDING - Adoption.

On motion of Representative Gwadosky of Fairfield, retabled pending adoption and later today assigned.

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

Bill "An Act to Establish the International Commerce Council" (H.P. 1726) (L.D. 2385)

TABLED March 28, 1990 by Representative GWADOSKY of Fairfield.

PENDING - Motion of Representative WEBSTER of Cape Elizabeth to reconsider acceptance of the Majority "Ought Not to Pass" Report.

Subsequently, the House reconsidered its action whereby the Majority "Ought Not to Pass" Report was accepted.

On motion of Representative Gwadosky of Fairfield Tabled Unassigned pending acceptance of the Majority "Ought Not to Pass" Report.

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

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on Banking and Insurance reporting "Ought Not to Pass" on Bill "An Act to Prohibit Family Exclusion Clauses in Automobile Insurance Policies" (H.P. 1598) (L.D. 2222)

Signed:

Senators: THERIAULT of Aroostook

BUSTIN of Kennebec

COLLINS of Aroostook

Representatives:

RYDELL of Brunswick

ERWIN of Rumford

KETOVER of Portland

RAND of Portland

TRACY of Rome

ALLEN of Washington

JOSEPH of Waterville

DONALD of Buxton

GARLAND of Bangor

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1018) on same Bill.

Signed:

Representative: CURRAN of Westbrook

Reports were read.

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

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

It is not often that we have Divided Reports out of the Banking and Insurance Committee and certainly not our only two this year in the same day. However, I feel it is important to explain a little bit about this particular report because it is a very vital issue.

We have strived in our committee to reach agreement and to be responsive to the needs of Maine citizens regarding the complex business of insurance. This bill was brought to our committee by Representative Marsano. It deals with a very important issue which is very dear to his heart and which the committee took very seriously. The

liability coverage available to family members living in the household of the policy owner is available under most of our auto insurance policies or rather not available. Specifically, it is called a family exclusion. The majority of companies selling auto insurance in Maine do include this family exclusion in the policy, that is, this provision means that immediate family members residing in your household are not covered by the liability portion of your policy.

L.D. 2222 proposed a buy-back provision. Last year, the committee also considered this issue and required the Bureau of Insurance to adopt a rule dealing with this exclusion. We felt at that time that policy owners in Maine did not understand that this exclusion was part of their policy. The Bureau of Insurance did adopt the rules effective August 16, 1989, which specified the language for a personal automobile liability insurance policy if the insurer wished to include family members. That required language is that the insurer does not provide liability coverage for bodily injury to any person including a ward or foster child who is related by blood, marriage or adoption to an insurer against whom a claim is being made if such person resides in the same household as the insured. This language now appears on the front of your policy or it will at your next renewal date.

Our neighbors, Vermont and New Hampshire, do not allow this exclusion, according to their insurance commissioners. Many members of our committee feel very strongly that Maine should also move in this direction. However, we do have a problem, so we requested agents and insurers last summer to work together to try to arrive at an equitable solution that would provide recovery for injured family members and that would not raise our auto insurance rates.

The only proposal that came forward related to a wage loss rider which several companies proposed and the committee did not feel this solution to be adequate. As I said, in philosophy, the committee feels that a family exclusion is unfair and that it could cause undue hardship if a person's spouse or child were severely injured. We are not supportive of unequal treatment of an injured person depending on whether that person is your child or your child's friend who happens to be riding with you.

The committee deliberated on this issue as we always do on complex insurance issues and in particular auto insurances. This session, we made a decision that we would defer further deliberation until we could collect additional data on the cost of this particular provision if we were to require that it not be included or even to require a buy-back. We are going to have an extensive sunset review of our entire auto insurance law, which is required under that particular law. Earlier today, this House enacted L.D. 2178 which includes a proposal for a study of our mandatory auto insurance law and also extends the sunset to give enough time for us to be able to complete that study.

We were told by insurers that this particular bill would increase the cost of auto insurance for policy holders in Maine. Part of the cost would be for those persons who purchase the rider and part of the cost would be spread out on all auto insurance policies. They stated the reason being the possibility of interfamilial suits and possible collusion.

Frankly, they did not present any data and the committee lacked the time this particular session to delve into it ourselves and collect the necessary data. So, we are proposing to include L.D. 2222, the



provisions in it, and in fact the entire family exclusion issue as part of our study.

One concern, a very important concern to be looked at in connection with that study, is the affordability of auto insurance, the effect on our laws, in particular to low-income people.

I am personally committed to working to abolish the family exclusion provision. I do not feel that it should be a part of Maine auto insurance laws and I know that several members of the committee also feel this way. A majority of the committee has made a decision to study this very carefully and to come back with any revisions necessary to our entire auto insurance program in the next session. We would like this particular issue to be a part of that study. We do not want to run the risk that a buy-back provision enacted earlier would in fact raise auto insurance policy rates for all policy holders or would provide an unfair charge to those persons who feel that they need to purchase this particular provision. There are, for those persons who wish to look at their policies now or to make changes in their policies, several companies that do not use the exclusion, Commercial Union, Patrons Oxford, National Grange, Travelers and Progressive and the Bureau of Insurance can provide further information on agents and addresses for these particular companies.

So, I would ask the House to go along today with the Majority "Ought Not to Pass" and be assured that this issue is coming back with an equitable resolution at the conclusion of our study.

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

Representative MARSANO: Mr. Speaker, Men and Women of the House: First of all, I would like to thank my colleague from Westbrook, Representative Curran, for affording me the opportunity to debate this matter this morning. I would also like to thank the Chairman of the Banking and Insurance Committee and the many members of that committee who took the time to listen to my plea during the course of this session. At one point during the course of the committee deliberations, it was my belief that a majority of the committee would support what I called the family buy-back provision. I was greatly disappointed to learn that that was not so.

You will undoubtedly remember that I say that because I don't expect anybody to remember what was said here for very long, so many things get said, that was a joke, probably as close to a funny thing that I will say about this this morning since I am deadly serious about seeing the Maine Legislature eradicate one of the worst policies that exists in the laws of the State of Maine. I was making reference to a specific statement that was made upon the floor of this House by the Representative from Brunswick, Representative Rydell, last June when this same matter came before this House. I am not attempting to embarrass the good Representative, I sent her a copy of these remarks and told her that I would use these remarks today in hoping to persuade you that we should move more quickly than she is willing to move, than she and her colleagues on the committee are willing to move.

She said, and I now quote, "If the Resolution proposed is satisfactory to the committee, a determination will be made whether implementation can be accomplished by rules or whether it requires legislation. If it requires legislation, that will be submitted. If no satisfactory solution is proposed by the industry, then the committee members will submit legislation. However, Representatives of the agents and the domestic companies have indicated to the committee a willingness to work out an

equitable proposal recognizing that the current situation unfairly penalizes some injured family members."

The Representative then asked that the motion to which I had made to indefinitely postpone part of that Resolution in that bill which would have accomplished an extinction of the family exclusion would be gone, I withdrew my motion to indefinitely postpone. I did it because I do not believe necessarily that all of the ills of the world can be remedied immediately. I was content then as I am today, that in the heart of the Representative from Brunswick, as she just said, lies a desire to see this policy stricken from the laws of the State of Maine.

One of the difficulties that I have with this is, it involves the kinds of negatives that exist, some people don't actually understand what a family exclusion provision in an insurance policy is. Boring as it is, I intend to take us through that. An insurance policy, in my view, exists for two purposes. It exists to protect yourself against charges, real or fabricated, that others make against you as a result of things that you do with your automobile. It also exists as a source which many of us are not capable of creating for ourselves to deal with the injuries that we negligently cause. Therefore, I think that an insurance policy, any policy properly bought, contains two provisions. It protects us and it protects those that are harmed. The question in your mind ought to be, does it protect all of those that I harm, especially those that are near and dear to me? The answer is, if there is a family exclusion in your policy, it will not cover your spouse, nor will it cover your children. That is what the family exclusion was created to do and I have been campaigning against it since the time before I came to the legislature because it is a bad policy of law.

One of the things that people will say, especially the insurance industry, is that it generates suits among family members. Of course, it need not generate any such suits because, if the policy protects and the insurance company does its job, it will evaluate its responsibility to any third person and those persons will be compensated in accordance with the laws. Others will say, from the insurance industry, that it will not deal with many of the cases because we are dealing with the opportunity for collusion. I have to plead guilty for not knowing of any collusion cases.

People from the insurance industry came up to me during the course of talking about this bill and said things like, "You know collusion exists." I said, "If it exists, why don't you bring cases of insurance fraud?" And members of the insurance industry said to me, "You know how difficult those are to prove." I said, "I don't know of any that have ever been brought, accordingly I don't know of any that have ever been fabricated."

As the matter of suits among family members is addressed, one ought to remember that this right exists today in all of your children, my children, our children, to bring suits against you. That law was changed some years ago. Nobody in this House has suggested that those persons should not have remedies against parents, thus suits among family members can exist. The question is whether or not you want to use the existence of the family exclusion to chill the right of those children or spouses to proceed against a fund which many people create to protect against the injury that they cause.

At common law, there was no such right, that is, a child nor a spouse could not sue the other because

the family was considered integrated. That is not the law, Your child today, if you are not protected, if a case is not settled or it is, under any circumstances your child can sue and the suit can be brought in years to come or whenever. That is not really relevant to the question that I seek to address which is the outrageous policy that the family exclusion creates. Again I say, the reason for that is because there is no one whom I would rather protect with my insurance policy than my three children. If I cannot create a large enough fund myself to deal with their damages, then I want my insurance company to stand there.

I did find a carrier which does not have the family exclusion and I was pleased that the Representative endorsed those -- I don't know that she endorsed them but stated the names of the companies who will. Ladies and gentlemen of the House, what are the provisions of your policy with respect to whether or not your loved ones are protected? I suggest to you that very, very few of you will know, some of you may.

So what did the insurance company do when it recognized that the sentiment of the committee was for the protection of spouses and children? It went to work as it always does by suggesting that there were going to be premium increases. Test that hypothesis yourself by asking yourself if it is so and if it is likely to be such a large sum, why are these other companies offering it without charge? I suggest to you that any fair statistical analysis will suggest to you, as it has to me, that there is not going to be any or at least not any great cost in doing away with the family exclusion so that your spouses and your children are protected.

The argument that was made also was one that it is a boon for an attorney and that because I was an attorney I was only offering this to line my pockets and the pockets of other lawyers. As I said earlier, that if an insurance company does its job properly, it will never be a case in which an attorney is involved anyway. If it isn't, if the insurance company elects to defend, then there is some possibility that some lawyers will profit from work that they do as a result of what it is that they are licensed and trained to do in the courts of the State of Maine. I assume that you agree with that because our society still focuses upon the rights of the individual and, when we enlist the economic aid of an insurance company, they ought reasonably to be there to involve themselves in these kinds of arguments. So, I suggest to you that that is just another one of the typical red herrings that the insurance industry uses to exclude coverage for your spouses and your children.

The great irony occurred in this debate with the many members of that committee for whom I have so much great respect because one of them in the other body just recently became engaged and I had the good fortune to be with her at a dinner when she first brought her new betrothed with her. She was happy as so often occurs when the heart is warmed by love, and I indicated to her that I was working on this bill and I said, "What Senator is the sense of a policy which says that you may drive this man home tonight and negligently injure him, causing him economic damage and have your insurance company defend you against his claim? But, when the happy day occurs and you marry this gentleman, if you drive him out from the wedding reception and negligently injure him, your insurance company will say, "Sorry, he is now a family member and this policy no longer covers you." That makes absolutely no sense to me. I

suggest to you that it is an anti-family message that the insurance companies are sending.

