

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

Reported that the same Ought to Pass as Amended by Committee Amendment "A" (H-1088).

Comes from the House, with the Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1088).

Which Report was READ and ACCEPTED, in concurrence.

The Bill READ ONCE.

Committee Amendment "A" (H-1088) READ and ADOPTED, in concurrence.

Which was, under suspension of the Rules, READ A SECOND TIME and PASSED TO BE ENGROSSED, as Amended in concurrence.

Under suspension of the Rules, ordered sent forthwith to the Engrossing Department.

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

PAPERS FROM THE HOUSE
Non-concurrent Matter

HOUSE REPORTS - from the Committee on LABOR on Bill "An Act Concerning the State Minimum Wage"
H.P. 1646 L.D. 2279

Majority - Ought to Pass as Amended by Committee Amendment "A" (H-1046).

Minority - Ought Not to Pass.

In House, April 5, 1990, the Majority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (H-1046).

In Senate, April 5, 1990, the Minority OUGHT NOT TO PASS Report READ and ACCEPTED in NON-CONCURRENCE.

Comes from the House, that Body INSISTED and ASKED FOR A COMMITTEE OF CONFERENCE.

Senator BALDACCI of Penobscot moved that the Senate ADHERE.

Senator BUSTIN of Kennebec moved that the Senate INSIST and JOIN IN A COMMITTEE OF CONFERENCE.

Senator BALDACCI of Penobscot requested a Division.

At the request of Senator BUSTIN of Kennebec and supported by a Division of one-fifth the members present and voting, a Roll Call was ordered.

Senate at Ease
Senate called to order by the President.

On motion by Senator DUTREMBLE of York, ADJOURNED until Friday, April 6, 1990, at 9:00 in the morning.

ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION
44th Legislative Day
Friday, April 6, 1990

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

Prayer by Reverend Jang Don Joo, Elm Street Methodist Church, South Portland.

The Journal of Thursday, April, 5, 1990, was read and approved.

Quorum call was held.

PAPERS FROM THE SENATE

The following Communication:
Maine State Senate
Augusta, Maine 04333
April 5, 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 Energy and Natural Resources:
Dr. Thomas E. Eastler of Farmington for reappointment to the Low-Level Radioactive Waste Authority.

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

Was read and ordered placed on file.

The following Communication:
Maine State Senate
Augusta, Maine 04333
April 5, 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:
Donald W. Buzzell of Fryeburg for reappointment to the Animal Welfare Board.
Rachel Leighton of Milbridge for reappointment to the Animal Welfare Board.
Upon the recommendation of the Joint Standing Committee on Judiciary:
Ronald L. Vigue of Berwick for appointment to the Workers' Compensation Commission. Ronald L. Vigue is replacing Roland Beaudoin.
Upon the recommendation of the Joint Standing Committee on Legal Affairs:
Margaret C. Kenney of East Winthrop for reappointment to the Maine State Lottery Commission.
Charles H. Milan, III of Brewer for reappointment to the Maine State Liquor Commission.

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

Was read and ordered placed on file.

The following Communication:
Maine State Senate
Augusta, Maine 04333

April 5, 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:
Dr. Carol A. Eckert of Windsor for reappointment to the Board of Pesticides Control.
Richard H. Storch of Orono for appointment to the Board of Pesticides Control. Richard H. Storch is replacing Vaughn Holyoke.
Upon the recommendation of the Joint Standing Committee on Education:
Richard H. Campbell of Brewer for appointment to the Maine Technical College System Board of Trustees. Richard H. Campbell is replacing Mike Liberty.
James W. Donovan of Scarborough for appointment to the Maine Technical College System Board of Trustees. James W. Donovan is replacing Ron Baril.
Fred Kahrl of Arrowsic for reappointment to the Maine Technical College System Board of Trustees.
Upon the recommendation of the Joint Standing Committee on Fisheries and Wildlife:
Gene L. Brown of Lisbon Falls for appointment to the Inland Fisheries and Wildlife Advisory Council. Gene L. Brown is replacing Paul Frinsko.
Carroll T. Cutting of East Sebago for appointment to the Inland Fisheries and Wildlife Advisory Council.
C. Thomas Jagger of Sanford for appointment to the Inland Fisheries and Wildlife Advisory Council.

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

Was read and ordered placed on file.

Pursuant to Joint Rule 13

From the Committee on Judiciary on Bill "An Act to Establish a Five-year Medical Liability Demonstration Project" (S.P. 782) (L.D. 2023) (Received by the Secretary of the Senate on April 5, 1990, pursuant to Joint Rule 13)

Came from the Senate with the Bill and accompanying papers recommitted to the Committee on Judiciary.

Subsequently, the Bill and accompanying papers were indefinitely Postponed in non-concurrence and sent up for concurrence.

Non-Concurrent Matter

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) on which the Majority "Ought Not to Pass" Report of the Committee on Legal Affairs 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 Legal Affairs read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-972) and Senate Amendments "B" (S-629) and "D" (S-632) in non-concurrence.

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

COMMUNICATIONS

The following Communication:
STATE OF MAINE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
COMMITTEE ON AGING, RETIREMENT AND VETERANS
April 4, 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 Aging, Retirement and Veterans 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	21
Unanimous reports	19
Leave to Withdraw	3
Ought to Pass	3
Ought Not to Pass	1
Ought to Pass as Amended	11
Ought to Pass in New Draft	0
Re-Deferred	1
Divided reports	2

Respectfully submitted,
S/Bonnie L. Titcomb S/Daniel B. Hickey
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication:
STATE OF MAINE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
COMMITTEE ON AGRICULTURE
April 4, 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 Agriculture 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	24
Unanimous reports	22
Leave to Withdraw	5
Ought to Pass	3
Ought Not to Pass	0
Ought to Pass as Amended	14
Ought to Pass in New Draft	0
Divided reports	2

Respectfully submitted,
S/R. Donald Twitchell S/Robert J. Tardy
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication:
STATE OF MAINE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
COMMITTEE ON BUSINESS LEGISLATION
April 4, 1990

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

LEGISLATIVE RECORD - HOUSE, APRIL 6, 1990

We are pleased to report that all business which was placed before the Committee on Business Legislation 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	26
Unanimous reports	22
Leave to Withdraw	3
Ought to Pass	3
Ought Not to Pass	4
Ought to Pass as Amended	12
Ought to Pass in New Draft	0
Divided reports	4

Respectfully submitted,
S/John E. Baldacci S/Carol M. Allen
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication:
STATE OF MAINE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
COMMITTEE ON HOUSING AND ECONOMIC DEVELOPMENT
April 4, 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 Housing and Economic Development 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	11
Unanimous reports	9
Leave to Withdraw	1
Ought to Pass	1
Ought Not to Pass	0
Ought to Pass as Amended	7
Ought to Pass in New Draft	0
Divided reports	2

The Committee also voted out a Resolution Ought to Pass.

Respectfully submitted,
S/Dennis L. Dutremble S/Gregory G. Nadeau
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication:
STATE OF MAINE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
COMMITTEE ON MARINE RESOURCES
April 4, 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 Marine Resources 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	11
Unanimous reports	11
Leave to Withdraw	1
Ought to Pass	1
Ought Not to Pass	1
Ought to Pass as Amended	8
Ought to Pass in New Draft	0
Divided reports	0

Respectfully submitted,
S/Joseph Brannigan S/James Mitchell

Senate Chair House Chair
Was read and ordered placed on file.

The following Communication:
STATE OF MAINE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
COMMITTEE ON TRANSPORTATION
April 5, 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 Transportation 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	21
Unanimous reports	20
Leave to Withdraw	3
Ought to Pass	3
Ought Not to Pass	1
Ought to Pass as Amended	13
Ought to Pass in New Draft	0
Divided reports	1

Respectfully submitted,
S/Sen. R. Donald Twitchell S/Rep. Fred W. Moholland
Senate Chair House Chair
Was read and ordered placed on file.

The following Communication:
STATE OF MAINE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
JOINT SELECT COMMITTEE ON CORRECTIONS
April 4, 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 Joint Select Committee on Corrections 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	10
Unanimous reports	9
Leave to Withdraw	0
Ought to Pass	0
Ought Not to Pass	3
Ought to Pass as Amended	6
Ought to Pass in New Draft	0
Divided reports	1

The committee also voted out three bills pursuant to H.P. 1483 which have no L.D. numbers at this time:

Sentencing	Ought to Pass
Omnibus	Ought to Pass
Bond Issue	Divided

Respectfully submitted,
S/Beverly Miner Bustin S/Rita B. Melendy
Senate Chair House Chair
Was read and ordered placed on file.

ORDERS

On motion of Representative HOLT of Bath, the following Joint Resolution: (H.P. 1819) (Cosponsors: Senator CAHILL of Sagadahoc, Representative SMALL of Bath, Representative COLES of Harpswell)

JOINT RESOLUTION COMMEMORATING
THE 125TH ANNIVERSARY OF THE
BATH MILITARY AND NAVAL CHILDREN'S HOME

WHEREAS, the care and education of children is a primary responsibility of all civilized societies; and

WHEREAS, in fulfillment of that responsibility the Bath Military and Naval Orphan Asylum was founded in 1866 by the Bath Soldiers' Orphans' Home Association, was incorporated by Private and Special Laws 1866, Chapter 163, and was formally opened on November 19, 1866; and

WHEREAS, the Bath Military and Naval Children's Home, which is being renamed the Bath Children's Home, will celebrate the occasion of its one hundred and twenty-fifth anniversary this August; and

WHEREAS, the Home has been an honored institution of the State since 1870, and since that time has enjoyed the special confidence of the Legislature in fulfillment of its vital duties; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Fourteenth Legislature, now assembled in the Second Regular Session, take this occasion to recognize the one hundred and twenty-fifth anniversary of the Bath Military and Naval Children's Home, and to commend the residents, alumni and officials of this institution for the success which they have achieved over the past one hundred and twenty-five years, and to extend to each our sincere hopes and best wishes for continued achievement by the Home in the 21st century; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Director and Board of Visitors of this proud institution in honor of the occasion.

Was read and adopted and sent up for concurrence.

(At Ease)

The House was called to order by the Speaker.

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

**PASSED TO BE ENACTED
Emergency Measure**

An Act Concerning the Authority of the Public Utilities Commission to Order Competitive Bidding (S.P. 972) (L.D. 2438) (C."A" S-631)

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.

PASSED TO BE ENACTED

An Act to Improve Oversight of the Financial Condition of Insurers (S.P. 884) (L.D. 2253) (C. "A" S-635)

An Act to Facilitate the Admission and Treatment of Involuntary Patients by Community-based Mental Health Institutions (H.P. 1336) (L.D. 1853) (H. "A" H-1037 to C. "A" H-986)

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.

PASSED TO BE ENACTED

An Act Relating to Correctional Policy (H.P. 1814) (L.D. 2486)

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

Representative McCormick of Rockport requested a roll call vote.

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

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

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

ROLL CALL NO. 229

YEA - Adams, Aikman, Aliberti, Allen, Anderson, Anthony, Ault, Begley, Bell, Brewer, Burke, Butland, Cahill, M.; Carroll, D.; Carroll, J.; Carter, Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Conley, Constantine, Cote, Crowley, Curran, Daggett, Dellert, Dexter, DiPietro, Donald, Dore, Dutremble, L.; Erwin, P.; Farnsworth, Farnum, Farren, Foss, Foster, Garland, Gould, R. A.; Graham, Greenlaw, Gurney, Gwadosky, Hale, Handy, Hanley, Heeschen, Hepburn, Hichborn, Hickey, Hoglund, Holt, Hussey, Hutchins, Jacques, Jalbert, Joseph, Ketover, LaPointe, Lawrence, Lebowitz, Libby, Lisnik, Look, Lord, Luther, MacBride, Mahany, Manning, Marsano, Marston, Martin, H.; Mayo, McGowan, McHenry, McKeen, McPherson, McSweeney, Melendy, Merrill, Michaud, Mills, Mitchell, Moholland, Murphy, Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, E.; Paradis, J.; Paradis, P.; Parent, Paul, Pederson, Pendleton, Pineau, Pines, Pouliot, Priest, Rand, Reed, Richard, Ridley, Rolde, Rotondi, Rydell, Seavey, Sheltra, Simpson, Small, Smith, Stevens, A.; Stevens, P.; Stevenson, Strout, B.; Strout, D.; Swazey, Tammara, Tardy, Telow, Townsend, Tracy, Tupper, Walker, Webster, M.; Wentworth, Whitcomb.