One of the other arguments, and to me the most outrageous argument of all, relates to what they call non-economic damages. The industry would say, we would be happy to do something, if but only if, we weren't going to deal with economic damages. What they mean is that your child, deprived as it might be whether it is a female or male child, is not going to get any kind of compensation for what you would have taken away from that child and bought this insurance as a resource to protect so that if your child lost an arm or a leg or an eye because they were only six years old and maybe were only a paper person, they could only recover for the economic damages that were lost as a result of not being able to deliver papers for a foreseeable period of time. But whether they were to become something else, we wouldn't know and we wouldn't compensate them because there is no economic damage. To me, that is ludicrous.

I had a letter from a lady, I tried to reach her, but have not been able to. She wrote me a letter and said, "I would rather pay larger premiums than go unprotected. What happens now if I have an accident and a family member is paralyzed, God forbid? Why do I pay for uninsured motorists except to protect me and my passengers, usually my two year old son and my four year old daughter? Please don't put the people of Maine in a position of having to care for a paralyzed child at home for 40 years without insurance coverage for the enormous expense that is involved." Today, I shall vote for insurance coverage for that lady, will you?

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

Representative CONLEY: Mr. Speaker, Men and Women of the House: There is probably nothing which was brought to this floor that will drive members from their seats and out into the corridors more quickly than talk of insurance or a lawyer rising to his feet to speak about it. My good friend from Belfast seems to have fallen into both of those categories. However, I rise to join with him in his argument here. Though I may compound the problem of empty seats, I think what he has brought to the attention of this body, with all due respect to the House Chair of the Banking and Insurance Committee and its other members, I think this is a real problem.

As my good friend from Old Orchard, who is sitting next to me said about three quarters of the way through the gentleman's comments, "Does what he is saying mean, if my mother was in a car with me and I was driving and went off the road and she got hurt, that she wouldn't be able to get any money from me if I was the one at fault?" I said, "Yes, that is what it means." He said, "Oh, that doesn't sound right." It isn't right and, although I know this committee will be looking at this issue, they want to study it, I think the time for study has come and gone. I think it is time we do something about it now because it is an issue of fairness.

Many of us come to this legislature from all different walks of life. It is a citizens' legislature and each of us bring our own little expertise, whatever it may be, to try to have some impact here and try to make positive change no matter what we may do in life. Unfortunately, I, like some of the other members, come from a legal profession. I can tell you that I have had people come into my office who have had these exclusionary provisions in their policies and have been deeply hurt and the family has been hurt and they have not been able to recover, have not been able to get what is fair, what is right, and what is just for them.

The insurance industry is heavily regulated because they should be heavily regulated. We all need insurance. Anyone who has gotten a policy, no matter what may be on the front page, nobody reads through these things. Lay people do not read through them. It is up to us to make sure that those policies are put together in such a fashion that they are protected. This is one element has been missing from policies for a long time and the people who are hurt are just those people who should be helped and protected, those people being family members.

So, for those reasons, I urge you to support the good Representative from Belfast.

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

Representative STEVENS: Mr. Speaker, Men and Women of the House: If I had time, I would like to go to each one of you right now and say to you, if you were riding this weekend with your children or perhaps that grandchild that is living with you (as a single parent) or your spouse and that person gets hurt in that car, ask yourself right now, as Representative Marsano has suggested you do, is that person going to be made whole, is he or she going to have a recovery if he or she is hurt? I have to honestly tell you that I do not know. I do not know myself. I suspect that most of you also do not know.

You get these insurance policies, can you wade through them? I have been blessed or cursed with three years of law school, I still roll my eyes heavenward when I see those insurance policies. It is very difficult to know whether or not you even have coverage so even you would overlook the matter of whether or not you have paid for something that you do not have or you think you have paid for something you do not have, don't you think you have a right to know?

The committee has agreed to have some sort of disclosure or some bold print, some separate endorsement -- we did that years ago when I was on Banking and Insurance. We also had a 10 point type. Guess what folks? You are not covered, your children are not covered but that is not the way it is worded on those policies. You have a right to know what you've got. You also have a right to have covered the very people you want to have covered. Who do you want to help protect more than anybody else in this world? Who rides in the car with you more than anybody else in this world? It is your family, right?

If we delay this bill, as Representative Rydell suggests, and I respect that committee, they worked hard and they have a lot of big issues, but if we delay it until after the study, after January until next June, in the meantime, how many families are going to be hurt? How many families are going to be excluded from being covered? We should not wait, it is time to act. It can be done with the insurance companies, it has been done in New Hampshire. It is not that big a problem to prohibit a family exclusion.

I urge you to support Representative Marsano on this bill.

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

Representative HASTINGS: Mr. Speaker, Men and Women of the House: Four attorneys in a row, it must be a record. I assure you that I will at least be very brief.

First, I would suggest that the good Representative from Old Orchard's mother would be covered by the policy. I am sorry to say that, Representative Conley, but the exclusion only does apply to spouses and children that are living with you.

However, this proposal is purely an issue of fairness. We have made policy that said spouses and our children can sue us if we are at fault but the insurance companies are saying, we haven't kept up with the times and your policy. They continue, as a general rule, to exclude in your insurance policy, this type of coverage. Yet, most of us have thought that we had it. It is a pretty simple change.

I don't suggest that it is an earth-shattering issue that takes lots of study and lots of reflection. It is simply a matter of fairness. If you want to be fair, vote against the majority opinion so that this amendment can go forward and become a law of the state.

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

Representative KETOVER: Mr. Speaker, Ladies and Gentlemen of the House: I am not a lawyer, in case anyone wants to know. The last four speakers are lawyers.

This committee did work quite conscientiously on this bill and it came out 12 to 1. The issue is not dead. The issue will be before this committee again in a study that is going to take place this summer. By the way, you can already get that kind of exclusion on your insurance now. The Maine law allows such an exclusion, it provides that the insurance company provide its agents and the Bureau of Insurance and you can get it if you go out and look for it. It is there now.

One of the concerns that we had was that this probably would increase all of the premiums, everyone of you and because someone wants it or doesn't want it, your premiums are all going to up.

Last year, we talked about L.D. 695 which was introduced. The industry made a real effort to answer those concerns and they were voiced. Some companies already offer wage loss and many more have filed their forms to be approved. The vast majority of carriers now allow one to purchase medical payment coverage up to \$100,000. I am very concerned about children and certainly concerned about the spouse and what happens to them if they are injured. I know about that because my husband was head-injured two years ago in April. I have lived with that kind of a problem. Lawyers love these kinds of things and I understand that. They can go to court and they certainly can prosecute and get this wonderful kind of economic damage for their clients. I have no problem with that because I am living with that also. I understand the situation. No one wants to hurt their children and we certainly want to have all of their coverages paid for but give the committee some time to look over the entire auto industry. We have many serious crises coming before the committee on auto insurance. As you know, premiums are going up and that is going to happen, just like health insurance. There is going to be a crisis in this country with auto insurance as we are with health insurance. We had better get it now while we can. Let's solve those problems. We will solve this one.

I understand my good friend, Representative Marsano's concern, we heard them loud and clear in our committee but the committee felt that right now we were not ready to do it. We need to do much more research on it. I hope that you will follow the committee's vote.

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

Representative MARSANO: Mr. Speaker, Men and Women of the House: The Representative from Portland made two comments which I think ought to be addressed because these are, again, matters which the industry uses to disadvantage innocent citizens. She made

reference to wage loss and medical coverage of the \$100,000. I guess if there was one point during the committee discussions, when I was most upset, it was when one of the gentleman from the industry suggested that they were going to make this \$100,000 of medical coverage available. I said, "What is going to happen with respect to subrogation?" He said, "What difference does that make as long as the coverage is available, what difference does it make?" What that amounts to if you buy into the kind of scheme that is being proposed by the industry is that you would get to pay for the \$100,000 worth of coverage. If you are a legislator as we are, your Blue Cross-Blue Shield that you get over here or by some place else, will also provide that coverage. What that does is allow that premium to be paid but allows the argument to be made between the two insurance companies as to who is going to actually pay the money. That is one of the problems that I have with that kind of argument. What it amounts to is that we get to pay the bills and they get to have all the fun fighting about the money.

The Representative said there are lawyers who, under some circumstances, will make money by working for clients in cases of this sort. I don't dispute that, that is what happens and that is the way the legal system is constructed. These insurance people are sitting around fighting about something that has been paid for and all they want to do is decide which one is going to pay for it. The end-up benefit of the extra \$100,000 of medical coverage for a person who has full comprehensive medical coverage is either slight or non-existent. It may provide a small portion of the first dollar pay that would be subject to your exclusions under your policies here in the House.

The same thing is true of wage insurance. If there is a wage loss policy that is sold in an effort to avoid this, family exclusion, the fact that you have a wage loss exclusion policy some place else, simply means that the insurance company has to go to work again and try to decide which of them is going to get more of a benefit but you have already paid for it.

If there is going to be payment for insurance, it ought to be to create the kind of fund that we need to protect ourselves. That comes through the liability insurance and involves doing away with the family exclusion.

The problem that I brought to this House is a policy problem. The Representative from Brunswick was correct when she said that it is near and dear to my heart, it is an atrocious, anti-family policy. It is not worthy of the law of the State of Maine and we should not tolerate it. It is simply removed, and in my view, justice requires that we remove it for those people who, like many of us, cannot and will not read their insurance policies because they are difficult to understand. We step in to protect them when they are not able to protect themselves. This is an opportunity to do simple justice and it ought to be done.

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

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

I would like to know how many other states have anti-family clauses?

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

The Chair recognizes the Representative from Brunswick, Representative Rydell.

Representative RYDELL: Mr. Speaker, Ladies and Gentlemen of the House: I think most states do have family exclusion clauses. We are trying to look at two states that do not allow this, Vermont and New Hampshire, in order to look at how we might be able to parallel their particular laws.

While I am on my feet, I would like to add that, unfortunately, the Maine Law Court has already considered this matter. The Maine Law Court upheld a case which the Allstate Insurance Company brought. It upheld the right that Maine law does allow this exclusion. Our committee felt that in this short session that, when the Maine Law Court has already looked at this, that we needed to take a much closer look at exactly how a family exclusion prohibition, if it is appropriate, should be written.

I would also add that even the woman who wrote to Representative Marsano did acknowledge that perhaps there should be some limitations or restrictions. He did not choose to read the section of her letter where she suggested perhaps outlawing interspousal whiplash cases, limiting recovery to medical costs, which incidentally are already there, or putting a high deductible on these matters. There are so many questions as to how this should be done that the committee made a decision that we needed to look at it very, very carefully, that we needed to look at the court cases that have already been here in Maine. We need to look at the other states and we needed some time. Unfortunately, we were not able to do this and we were not able to come to agreement with respect to this matter. I would ask you to please go along with the committee's report.

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

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

Being a member of a very close family unit, I tried to get an answer without embarrassing the person to whom I sent the inquiry as to how the grandchildren are addressed in this policy? I heard it just briefly alluded to by the Representative from Bangor but I am very concerned as to what this policy would or would not do as far as my transporting my grandchildren?

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

The Chair recognizes the Representative from Belfast, Representative Marsano.

Representative MARSANO: Mr. Speaker, Men and Women of the House: The gentleman directed the question to me and I have a note here which I am in the process of sending back to him saying that I can't understand his writing. Now that he has verbalized it, I can address the question now and am pleased to do so.

The answer to the question is that it depends directly on what the language of the family exclusion is. If the family exclusion in your particular insurance policy says that it is a family member who lives with you and that grandchild could be considered a resident of your household, then the family exclusion would apply and your policy would not cover. However, if he lived with his father down the street and you picked him up, while you were taking your grandchild who did live with you to the circus, and there was an accident, the grandchild who lived with the father would be able to recover and the grandchild who lived with you would not. If the injuries were significant, that would be tough luck for the child who happened to have the otherwise good fortune to live with you Representative Aliberti.

While I am on my feet, I would like to address the Representative from Auburn whose question I think was answered in part by the Representative from Brunswick but the Representative neglected to notice that, in the states which have adopted no-fault, there is of course an automatic family exclusion to at least some extent because of some of the things that are addressed in no-fault states. That is scarcely an answer in Maine where our entire Tort Law is different, the exclusion should be done away with.

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

Representative ALIBERTI: Mr. Speaker, I don't believe I got the answer to my question. Family to me may not be the same interpretation as family to the good Representative just indicated.

I would like to know if my family includes my grandchildren in this policy or not?

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

Representative RYDELL: Mr. Speaker, Men and Women of the House: In answer to that question, the family members that we are talking about are family members who reside in your household and are related by blood, adoption or marriage. They must reside in your household, if they do, then the liability portion of your policy would not apply, but the other portions of your policy, the medical coverage that you have in your policy, would apply.

Representative Marsano of Belfast 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 the Representative from Brunswick, Representative Rydell, that the House accept the Majority "Ought Not to Pass" Report.

Representative Carter of Winslow was excused from voting pursuant to House Rule 19 and Joint Rule 10.

The SPEAKER: The pending question before the House is the motion of the Representative from Brunswick, Representative Rydell, 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. 209

YEA - Allen, Ault, Begley, Burke, Butland, Cahill, M.; Carroll, D.; Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Crowley, Daggett, Dexter, Donald, Dore, Duffy, Erwin, P.; Farnsworth, Foss, Garland, Gould, R. A.; Gurney, Gwadosky, Hale, Hoglund, Hutchins, Jacques, Jalbert, Joseph, Ketover, Kilkelly, LaPointe, Larrivee, Lebowitz, Libby, Mahany, Manning, Mayo, McGowan, McHenry, McKeen, Michaud, Mills, Mitchell, Nadeau, G. G.; Nadeau, G. R.; Paradis, J.; Paradis, P.; Parent, Paul, Pederson, Pineau, Pines, Pouliot, Priest, Rand, Reed, Rotondi, Rydell, Simpson, Small, Swazey, Tammaro, Telow, Tracy, Walker, Whitcomb.

NAY - Adams, Aikman, Aliberti, Anderson, Anthony, Bailey, Bell, Boutilier, Brewer, Carroll, J.; Conley, Cote, Curran, Dellert, DiPietro, Dutremble, L.; Farnum, Farren, Foster, Graham, Greenlaw, Handy, Hanley, Hastings, Heesch, Hepburn, Hichborn, Hickey, Holt, Hussey, Lawrence, Lisnik, Look, Lord, Luther, MacBride, Macomber, Marsano, Marsh, Martin, H.; McCormick, McPherson, McSweeney, Melendy,

Merrill, Murphy, Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, E.; Pendleton, Plourde, Richard, Richards, Ridley, Rolde, Ruhlman, Seavey, Sheltra, Skoglund, Smith, Stevens, A.; Stevens, P.; Stevenson, Strout, B.; Strout, D.; Tardy, Townsend, Tupper, Webster, M.; Wentworth.

ABSENT - Cashman, Higgins, Jackson, Marston, Moholland, Sherburne, The Speaker.

EXCUSED - Carter.  
Yes, 70; No, 73; Absent, 7; Paired, 0; Excused, 1.

70 having voted in the affirmative and 73 in the negative with 7 absent and 1 excused, the motion did not prevail.

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

Committee Amendment "A" (H-1018) was read by the Clerk and adopted and the Bill assigned for second reading later in today's session.

(Off Record Remarks)

Representative Marsano of Belfast was granted unanimous consent to address the House:

Representative MARSANO: Mr. Speaker, on Roll Call 95, which was just given to me, my vote is shown as yes and it was no. I intended to vote no.

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

PAPER FROM THE SENATE

The following Joint Order: (S.P. 990)  
ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Thursday, April 5, 1990, at 12 o'clock in the afternoon or to the call of the President of the Senate and the Speaker of the House when there is need to conduct legislative business.

Came from the Senate, read and passed.  
Was read and passed in concurrence.

CONSENT CALENDAR

First Day

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

(H.P. 1715) (L.D. 2368) Bill "An Act to Reduce Toxics in Packaging" (EMERGENCY) Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1020)

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

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

ORDERS

On motion of Representative KILKELLY of Wiscasset, the following Joint Order: (H.P. 1792)

Ordered, the Senate concurring, that "Resolve, Creating the Special Commission to Study and Evaluate the Status of Education Reform in Maine," S.P. 561, L.D. 1564, and all its accompanying papers be recalled from Engrossing to the House.

Was read and passed and sent up for concurrence.

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

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

**REPORTS OF COMMITTEES**

**Divided Report**

Majority Report of the Committee on Agriculture reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1022) on Bill "An Act to Increase Penalties for Violation of the Pesticide Laws" (H.P. 1386) (L.D. 1916)

Signed:

Senators: TWITCHELL of Oxford  
EMERSON of Penobscot  
KANY of Kennebec

Representatives: TARDY of Palmyra  
NUTTING of Leeds  
BELL of Caribou  
PARENT of Benton  
WHITCOMB of Waldo  
PINES of Limestone  
ALIBERTI of Lewiston  
MAHANY of Easton

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-1023) on same Bill.

Signed:

Representative: HUSSEY of Milo  
Reports were read.

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

Committee Amendment "A" (H-1022) was read by the Clerk and adopted and the Bill assigned for second reading later in today's session.

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

**CONSENT CALENDAR**

**First Day**

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

(H.P. 1771) (L.D. 2441) Bill "An Act to Establish Municipal Cost Components for Services to be Rendered in Fiscal Year 1990-91" (EMERGENCY) Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1028)

There being objection, was removed from the Consent Calendar, First Day.

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

Committee Amendment "A" (H-1028) was read by the Clerk and adopted and the Bill assigned for second reading later in today's session.

(H.P. 1573) (L.D. 2180) Bill "An Act to Amend Certain Sales Tax Exemptions" Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1029)

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

The 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.

(At Ease)

The House was called to order by the Speaker.

The Chair laid before the House the following matter: (S.P. 807) (L.D. 2070) Bill "An Act to Assist the Department of Human Services in Conducting Chronic Disease Investigations and Evaluating the Completeness or Data Quality of its Disease Surveillance Programs" (C. "A" S-621) which was tabled earlier in the day and later today assigned pending adoption of House Amendment "A" (H-1024) to Committee Amendment "A." (S-621)

Subsequently, House Amendment "A" (H-1024) to Committee Amendment "A" (S-621) was adopted.

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

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

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

The Chair laid before the House the following matter: An Act to Amend the State's Hazardous Materials and Underground Tank Installer Laws (H.P. 1729) (L.D. 2388) (C. "A" H-961) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Michaud of East Millinocket, under suspension of the rules, the House reconsidered its action whereby L.D. 2388 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-1026) and move its adoption.

House Amendment "A" (H-1026) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-961) and House Amendment "A" in non-concurrence and sent up for concurrence.

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

**PASSED TO BE ENGROSSED**

**As Amended**

Bill "An Act to Prohibit Family Exclusion Clauses in Automobile Insurance Policies" (H.P. 1598) (L.D. 2222) (C. "A" H-1018)

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.

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

**PASSED TO BE ENGROSSED**

**As Amended**

Bill "An Act to Increase Penalties for Violation of the Pesticide Laws" (H.P. 1386) (L.D. 1916) (C. "A" H-1022)

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.

**SECOND READER**

**Later Today Assigned**

Bill "An Act to Establish Municipal Cost Components for Services to be Rendered in Fiscal Year 1990-91" (EMERGENCY) (H.P. 1771) (L.D. 2441) (C. "A" H-1028)

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

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

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

**PASSED TO BE ENACTED**

**Emergency Measure**

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

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 102 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**PASSED TO BE ENACTED**

**Emergency Measure**

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

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. 103 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 Amend the Law Concerning Public Drains and Sewers Crossing Railroad Rights-of-Way (H.P. 1592) (L.D. 2205) (C. "A" H-982)

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. 101 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 Improve the Organizational Structure of the Inland Fisheries and Wildlife Advisory Council (H.P. 1660) (L.D. 2300) (H. "B" H-880; S. "A" S-623 to H. "A" H-818)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 102 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**PASSED TO BE ENACTED**

An Act to Allow Certain School Secretaries to Elect Not to Be Members of the Maine State Retirement System (S.P. 958) (L.D. 2422) (C. "A" S-616)

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

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

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)

An Act to Establish Licensing Requirements and a Cooperative Monitoring Program for Mahogany Quahogs (H.P. 1541) (L.D. 2126) (S. "A" S-624 to C. "A" H-874)

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

**ENACTOR**

**(Reconsidered)**

An Act Regarding Investment of State Funds in Corporations Doing Business in Northern Ireland (H.P. 1588) (L.D. 2200) (C. "A" H-1006)

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

On motion of Representative Conley of Portland, under suspension of the rules, the House reconsidered its action whereby L.D. 2200 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-1006) was adopted.

The same Representative offered House Amendment "A" (H-1031) to Committee Amendment "A" (H-1006) and moved its adoption.

House Amendment "A" (H-1031) to Committee Amendment "A" (H-1006) was read by the Clerk.

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

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

To Representative Conley -- could you please tell us what this amendment does?

The SPEAKER: The Representative from Wells, Representative Wentworth, has posed a question through the Chair to Representative Conley of Portland who may respond if he so desires.

The Chair recognizes that Representative.

Representative CONLEY: Mr. Speaker, Ladies and Gentlemen of the House: This is a technical amendment and, as you can see, it puts the word "domestic" in after the word "urge" -- the word "domestic" referring to domestic corporations and



appears in many other places in the bill. Again, it is only a technical amendment.

Subsequently, House Amendment "A" (H-1031) to Committee Amendment "A" (H-1006) was adopted.

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

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

Representative WEBSTER: Mr. Speaker, Men and Women of the House: I oppose engrossment of this legislation and I would like to request a roll call be taken.

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.

On motion of Representative Conley of Portland, tabled pending passage to be engrossed and later today assigned.

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

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act to Implement Changes to the Homestead Property Tax Exemption Law (S.P. 827) (L.D. 2135) (H. "A" H-1014 to C. "A" S-613)

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.

(Off Record Remarks)

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

(At Ease)

The House was called to order by the Speaker.