NAY - Marsh, McCormick.

ABSENT - Bailey, Boutilier, Coles, Duffy, Hastings, Higgins, Jackson, Kilkelly, Larrivee, Macomber, Nadeau, G. G.; Nadeau, G. R.; Plourde, Richards, Ruhlin, Sherburne, Skoglund, The Speaker.

Yes, 131; No, 2; Absent, 18; Paired, 0; Excused, 0.

131 having voted in the affirmative, 2 in the negative, with 18 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

(At Ease)

The House was called to order by the Speaker.

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

**PASSED TO BE ENACTED
Emergency Measure**

An Act to Amend the Charter of the Quantabacook Water District (H.P. 1802) (L.D. 2473)

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. 117 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 Related to the State Board of Substance Abuse Counselors (S.P. 699) (L.D. 1837) (H. "C" H-1039 to C. "A" S-483; S. "A" S-506)

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.

FINALLY PASSED

Emergency Measure

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-1034 to C. "A" H-956; H. "A" H-970)

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. 117 voted in favor of the same and 1 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

FINALLY PASSED

Emergency Measure

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Washington County for the Year 1990 (H.P. 1817) (L.D. 2489)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 120 voted in favor of the same and 1 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

FINALLY PASSED

Emergency Measure

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1990 (H.P. 1816) (L.D. 2488)

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 1 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

FINALLY PASSED

Emergency Measure

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Franklin County for the Year 1990 (H.P. 1815) (L.D. 2487)

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 1 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

FINALLY PASSED

Emergency Measure

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Knox County for the Year 1990 (H.P. 1810) (L.D. 2481)

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 2 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

FINALLY PASSED

Emergency Measure

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Lincoln County for the Year 1990 (H.P. 1809) (L.D. 2480)

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. 117 voted in favor of the same and 1 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

FINALLY PASSED

Emergency Measure

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Sagadahoc County for the Year 1990 (H.P. 1808) (L.D. 2479)

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 1 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

FINALLY PASSED

Emergency Measure

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Aroostook County for the Year 1990 (H.P. 1807) (L.D. 2478)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 120 voted in favor of the same and 2 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

FINALLY PASSED

Emergency Measure

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Hancock County for the Year 1990 (H.P. 1806) (L.D. 2477)

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. 115 voted in favor of the same and 1 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

FINALLY PASSED

Emergency Measure

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Oxford County for the Year 1990 (H.P. 1805) (L.D. 2476)

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 1 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Amend the Laws Concerning the Theft of Blueberries (H.P. 1757) (L.D. 2434) (H. "A" H-1038; C. "A" H-967)

An Act to Adjust Commercial Motor Vehicle Fees (H.P. 1379) (L.D. 1910) (H. "A" H-1036 to C. "A" H-948)

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.

PASSED TO BE ENACTED

An Act to Regulate the Handling of Manure (H.P. 1575) (L.D. 2182) (H. "A" H-946 to S. "A" S-565; H. "A" H-1033 and S. "A" S-599 to C. "A" H-910)

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

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

Representative JALBERT: Mr. Speaker, I move L.D. 2182 and all accompanying papers be indefinitely postponed. I ask for a roll call.

The SPEAKER: The Chair recognizes the Representative from Leeds, Representative Nutting.

Representative NUTTING: Mr. Speaker, Ladies and Gentlemen of the House: I would ask you to vote against the pending motion before us today so this bill can be passed to be enacted.

This is a unanimous committee report. The committee worked long and hard on this bill. I know a few farmers in Maine had questions about this bill at first, but once they realized what the bill does and what it doesn't do -- the Maine Farm Bureau Association and Maine State Grange support this bill. It is a unanimous committee report and I would ask you to vote against the pending motion.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: The farmers in this state are practically the only ones that have not been regulated to death. They say I am not in a farming area -- there are five farmers all around my district. I have four, I am completely surrounded by dairy farms. Some of the land has been sold out. I repeatedly get phone calls where someone says, "I just bought or built a brand new \$50,000 house, I come home from work and I want to sit on my porch and drink a cocktail but the fellow is spreading manure." The farmer was there before the gentleman built the house. The farmer has to spread manure based on the weather and now we are telling the farmer what he can do. He has enough work, let's not take the very last person who is trying to do something in this state and regulate him to death. I would ask that you vote for indefinite postponement.

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

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

I would like to ask Representative Nutting what he does for a living?

The SPEAKER: Representative Smith of Island Falls has posed a question through the Chair to Representative Nutting of Leeds, who may respond if he so desires.

The Chair recognizes that Representative.

Representative NUTTING: Mr. Speaker, Ladies and Gentlemen of the House: I am a dairy farmer. I know it may be implied and I am the sponsor of this bill. Let everybody be assured that I do have a quite a bit of expertise in this field, that is just the way it is.

I also (while I am on my feet) want to correct a point of misunderstanding from the good Representative from Lisbon. This bill does not propose to have bureaucrats running around trying to put new regulations on the farmer. The problem is the DEP and the Department of Agriculture have had an ever increasing number of complaints about this subject being referred to both the departments. The regulation of manure is not, up until now, covered by either department. In layman's terms, nobody has been in charge of it. So, in the very, very isolated case of abuse, there has been no way for either department to say that the farmer was doing as he should or to recommend that corrective steps be taken.

I know of a very large farm in my district where now over 200 wells are threatened with high levels of nitrogen and over the last four years nothing has been done to clean this huge egg farm problem up. Sometimes the DEP would go out to that farm and the Department of Agriculture would be upset. Sometimes the Department of Agriculture would go out and DEP would be up upset and nobody was in charge. That is why the problem in that particular case has gotten way out of hand.

Here again, this is just on a complaint basis only. This bill just establishes which department shall go to the farm first and it shall be the Department of Agriculture if a complaint is turned in and only if they can't resolve something at that point is it referred to the Department of Environmental Protection.

A very similar law like this concerning insects around farms was enacted by the Agriculture Committee unanimously four years ago, (and this is a unanimous report). That law has worked very well for four years and that is why the Maine Farm Bureau supports this law because it was modeled after the insect law that we unanimously passed four years ago.

I would ask you to vote against the pending motion.

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

Representative JALBERT: Mr. Speaker, Men and Women of the House: I have not had as much experience handling manure as my good colleague from Turner, although I have been in politics for 25 years.

He did bring up a good point but I was a bureaucrat for 30 years, and I will repeat again for the new members of the House, bureaucrats must promulgate new regulations to justify their existence. What is going to happen? He may say that the DEP will not run the farmer now -- when everything goes fine, they sit in those offices, they will say things are going wrong out there because we have no complaints, let's put in some new regulations. That is exactly what is going to happen. Don't open the door and let the DEP get their foot in there. You know the problems we have had with the DEP. Let's not let them take over the farms.

The SPEAKER: The Chair recognizes the Representative from Caribou, Representative Bell.

Representative BELL: Mr. Speaker, Ladies and Gentlemen of the House: People tell me that this is the appropriate body to handle the subject of L.D. 1575. I have found that we all handle it in different ways. Representative Adams from Portland claims his district are the largest consumers and has accused us from the county as being the largest producers. But due to the time restraints as the session comes to a close, I wish to limit my comments and urge you to support 1575. As a member of the Agriculture Committee, I ask you to defeat this motion.

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

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

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

Representative ADAMS: Mr. Speaker, Men and Women of the House: Considering the remarks of the good Representative from Caribou that my own part of the State of Maine is the largest consumer of the product at hand, and considering the subject, I am not really sure I want to pick it up. I am not really sure what all the flap is about. From all appearances, Representative Bell and the Agriculture Committee certainly enjoyed handling the subject.

The good Representative from Caribou and I do represent very different kinds of districts, his is rural, mine is urban, his is peaceful, mine has certain urban problems I admit. The only people you see out running on my street have someone chasing them.

I will assure the good Representative from Caribou that in Portland we are not cowed by anything and it ill behooves him to steer you wrong on the subject.

It is my understanding that Aroostook is one of the largest producers of broccoli in the State of Maine. In fact, I would say this subject directly applies to President Bush's problems with broccoli. In fact, this subject directly applied to the broccoli would do much good, perhaps even if directly applied to the President.

The SPEAKER: The pending question before the House is the motion of Representative Jalbert of Lisbon that L.D. 2182 and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 230

YEA - Bailey, Dexter, Donald, Dutremble, L.; Farnum, Foss, Foster, Garland, Hanley, Hutchins, Jalbert, Look, Lord, Marston, McCormick, Merrill, Murphy, Paradis, P.; Pendleton, Ridley, Rotondi, Sheltra, Strout, B.; Tamaro, Telow, Townsend, Wentworth.

NAY - Adams, Aikman, Aliberti, Allen, Anderson, Anthony, Ault, Begley, Bell, Brewer, Burke, Butland, Cahill, M.; Carroll, D.; Carroll, J.; Carter, Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Conley, Constantine, Cote, Crowley, Curran, Daggett, Dellert, DiPietro, Dore, Erwin, P.; Farnsworth, Farren, Gould, R. A.; Graham, Greenlaw, Gurney, Gwadosky, Hale, Handy, Hastings, Heeschen, Hepburn, Hichborn, Hickey, Higgins, Hogle, Holt, Hussey, Jacques, Joseph, Ketover, LaPointe, Lawrence, Lebowitz, Libby, Lisnik, Luther, MacBride, Macomber, Mahany, Manning, Marsano, Marsh, Martin, H.; Mayo, McGowan, McHenry, McKeen, McPherson, McSweeney,

MeLendy, Michaud, Mills, Mitchell, Moholland, Nadeau, G. G.; Nadeau, G. R.; Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, E.; Paradis, J.; Parent, Paul, Pederson, Pineau, Pines, Plourde, Pouliot, Priest, Rand, Reed, Richard, Richards, Rolde, Rydell, Seavey, Simpson, Skoglund, Small, Smith, Stevens, A.; Stevens, P.; Stevenson, Strout, D.; Swazey, Tardy, Tracy, Tupper, Walker, Webster, M.; The Speaker.

ABSENT - Boutilier, Duffy, Jackson, Kilkelly, Larrivee, Ruhlin, Sherburne, Whitcomb.

Yes, 27; No, 116; Absent, 8; Paired, 0; Excused, 0.

27 having voted in the affirmative, 116 in the negative, with 8 being absent, the motion did not prevail.

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

PASSED TO BE ENACTED

An Act 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) (H. "A" H-1032 to C. "A" S-592)

An Act to Expand the Boundaries of the Presque Isle Water District and the Presque Isle Sewer District (H.P. 1812) (L.D. 2484)

An Act Regarding Investment of State Funds in Corporations Doing Business in Northern Ireland (H.P. 1588) (L.D. 2200) (H. "A" H-1031 to C. "A" H-1006)

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.

At this point, Speaker Martin introduced Edmund S. Muskie, former Secretary of State, former Governor of the State of Maine, former member of the Maine House of Representatives and former U. S. Senator.

EDMUND S. MUSKIE: Mr. Speaker, Members of the House: For some reason this reminds me of my favorite grandfather story, being a grandfather myself.