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

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

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

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act Relating to the Maine Correctional Advisory Commission (S.P. 60) (L.D. 43) (C. "B" S-618)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 102 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

**PASSED TO BE ENACTED**

**Emergency Measure**

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

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. 110 voted in favor of the same and 3 against and accordingly the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act to Strengthen the Laws Regarding the Casual Disposal of Solid Waste (S.P. 891) (L.D. 2267) (C. "A" S-619)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 109 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

**PASSED TO BE ENACTED**

**Emergency Measure**

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

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

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act Regarding the Operation of Bottle Clubs (S.P. 942) (L.D. 2380) (C. "A" S-615)

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

**PASSED TO BE ENACTED**

**Emergency Measure**

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) (S. "A" S-620)

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

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

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 114 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

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

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 114 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

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

An Act to Amend the Laws Relating to Whitewater Rafting (H.P. 1648) (L.D. 2281) (S. "B" S-610 to C. "A" H-935)

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

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

An Act to Improve the Job Opportunities Zone Act (H.P. 1690) (L.D. 2340) (H. "A" H-1011 to C. "A" H-1003)

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

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

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

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 113 voted in favor of the same and 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

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

An Act to Provide for the 1990 and 1991 Allocations of the State Ceiling on Private Activity Bonds (H.P. 1642) (L.D. 2275) (H. "A" H-1013 to C. "A" H-902)

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

**ENACTOR**

**Later Today Assigned**

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

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**

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

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

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

An Act to Provide Greater Opportunities for Orphans and Foster Children (H.P. 1685) (L.D. 2333) (C. "A" H-1010)

An Act to Promote Equity of Opportunity for Women in Administrative Positions in the Public School System (H.P. 1692) (L.D. 2342) (C. "A" H-974)

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

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

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

**ENACTOR**

**Later Today Assigned**

An Act to Establish the Department of Families and Children (H.P. 1199) (L.D. 1666) (H. "A" H-1008 to C. "C" H-820)

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

Representative Wentworth of Wells requested a roll call.

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

**FINALLY PASSED**

Resolve, to Reauthorize the Commission to Evaluate the Adequacy of the Aid to Families with Dependent Children Need and Payment Standards (S.P. 964) (L.D. 2431)

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

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

(At Ease)

The Speaker resumed the Chair and called the House to order.

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

**PETITIONS, BILLS AND RESOLVES  
REQUIRING REFERENCE**

The following Bill and Resolution 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 Implement Meaningful Legislative Oversight of State Finances" (H.P. 1794) (L.D. 2460) (Presented by Representative CARTER of Winslow) (Cosponsored by Senator PEARSON of Penobscot, Speaker MARTIN of Eagle Lake and President PRAY of Penobscot) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Ensure Proper Oversight of State Spending (H.P. 1793) (L.D. 2459) (Presented by Representative CARTER of Winslow) (Cosponsored by Senator PEARSON of Penobscot, Speaker MARTIN of Eagle Lake and President PRAY of Penobscot) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.

Sent up for Concurrence.

The Chair laid before the House the following matter: An Act to Regulate the Handling of Manure (H.P. 1575) (L.D. 2182) (H. "A" H-946 to S. "A" S-565; S. "A" S-599 to C. "A" H-910) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Tardy of Palmyra, under suspension of the rules, the House reconsidered its action whereby L.D. 2182 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-910) was adopted.

The same Representative offered House Amendment "A" (H-1033) to Committee Amendment "A" (H-910) and moved its adoption.

House Amendment "A" (H-1033) to Committee Amendment "A" (H-910) was read by the Clerk and adopted.

Committee Amendment "A" as amended by Senate Amendment "A" (S-599) as amended by House Amendment "A" thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-910) as amended by Senate Amendment "A" (S-599) & House Amendment "A" (H-1033) thereto and House Amendment "A" (H-946) to Senate Amendment "A" (S-565) thereto in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter: An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Act (H.P. 1762) (L.D. 2427) (C. "A" H-960) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Rolde of York, under suspension of the rules, the House reconsidered its action whereby L.D. 2427 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-1035) and moved its adoption.

House Amendment "A" (H-1035) was read by the Clerk.

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

Representative ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: This is a technical amendment that I am putting on this particular bill.

Subsequently, House Amendment "A" was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-960) and House Amendment "A" (1035) in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter: Resolve, to Establish a Model Coordinated Response System for Child Abuse Referrals in Penobscot and Piscataquis Counties (H.P. 1752) (L.D. 2415) (H. "A" H-970; C. "A" H-956) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Rolde of York, under suspension of the rules, the House reconsidered its action whereby L.D. 2415 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-956) was adopted.

The same Representative offered House Amendment "A" (H-1034) to Committee Amendment "A" (H-956) and moved its adoption.

House Amendment "A" (H-1034) to Committee Amendment "A" (H-956) was read by the Clerk.

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

Representative ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: Another technical amendment.

Subsequently, House Amendment "A" (H-1034) to Committee Amendment "A" (H-956) was adopted.

Committee Amendment "A" (H-956) as amended by House Amendment "A" (H-1034) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-956) as amended by House Amendment "A" (H-1034) thereto and House Amendment "A" (H-970) in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter: An Act to Adjust Commercial Motor Vehicle Fees (EMERGENCY) (H.P. 1379) (L.D. 1910) (C. "A" H-948) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Moholland of Princeton, under suspension of the rules, the House reconsidered its action whereby L.D. 1910 was passed to be engrossed.

On motion of the same Representative, the House reconsidered its action whereby Committee Amendment "A" (H-948) was adopted.

The same Representative offered House Amendment "A" (H-1036) to Committee Amendment "A" (H-948) and moved its adoption.

House Amendment "A" (H-1036) to Committee Amendment "A" (H-948) was read by the Clerk and adopted.

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

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

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

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

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

Bill "An Act Increasing the Borrowing Capacity of the Mars Hill Utility District" (EMERGENCY) (H.P. 1795) (L.D. 2462) (Presented by Representative MAHANY of Easton) (Cosponsored by Senator LUDWIG of Aroostook) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.) (The Committee on Utilities 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.

**CONSENT CALENDAR  
First Day**

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

(H.P. 1737) (L.D. 2398) Bill "An Act Concerning the Carrying of Firearms and Firearms Safety Programs" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1030)

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

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

**PAPERS FROM THE SENATE**

The following Communication:

Maine State Senate  
Augusta, Maine 04333  
March 29, 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 Agriculture:

Stellos M. Tavantzis of Orono for reappointment to the Commission on Biotechnology and Genetic Engineering.

Christine C. Vito, Ph.D. of Saco for reappointment to the Commission on Biotechnology and Genetic Engineering.

Upon the recommendation of the Joint Standing Committee on Education:

Warren C. Cook of Kingfield for reappointment to the Maine Maritime Academy Board of Trustees.

Edward M. Williams of Cape Elizabeth for appointment to the Higher Education Students Financial Assistance Board.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

Was read and ordered placed on file.

**Refer to the Committee on Legal Affairs**

Report of the Committee on Energy and Natural Resources on Bill "An Act to Authorize Franklin County to Acquire a Parcel of Land in Coburn Gore" (EMERGENCY) (S.P. 969) (L.D. 2436) reporting that it be referred to the Committee on Legal Affairs.

Came from the Senate with the report read and accepted and the bill referred to the Committee on Legal Affairs.

Report was read and accepted and the bill referred to the Committee on Legal Affairs in concurrence.

**Ought to Pass Pursuant to Joint Order (S.P. 971)**

Report of the Committee on Judiciary reporting "Ought to Pass" Pursuant to Joint Order (S.P. 971) on Bill "An Act to Provide Greater Protection Under the Domestic Abuse Laws" (S.P. 989) (L.D. 2458)

Came from the Senate, with the report read and accepted and the bill passed to be engrossed.

Report was read and accepted, the Bill read once.

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

**COMMUNICATIONS**

The following Communication: (S.P. 991)  
114TH MAINE LEGISLATURE  
March 28, 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 Andrew M. Mead of Bangor for appointment as Judge, 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. 992)  
114TH MAINE LEGISLATURE  
March 26, 1990

Senator Dennis L. Dutremble  
Rep. Gregory G. Nadeau  
Chairpersons  
Joint Standing Committee on Housing and Economic  
Development  
114th Legislature  
Augusta, Maine 04333  
Dear Chairs:

Please be advised that Governor John R. McKernan,  
Jr. has nominated Dwight Sewell of Presque Isle for  
appointment as Executive Director of the Maine State  
Housing Authority.

Pursuant to Title 30, MRSA Section 4602, this  
nomination will require review by the Joint Standing  
Committee on Housing and Economic Development 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 Housing and Economic Development.

Was Read and Referred to the Committee on Housing  
and Economic Development in 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. 888) (L.D. 2264) Bill "An Act to Establish  
the Taxpayer Bill of Rights" Committee on Taxation  
reporting "Ought to Pass"

(S.P. 962) (L.D. 2429) Resolve, to Direct the  
Department of Human Services to Develop a Proposal to  
Adequately Address the Housing Needs of Aid to  
Families with Dependent Children Recipients  
Committee on Human Resources reporting "Ought to  
Pass" as amended by Committee Amendment "A" (S-627)

There being no objections, under suspension of  
the rules, Second Day Consent Calendar notification  
was given, the Bills were passed to be engrossed as  
amended in concurrence.

The following item appearing on Supplement No. 16  
was taken up out of order by unanimous consent:

**PETITIONS, BILLS AND RESOLVES**  
**REQUIRING REFERENCE**

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

**Appropriations and Financial Affairs**

Bill "An Act to Reduce the Administrative Costs  
of State Government" (EMERGENCY) (H.P. 1796) (L.D.  
2463) (Presented by Representative BURKE of  
Vassalboro) (Cosponsored by Senator TWITCHELL of  
Oxford, Senator BERUBE of Androscoggin and  
Representative CARTER of Winslow) (Approved for

introduction by a majority of the Legislative Council  
pursuant to Joint Rule 27.)  
Ordered Printed.  
Sent up for Concurrence.

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

The Chair laid before the House the following  
matter: An Act Relating to Services to Infants and  
Young Children, Ages 0 through 5, Who Are Handicapped  
or at Risk for Developmental Delay (S.P. 805) (L.D.  
2068) (S. "A" S-595 to C. "A" S-592) which was tabled  
earlier in the day and later today assigned pending  
passage to be enacted.

On motion of Representative Crowley of Stockton  
Springs, under suspension of the rules, the House  
reconsidered its action whereby L.D. 2068 was passed  
to be engrossed.

On motion of the same Representative, under  
suspension of the rules, the House reconsidered its  
action whereby Committee Amendment "A" (S-592) as  
amended by Senate Amendment "A" (S-595) thereto was  
adopted.

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

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

The same Representative offered House Amendment  
"A" (H-1032) to Committee Amendment "A" (S-592) and  
moved its adoption.

House Amendment "A" (H-1032) to Committee  
Amendment "A" (S-592) was read by the Clerk and  
adopted.

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

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

The Chair laid before the House the following  
matter: An Act to Repeal the Homestead Exemption  
(S.P. 829) (L.D. 2137) (H. "A" H-988) which was  
tabled earlier in the day and later today assigned  
pending passage to be enacted. (A roll call having  
been requested)

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 Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker, Men and  
Women of the House: Before this legislature moves to  
enact this piece of legislation, I would like to  
simply discuss with you for a minute some information  
that I have been able to discover. If you will  
recall, this is the act that would repeal the  
Homestead Exemption that this legislature created  
last session. We debated this issue long and hard in  
this body before but I would like to share with you

some facts that I derived from some of our local communities.

In effect, by finally passing this piece of legislation and doing in our Homestead Exemption, we are telling the homeowners and workers of this state that we really think tax relief ought to be spread pretty broadbased, over businesses, over out-of-state landowners, over everybody who owns property in the State of Maine. I, for one, and I know many other members of this body feel that our property tax relief should have been targeted to the homeowners.

I took the occasion to call the assessors in several of our communities to see what the effect of this legislation would be. By repealing the Homestead Exemption and using the other means of spreading \$10 million over our communities, we are in effect giving some major businesses in this state a pretty tidy gift. I think you can understand why when you look at the assessment and the percentage of total valuation that some major industries represent in some communities in the State of Maine. Because several individuals have spoken on this bill, I took the opportunity to call some of their hometown assessors.

Just as an example, in the town of Friendship, half of the total assessed value is for non-resident owners. So, if we take this broad swipe with our so-called property tax relief, which is what this piece of legislation does, we are in effect saying half the money that we send to Friendship goes right on out to sea and out-of-state.

I also talked to the tax assessor in Old Town and the assessor there informed me that the James River Corporation represents 50 to 55 percent of the assessed value of that town. I know that the Chairman of our Committee has a great deal of concern about that major taxpayer in his community. Certainly the one thing that he held out for in the last session when we put together our package of compromises on taxpayer proposals was an investment tax credit for major corporations in this state so that the major industries in the state could be assisted in making major investments in new equipment. It certainly was no secret that James River was hoping to make some major investments and it would benefit from that part of our, what had hoped to be then, property tax relief package. We cut out a niche of \$5 million and it will grow immensely in the future, as the Appropriations folks now realize, but that's for the corporations. That is what happened to some of our property tax relief money.

Now, by repeal of the Homestead Exemption, and by using the other method, the good folks at James River stand to take half the money that is returned to that community in property tax relief. That is a pretty good deal, I would think.

I talked to the assessor of Westbrook. Down in Westbrook, S.D. Warren only gets one-third of the property tax relief so perhaps that is an improvement.

In Portland, and we all know how badly banks are doing in Portland in other commercial interests, those folks only get half of the property tax relief. The folks that we were hoping to target, the homeowners, get the other half.

I guess the one that strikes me the most, because we have heard a great deal about it in this body, and I didn't bother to check on those areas that now Georgia-Pacific owns, but obviously they would be a major beneficiary of the proposal that is perhaps going to pass here today, but the one that strikes me the most is Jay. In Jay, 83 percent of the property tax relief proposal that is set to be enacted in this body will go to I.P. You add the other commercial

interests in town with that and it adds up to 86 percent. If what you are about to enact, assuming you follow the vote you followed before, is what you really want to do, you should take pleasure in telling the workers in that community that they are only going to get 14 percent of the pie. The businesses will get the rest, I.P. gets the bulk of it. That is the message that this repeal passes onto the folks

You may want to argue that it didn't amount to much but it amounts to a lot less if it is going to go to the big businesses. I certainly support businesses, at least I make my attempts, but this measure was to help the homeowner, this is what we had to offer. In Friendship, we cut it in half; in Old Town, we cut it in half; and in Jay, we cut it so that the homeowner gets 14 percent. If those are the folks you are concerned about, I urge you to pass this piece of legislation before us. I know some of us who fought the fight for some property tax relief and for a program that someday could provide some property tax relief, that is why we fought for the Homestead Exemption, because what we are about to do replaces that with a program that you might as well fly over the State of Maine with a bucket full of dollar bills and spread it everywhere and half of it will drift out-of-state before it lands. That is what is happening with the repeal.

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

Representative CASHMAN: Mr. Speaker, Ladies and Gentlemen of the House: I hope that the gentleman didn't use the state access code when he made those phone calls and cost the state money because I could have told him what he found out in Old Town if he had asked me. That doesn't come as a surprise to me nor does it come as a surprise to Representative Mayo with the situation in his hometown.

Let me clear the air a little bit here. If the problem that the gentleman has is with the revenue sharing program, then he ought to put in a bill to repeal that revenue sharing program because every dollar that goes into revenue sharing is distributed in just the manner that the gentleman spelled out to you. If that is a problem, then he should have put in a bill, long before this (he has been on Taxation for a couple of years) to repeal the program but I haven't seen such a bill.

We do have a program in this state that directs property tax relief to the individual homeowner, it is called the circuit breaker program and it works well because its needs tested. If the gentleman doesn't like the money from this Homestead Exemption program going into the revenue sharing formula, then perhaps he should have put in a bill to put it in the circuit breaker program but I didn't see that bill either. The only bill that I did see was an idea that I called, on the floor of this House last week, harebrained, I will stick to that opinion of this program, it is harebrained.

The question is, are you going to enact a law in this state that is going to give the average taxpayer of this state a check of between \$20, \$30 or \$35, it is not needs tested, you are going to give it to the doctor that makes \$300,000 a year and to the widow that is living on the same \$30 bucks? Is that the kind of property tax relief you want? If it is, then don't vote for this bill because this bill repeals it.

The gentleman can quote all the statistics he wants but I think it is nothing more than hot air as long as he hasn't put in a bill to repeal the revenue sharing program. If that is what he wants to do, then we can talk about those statistics, but until he does, it is nothing but hot air.

The SPEAKER: The Chair recognizes the Representative from Corinth, Representative Strout.

Representative STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I listened intently to the remarks from the gentleman from Waldo, Representative Whitcomb today. He made some good points. I would say I am not surprised that he didn't mention my area when he checked with the local assessors across the state in the different towns. If he had checked my area, he would have found out a different situation because I had already done that.

My area, Representative Whitcomb, does the exact opposite, they do better under the revenue sharing program than they do the Homestead Exemption. Don't shake your head and tell me they don't because I know. I spent two months looking at this. The reason that they do better is because they have a very small percentage of non-residents. I will also tell you in that check you did on those non-residents, they are probably not from out-of-state, probably some of those non-residents live in another town in the State of Maine.

The big reason that I came out in support of the repeal of the Homestead Exemption is because of the deferral. I supported the Homestead Exemption last year and I felt that it had some merit. With the deferral, we were not giving (in 1990) any property tax relief to the people of the State of Maine under the Homestead Exemption Bill.

The other things is, when you talk 5 percent of \$45,000, you come down to \$2,250. My town, right now for 1989, did not have a large mill rate, maybe because of good management, thankfully, I don't know, you can question anyone you want to. Our mill rate was \$8.40 times \$2,250 and that gives you less than \$20 to my taxpayers. Under the revenue sharing program, which is simple to administer because all we do is take it off the tax commitment, was \$24. Of course I am going to be up here today in favor of repeal. I am looking out for my people back home and the fact of the matter is, that it is much easier to administer this program than it is to go through the application process for Homestead Exemption.

I would have somewhere between 650 and 700 people that would have been eligible to apply for the Homestead Exemption. The question is, how many of those people would have applied under the application process? Would it have been 100 percent? I doubt it. There was nothing in the law that said they had to apply, it said "make it available." Now, if they didn't apply, then my area is not going to benefit anywhere near as much, they are only going to be back 60 to 70 percent of that 100 percent. So naturally, the best way to go is through the revenue sharing program.

I said it a week ago, I say it today, it is simple.

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

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

I would ask Representative Whitcomb if he asked my constituents and the tax assessors in Friendship whether they wanted this Homestead Exemption to stay on the books and whether or not they thought they could administer it, given the limited resources that Friendship town government has?

The SPEAKER: The Representative from Thomaston, Representative Mayo, has posed a question through the Chair to Representative Whitcomb of Waldo, who may respond if he so desires.

The Chair recognizes that Representative.

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: In response to the question, the

answer is no. The folks that I talked to in the town office in Friendship responded to the question I asked about the percentage of valuation. Someone, in one of the discussions since I made the point, asked if the folks who were non-residents were in-state or out-of-state? They responded that most of the non-residents, in their opinion, I didn't ask them to go through all their books, this is not a scientific tabulation, but most of the non-residents were out-of-state, certainly not all, but that is pretty country down there and I know a lot of out-of-state people do own some of that land. The point is, the richer you are, the more you benefit from the program that is being enacted.

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

Representative MAYO: Mr. Speaker, Men and Women of the House: First of all, I want to apologize to this House for the figure that I gave the last time we debated this issue. I said that every resident of Friendship would receive \$10.98 under the Homestead Exemption and I was incorrect and I wish to apologize and set the record straight. The actual figure, based on the town meeting that was held in Friendship this month, will be \$13.27.

Secondly, as to the non-residents that Representative Whitcomb has brought up, I would ask every one of you to walk down the hall and shake the hand of Senator Norman Weymouth who is a property owner in the town of Friendship, who would benefit I would assume if we did return these monies through the revenue sharing formula.

The point that was made by Representative Strout was absolutely accurate. A lot of the people who own land in Friendship are residents of Maine but they don't happen to live within the town of Friendship.

Finally, I want to concur with the remarks from the Representative from Old Town, Representative Cashman. The only effective means of property tax relief that we have in the State of Maine is the circuit breaker program. It applies property tax relief based upon the relative size of the property tax bill and the income of the individual receiving it. I, for one, would like to see the circuit breaker program improved and the original report of the Speaker's Select Committee on Tax Reform enacted into law, which would broaden the amount of money that people could receive in the program so that my constituents in Friendship who are getting property tax bills of \$3,000 could look forward to an even greater relief under the circuit breaker program and not to \$13.27.

The SPEAKER: The pending question before the House is passage to be enacted.

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

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

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

ROLL CALL NO. 210

YE A - Adams, Aliberti, Allen, Bell, Boutilier, Brewer, Burke, Cahill, M.; Carroll, D.; Carter, Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Colles, Conley, Constantine, Cote, Crowley, Curran, Daggett, DiPietro, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnsworth, Gould, R. A.; Graham, Gurney, Gwadosky, Hale, Handy, Heeschen, Hitchborn, Hickey, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, LaPointe, Larrivee, Lawrence,

Lisnik, Lord, Luther, Macomber, Mahany, Manning, Martin, H.; Mayo, McGowan, McHenry, McKeen, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Nadeau, G. G.; Nadeau, G. R.; Nutting, O'Dea, O'Gara, Paradis, P.; Paul, Pederson, Pineau, Plourde, Pouliot, Priest, Richard, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Sheltra, Simpson, Skoglund, Smith, Stevens, P.; Strout, D.; Swazey, Tammaro, Tardy, Telow, Townsend, Tracy, Walker, The Speaker.

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

ABSENT - Anthony, Higgins, Jackson, Marston, Oliver, Paradis, J.; Rand, Sherburne.

PAIRED - Marsh, Small.

Yes, 97; No, 44; Absent, 8; Paired, 2; Excused, 0.

97 having voted in the affirmative and 44 in the negative with 8 being absent and 2 having paired, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The Chair laid before the House the following item: An Act to Facilitate the Admission and Treatment of Involuntary Patients by Community-based Mental Health Institutions (H.P. 1336) (L.D. 1853) (C. "A" H-986) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Manning of Portland, under suspension of the rules, the House reconsidered its action whereby L.D. 1853 was passed to be engrossed.

On motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-986) was adopted.

The same Representative offered House Amendment "A" (H-1037) to Committee Amendment "A" (H-986) and moved its adoption.

House Amendment "A" (H-1037) to Committee Amendment "A" (H-986) was read by the Clerk and adopted.

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

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

The Chair laid before the House the following matter: An Act Regarding Investment of State Funds in Corporations Doing Business in Northern Ireland (H.P. 1588) (L.D. 2200) (C. "A" H-1006) which was tabled earlier in the day and later today assigned pending passage to be engrossed. (Roll Call ordered)

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

Representative WEBSTER: Mr. Speaker, Men and Women of the House: Earlier this afternoon, I indicated that I was opposed to enactment and engrossment of this bill. I would like to spend a minute just to talk about my objections to this bill.

When I was first elected to this legislature as a Freshman, I had the privilege of being a cosponsor of

the bill that divested the Maine State Retirement Fund from corporations doing business in South Africa in violation of the Sullivan Principles. The legislation was enacted by this legislature and it was signed into law by Governor McKernan. It is a piece of legislation that I am very proud of. I share the conviction of many of the legislators here that economic sanctions are effective and that there is every reason for the Maine State Retirement System to be viewed as an instrument of social policy in addition to an instrument of fiduciary responsibility.

However, I am strongly opposed to enactment of this particular piece of legislation for two very important reasons. First, the MacBride Principles bear no comparison to the Sullivan Principles and second, there is no mechanism to measure the success of the MacBride Principles if they were in place.