This Grandfather was sitting in his easy chair in front of the fireplace warming himself. His little grandson came up and said, "Grandpa, could I get up in your lap?" Grandpa said, "Of course, climb up." So the little fellow got up in his lap and said, "Grandpa, would you make a noise like a frog?" Grandpa said, "I'm not sure what kind of a noise a frog makes. Why do you ask?" The youngster said, "Mommy said when you croak, we are all going to Hawaii." (applause)

There has got to be a point to this story and all I can say is that this welcome makes Maine look more attractive to me than Hawaii. Thank you all very much. (applause)

(At Ease to the Gong)

The House was called to order by the Speaker.

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

PAPERS FROM THE SENATE

Non-Concurrent Matter

Bill "An Act Regarding the Administration of the Maine Children's Trust Fund" (S.P. 957) (L.D. 2421) on which the Majority "Ought Not to Pass" Report of the Committee on Human Resources was read and accepted in the House on April 5, 1990.

Came from the Senate with that Body having insisted on its former action whereby the Minority "Ought to Pass" as amended Report of the Committee on Human Resources was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-643) and asked for a Committee of Conference in non-concurrence.
The House voted to adhere.

Non-Concurrent 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) which was read and adopted in the House on April 5, 1990.

Came from the Senate indefinitely postponed in non-concurrence.
The House vote to adhere.

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

REPORTS OF COMMITTEES

Ought to Pass as Amended

Representative SEAVEY from the Committee on Taxation on Bill "An Act to Provide an Income Tax Credit for the Use of Recycled Wood Waste as Fuel" (H.P. 1785) (L.D. 2455) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1091)

Report was read and accepted, the Bill read once. Committee Amendment "A" (H-1091) was read by the Clerk and adopted.

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

FINALLY PASSED

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Commit State Support of Affordable Housing (H.P. 1813) (L.D. 2485)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being a Constitutional Amendment, and a two-thirds vote of the House being necessary, a total was taken. 90 voted in favor of same and 3 against, and accordingly the Resolution was finally passed, signed by the Speaker and sent to the Senate.

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

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1093) on Bill "An Act to Provide Tax Amnesty and Necessary Administrative Support to the Bureau of Taxation" (H.P. 1731) (L.D. 2390)

- Signed:
Senators: ANDREWS of Cumberland
 BALDACCI of Penobscot
 EMERSON of Penobscot
Representatives: CASHMAN of Old Town
 SWAZEY of Bucksport
 NADEAU of Saco
 DORE of Auburn
 TARDY of Palmyra
 DiPIETRO of South Portland
 SEAVEY of Kennebunkport
 WHITCOMB of Waldo

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

Signed:
Representative: DUFFY of Bangor
Reports were read.

On motion of Representative Cashman of Old Town, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (H-1093) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read the second time, passed to be engrossed as amended 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 5 was taken up out of order by unanimous consent:

ENACTOR

Emergency Measure

An Act to Authorize Franklin County to Acquire a Parcel of Land in Coburn Gore (S.P. 969) (L.D. 2436) (C. "A" S-653)

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

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

Representative PINEAU: Mr. Speaker, Ladies and Gentlemen of the House: I move the indefinite postponement of L.D. 2436 and all its accompanying papers.

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

Representative DEXTER: Mr. Speaker, Men and Women of the House: We went over this last night when we were extremely tired. Perhaps some things in the way it was handled, hindsight is 20/20, perhaps some things could be different, but let's forget pettiness and so forth and stick to the facts.

The facts are this, we have a dump known as the Coburn Gore Dump which is in Coburn Gore. It is in the northern part of Franklin County right next to customs, 47 miles from the nearest town. It serves 14 inhabitants, they dump their rubbish there instead of in the woods and the streams. They were able to do this because of the generosity of a fine family known as the VanVleck's.

To tell you what kind of people they are, how much they loved the land, loved people, they would not allow tractors on their woodland, they logged it with horses. Now they wish to deed the land to the county for obvious reasons. If we do not deed the land to the county, the county is liable at the present time for closure which will happen in two or three years. If they do not have title to that land, they will have to pay the closure costs 100 percent. If they have title to the land, they will be able to get a grant of 75 percent.

Frankly, I just don't understand what this is all about. I learned about it after everyone else. I am not the sponsor, by the way. The sponsor was approached at quarter of five one Friday night, a member of the council, and he put it before the council, it was just one of those hurry-up things and I just don't understand why it has gone this far and I hope you will stick with your position last night and vote against indefinite postponement.

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

Representative PRIEST: Mr. Speaker, Men and Women of the House: The issue here, ladies and gentlemen, is the question of liability. At the present time, the county if it has any liability is limited under the Tort Claims Act to \$300,000 worth of liability. If this bill is passed, then the county's liability becomes virtually unlimited for whatever is in that dump. That may be a reasonable decision if you know what is in that dump. The difficulty is that you don't know what is in that dump.

What we have encouraged the people who are working on this bill was to try to find out what is in that dump before transfer takes place. Unfortunately that has not happened, I think it should happen and I think it should happen before this bill is passed. Therefore, I would still urge you to accept the "Ought Not to Pass" Report.

Representative Wentworth of Wells requested a roll call vote.

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

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

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

Representative DEXTER: Mr. Speaker, Men and Women of the House: I seldom get up twice on an issue but I forgot to point out to the honorable members of this House, this is simply enabling legislation. This doesn't mean the county is forced to take over this. It just means that they can have some dialogue and perhaps they can work it out. It is not forcing anybody to do anything whatsoever. I don't know how many times in 14 years I have supported someone with a private and special act like if their water district wanted to do something. Mars Hill has a bill in here or Standish or Southwest Harbor and so forth, I don't get involved in those. I merely support them, let them work it out locally, that is what this is, enabling legislation -- you all understand what that is.

The SPEAKER: The pending question before the House is the motion of Representative Pineau of Jay that L.D. 2436 and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 231

YEA - Allen, Anthony, Boutilier, Burke, Cahill, M.; Carroll, D.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Conley, Cote, Crowley, Daggett, Dore, Graham, Gwadosky, Handy, Heeschen, Hoglund, Holt, Joseph, Ketover, Kilkelly, LaPointe, Lawrence, Lisnik, Luther, Mahany, Manning, Mayo, McGowan, McHenry, Melendy, Mills, Mitchell, Moholland, Nadeau, G. G.; Nadeau, G. R.; O'Dea, Oliver, Paradis, J.; Paradis, P.; Pederson, Pineau, Plourde, Pouliot, Priest, Rotondi, Rydell, Sheltra, Skoglund, Smith, Stevens, P.; Swazey, Tammaro, Tracy.

NAY - Adams, Aikman, Aliberti, Anderson, Ault, Bailey, Begley, Bell, Brewer, Butland, Carroll, J.; Constantine, Curran, Dellert, Dexter, DiPietro, Donald, Dutremble, L.; Farnum, Farren, Foss, Foster, Garland, Gould, R. A.; Greenlaw, Hale, Hanley, Hastings, Hepburn, Hichborn, Hickey, Higgins, Hussey, Hutchins, Jacques, Jalbert, Lebowitz, Libby, Look, Lord, MacBride, Marsano, Marsh, Martin, H.; McCormick, McPherson, Merrill, Murphy, Norton, O'Gara, Paradis, E.; Parent, Paul, Pendleton, Pines,

Reed, Richard, Richards, Ridley, Seavey, Simpson, Small, Stevens, A.; Stevenson, Strout, B.; Strout, D.; Tardy, Telow, Townsend, Tupper, Walker, Webster, M.; Wentworth, Whitcomb.

ABSENT - Carter, Duffy, Erwin, P.; Farnsworth, Gurney, Jackson, Larrivee, Macomber, Marston, McKeen, McSweeney, Michaud, Nutting, Rand, Rolde, Ruhlin, Sherburne, The Speaker.

Yes, 59; No, 74; Absent, 18; Paired, 0; Excused, 0.

59 having voted in the affirmative, 74 in the negative, with 18 being absent, the motion to indefinitely postpone did not prevail

The SPEAKER: The pending question before the House is passage to be enacted. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 69 voted in favor of the same and 57 against and accordingly the Bill failed of enactment. Sent up for concurrence.

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

PAPERS FROM THE SENATE
Non-Concurrent Matter

Bill "An Act to Correct Errors in the Solid Waste Laws" (H.P. 1705) (L.D. 2354) on which the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-1069) Report of the Committee on Energy and Natural Resources was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-1069) in the House on April 5, 1990.

Came from the Senate with the Minority "Ought to Pass" as amended by Committee Amendment "B" (H-1070) Report of the Committee on Energy and Natural Resources read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "B" (H-1070) in non-concurrence.

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

Non-Concurrent Matter

Bill "An Act to Clarify the Role of the Board of Environmental Protection" (H.P. 1602) (L.D. 2214) which was passed to be engrossed as amended by Committee Amendment "A" (H-950) as amended by House Amendment "A" (H-1040) thereto in the House on March 29, 1990.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-950) as amended by Senate Amendment "A" (S-665) thereto in non-concurrence.

The House voted to adhere.

BILLS HELD

Bill "An Act to Establish the Office of Substance Abuse" (S.P. 909) (L.D. 2312)

- In House, Passed to be Engrossed as amended by Committee Amendment "A" (S-639).

HELD at the Request of Representative JOSEPH of Waterville.

On motion of Representative Joseph of Waterville, the House reconsidered its action whereby L.D. 2312 was passed to be engrossed.

On further motion of the same Representative, tabled pending passage to be engrossed and later today assigned.

Bill "An Act to Establish Fees for Nonferrous Metal Mining" (EMERGENCY) (H.P. 1753) (L.D. 2416) - In House, Passed to be Engrossed as amended by Committee Amendment "A" (H-1065). HELD at the Request of Representative MICHAUD of East Millinocket.

On motion of Representative Michaud of East Millinocket, the House reconsidered its action whereby L.D. 2416 was passed to be engrossed.

On further motion of the same Representative, tabled pending passage to be engrossed and later today assigned.

The Chair laid before the House the following matter: Bill "An Act to Correct Errors in the Solid Waste Laws" (H.P. 1705) (L.D. 2354) on which the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-1069) Report of the Committee on Energy and Natural Resources was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-1069) in the House on April 5, 1990; came from the Senate with the Minority "Ought to Pass" as amended by Committee Amendment "B" (H-1070) Report of the Committee on Energy and Natural Resources read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "B" (H-1070) in non-concurrence which was tabled earlier in the day and later today assigned pending further consideration.

On motion of Representative Michaud of East Millinocket, the House voted to adhere.

On motion of Representative Michaud of East Millinocket, the House reconsidered its action whereby the House voted to adhere on Bill "An Act to Clarify the Role of the Board of Environmental Protection" (H.P. 1602) (L.D. 2214) which was passed to be engrossed as amended by Committee Amendment "A" (H-950) as amended by House Amendment "A" (H-1040) thereto in the House on March 29, 1990.

On further motion of the same Representative, the House voted to recede and concur.

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

(Off Record Remarks)

(At Ease until 3:00 p.m.)

The House was called to order by the Speaker.

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

COMMUNICATIONS

The following Communication:

STATE OF MAINE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
COMMITTEE ON FISHERIES AND WILDLIFE
April 6, 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 Fisheries &

Wildlife during the First Regular Session of the 114th Legislature has been completed. The breakdown of bills referred to our committee follows:

Total number of bills received	12
Unanimous reports	11
Leave to Withdraw	1
Ought to Pass	1
Ought Not to Pass	4
Ought to Pass as Amended	4
Ought to Pass in New Draft	1
Divided reports	1
Respectfully submitted,	
S/Edgar E. Erwin	S/Paul F. Jacques
Senate Chair	House Chair
Was read and ordered placed on file.	