Unfortunately, the Northern Ireland Bill is being used as a litmus test of commitment to fighting discrimination in Northern Ireland. There is clearly no consensus on the desirability of the MacBride campaign among those in Northern Ireland who are supposed to benefit from this bill.

The Governor has received letters from trade unions, religious, political and governmental organizations in Northern Ireland who are opposed to the MacBride campaign. I would like to read just a few sections of one of those letters that he has received. It is dated the 26th of March, 1990, it is signed by a gentleman named John Freeman who is the regional secretary of the Amalgamated Transport and General Workers' Union. "Since I am writing to Dear Governor McKernan, I am writing to you on behalf of the 11th region in Ireland of the Transport and General Workers' Union to explain our position on the MacBride Principles and the issue of contract compliance which is being raised in the divestment Bill, L.D. 2200, before the Maine Legislature. I am taking what might be regarded as the precipitous step in asking your attention this way because of the harm this union believes such legislation could bring to the economy of Northern Ireland." I am omitting parts of the letter because I don't want to read the whole thing to you but I wanted to give you a flavor of what this gentleman is saying. "The ATGWU is the largest trade union in Northern Ireland, its membership is wide and varied, reaching all across industrial sectors. We organize in ship building and engineering, textiles and clothing, transport and communications and across a diverse range of services, both public and private. The geographical spread of membership is two-thirds in Northern Ireland and one-third in the Irish Republic. Our membership is composed of 50 percent Protestants and 50 percent Catholic across the entire region. From this position, we will be overseeing the implementation of the new Fair Employment Act within all work places of ten employees and over. Our officials and worker representatives will be able to evaluate how the new legislation is working and, because this experience will be so wide, our independent assessment will be a unique contribution to the ending of discrimination in employment. After much debate and consultation, we do not accept that the adherence of American companies to the MacBride Principles will further the objectives we all seek."

In conclusion Mr. Freeman writes, "The political and economic system of South Africa is very different from that of Northern Ireland. The problems also spring from different forms of discrimination. Apartheid depends on racial segregation being enshrined in the constitution and national legislation through the lack of a universal franchise. The problem in Northern Ireland is an



imbalance in the labor market caused by unemployment, demographic factors and employment practices which reinforce indirect discrimination. The first two problems can be helped through more job creations and the second through the Fair Employment Act. Sanctions and divestment can only be detrimental to both measures."

To me, this provides compelling reasons to reject this measure. I believe divestiture of our retirement funds in South Africa was helpful. Divestiture under this proposal would be of no help to anyone.

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

Representative CONLEY: Mr. Speaker, Men and Women of the House: If I could sum up the remarks of the good gentlewoman from Cape Elizabeth, it seems to me what she is saying is that it is okay for the British to discriminate but it is not all right for those in South Africa to do it.

I am not going to try to emulate any of the good speeches that were given here yesterday by the good Representative from Westbrook, Representative Curran, the good Representative from Old Town, Representative Cashman, and many of the others who spoke very eloquently on this floor. I think the 110 to 27 vote on this issue made it fairly clear how the members of this body feel about this issue.

I think it is important to point out that this state has a strong tradition, strong tradition, for standing up against discrimination in any form. This state backed President Lincoln more strongly than any other state in the Union when we marched to war over the issue of slavery, which make no mistake about it was an economic issue, not that much unlike the one that Representative Webster described here to you a few moments ago. The argument then for keeping slavery was, if you set the slaves free from the farms, the economy of the South will crumble. We didn't buy that argument then and I am hoping we will not buy it now.

Do not be fooled, it is the British Government who is behind this. One fact which was not brought out in the debate yesterday on this measure was the fact that the British Government spent \$12,500 lobbying against this very same bill two years ago and that is easy enough to be found right over in the Secretary of State's office. They are behind the defeat of this measure and I am hopeful we will be able to see this wolf in sheep's clothing.

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

Representative CASHMAN: Mr. Speaker, Men and Women of the House: I try very hard to understand the opposition to this bill, I really do. I listened to the lady in the corner stand up and say she opposes it because there is no parallel with these Principles to the Sullivan Principles. She goes on to read a letter that says there is no parallel to the discrimination in South Africa and the discrimination in Northern Ireland, that they are two different types of discrimination. That is exactly why there is no parallel in the Principles, they are designed to address the discrimination that they are trying to end.

Demographic factors are one of the problems with unemployment, I tell you ladies and gentlemen of the House, that is to laugh. You know the Ford plant in Belfast is in a section of Belfast that is 90 percent Protestant, 90 percent Catholic. It has an unemployment rate in excess of 80 percent, yet the employees in the Ford plant are around 30 percent Catholic and in management positions, they are less than 10. That's demographic factors. I could cite

you a few more demographic factors but suffice to say that the gentleman who wrote that letter to the Governor has a job, that is why he wrote it because he wants to keep it.

This type of thing has gone on for a long time over there, it is not new and maybe it is not a matter of law as it is in South Africa, the written law, but I can guarantee you that to the people in Northern Ireland, it is the law. It is the law that they live under, it is the law of the land. To my knowledge, there are only three people in this House who have been to Northern Ireland, Representative McGowan, who went with me, and Representative Curran.

You heard Representative Curran and I speak on this issue two days ago. I didn't read it in a letter, I have seen it, so has Representative Curran, and so has Representative McGowan. You won't see us voting against this bill because we have been there and we have seen it. I don't need somebody, whose carrying a labor union job at the good grace of the British Government, writing me a letter to tell me that everything is all right over there and that the law that they just passed is going to straighten everything out. I told you the other day, the law they passed in 1968 when they did away with the Stormont Government didn't work, didn't help. The law they passed in 1976 didn't work, didn't help and the law they passed last year isn't going to work and it isn't going to help because they don't want it to. The situation has gotten worse since they did away with the Stormont Government, not better. It is not going to get better until somebody somewhere speaks out and says, they can't stand to see it happen any more.

I really, really have a hard time understanding the opposition to this bill. Representative Kilkelly stood here the other day and read them. Representative Curran pointed out there is nothing in there that you would not teach your children, nothing. You would not teach your children to do anything different than what is in this bill. An economic impediment -- again, that is to laugh.

A gentleman testified in front of the committee, being paid to be here by the British Government, by the way, to testify. He said that there has been no investment by American Corporations since the MacBride Principles drive started in 1984. Well, he told a half of a truth. The whole truth is, there hasn't been any investment by U.S. corporations in Northern Ireland since 1980, it had nothing to do with MacBride. They don't invest there because of the violence. They don't invest there because of the cloud of injustice that hangs over that country, that is why they don't invest there and they are not going to. This is not going to hurt the economic activities in Northern Ireland. It can only help because the only way you are going to turn that around is to end the injustice, to end the discrimination. Please don't anybody else stand up and read another letter that is inspired by the British Government. For the sake of Representative Curran, myself, and Representative McGowan, spare us that.

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 reiterate as I did yesterday that the reason that the MacBride Principles are not adopted is that one of the parts of it says that you must secure the safety of the worker from the time he leaves his home to the factory and back again.

I do want to quote from a letter from one of the alliance parties (which is a labor party) that they



are absolutely certain that for the Maine State Legislature to adopt the MacBride Principles in the way proposed would be wrong and counterproductive and would make the work of people like themselves, who are totally committed to a non-sectarian and indeed an anti-sectarian community, much more difficult. All the constitutional parties in Northern Ireland are opposed to the MacBride Principles. The only party which gives support to this campaign is the Provincial Sinnfein, the political wing of the Provincial IRA. All senior democratic politicians, whether Protestant, Catholic, unionist or nationalist, are in a class of themselves -- non-partisan are all opposed to this campaign.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: Back in the 113th session as a member of the Committee on Aging, Retirement and Veterans, we did have a bill divesting the funds in South Africa. As the gentlelady from Cape Elizabeth came in to speak, I said to myself, there is a person with courage because she had received many phone calls and had been told that she was making a foolish move. I was very impressed with the gentlelady from Cape Elizabeth on some of the arguments that she gave. In some of those arguments, she said, and I will quote and I hope I am not misquoting too much, "Discrimination anywhere in the world is not right." That is exactly what the gentlelady said. I think she made a big impression on the committee. There was a lot of opposition to it but the bill did go through.

At the time, we were arguing the bill on South Africa -- many people said we were tampering with the integrity of the retirement system but the Treasurer of the State of Maine at the time, Mr. Shapiro, who is very knowledgeable in investments said, "I think you had better get all your investments out of South Africa because with the problems that are coming up, the stock on those companies will start falling and you better get out." I think that was a good move.

Two years ago, this same bill came before the committee on Aging, Retirement and Veterans, this time it came up before the Committee on State and Local Government.

The gentlelady from Gardiner, Representative Dellert, said there is a provision in the MacBride Principles that the company must guarantee safety from the work place to the residence. I was one of those that had an amendment to remove that provision and that they did not have to abide by that provision of the MacBride Principles on safety between the working place and the home. The very same people who are arguing today were against that bill two years ago, regardless of the fact that we had taken that part of the MacBride Principles out of it. So, it won't do any good no matter what you do, they will still say, I am against it. Now, I can't see the difference.

They talk about discrimination, maybe I should be black and be in Northern Ireland. If it is wrong to pick on a person in South Africa because of the color of their skin, I think it is wrong to pick on a person in Northern Ireland because of the church they go to. As the good gentleman from Old Town said, and this was brought out two years ago, we had a complete list of the different employment rates in the different plants and one of the things that struck me was the Ford plant, which is in a Catholic neighborhood, had such a low employment of Catholics. I say, what was good four years ago, should apply today. I would ask that you support the motion.

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

Representative MCCORMICK: Mr. Speaker, Ladies and Gentlemen of the House: I was rather disturbed the other night with the comments expressed by many members of this body when this bill was being debated. I did not stand and rebut the emotional and somewhat misguided statements being given in favor of this bill for fear I would do likewise.

At this time, I would like to give the facts that were brought out at the hearings, in the work sessions and in search of answers since then.

As a member of the State and Local Government Committee, I believe and I still do believe it is my responsibility to gather the facts from both sides of the question of whether the MacBride Principles should be used as a tool for change in Northern Ireland. The facts I have gathered are based on the conditions of today, not 100 years ago, not 50 years ago, not five years ago, not even two years ago. Much of the information you were given in debate a couple of nights ago was ancient history.

In speaking of history, I would like to point out that I am an Irish Catholic and my ancestors were also driven from Ireland by the British but I am not going to be a party to adopting a set of rules at this point in time which, according to the testimony and the facts, would tend to exacerbate the problem instead of solve it. It would tend to encourage more violence and less jobs in Northern Ireland for Catholics and Protestants in Northern Ireland.

The facts, as I see them and I wasn't afraid to ask questions of people on both sides of this issue, there was no testimony from any workers or even letters from workers, Catholic or Protestant, in favor of the MacBride Principles, quite the opposite. I do have a letter from the largest trade union in Northern Ireland, this has been alluded to earlier, who opposes the MacBride Principles. This union is composed of 50 percent Catholics and 50 percent Protestants and it has members in ship building, engineering, textiles, clothing, transport, communications, both public and private business. They strongly oppose the MacBride Principles.

I was going to quote some other parts of the letter but I will hold off but I will tell you this, I will be glad to provide copies of that letter to any or all of you and I think you should really read it. It is from a large number of the working people in Northern Ireland.