The following Communication:

STATE OF MAINE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
COMMITTEE ON LEGAL AFFAIRS
April 6, 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 Legal Affairs 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	42
Unanimous reports	37
Leave to Withdraw	08
Ought to Pass 05	
Ought Not to Pass	05
Ought to Pass as Amended	18
Ought to Pass in New Draft	0
Re-referred to Judiciary	1
Divided reports	05
Respectfully submitted,	
S/Zachary E. Matthews	S/Charles R. Priest
Senate Chair	House Chair
Was read and ordered placed on file.	

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

PAPERS FROM THE SENATE

The following Communication:

Maine State Senate
Augusta, Maine 04333

April 6, 1990
Honorable Edwin H. Pert
Clerk of the House
State House Station 2
Augusta, Maine 04333
Dear Clerk Pert:

Please be advised that the Senate today Insisted and joined in a Committee of Conference on the disagreeing action between the two branches of the Legislature on Bill "An Act Concerning the State Minimum Wage" (H.P. 1646) (L.D. 2279). The President appointed on the part of the Senate the following:

Senator BUSTIN of Kennebec
Senator DUTREMBLE of York
Senator WHITMORE of Androscoggin

Sincerely,
S/Joy J. O'Brien
Secretary of the Senate
Was read and ordered placed on file.

COMMUNICATIONS

The following Communication:
 STATE OF MAINE
 ONE HUNDRED AND FOURTEENTH LEGISLATURE
 COMMITTEE ON HUMAN RESOURCES
 April 6, 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 Human Resources 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	67
Unanimous reports	62
Leave to Withdraw	14
Ought to Pass	6
Ought Not to Pass	0
Ought to Pass as Amended	39
Ought to Pass in New Draft	0
Re-referred	3
Divided reports	5

Respectfully submitted,
 S/N. Paul Gauvreau S/Peter J. Manning
 Senate Chair House Chair
 Was read and ordered placed on file.

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

Committee of Conference
 Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on: Bill "An Act to Prohibit Family Exclusion Clauses in Automobile Insurance Policies" (H.P. 1598) (L.D. 2222) have had the same under consideration and ask leave to report:

That they are unable to agree.
 (Signed) Representative TARDY of Palmyra,
 Representative CONLEY of Portland, Representative
 MARSANO of Belfast - of the House.

Senator THERIAULT of Aroostook, Senator GOULD of Waldo - of the Senate.

Subsequently, The Committee of Conference Report was accepted and sent up for concurrence.

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

PASSED TO BE ENACTED
Emergency Measure

An Act to Exempt Forestry Activities in Forested Wetlands from Regulation Under the Natural Resources Protection Laws (H.P. 1628) (L.D. 2255) (C. "A" H-1048)

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.

ENACTOR
Emergency Measure
Later Today Assigned

An Act to Enhance the Ability of the State to Respond to Oil Spills (H.P. 1691) (L.D. 2341) (C. "A" H-1056)

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

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

PASSED TO BE ENACTED
Emergency Measure

An Act to Clarify the Laws on Manslaughter in the Workplace (H.P. 1758) (L.D. 2423) (C. "A" H-1058) Was reported by the Committee on Engrossed Bills as truly and strictly engrossed.

Representative Tracy of Rome requested a roll call.

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

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

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

ROLL CALL NO. 232

YEA - Adams, Aikman, Aliberti, Allen, Anderson, Anthony, Ault, Bailey, Begley, Bell, Boutilier, Brewer, Burke, Butland, Cahill, M.; Carroll, D.; Carroll, J.; Carter, Cashman, Clark, H.; Clark, M.; Coles, Conley, Constantine, Cote, Crowley, Curran, Daggett, Dellert, Dexter, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnsworth, Farnum, Farren, Foss, Foster, Garland, Gould, R. A.; Graham, Greenlaw, Gurney, Gwadosky, Hale, Handy, Hanley, Hastings, Heeschen, Hepburn, Hichborn, Hickey, Higgins, Hoglund, Holt, Hussey, Hutchins, Jacques, Joseph, Ketover, Kilkelly, Lawrence, Lebowitz, Libby, Lisnik, Lord, Luther, MacBride, Macomber, Mahany, Manning, Marsano, Marsh, Martin, H.; Mayo, McGowan, McHenry, McKeen, McPherson, Melendy, Merrill, Michaud, Mills, Mitchell, Moholland, Murphy, Nadeau, G. G.; Nadeau, G. R.; Norton, O'Dea, O'Gara, Oliver, Paradis, E.; Paradis, J.; Paradis, P.; Parent, Paul, Pederson, Pendleton, Pineau, Plourde, Pouliot, Priest, Rand, Reed, Richard, Richards, Ridley, Rolde, Rotondi, Ruhlin, Rydell, Seavey, Sheltra, Simpson, Skoglund, Small, Smith, Stevens, A.; Stevens, P.; Stevenson, Strout, B.; Strout, D.; Swazey, Tamaro, Telow, Townsend, Tracy, Tupper, Walker, Webster, M.; Wentworth, Whitcomb, The Speaker.

ABSENT - Cathcart, Chonko, DiPietro, Donald, Jackson, Jalbert, LaPointe, Larrivee, Look, Marston, McCormick, McSweeney, Nutting, Pines, Sherburne, Tardy.

Yes, 135; No, 0; Absent, 16; Paired, 0; Excused, 0.

135 having voted in the affirmative and none in the negative with 16 being absent, 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 State Education Mandate Waivers (H.P. 1788) (L.D. 2457) (C. "A" H-1052)

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. 117 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 Authorize Refuse Disposal Districts to Handle Partial Waste Streams from Member Municipalities (S.P. 985) (L.D. 2448) (C. "A" S-642)
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. 111 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 Amend the Counseling Licensing Laws (S.P. 730) (L.D. 1929) (C. "A" S-640)
An Act to Help Reduce the Incidence of Breast Cancer Mortality in the State and to Revise the Laws Relating to the Mandated Benefits Advisory Commission (S.P. 903) (L.D. 2297) (C. "A" S-645)
An Act to Allow the Loan of Automobiles to Municipal Law Enforcement Agencies for Educational Purposes (H.P. 1770) (L.D. 2440) (C. "A" H-1045)
An Act to Clarify the Appointment of County Jail Administrators (H.P. 1728) (L.D. 2387) (C. "A" H-1078)
An Act to Allow the Maine Health Care Finance Commission to Make Individual Hospital Development Account Interim Adjustments (S.P. 1001) (L.D. 2482)
An Act Requiring Prior Notification and Restricting Cancellation of Health Coverage for Persons with Organic Brain Disease (H.P. 1633) (L.D. 2260) (H. "A" H-1084 to C. "A" H-1049)
An Act to Provide Uniformity and Fairness after Mortgage Foreclosure (H.P. 1650) (L.D. 2283) (C. "A" H-1042)
An Act to Establish an Air Quality Increment Standard for Nitrogen Oxides (H.P. 1778) (L.D. 2445)
An Act to Amend the Maine Criminal Code with Regard to Drugs (H.P. 1803) (L.D. 2474)
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.

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

Committee of Conference

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on: Bill "An Act to Require Disclosure of Parents' Social Security Numbers at the Time of a Child's Birth and to Amend the Provisions of the Law Concerning Disclosure of Information" (S.P. 889) (L.D. 2265) have had the same under consideration and ask leave to report:

That they are unable to agree.

(Signed) Representative HEESCHEN of Wilton, Representative ROLDE of York, Representative MURPHY of Berwick - of the House.

Senator GAUVREAU of Androscoggin, Senator GILL of Cumberland - of the Senate.

Subsequently, the Committee of Conference Report was accepted.

The Chair laid before the House the following matter: Bill "An Act to Establish the Office of Substance Abuse" (S.P. 909) (L.D. 2312) - In House, Passed to be Engrossed as amended by Committee

Amendment "A" (S-639) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Subsequently, the Bill was passed to be engrossed as amended in concurrence.

The Chair laid before the House the following matter: Bill "An Act to Establish Fees for Nonferrous Metal Mining" (EMERGENCY) (H.P. 1753) (L.D. 2416) - In House, Passed to be Engrossed as amended by Committee Amendment "A" (H-1065) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

On motion of Representative Michaud of East Millinocket, the House reconsidered its action whereby Committee Amendment "A" (H-1065) was adopted.

The same Representative offered House Amendment "A" (H-1094) to Committee Amendment "A" (H-1065) and moved its adoption.

House Amendment "A" (H-1094) to Committee Amendment "A" (H-1065) 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.

On motion of Representative Michaud of East Millinocket, the House reconsidered its action whereby the House voted to recede and concur on Bill "An Act to Clarify the Role of the Board of Environmental Protection" (H.P. 1602) (L.D. 2214) which was passed to be engrossed as amended by Committee Amendment "A" (H-950) as amended by House Amendment "A" (H-1040) thereto in the House on March 29, 1990; Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-950) as amended by Senate Amendment "A" (S-665).

On motion of Representative Michaud of East Millinocket, the House voted to recede.

Senate Amendment "A" (S-665) to Committee Amendment "A" (H-950) was read by the Clerk and adopted.

Committee Amendment "A" (H-950) as amended by Senate Amendment "A" (S-665) and House Amendment "A" (H-1040) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-950) as amended by House Amendment "A" (H-1040) and Senate Amendment "A" (S-665) thereto in non-concurrence and sent up for concurrence.

(At Ease to Gong)

The House was called to order by the Speaker.

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

COMMUNICATIONS

The following Communication:

STATE OF MAINE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
COMMITTEE ON BANKING AND INSURANCE

April 6, 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 Banking and Insurance 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	43
Unanimous reports	41
Leave to Withdraw	15
Ought to Pass	5
Ought Not to Pass	1
Ought to Pass as Amended	20
Ought to Pass in New Draft	0
Divided reports	2

Respectfully submitted,
 S/Raynold Theriault S/Charlene B. Rydell
 Senate Chair House Chair
 Was read and ordered placed on file.

The following Communication:

STATE OF MAINE
 ONE HUNDRED AND FOURTEENTH LEGISLATURE
 COMMITTEE ON TAXATION
 April 6, 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 Taxation 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	39
Unanimous reports	36
Leave to Withdraw	10
Ought to Pass	7
Ought Not to Pass	10
Ought to Pass as Amended	8
Ought to Pass in New Draft	0
Re-referred	1
Divided reports	3

Respectfully submitted,
 S/Thomas H. Andrews S/John A. Cashman
 Senate Chair House Chair
 Was read and ordered placed on file.

The following Communication:

STATE OF MAINE
 ONE HUNDRED AND FOURTEENTH LEGISLATURE
 COMMITTEE ON UTILITIES
 April 6, 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 Utilities 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	27
Unanimous reports	27
Leave to Withdraw	5
Ought to Pass	5
Ought Not to Pass	1
Ought to Pass as Amended	15
Ought to Pass in New Draft	0
Re-referred	1
Divided reports	0

Respectfully submitted,
 S/Stephen Bost S/Herbert Clark
 Senate Chair House Chair

Was read and ordered placed on file.

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

PETITIONS, BILLS AND RESOLVES
 REQUIRING REFERENCE
 (Indefinitely Postponed)

Bill "An Act to Amend the Maine Environmental Protection Fund Air Emission Fee Schedule" (EMERGENCY) (H.P. 1820) (L.D. 2493) (Presented by Representative DEXTER of Kingfield) (Cosponsored by Representative LORD of Waterboro)
 (The Committee on Energy and Natural Resources had been suggested.)

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

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

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

PASSED TO BE ENACTED
 Bond Issue

An Act Authorizing a General Fund Bond Issue in the Amount of \$20,250,000 for Construction, Planning, Purchasing and Renovation of Correctional Facilities (H.P. 1799) (L.D. 2469) (S. "A" S-661)

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

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

Representative MAYO: Mr. Speaker, Men and Women of the House: I beg your indulgence to speak (hopefully) for the last time on this very important issue. For seven years, it has been my pleasure to serve in this body and I am proud to be part of a process that allows for free and open discussion and allows me to state my opinion freely and clearly.

There is no question in my mind what is about to happen on this bond issue. I want to speak out on it because I disagree with what is going to happen and I respect everyone else's right to disagree with me.

I have lived in my hometown my entire life. It is a beautiful community and I am very proud to be a part of that community. I am trying very hard to be, as I was elected to be, a State Representative, because we do have a representative form of government.

My constituents spoke loudly and clearly last November that they did not support a bond issue for further expansion of a maximum security prison. Seventy-five percent of what we are voting for here today is what the voters turned down last November, 75 percent. The other 25 percent is an appropriate step forward, I believe and so did the rest of the committee, to do some alternatives to maximum security construction. That is why I included all of that in my package and that is why I would have liked to put that question before the voters of the state. I am a realist and I understand that is not going to happen.

My constituents have elected me four times to represent them here in the legislature. I will go home to them with my head held high knowing that I have done the right thing by accepting the reality of what is about to happen. I know the good people of South Warren, Maine understand the situation, and I know they will accept it. I hope I am able to explain to them what has happened and I hope we all can move beyond this issue.

I am always reluctant to speak out on this issue because I try to be both a Representative of my

district and also a Representative of the entire state. I hope all of you understand that I am the only elected member of this legislature of both bodies who has four correctional facilities located in his legislative district. The potential is there to have incarcerated in my legislative district in excess of 1200 inmates, eventually. The services that need to be provided by local government, two local governments in particular, the Town of Warren, the Town of Thomaston, both whose population is about 3,000 each depending on whether or not you count some of the individuals who are there, not by choice, but by state action, is a lot. The burden that will be placed upon Penobscot Bay Medical Center is a lot. I remain concerned about those issues and those issues still have not been addressed.

When the vote is taken today, I will be voting against this bond issue because it is not, in my opinion, in the best interest of the people of the State of Maine. It does not solve our crisis in corrections. We will be back here again, I guarantee it, because we have not solved the problem.

The report I brought from committee was limited to the same amount that was offered in the Majority Report, not by my own choice, but by the fiscal constraints the state is under. I would have preferred to do a lot more and go a lot further to solve our crisis in correction but I was unable to do that and I feel bad about that.

I firmly believe that we do need to construct more beds. I know that, I understand that. The question is, what type of beds need to be constructed and where they should be constructed?

I would ask this House to reflect upon my words and to understand why I state them. As I said, I will walk out of this chamber tonight with my head held high knowing that I have done the right thing by accepting the inevitability of what is about to happen.

I thank you for your indulgence on this issue over the last couple of days and over the last session.

Mr. Speaker, when the vote is taken, I request that it be taken by the yeas and nays.

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

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House: Today we have before us the Majority Report from the Corrections Committee, a 12 to 1 report. We are asking your support to allow this bond issue to go before the people and let them decide. It has not been easy for me to support this bond issue but I think we must face up to the facts, you cannot continue to pass new laws mandating prison terms and not provide the space.

Most people in my area do not like paroles, we need more space, we need new programs. This bond issue addresses that. It sets up two restitution centers, two programs that hopefully will ease the burden on those that have to be incarcerated. Not all prisoners will be placed in these centers. We have child molesters, rapists and they are not going to be candidates for this. If I had my way, the prison choir would not be lacking for sopranos.

It has not been easy for me to serve on this committee, to keep hearing about prisoners rights and nothing about the victims.

In spite of all that, I do feel we need more space, more maximum security issues. By voting to send this to the people and maybe this time they will see we are trying to go in another direction with the restitution center, hopefully we won't need as much

space, but we do need maximum security and we need it now. I hope you vote for this bond issue.

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

Representative MELENDY: Mr. Speaker, Men and Women of the House: I, too, am asking you to support the Majority Report on this bond issue. Representative Mayo is right, we are looking for ways to address the needs of beds in our facilities. The thing is, no matter which bond issue we would have gone with, neither one of them would have solved the problem for ever and ever because there will be more bond issues that will have to come down upon us. There are many people that were concerned that we put out a bond issue last time, the people did not vote for it.

More than anything, I heard on the street that people wanted something with more variety. They want something to begin to address ways of keeping people out of the system to begin with. I think perhaps the best piece of both bond issues is the \$2,800,000 for the two community-based diversion and restitution centers. That was originally Representative Anthony's bill and I had the real pleasure of being a cosponsor on that with him.

There are other things that deal with community restitution or minimum security housing, halfway houses and so forth and to really study the future of some of the other resources that we have regarding the Maine Youth Center and what we will eventually do with the Maine State Prison. We have to really address the problems of reception, diagnostic evaluation areas, mental health, medical and geriatric beds. We have had people in there that have continued to stay there for years and years and they are getting older. When they get older, they have to be treated like elderly people, anyone who has need for any type of medical assistance.

I don't think that I should have to go into all the details of the reason we are needing the 100 beds in Warren because, quite frankly, I told you the day when I addressed this that I could easily have gone with Representative Mayo's way of addressing this. However, the reason that we could not do it is that we did not own land on the I-95 corridor nor did we have the permits in place that are crucial to making sure that these beds get off the ground.

Rather than bore you, I will continue to ask you to support the Majority position. If you do have specific questions that can help you bring us over to the Majority side, I do hope you will ask them and I will be happy to answer.

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

Representative LIBBY: Mr. Speaker, Members of the House: This new bond issue, which is 14 and 3/4 million dollars less than the '89 issue provides 330 beds in minimum and maximum security needs in several areas of the state. One hundred of these will be maximum security and 230 will be minimum security community beds. These additional beds will help satisfy the public's demand for safe streets and will better help protect the public, employees and the prisoners.

Building the 100 beds in Warren could be started within a short period of time as the DEP permits have been approved and the arrangements for the sewer and water agreed upon. On the economic approach, any emergency at either institution could be shared even down to the sharing of vehicle service at the state prison motor pool. Now is not the time to consider musical beds. We are just watching a time-bomb ready to explode due to the overcrowding. If this happens, it will make AMHI look like a picnic.

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

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I want to address one concern. I have spoken to a number of people in this body over the past two days and I have heard many people say, "What do I tell my voters when they say, you are giving me the same thing back again that we turned down before?" I would suggest to you that this is not the same thing that they were asked to vote on last November, this is very different. I think you should tell them that. Last November, as the good Representative from Kennebunk just pointed out, they were asked to vote for \$35 million for 200 maximum security beds. This is only \$20 million and it buys 100 maximum security beds and an additional 230 minimum security beds in a variety of settings. This is a very different proposal then they were asked to approve last November. That is what you should tell them.

I should also point out to you which I guess is apparent that this bond issue is not opposed by any interest group in this state, rather it is supported by the two principal interest groups in this state that opposed the last one. I believe that those two factors will make a significant difference. I think you can go home and tell them proudly that this should be supported and voted for. It expands our capacity and expands it in ways that are much more appropriate to the problems that we have in our state.

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

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

The SPEAKER: The pending question before the House is passage to be enacted. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House is necessary. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 233

YEA - Aikman, Aliberti, Anderson, Anthony, Ault, Bailey, Begley, Burke, Butland, Carroll, D.; Carroll, J.; Cashman, Conley, Constantine, Cote, Crowley, Curran, Daggett, Dellert, Dexter, Dore, Farnum, Farren, Foss, Foster, Gould, R. A.; Graham, Greenlaw, Hale, Handy, Hastings, Heeschen, Hepburn, Hichborn, Hickey, Hutchins, Jalbert, Lawrence, Lebowitz, Libby, Lisnik, Lord, MacBride, Manning, Marsano, Marsh, McGowan, McHenry, McKeen, Melendy, Merrill, Moholland, Murphy, Nadeau, G. G.; Norton, O'Dea, O'Gara, Oliver, Paradis, E.; Paradis, J.; Paradis, P.; Parent, Paul, Pederson, Pendleton, Pineau, Reed, Richard, Richards, Ridley, Rolde, Rotondi, Ruhlin, Seavey, Simpson, Skoglund, Small, Smith, Stevens, A.; Stevens, P.; Stevenson, Strout, B.; Tamaro, Telow, Tupper, Walker, Webster, M.; Wentworth, Whitcomb.

NAY - Adams, Allen, Bell, Boutilier, Brewer, Carter, Clark, H.; Clark, M.; Coles, Duffy, Dutremble, L.; Erwin, P.; Farnsworth, Garland, Gurney, Gwadosky, Hanley, Hognlund, Holt, Hussey, Jacques, Joseph, Ketover, Kilkelly, Luther, Mahany, Martin, H.; Mayo, Michaud, Mills, Mitchell, Nadeau, G. R.; Plourde, Pouliot, Priest, Rand, Rydell, Sheltra, Strout, D.; Swazey, Townsend, Tracy, The Speaker.

ABSENT - Cahill, M.; Cathcart, Chonko, DiPietro, Donald, Higgins, Jackson, LaPointe, Larrivee, Look,

Macomber, Marston, McCormick, McPherson, McSweeney, Nutting, Pines, Sherburne, Tardy.

Yes, 89; No, 43; Absent, 19; Paired, 0; Excused, 0.

89 having voted in the affirmative, 43 in the negative, with 19 being absent, the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

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

CONSENT CALENDAR

First Day

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

(S.P. 868) (L.D. 2228) Bill "An Act Concerning Technical Changes to the Tax Laws" (EMERGENCY) Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-668)

(S.P. 999) (L.D. 2466) Resolve, to Establish a Select Committee on Comprehensive Tax Reform (EMERGENCY) Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-667)

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

The following items appearing on Supplement No. 17 were taken up out of order by unanimous consent:

ENACTOR

Later Today Assigned

An Act to Increase the Penalty for Vehicular Manslaughter and to Remove the Habitual Drunk Driver Offender from the Highways (H.P. 1672) (L.D. 2314) (C. "A" H-1061)

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 Reduce the Use of Marijuana and to Make Related Amendments to the Drug Laws (H.P. 1721) (L.D. 2377) (C. "A" H-1057)

An Act to Strengthen Oversight of Medical Malpractice Insurance and Stabilize Premiums (H.P. 1730) (L.D. 2389) (C. "A" H-1060)

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 Provide for Immediate Income Withholding and a Plan for Periodic Review and Adjustment of Child Support Awards in Support Enforcement Cases of the Department of Human Services (H.P. 1732) (L.D. 2391) (C. "A" H-1088)

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 Regulate and Monitor the Discharge of Toxic Substances into the State's Waters (H.P. 1735) (L.D. 2394) (C. "A" H-1055)

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.

PASSED TO BE ENACTED

An Act to Modify the Applicability of the Certificate of Need Program to Hospitals and to Exempt Certain Hospital Restructuring Activities from the Requirement of Approval by the Maine Health Care Finance Commission (H.P. 1767) (L.D. 2435) (C. "A" H-1043)

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

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: This piece of legislation was a unanimous committee report out of the Committee on Human Resources. I didn't like the report, I don't like what it does but I will go along with voting on it for the spirit of compromise. I don't like the idea of what came out of it. I would have rather seen us extend Certificate of Need to the doctors in this state.

I will say though that this was the first commission I have ever been on where it was an open-and-shut case before we walked through the door. Last year, the round table as we all know it, was around here dealing with many different issues dealing with health care finance. When this commission started this year, they basically had made up their minds what they wanted to do and how they wanted to do it. The open discussion really wasn't there, it was a disappointment.

Blue Cross-Blue Shield was brought in on this. Blue Cross-Blue Shield, for this to work, has got to have better PPO laws out of the Superintendent of Insurance. If they don't, they are going to lose.

Another group who feels that they are really going to lose on this particular issue is about 270,000 Maine citizens who were insured by the likes of UNUM, Aetna, Travelers and those third-party payers. They cannot do what Blue Cross-Blue Shield can do. I only say this because I have always gone along with the idea that you have got to have Certificate of Need on doctors.