The facts given in that letter (I really should have read it) were backed up by statistics and facts given by one of the people who testified. His name was Sean Nesson, Director of Economic Development for Northern Ireland, who by the way is a Catholic. He is also a member of the Alliance Party, made up of both religious groups and who also oppose the MacBride Principles and I have that letter. The people most affected and the people who sponsor say they want to help. MacBride Principles would be very, very detrimental. It would encourage radical groups who back the Principles and would set progress back for years. The passage of L.D. 2200 would conflict with the trade agreement worked out by former Governor Brennan and the government of Northern Ireland in 1985. The bill is opposed by the Maine State Retirement System and impinges on their responsibilities to retirees. The Bill also has a small fiscal note. Most Irish leaders, both Catholic and Protestant, believe the MacBride Principles discourage the kind of investment that Northern Ireland so desperately needs.

Ladies and gentlemen, these are the facts as they exist today and as they were expressed at the hearing. The people who testified for this bill were primarily the people in this House who aren't the people who are in Ireland working every day in the unions and who have to struggle with this problem every day.

I hope you will give peaceful means a chance to work. The new laws of 1989 only took effect January 1. I think if we can solve this problem and give it a chance to work peacefully rather than aggravating the problem and inflaming more violence or creating more violence, I think we should do that. If it doesn't work in two years or even a year from now or less, we can be back here and we can do that. But, there is a new law -- the largest union in Northern Ireland, they have confidence that it will work. It does have teeth in it, despite what has been argued in this House. I ask you to please give peace a chance over violence. The kind of fire-bombing and other things that have been going on over there are not justified and they have been going on for years and they have not brought peace.

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

Representative MCGOWAN: Mr. Speaker, Ladies and Gentlemen of the House: I just wanted to correct the good Representative from Gardiner, Representative Dellert, that she is in error in bringing the provision of the original bill to the floor of this House. In fact, we are not voting on that provision but we are voting on Committee Amendment "A" to this L.D., which is subsection B in the first part of the bill and it says, "adequate security for the protection of employees at the work place" and that is at the work place only. So, those of you that may consider voting against this for that argument are doing so for the wrong reasons and this is the correct version of which we are voting on.

It is interesting to hear Representative McCormick's remarks on this bill because I think if we were to follow his thought procedure that we would leave this problem for another 500 years and maybe it would work itself out, that these things that promote peace are in fact not promoting peace and that the person in the form of Sean MacBride was in fact a Nobel Peace Prize winner, ladies and gentlemen, a Nobel Peace Prize winner.

When we think about Northern Ireland and, as Representative Cashman mentioned to you, I think about entering into the six counties of Ulster where they have 23,000 troops and 16,000 police as opposed to the counties of the South where the police officer that I stayed with for a couple of evenings in the south of Ireland didn't even own a firearm. He said, "I don't believe in them, they scare me." This is a police officer in the South of Ireland. Now, when you drive up to that gate and you take a look at the world today, you know you can buy a piece of the Berlin Wall in Macy's today, but if you drive up to the gate in Northern Ireland, you see a British soldier in full military dress with an automatic weapon, grenades, armed to the hilt, a young soldier who is scared, scared to think that the next car that might drive through that gate might roll a grenade into his barracks or roll a grenade into his station. This, ladies and gentlemen of the Legislature, is what is going on today. I don't blame any of those trade unionists for writing letters to this Governor and to this state to tell them about how these things are not going to work because they fear for their jobs. They have such a high rate of unemployment over there, they are in constant fear of losing their jobs.

I would say that what we are getting from the corner is a warm-up for a veto message, (after listening to the radio last night) a veto message that will be coming up here possibly from the second floor. I said to myself, another 500 years, let's let this go another 500 years and it will work itself out. Well, ladies and gentlemen, we know that economic sanctions work.

Representative Dore told us the other day, we saw Nelson Mandela walk free. Well, Nelson Mandela is one of many, one of many that is still in prison in South Africa and there are many in prisons in Northern Ireland and there are many under extradition in Northern Ireland to be tried for crimes against the British Government, crimes that no one knows whether or not they committed. You remember when Margaret Thatcher ordered the shooting of people in Gibraltar? No questioning, no due process, just shooting on the spot.

The violence historically has been there for 1,000 years and will continue. We must adopt economic sanctions against Northern Ireland because we in Maine, we the people of the United States, believe that Northern Ireland, like West Germany and East Germany, should become free of oppression, free for the people to move back and forth without going through a gate, without seeing a fully armed British soldier. If you are for oppression in Northern Ireland, then you will vote against this. Okay? Don't believe the argument about safety at the worksite because it is not true, that is an error and I am correcting that error.

When I think about 23,000 troops, British troops in Northern Ireland, all of them worried on a daily basis, all of the people in the government in England worried on a daily basis that someone from Northern Ireland may come roll a grenade underneath their door -- think about that, the terror that goes through their minds. You think how can we become involved to solve this problem -- well, you can become involved by taking the advice of a Nobel Peace Prize winner, Mr. MacBride and adopt these Principles. Fair enough. We will meet the veto message as it comes up but vote for this bill today. We had an excellent vote the other day in this House.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I am not Irish, I am married to a man that is Irish, his grandfather came from Ireland. My great-grandmother came from Scotland and I don't remember her but I can remember the things that my father told me that she told him. One thing he instilled in me was his great distrust of the English. If he were alive today, and he has only been dead a few months, he would tell me the same thing and that is one thing that I firmly believe, England actually has no right to be doing what they are doing in Ireland. The people of Ireland and the people of Scotland have a right to be free, just like everybody else in Western Europe. I urge you to vote for this today.

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

Representative MCCORMICK: Mr. Speaker, Ladies and Gentlemen of the House: I have a great distrust too for the British in a number of ways and for many reasons. I don't question that. I also feel very strongly that we should have fairness in Northern Ireland and I feel that we should get the British troops out of there.

If you are talking about getting even with the British government, this has nothing to do with that,

the people this is going to impact on are the very people that we are trying to help in Northern Ireland. There is a big difference between one year and five hundred years, there is a big difference between one year and two years ago. It is that kind of rhetoric that stirs things up.

I would like to point out one more thing that has been pointed out in both the letters and the correspondence that we have had and it was also evident at the hearing, the gentleman who got the Nobel Peace Prize and wrote the MacBride Principles, there is no question about it, his heart was in the right place, he was trying to do the right thing. Unfortunately, the people at the hearings backing the MacBride Principles are the radicals, the people who have been throwing the fire bombs, the people who have been keeping things stirred up. If you took these same Principles and you applied another name and it was not backed by the radicals, I suspect it would be adopted -- even by the British. It is the inflammatory backing of these Principles by a radical group which is really creating the problem.

I ask you to please listen to the facts and decide whether you are going to try to get even with the British government for years of oppression? Are you really going to try to help the working people, the families of Northern Ireland, both Catholic and Protestant who are screaming out for a peaceful solution to this this, not a violent solution? If these Principles are passed and we have less jobs in Northern Ireland, you are going to have more struggling and fighting for jobs, you are going to have more problems instead of fewer problems. Please at least give the new laws that have been put into effect and just started January 1, give them at least one year's chance, that is all that I am asking.

I would back something in a year if we don't see some changes but I will tell you, this is going to inflame the radical people on both sides of this issue in Northern Ireland and hurt the working people and the families of Northern Ireland.

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

Representative CASHMAN: Mr. Speaker, Men and Women of the House: I apologize to the House for getting up again on this, I really do, I didn't intend to, but I am one of the radical people that spoke in favor of this bill at the hearing. I felt that I had to defend that because another very radical person, war monger and terrorist, Cardinal O'Connor from New York, was on the front page of the Irish Echo this last issue asking the city of New York to increase their enforcement of the MacBride Principles. The city of New York passed them a couple of years ago.

I got a letter from Father Sean MacMannis, as I think Representative McCormick did as well, another well-known terrorist supporting passage of this. This is anything but a violent solution, it is anything but a solution being offered by the radical, violent element in Northern Ireland, it is the only peaceful solution that has been offered. The gentleman quotes Sean Nesson who spoke at the hearing -- men and women of the House, Sean Nesson is an employee of the British government. He may be Catholic, he is one of the few Catholics who has a job, he was paid by the British government to be here and I suspect he darn well better have been here or he wouldn't have had a job when he got back. I suspect that every word he said at the hearing was relayed back to make sure he said the right thing. The facts that are being quoted are the facts that were given by Mr. Nesson.

When I say I have been over there and Representative Curran has been over there -- I am not talking ancient history, I was over there in October, I will be going over again in May, I don't know how else to tell you other than what I have already said, I am not a violent person, I do not want to see the violence in Northern Ireland continue, I don't believe Cardinal O'Connor does either but I think what we would rather see is a peaceful solution. The MacBride Principles are that solution and they are the only solution that has been offered.

As far as the British government ever adopting them, you can call them anything and I can assure you they would not adopt them.

The SPEAKER: A roll call has been ordered. The pending question before the House is passage to be engrossed as amended by House Amendment "A" (H-1031) to Committee Amendment "A" (H-1006). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 211

YEA - Adams, Aliberti, Allen, Anderson, Bell, Boutilier, Brewer, Burke, Butland, Cahill, M.; Carroll, D.; 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, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, LaPointe, Larrivee, Lawrence, Lisnik, Lord, Luther, Macomber, Mahany, Manning, Marsano, Marsh, Martin, H.; Mayo, McGowan, McHenry, McKeen, McPherson, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Murphy, Nadeau, G. G.; Nadeau, G. R.; Norton, Nutting, O'Dea, O'Gara, Paradis, E.; Paradis, P.; Paul, Pederson, Pendleton, Pineau, Plourde, Pouliot, Priest, Reed, Richards, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Sheltra, Simpson, Smith, Stevens, A.; Stevens, P.; Strout, D.; Swazey, Tammaro, Tardy, Telow, Townsend, Tracy, Tupper, Walker, The Speaker.

NAY - Aikman, Ault, Bailey, Begley, Carroll, J.; Dellert, Dexter, Farren, Foss, Hepburn, Hutchins, Lebowitz, Libby, Look, MacBride, McCormick, Merrill, Parent, Pines, Stevenson, Strout, B.; Webster, M.; Wentworth, Whitcomb.

ABSENT - Anthony, Higgins, Jackson, Marston, Oliver, Paradis, J.; Rand, Richard, Seavey, Sherburne, Skoglund, Small.

Yes, 115; No, 24; Absent, 12; Paired, 0; Excused, 0.

115 having voted in the affirmative and 24 in the negative with 12 being absent, L.D. 2200 was passed to be engrossed as amended and sent up for concurrence.

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

PETITIONS, BILLS AND RESOLVES  
REQUIRING REFERENCE

The following Bills 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 Authorize a General Fund Bond Issue in the Amount of \$8,000,000 to Finance the Acquisition of Land for Conservation, Outdoor Recreation and Wildlife" (H.P. 1797) (L.D. 2467) (Presented by Representative REED of Falmouth) (Cospponsored by Representative LEBOWITZ of Bangor)

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$3,000,000 to Investigate, Abate, Clean up and Mitigate Threats to the Public Health and the Environment from Uncontrolled Hazardous Substance Sites" (H.P. 1798) (L.D. 2468) (Presented by Representative LORD of Waterboro) (Cosponsored by Senator COLLINS of Aroostook and Senator CARPENTER of York)

Ordered Printed.

Sent up for Concurrence.

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

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act Increasing the Borrowing Capacity of the Mars Hill Utility District (H.P. 1795) (L.D. 2462)

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. 106 voted in favor of the same and 2 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The Chair laid before the House the following matter: An Act to Amend the Laws Concerning the Theft of Blueberries (H.P. 1757) (L.D. 2434) (C. "A" H-967) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Tardy of Palmyra, under suspension of the rules, the House reconsidered its action whereby L.D. 2434 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-1038) and moved its adoption.