I went along with the unanimous committee report and hope and pray that this particular legislation will help solve the problem. If it doesn't, it will be back and you will hear about it because the cost of health insurance will have gone sky-high. I hope you go along with the unanimous committee report.

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

ENACTOR

Later Today Assigned

Resolve, to Encourage the Study of the Nation's Founding and Related Documents by Maine Students (S.P. 1000) (L.D. 2472) (S. "A" S-659)

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.

FINALLY PASSED

Resolve, to Name the District Court Facility to Be Built in Presque Isle the Julian W. Turner Courthouse (H.P. 1811) (L.D. 2483)

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

(At Ease)

The House was called to order by the Speaker.

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

ENACTOR

**Emergency Measure
Tabled and Assigned**

An Act to Make Changes to Certain Motor Vehicle Laws (H.P. 1464) (L.D. 2041) (C. "A" H-1072)

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 none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

Representative CARTER: Mr. Speaker, having voted on the prevailing side, I move that the House reconsider its action whereby L.D. 2041 was passed to be enacted and further move that this item be tabled one legislative day.

Subsequently, Representative Carter of Winslow withdrew his motion.

PASSED TO BE ENACTED

Emergency Measure

An Act to Implement Certain Provisions of the Federal Family Support Act of 1988 and Improve Access to Services in the Additional Support for People in Retraining and Education Program (H.P. 1590) (L.D. 2202) (C. "A" H-1054)

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

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

Representative CLARK: Mr. Speaker, Men and Women of the House: You may have wondered in the last few days why you haven't heard more from the Human Resources Committee. Unlike any time of my tenure there, the committee has reported out only five divided reports. I have to say that we have worked very hard to achieve that goal.

The Chair of my committee, Representative Manning, spoke earlier about one of those bills that we have often argued about in the late hours and that is the CON. I rise today merely to provide you with some information about the bill that is before you, L.D. 2202 of which I am the prime sponsor, which is about the so-called ASPIRE legislation that we have been also dealing with now for the third year.

If you look at the title of L.D. 2202, you will see that the legislation has in fact two purposes. The first was to implement certain provisions of the Federal Family Support Act of 1988. The way this bill was handled in the committee was that I was asked to negotiate with the respected departments, that is the Department of Human Services and the Department of Labor, around this bill. As I have thought about it in the last couple of days, I

realized that we probably spent over 25 hours and maybe closer to 30 over a three week period discussing this bill.

When we talk about implementing certain provisions of the federal law, in essence, the Feds gave us, in this instance, considerable flexibility about how we would administer our welfare reform package. Part of what I attempted to do in L.D. 2202 is to ensure that those clients who were ASPIRE clients and those clients who we all hope would be transitioning off AFDC would be able to have enough supports in place to allow them to actually make that transition. I am very pleased with the results of the discussions and the negotiations that I had with the departments around these issues.

You have before you a benefit package that I think every member of this House can be proud of. It is a package that will allow women to receive some training, some education, and while they are doing it, get child care, get transportation assistance, that actually get those pieces that will allow them to take advantage of the training opportunities and move from welfare to work.

This bill also contains provisions for so-called transitional services, transitional medical care, transitional child care and transitional transportation, all on sliding scales so that, again, as the wages of people rise, which we certainly hope and expect that they will, they will be paying more of the cost and we will be paying less. The goal is to not force people back on welfare because they cannot make enough and their expenses, specifically child care, transportation, and health care are so great that they can't make it.

I rise today to tell you that I am extremely pleased with that part of L.D. 2202. Again, I repeat, it is a package that I am very proud of, that I think every member of this House should be proud of.

The other part of the L.D. that is mentioned in the title is to improve access to services in the ASPIRE Program. Here, ladies and gentlemen of the House, I think we were less successful. From the beginning, I have made no bones about my bias, that I believe that this program should be administered by the Department of Human Services. There are other people in this building who do not share that bias of mine. In this instance, those people did prevail. I need to go on Record saying that I do not believe that this program is well administered, that I believe in fact that it is costing us money to have this so-called partnership and that I believe that, if we put the dollars into the old WEET Program that we are currently putting into ASPIRE, that we will in fact have a considerably better program than the one that we have now. Having said that, I want again to say to all of you that I believe that the package is worthy of our support, so I ask you to join me in voting for this.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: I didn't want us to go by without personally thanking Representative Clark who put in many, many hours after we had gone home during many days in the last month and a half. She did a great job. She spared the committee from what the committee went through two years ago when we created ASPIRE. I personally want to thank her because she, not only saved members of this committee, but she also helped the legislature as a whole, so Representative Clark, thank you very much.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 108 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
(Reconsidered)

An Act to Amend the Solid Waste Landfill Remediation and Closure Laws Administered by the Department of Environmental Protection (H.P. 1712) (L.D. 2363) (C. "A" H-1075)

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

On motion of Representative Priest of Brunswick, the House reconsidered its action whereby L.D. 2363 was passed to be engrossed.

On motion of the same Representative, the House reconsidered its action whereby Committee Amendment "A" (H-1075) was adopted.

The same Representative offered House Amendment "A" (H-1092) to Committee Amendment "A" (H-1075) and moved its adoption.

House Amendment "A" (H-1092) to Committee Amendment "A" (H-1075) was read by the Clerk and adopted.

Committee Amendment "A" (H-1075) as amended by House Amendment "A" (H-1092) 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.

ENACTOR
Emergency Measure
Later Today Assigned

Resolve, Creating the Special Commission to Study and Evaluate the Status of Education Reform in Maine (S.P. 561) (L.D. 1564) (H. "A" H-1021; C. "B" S-593)

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.

ENACTOR
Emergency Measure
Later Today Assigned

Resolve, Creating a Commission on Adult Sentencing (H.P. 1801) (L.D. 2471) (S. "A" S-654)

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 to Amend the Fresh Start Provision of the Workers' Compensation Insurance Laws (S.P. 940) (L.D. 2378) (S. "A" S-651 to C. "A" S-638)

An Act to Ensure the Proper Payment of Property Tax Relief Funds (S.P. 988) (L.D. 2451) (C. "A" S-663)

An Act to Provide Adjustments in the Educational Funding Formula (H.P. 836) (L.D. 1168) (C. "B" H-1053)

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.

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

COMMUNICATIONS

The following Communication:
 STATE OF MAINE
 ONE HUNDRED AND FOURTEENTH LEGISLATURE
 COMMITTEE ON LABOR
 April 6, 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 Labor 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	24
Unanimous reports	21
Leave to Withdraw	6
Ought to Pass	1
Ought Not to Pass	2
Ought to Pass as Amended	12
Ought to Pass in New Draft	0
Divided reports	3

Respectfully submitted,
 S/Sen. Donald Esty, Jr. S/Rep. Edward A McHenry
 Senate Chair House Chair

Was read and ordered placed on file.

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

REPORTS OF COMMITTEES

Ought to Pass Pursuant to Joint Order (H.P. 1791)

Representative CASHMAN from the Committee on Taxation on Bill "An Act to Provide Funds for the Maine Solid Waste Management Fund" (EMERGENCY) (H.P. 1821) (L.D. 2494) reporting "Ought to Pass" - Pursuant to Joint Order (H.P. 1791)

Report was read and accepted, the Bill read once.

Under suspension of the rules, the Bill was read the second time, passed to be engrossed and sent up for concurrence.

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

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

An Act to Require Disclosure of Parents' Social Security Numbers at the Time of a Child's Birth and to Amend the Provisions of the Law Concerning Disclosure of Information (S.P. 889) (L.D. 2265) (C. "A" S-540) on which the Committee of Conference Report was read and accepted in the House on April 6, 1990.

Came from the Senate with that Body having further insisted on its former action whereby the Bill was passed to be enacted and asked for a second Committee of Conference in non-concurrence.

The House voted to adhere.

The Chair laid before the House the following matter: Resolve, to Encourage the Study of the Nation's Founding and Related Documents by Maine Students (S.P. 1000) (L.D. 2472) (S. "A" S-659) which was tabled earlier in the day and later today assigned pending final passage.

Subsequently, the Resolve was finally passed, signed by the Speaker and sent to the Senate.

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

HOUSE DIVIDED REPORT - Majority (8) "Ought Not to Pass" - Minority (5) "Ought to Pass" as amended by Committee Amendment "A" (H-991) - Committee on Housing and Economic Development on Bill "An Act to Establish the International Commerce Council" (H.P. 1726)(L.D. 2385)

TABLED - March 29, 1990 by Representative GWADOSKY of Fairfield.

PENDING - Acceptance of the Majority "Ought Not to Pass" Report.

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

Representative GWADOSKY: Mr. Speaker, Men and Women of the House: I move that this bill and all accompanying papers be indefinitely postponed.

I was looking for Representative Nadeau, I figure he will be here shortly. I won't wait quite as long for Representative Reed as Representative Marsano did the other day. If Representative Nadeau were here, I am sure he would want me to say that he had just met recently with the Joint Standing Committee on Housing and Economic Development, that there are two vehicles to resolve this particular issue. This particular bill is no longer necessary and there will be more to come on this issue.

Subsequently, the Bill and all accompanying papers were indefinitely postponed. Sent up for concurrence.

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

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

Bill "An Act to Regain Full Use of Maine Waters through the Establishment of Color Standards" (H.P. 1418) (L.D. 1970) on which Report "A" "Ought to Pass" as amended by Committee Amendment "A" (H-1067) of the Committee on Energy and Natural Resources was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-1067) in the House on April 5, 1990.

Came from the Senate with Report "B" "Ought to Pass" as amended by Committee Amendment "B" (H-1068) of the Committee on Energy and Natural Resources read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "B" (H-1068) as amended by Senate Amendment "C" (S-669) thereto in non-concurrence.

The SPEAKER: The Chair recognizes the Representative from Waterboro, Representative Lord.

Representative LORD: Mr. Speaker, Learned Colleagues: If you look at this amendment, you will see that the 275 has diminished and gone down to 225 on the second article. You will also see that they have, in my opinion, given one of the paper companies a free ride and that is the James River Paper Company who is dumping more color in the river than any other company. If you look on the handout you had yesterday, you will find that James River, if you want to go by actual baseline, is dumping 762 pounds versus the Boise Cascade of 406 or International Paper of 340. You can read them just as well as I can. What you have done is practically ruined Report "B."

I move that we indefinitely postpone Senate Amendment (S-669).

The SPEAKER: The Chair would advise the Representative that the motion is not proper.

Representative Michaud of East Millinocket moved the House recede and concur.

Representative Webster of Cape Elizabeth moved the House recede.

Representative Martin of Eagle Lake requested a roll call vote.

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

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

The SPEAKER: The pending question before the House is the motion of Representative Webster of Cape Elizabeth that the House recede. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 234

YEA - Aikman, Aliberti, Anderson, Ault, Bailey, Begley, Butland, Carroll, J.; Clark, H.; Curran, Dellert, Dexter, Dutremble, L.; Farnum, Farren, Garland, Gould, R. A.; Greenlaw, Hanley, Hastings, Hussey, Hutchins, Lebowitz, Libby, Lord, MacBride, Marsano, McPherson, Merrill, Moholland, Murphy, Norton, O'Gara, Paradis, E.; Parent, Pendleton, Plourde, Reed, Richards, Seavey, Sheltra, Small, Smith, Stevens, A.; Stevenson, Strout, B.; Tammaro, Townsend, Tupper, Webster, M.; Wentworth, Whitcomb.

NAY - Adams, Allen, Anthony, Bell, Boutilier, Brewer, Burke, Carter, Cashman, Clark, M.; Coles, Conley, Constantine, Cote, Crowley, Dore, Duffy, Erwin, P.; Farnsworth, Foss, Foster, Graham, Gurney, Gwadosky, Hale, Handy, Heeschen, Hichborn, Hickey, Hoglund, Holt, Jacques, Joseph, Ketover, Kilkelly, Lawrence, Lisnik, Luther, Macomber, Mahany, Manning, Marsh, Martin, H.; Mayo, McGowan, McHenry, McKeen, Melendy, Michaud, Mills, Mitchell, Nadeau, G. G.; Nadeau, G. R.; O'Dea, Oliver, Paradis, J.; Paradis, P.; Paul, Pederson, Pineau, Pouliot, Priest, Rand, Richard, Ridley, Ruhlin, Rydell, Simpson, Skoglund, Stevens, P.; Strout, D.; Swazey, Telow, Tracy, Walker, The Speaker.

ABSENT - Cahill, M.; Carroll, D.; Cathcart, Chonko, Daggett, DiPietro, Donald, Hepburn, Higgins, Jackson, Jalbert, LaPointe, Larrivee, Look, Marston, McCormick, McSweeney, Nutting, Pines, Rolde, Rotondi, Sherburne, Tardy.

Yes, 52; No, 76; Absent, 23; Paired, 0; Excused, 0.

52 having voted in the affirmative, 76 in the negative, with 23 being absent, the motion to recede did not prevail.

Subsequently, the House voted to recede and concur.

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. 23 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED

An Act to Regain Full Use of Maine Waters through the Establishment of Color Standards (H.P. 1418) (L.D. 1970) (S. "C" S-669 to C. "B" H-1068)

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

Representative Martin of Eagle Lake requested a roll call vote.

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

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

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

The Chair recognizes the Representative from Athens, Representative Rotondi.

Representative ROTONDI: Mr. Speaker, I request permission to pair my vote with Representative Carroll of Gray. If he were present and voting, he would be voting yea and I would be voting nay.

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

Representative CLARK: Mr. Speaker, I request permission to pair my vote with Representative Nutting of Leeds. If he were present and voting, he would be voting yea and I would be voting nay.

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

Representative MAYO: Mr. Speaker, Pursuant to House Rule 7, I request permission to pair my vote with Representative DiPietro. If he were present and voting, he would be voting nay and 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. 235

YEA - Adams, Aikman, Aliberti, Allen, Anthony, Ault, Bell, Boutilier, Brewer, Burke, Carroll, J.; Carter, Cashman, Clark, M.; Coles, Conley, Constantine, Cote, Crowley, Dellert, Dore, Duffy, Erwin, P.; Farnsworth, Foss, Foster, Graham, Gurney, Gwadosky, Hale, Handy, Hastings, Heeschen, Hichborn, Hickey, Hoglund, Holt, Jacques, Joseph, Ketover, Kilkelly, Lawrence, Lisnik, Luther, Macomber, Mahany, Manning, Marsh, Martin, H.; McGowan, McHenry, McKeen, Melendy, Michaud, Mills, Mitchell, Nadeau, G. G.; Nadeau, G. R.; O'Dea, Oliver, Paradis, E.; Paradis, J.; Paradis, P.; Paul, Pederson, Pendleton, Pineau, Plourde, Pouliot, Priest, Rand, Richard, Ruhlin, Rydell, Seavey, Simpson, Skoglund, Stevens, A.; Stevens, P.; Strout, B.; Strout, D.; Swazey, Telow, Tracy, Tupper, Walker, The Speaker.

NAY - Anderson, Bailey, Begley, Butland, Curran, Dexter, Dutremble, L.; Farnum, Farren, Garland, Gould, R. A.; Greenlaw, Hanley, Hussey, Hutchins, Lebowitz, Libby, Lord, MacBride, Marsano, McPherson, Merrill, Moholland, Murphy, Norton, Parent, Reed, Richards, Sheltra, Small, Smith, Stevenson, Tammaro, Townsend, Webster, M.; Wentworth, Whitcomb.

ABSENT - Cahill, M.; Cathcart, Chonko, Daggett, Donald, Hepburn, Higgins, Jackson, Jalbert, LaPointe, Larrivee, Look, Marston, McCormick, McSweeney, O'Gara, Pines, Ridley, Rolde, Sherburne, Tardy.

PAIRED - Carroll, D.; Clark, H.; DiPietro, Mayo, Nutting, Rotondi.

Yes, 87; No, 37; Absent, 21; Paired, 6; Excused, 0.

87 having voted in the affirmative, 37 in the negative, with 21 being absent and six having paired, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

Representative McGowan of Canaan was granted unanimous consent to address the House:

Representative MCGOWAN: Mr. Speaker, Ladies and Gentlemen of the House: At 8:17 on April 6, 1990, after a long day in the legislature -- I feel it is my duty as an elected Representative of the State to rise on the floor of the House and talk about something that has bothered me all day long.

Mr. Speaker, I request unanimous consent to present a visual to the members of the Maine House of Representatives.

The SPEAKER: By unanimous consent, the request is granted.

Representative MCGOWAN: Mr. Speaker, Ladies and Gentlemen of the House: Today in the Kennebec Journal, a full-page ad appeared in a letter to Representative Jacques and Senator Kany. I would like to read that letter into the Record. It says, "Dear Senator Kany and Representative Jacques: From S.D. Warren Company, a subsidiary of Scott Paper Company. On Tuesday of this week, you both voted for legislation to be reported out of your committee which will cost our Hinckley Mill between \$70,000,000 and \$170,000,000 to meet color requirements which our competitors elsewhere do not face. I am taking the unusual step of communicating to you in this public fashion because it is important that area residents who are interested in the future of our company have a full understanding now, and in the future, of the consequences of your action.

Due to the major impact this "color" issue will have on my company and the future success of our mill operations, I traveled to Augusta on Friday, March 30th, in hopes you both would understand the serious implication of this issue. It is obvious from your vote, my trip was in vain. Senator Kany, you told me, and others in attendance, that \$70,000,000 "was not a lot of money" when compared to our mill investment. We disagree. It is a huge amount of money. In fact, this would be, by far, the largest single expenditure ever imposed upon any Scott mill, any place in the country by state legislation. Ironically, everyone, including the Department of Environmental Protection, agrees that health is not the issue. Apparently, you have chosen to disregard these facts.

At a time when the state has a budget deficit of \$210,000,000, I find it hard to believe you want just five paper companies in this state to come up with the same amount of money for your proposed new program. The downturn in the economy has hit our industry just as hard as it has hit the state and there is no reason to believe that we have hundreds of millions of extra dollars any more than the state does.

Your committee vote is a clear signal to my company that you don't care whether we remain competitive or not. Further, the path forward that you have directed is one of gambling with our future. Frankly, we view your vote as an indication that you are not concerned whether Scott remains in the State of Maine. It is a great disappointment to get this message from our elected Representatives when representatives of other kraft mills in the state were urging that these costs not be imposed on their mills. This legislation is ill-timed, poorly thought out and not necessary to protect any environmental values of which we are aware.

We urge you to please reconsider your position when this legislation comes before the House and Senate." It is signed, "Very Truly Yours, Allan N. Robinson, Vice President and Mill Manager of S.D. Warren, a subsidiary of Scott Paper, Somerset."

As many of you know, I live within seven miles of the Scott/Somerset Mill in Hinckley. I have met Mr. Allan Robinson, the mill manager, a couple of times and know him to be a personable, reasonable gentleman. But when I see this appear in a major daily newspaper in the State of Maine, it bothers me. I don't take issue with the fact that they would like to express their opinion publicly because I think in this free and great and open country, we all have a right to do that. But I do take a great concern and personal resentment to the fact of the matter of which they have chosen to do this, to lobby these two individuals.

I have, over the past ten years, disagreed several times with Representative Jacques. As a matter of fact, I have spent probably most of the debate time that I have had in this legislature arguing with him, and as you know, he is a good friend of mine. But when I see an ad, full-page ad, attacking a Senator and a Representative from a corporate citizen of this state, it bothers me. It bothers me to think that they would try to impact legislation through a full-page ad and not by personal, open discussion, of which you and I are all accustomed to as members of this body. It bothers me when I see all these corporate take-overs and all these moves that are happening and they are affecting our state on a daily basis that they would take this step and print a full-page ad, costing \$1,668 to try to influence legislation.

I deal with the workers at the S.D. Warren on a daily basis. I own a business, as you all know, a small store and I think that the people that work in this mill are some of the best people in the State of Maine, the hardest working people in the State of Maine. I have three cousins, as a matter of fact, that are paper makers in that mill.

It bothers me that someone, maybe a governmental representative or maybe someone who thinks this is the right method to use to lobby the legislature, would suggest this tactic to a mill manager of a mill that employs many people and brings good dollars into the state economy. I really want to tell them at this point in time that what they have done is a cheap, cheap, political shot at two very good elected officials in this state. You and I may disagree, and we may have times when we come to the point of anger on things that we don't agree on with members of this body or members of the opposite party we serve with, but when you go to this method of full-page advertisements in daily papers to tell someone whose family has spent several generations working in the mills, that he doesn't care whether they stay here or not, is wrong.

In the long run, I think when this governmental representative, who suggested this ad is long gone and working for five or six other employees that someone will be in Maine saying that what Representative Jacques and Senator Kany have done have helped the people of the state. I urge you to condemn their actions publicly, because it is wrong.

Representative Moholland of Princeton was granted unanimous consent to address the House:

Representative MOHOLLAND: Mr. Speaker, Ladies and Gentlemen of the House: I would like to go along with our good Representative. Mr. Jacques and I have had a lot of fights but I don't think that paper should have been put out. I would like to have you know that I don't think our company, Georgia-Pacific, had one earthly thing to do with it.

I want to stand here tonight and tell you that I am a very good friend of Paul Jacques, we do get into

little arguments and I would like to punch him in the face once in a while but, as you know, I get a little bit out of breath and I can't run, so I leave it to that. Mr. Jacques, I apologize to you for that piece in the paper and I hope we will be fighting again tomorrow.

Representative Lord of Waterboro was granted unanimous consent to address the House:

Representative LORD: Mr. Speaker, my Learned Colleagues: This morning I was very much surprised, disgusted, disillusioned and a little bit angry. We have in our committee worked hard on this bill. We had our disagreements, we tried to battle them out, we tried to come to an agreement, it couldn't be done. I admire the stand that those people took and I think some of those people admire the stand that we took on the color, odor and foam.

You remember when we first started our session this winter, I said we were a family. I would like to go back to my younger years when I was growing up. I had a brother who was a couple of years older than I was and he used to pick on me or at least I thought he did. We didn't get along for a while. But as I went down the street, down to the school yard, anyone that said anything about my brother or my sisters got a punch in the nose. Sometimes I won, sometimes I lost. I think this is what we are here, we are a family. We may get up on the floor and trounce one another and disagree with one another but in the long run, when we get all done, we say, well we lost or we won. That is the way it should be. I don't think we need -- we shouldn't have any such advertisement in the paper. I think it is a disgrace. I am not going to apologize for their actions because I wasn't involved in it. To anybody that asks my opinion, I would have told them darn sure what I thought of it. Most of the time, I think 90-95 percent of the time, Paul Jacques and I agree. We can disagree but we can still get along and shake hands and that is the way it should be.

Representative Cashman of Old Town was granted unanimous consent to address the House:

Representative CASHMAN: Mr. Speaker, Men and Women of the House: I don't want to belabor this point any longer than it has been but I feel that the thing that bothered me the most about the ad that we are all referring to is that in my mind it was in the paper for one reason and one reason only, to intimidate Representative Jacques and to intimidate Senator Kany.

Fortunately, I have served in this House eight years and I have served with members in both bodies, in both committee and on the floor of this House. Fortunately, the people I have served with are not that easily intimidated. When you have a large corporation in this state spending this kind of money in a very rank and disgusting attempt to intimidate members of this legislature, I find it very offensive. As I said, fortunately the members I have had the pleasure of serving with don't intimidate that easily. Certainly Representative Jacques fits that mold and I applaud the people I have served with to have the courage of their convictions and I applaud the members of that committee for the work they did on that bill. I applaud Representative Jacques and Senator Kany and I am glad that they are the people that they are and that they don't intimidate that easily.