House Amendment "A" (H-1038) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-967) and House Amendment "A" (H-1038) thereto in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter: An Act Related to the State Board of Substance Abuse Counselors (EMERGENCY) (S.P. 699) (L.D. 1837) (S. "A" S-506; H. "B" H-963 to C. "A" S-483) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Allen of Washington, under suspension of the rules, the House reconsidered its action whereby L.D. 1837 was passed to be engrossed.

On motion of the same Representative, under suspension of the rules, Committee Amendment "A" (S-483) as amended by House Amendment "B" (H-963) was adopted.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby House Amendment "B" (H-963) to Committee Amendment "A" (S-483) was adopted.

On motion of the same Representative, House Amendment "B" (H-963) to Committee Amendment "A" (S-483) was indefinitely postponed.

The same Representative offered House Amendment "C" (H-1039) to Committee Amendment "A" (S-483) and moved its adoption.

House Amendment "C" (H-1039) to Committee Amendment "A" (S-483) was read by the Clerk and adopted.

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

The Bill was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "C" thereto and Senate Amendment "A" (S-506) in non-concurrence and sent up for concurrence.

**MATTER PENDING RULING**

Bill "An Act Concerning the Use of Live Animals in Games" (H.P. 1781) (L.D. 2450)

(Committee on Legal Affairs suggested)

TABLED - March 26, 1990 by Speaker MARTIN of Eagle Lake.

PENDING - Ruling of the Chair.

The SPEAKER: After reviewing all proposed amendments, all bills that have been drafted, worked on by the Committee on Agriculture, the Chair rules that the matter is properly before the body and is germane.

Representative Tardy of Palmyra moved that L.D. 2450 and all accompanying papers be indefinitely postponed.

On motion of Representative Marsano of Belfast, tabled pending the motion of Representative Tardy of Palmyra that L.D. 2450 and all accompanying papers be indefinitely postponed and later today assigned.

The Chair laid before the House the following matter: An Act to Clarify the Role of the Board of Environmental Protection (H.P. 1602) (L.D. 2214) (C. "A" H-950) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Michaud of East Millinocket, under suspension of the rules, the House reconsidered its action whereby L.D. 2214 was passed to be engrossed.

On motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-950) was adopted.

The same Representative offered House Amendment "A" (H-1040) to Committee Amendment "A" (H-950) and moved its adoption.

House Amendment "A" (H-1040) to Committee Amendment "A" (H-950) was read by the Clerk and adopted.

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

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

The Chair laid before the House the following matter: Bill "An Act Concerning the Use of Live Animals in Games" (H.P. 1781) (L.D. 2450) which was tabled earlier in the day and later today assigned pending the motion of Representative Tardy of Palmyra that L.D. 2450 and all accompanying papers be indefinitely postponed.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative Hepburn.

Representative HEPBURN: Mr. Speaker, Men and Women of the House: This was a bill that was brought into the Legislative Council and I thank the Legislative Council for allowing the opportunity to bring it forward here. It came in rather late and I apologize for that, even though I don't feel that it was my fault.

The situation that brought this whole thing to light was the Animal Welfare Law that I believe we

passed in 1987, which made some changes to the statutes as far as the use of animals for a number of purposes. It has been interpreted, I guess quite correctly so by law enforcement in this state, that the use of rats and mice in games of chance, which occurs at many of the fairs throughout our state in the past, is now no longer legal. This had been a particular activity that had been occurring at the Skowhegan Fair for many, many years ever since I can remember and probably long before that. That is one of the reasons you see the geographical tilt of the sponsors, myself and Senator Matthews, on this particular bill.

Our desire in bringing this forward was to simply change the statute to allow the use of this type of game at the fairs, rats and mice, as long as they were treated in a humane way and were not made to do anything out of the ordinary other than what rats and mice usually do. It is kind of a humorous subject and I am sorry that I have to bring it forward in this particular manner at this particular time. But the individual, who runs this game at the Skowhegan Fair and actually makes his livelihood from this going to the various fairs and running the game with the animals, took the question to court and the court ruled that the legislature in fact did have the right to regulate this type of activity and to prohibit it as we did in 1987. Really, the gentleman has exhausted all his possible legal remedies and his only remedy now is to come before us, you and me, to ask us to make this very small change in this particular law.

I understand Representative Tardy's desire to not bring the Agriculture Committee back and look at this particular bill but perhaps we could take the unusual step here of simply passing this very small change in this statute to allow this individual to continue with his livelihood since last summer he was shut down by the State Police.

I would, therefore, ask you if you would vote against the pending motion so we could ultimately go on to enact it.

The SPEAKER: The Chair recognizes the Representative from Palmyra, Representative Tardy.

Representative TARDY: Mr. Speaker, Men and Women of the House: Representative Hepburn is a lot younger than I am but let me tell you there a lot of things that used to take place at Skowhegan Fair that don't take place anymore.

We dealt with this issue and in reference to Representative Hepburn, I can't understand why he is opposing the motion to indefinitely postpone, he has succeeded, he fooled the Legislative Council, I failed, I couldn't fool the Speaker.

We dealt with this bill on many occasions. In 1987, we recodified the Animal Welfare Laws and we spent many hours on this very subject. Then we revisited the issue last year with Cow Chip Bingo, we have dealt with L.D. 280, L.D. 528, L.D. 894, L.D. 1171 and I guess the reason we are dealing with this is because we have never let it get out of committee so it was never before the body. We just killed it in committee and I think, at this late date in the session, that we are wasting our time by letting this bill go any further and I urge you to support the motion to indefinitely postpone.

The SPEAKER: The Chair recognizes the Representative from Kingfield, Representative Dexter.

Representative DEXTER: Mr. Speaker, Men and Women of the House: I would just like to ask the Representative from Palmyra how he knows about these other things at the fair?

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative Hepburn.

Representative HEPBURN: Mr. Speaker, Ladies and Gentlemen of the House: Once again, I am sorry to burden you with this particular bill but the reason why I think it is quite important to bring it to the floor is because of the fact of our adjournment, which I believe and hope will come quite soon, will certainly come before the next running of the fair season, and we would in effect be prohibiting this gentleman from running his game this summer and denying him livelihood over the course of the summer.

I would hope, once again, that you would vote against the pending motion so we could go ahead and pass this bill.

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

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

To the Representative from Skowhegan, do you have any input from Mr. Maitland Richardson as to the support or non-support of this bill?

The SPEAKER: The Representative from Lewiston, Representative Aliberti, has posed a question through the Chair to Representative Hepburn of Skowhegan who may respond if he so desires.

The Chair recognizes that Representative.

Representative HEPBURN: Mr. Speaker, Ladies and Gentlemen of the House: Yes, in answer to the good Representative from Lewiston's question, I have spoken with Mr. Maitland Richardson to whom he was referring, who is the General Manager of the Skowhegan Fair, and he is supportive of the idea of allowing this type of game to continue with the fair. He was saddened that the police had gone in and stopped it and was wondering why we had ever enacted the law in the first place so it does have the support of the Fair Association. I would hope that you would vote against the pending motion.

The SPEAKER: The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: Just for information to the House, the Agriculture Committee is meeting twice next week because of Confirmation hearings so, if the matter was allowed to proceed and be referred to committee, it could be dealt with in committee. I have some suspicion what the result would be but it would seem only fair since the matter was held up because of court action that we do allow it to be referred to committee.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the Representative from Palmyra, Representative Tardy, that L.D. 2450 and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Representative Moholland of Princeton requested a roll call.

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

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

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

Representative PRIEST: Mr. Speaker, Ladies and Gentlemen of the House: I would ask you to note that on your calendars this bill is referred to the Committee on Legal Affairs rather than on the Committee on Agriculture. I can assure you if it is

referred to us that we will take care of it, probably tonight.

The SPEAKER: The pending question before the House is the motion of the Representative from Palmyra, Representative Tardy, that L.D. 2450 and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 212

YEA - Adams, Bell, Boutilier, Burke, Cahill, M.; Carroll, D.; Carter, Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Crowley, Daggett, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnsworth, Foster, Graham, Hale, Handy, Heeschen, Hichborn, Hickey, Hogle, Holt, Jacques, Ketover, Larrivee, Lawrence, Lisnik, Lord, Luther, MacBride, Mahany, Manning, Martin, H.; Mayo, McHenry, McSweeney, Melendy, Michaud, Mills, Mitchell, Moholland, Murphy, Nadeau, G. G.; Nadeau, G. R.; Norton, Nutting, O'Gara, Paradis, P.; Parent, Paul, Pineau, Plourde, Pouliot, Priest, Ridley, Ruhlin, Rydell, Sheltra, Simpson, Skoglund, Stevens, P.; Swazey, Tammaro, Tardy, Townsend, Tracy, Tupper, Walker.

NAY - Aikman, Aliberti, Allen, Anderson, Ault, Bailey, Begley, Brewer, Butland, Carroll, J.; Curran, Dellert, Dexter, Donald, Farnum, Farren, Foss, Garland, Gould, R. A.; Greenlaw, Gurney, Gwadosky, Hanley, Hastings, Hepburn, Hussey, Hutchins, Jalbert, Kilkelly, Lebowitz, Libby, Look, Marsano, Marsh, McCormick, McPherson, Merrill, Paradis, E.; Pendleton, Pines, Reed, Richards, Rotondi, Seavey, Smith, Stevens, A.; Stevenson, Strout, B.; Strout, D.; Telow, Webster, M.; Wentworth, Whitcomb.

ABSENT - Anthony, Conley, Cote, DiPietro, Higgins, Jackson, Joseph, LaPointe, Macomber, Marston, McGowan, McKeen, O'Dea, Oliver, Paradis, J.; Pederson, Rand, Richard, Rolde, Sherburne, Small, The Speaker.

Yes, 76; No, 53; Absent, 22; Paired, 0; Excused, 0.

76 having voted in the affirmative and 53 in the negative with 22 being absent, the motion to indefinitely postpone L.D. 2450 and all its accompanying papers did prevail. Sent up for concurrence.

(Off Record Remarks)

On motion of Representative Marsano of Belfast, Adjourned until Thursday, April 5, 1990, at twelve o'clock noon pursuant to Joint Order (S.P. 990)

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

In Senate Chamber  
Thursday  
March 29, 1990

Senate called to Order by the President.

Prayer by the Honorable Edwin C. Randall of Washington.

HONORABLE EDWIN C. RANDALL: Let us pray. As we are gathered here at the beginning of this new day, toward the end of our Legislative Session, may we be mindful of the strains and the struggles that come upon us at this time of year. May we be mindful of the opportunities we have as elected officials, to do that which Government should do, to serve the needs of those who are less fortunate than many of us. May we pause this day, mindful of that charge which is before us, and keeping our good humor and our sense of prospective, move forward in the days ahead. Amen.

Reading of the Journal of Wednesday, March 28, 1990.

Off Record Remarks

Out of order and under suspension of the Rules, on motion by Senator DUTREMBLE of York, the following Joint Order:

S.P. 990

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Thursday, April 5, 1990, at 12 o'clock in the afternoon or to the call of the President of the Senate and the Speaker of the House when there is need to conduct legislative business.

Which was READ and PASSED.

Under suspension of the Rules, ordered sent down forthwith for concurrence.

COMMUNICATIONS

The Following Communication: S.P. 991

114TH MAINE LEGISLATURE

March 28, 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 Andrew M. Mead of Bangor for appointment as Judge, 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

Which was READ and REFERRED To the Committee on JUDICIARY.

Sent down for concurrence.

The Following Communication: S.P. 992