Representative Hوجلund of Portland was granted unanimous consent to address the House:

Representative Hوجلund: Mr. Speaker, Men and Women of the House: I have sat on the Energy and Natural Resources for six years with Paul Jacques and I have found him sometimes to be a little rugged around the edges with his verbal comments but, dealing with the issues, I found him a very caring and honest man. I found him to be a person who actually cares about the environment and the wildlife. I have to say that Paul Jacques as a member of the Energy and Natural Resources Committee is a man who does his homework and a man who knows the issues. I think that when he cares, he tries to deal with and compromise with his constituents, the people and the industry.

I do not feel that the KJ with the ad paid for by S.D. Warren is warranted. I feel they have the right to exercise the first amendment, although that I feel that anyone attacking members of the Energy and Natural Resources Committee on this type of issue, is the wrong way to go. I don't think I would like to see any type of business or organization attacking any member of this body in such a manner with thousands of dollars.

I am very proud to know Paul and I am very proud to work and serve on the Energy and Natural Resource Committee. I believe that we were very upset how it came out, but I believe we all worked very hard, very long -- one of my statements I don't like saying -- but very honestly with one another. I think that we dealt in the very best way we knew how and to the best of our ability. I would like to say that I am very proud to know Paul Jacques as a member of the Energy and Natural Resources but very proud to know him as a friend.

Representative Tammaro of Baileyville was granted unanimous consent to address the House:

Representative TAMMARO: Mr. Speaker, Members of the House: I have been on the other side of the fence on this deal but to take it back to Paul Jacques, I have admired Paul Jacques from the first day I met him up here. I have met a lot of people in my time, a lot of people, and he is one of the finest young men that I have ever met. Paul, you know that I am very fond of you and I learned a long time ago, you take a jab and you roll with the punch. Paul has been able to do that. My very best to you Paul. You have got the friends here Paul and here is where they count. Good luck to you.

Representative Paradis of Augusta was granted unanimous consent to address the House:

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: I feel it necessary for this Representative from Augusta to rise since it is the Kennebec Journal that printed this despicable letter from the S.D. Warren Company. It is sort of like turning into a well deserved tribute to the Representative from Waterville, one that he richly deserves.

As has been stated, whether you sit on the other side of the aisle, the other side of an issue, philosophical or political, that Paul Jacques is a fair person. Paul and I were elected in the 109th together and in one of my terms, I sat up back with him, seat 145. We have been friends from the first day that we took the oath of office and I find it troubling that an industry can sink to the lowest standard.

Talk about standards for odor, color and foam, when you can sink to such a despicable standard to, not only name people, but pay for an ad to try to impugn the integrity of our democratic process and that is what it is, it is more than a political process, it is a democratic process. They wouldn't run this ad in the Morning Sentinel where the Representative has his seat from Waterville so that his own constituents would have a chance to refute to the people of S.D. Warren, but they would run this in Augusta.

I can only conclude that it was to influence the legislature and to try to demean this Representative and a member of the other body to their fellow Representatives and Senators of the 114th. I think that nothing further could be more truthful than to try that type of a tactic. Whether we call it first amendment, freedom of expression or freedom of the press, I think that S.D. Warren owes an apology to my friend Paul and to the good Senator from Kennebec. I think that the Representative from Waterville would agree they owe an apology to this body and to its members for such a despicable tactic.

Representative Dore of Auburn was granted unanimous consent to address the House:

Representative DORE: Mr. Speaker, Ladies and Gentlemen of the House: The type of tactics that this paper company has engaged in is more than just intimidation that Representative Cashman of Old Town referred to, it is a deliberate attempt to erode the base of support for these people as politicians in an election year. It won't work, it will get them more votes, and it has done a great deal of damage to the paper industry as a whole. I think that paper company owes them more than an apology, I think it owes them a full-page ad apology. I think the other paper companies ought to make sure that that happens.

Representative Jacques and Senator Kany are both big-hearted people. They work hard when it comes to the environment, they don't back down on tough issues. I think those of us here and those of their friends at home who know Paul personally feel that having him as a friend is having something of real value. I don't think that this will result in any type of eroding of the kind of support that he has or that Senator Kany has. I think they have that support because I think their people back home think of them as personal friends. This is appalling and this has deeply hurt the paper industry's credibility up here in the State House.

Representative Joseph of Waterville was granted unanimous consent to address the House:

Representative JOSEPH: Mr. Speaker, Men and Women of the House: I, too, am shocked at the poor taste that was shown by the paper company and by those who advise Mr. Robinson, who in fact authored this letter. I am shocked at this attack on the integrity of my two colleagues from the City of Waterville, who together have served in this body and the other body 28 years. Representative Jacques has served us for 12 years, he has protected the wildlife and the environment. Senator Kany has served in this body and in the other body and is known to go about the business of legislating in the most conscientious manner.

I think today is a very fitting day for us to have met with former Senator Edmund Muskie, who in fact as a resident of the City of Waterville, was the author of the Federal Clean Rivers Act. It is actions such as this that gives paper companies a bad

name. Many of us have gone out of our way to develop good relationships with businesses and it seems to me it is a lack of understanding or more what may be disrespect as far as this process is concerned. I wonder, is this truly an attempt simply to influence, is the question I have in my mind, or is it an attempt to embarrass this body or is it an attempt to embarrass the individuals or simply a condemnation of two very conscientious people?

Those of us who know Representative Jacques knows that his father spent about 40 years working for S.D. Warren. We know that Representative Jacques' brothers; brothers-in-law also work at the paper company. All of us who live in the City of Waterville and the area surrounding the City of Waterville know S.D. Warren as a good employer but now we are embarrassed. We are embarrassed for them and we ask them to apologize publicly to these individuals. What better tribute, perhaps, is to contribute the same sum of approximately \$2,000 to an environmental agency or organization in their name.

Representative Dexter of Kingfield was granted unanimous consent to address the House:

Representative DEXTER: Mr. Speaker, Men and Women of the House: I think those people have the message by now. I am not about to stand up here and praise Paul Jacques, he is swell-headed enough now. I can remember when I was seriously ill and he didn't want to send flowers because he was going to wait and see if I was going to make it or not, then he would only have to send them once.

Seriously, we have worked together for 12 years, I am fond of reminding him every chance I get that I have two years on him on that committee. About three days ago, I read in the paper where I yielded under pressure. As you know, I stood out here all alone but I wasn't lucky enough to get a full-page ad (so I am jealous).

Representative Aliberti of Lewiston was granted unanimous consent to address the House:

Representative ALIBERTI: Mr. Speaker, Men and Women of the House: I don't feel sorry for Paul Jacques or Senator Kany, one iota. I feel sorry for the ignorance of these perpetrators that had the gall to take out this ad and not be knowledgeable of the process. That is ignorance. You don't influence legislation with these kind of negative dollars. You come down here like the man from the grass roots, the lobbyist and you do a job.

There are two people in this House that influence me the greatest, I could go to them with any issue, any issue, whether it was an issue they supported or not and I can always get an honest, straightforward answer from them. Sometimes from ignorance, I would go to these two gentlemen, the House Majority Leader at this time and Paul Jacques, and not once, not once, did they shirk from that request. In a very very personal and friendly way, I take extreme objection to a personal friend and a legislator and a Senator -- look at the record of these two people, look at the credibility of these two people, something is wrong here somewhere when these major perpetrators (and that is all they are) figure they can use the dollars to buy the integrity, the respectability of any member in this House. Paul Jacques did not vote for me, I voted for myself. Senator Kany did not vote for me, I voted for myself. I went to them when I needed their advice but pushing the button was my obligation, not Paul's

or Senator Kany's or any member of this House. Paul, I still love you.

Representative Marsh of West Gardiner was granted unanimous consent to address the House:

Representative MARSH: Mr. Speaker, Ladies and Gentlemen of the House: I must stand to be on the Record on this side of the aisle with Representative Dexter in support of both Representative Jacques and Senator Kany. They both have been strong supporters for many years of the strong ideals that I hold so strongly myself. I have learned a lot from them, both since I have been in the House and before I came to the House. I enjoy working with both of them. I was very much offended when I read the KJ this morning and I told my wife that probably it would be a late supper tonight.

As to the suggestion of a full-page apology, I guess I would suggest the apology either be on TV or on the radio. I would rather see them save the spruce trees then have them cut down on color, odor and foam.

Representative Pineau of Jay was granted unanimous consent to address the House:

Representative PINEAU: Mr. Speaker, Ladies and Gentlemen of the House: I speak from a different angle than the speakers before me, one as a freshman coming into this (I guess we call it a democratic process). I come from an area that has a kraft mill and I saw in the ad where they said I was urging the opposition on this bill. Apparently, they don't know where I come from either.

I think the reason we all got so upset when we read that ad was, what were they trying to do? From what I have experienced in the last two years in my town, I have seen paper giants act just this way with a full-page ads but, even IP, as low as IP got at the lowest stage in that strike, at the dead lowest, they never named an elected official in a paid ad. I couldn't believe it. Scott beat the grade.

I guess I should thank them but I am disgusted. I guess when you see on the top page where it says Representative Jacques and the good Senator from Kennebec, Senator Kany, and then you go on to read the ad and there are phrases like "don't care", "not concerned", and to the Energy and Natural Resources Committee, where the rest of us in this body when we watch them go into the room down there, we all smile and say "Thank God, they drew the short lots and have that committee." Scott accuses them of a poorly thought out legislation. For two years, they have lived in that room and haggled over this.

Like the good Representative from Waterboro said, whether they agreed or not, they fought it out and they fought it above the ground. I think Scott Paper just showed that all us true Mainer's, not people that just come in and care about the dollar for the stockholder out in New York, for the headquarters in Boise, Idaho, for the headquarters on the banks of the James River in Richmond, Virginia but what we care about is the Maine people.

We saw this attack by another corporate giant and only this time it came real personal. Paul, your leadership has helped me like I know it has helped a lot of the other freshman. Sometimes I disagree. Although I haven't gone against you yet, but I will, but I think this disgusting move just proves the fear we all had when GP took over the Great Northern Nekoosa. That is why we saw some legislation come in at the last minute. That is why House and Senate members are paranoid because these companies don't

care. All of us in this body today can learn something from that ad, because as much respect as we have for both the Senator and the Representative, this shows how much they respect the Maine people.

Representative Gwadosky of Fairfield was granted unanimous consent to address the House:

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: It is with a bit of embarrassment and disappointment that I rise this evening. First of all, embarrassment that I happen to live in the legislative district that the company responsible for this letter provided us today in the Kennebec Journal. I also rise with a sense of disappointment that the individuals responsible for that letter aren't sitting right up in that balcony tonight so they could hear the comments of the members of this House.

I had the good fortune of first running for this House back in 1978 and joined this House with Representative Jacques and many other of my colleagues here tonight -- Representative Nadeau, Representative Paradis and many others, and have had the opportunity to benefit from his wisdom and follow his leadership on a lot of these issues over the years. I know, as you have heard tonight, the type of man Paul Jacques is and the type of things he stands for.

There has been some suggestion by members of the paper industry that perhaps that letter was a mistake. I guess I would suggest that that is an understatement. I think the comments tonight reflect that as a disgrace, that's clearly the case in anyone's book. What has happened is something perhaps we can hope will never happen again but we can only hope that the other paper industries and the other corporations in this state will have learned a lesson.

If your family was anything like mine, my father was somebody who worked at S.D. Warren for some 28 years like Paul Jacques' father. We grew up around a mill town and had a lot of interest in the mill town. There wasn't a lot of things that we expected from life but some of the things that our parents taught us was, if you made a mistake, you accepted the responsibility for your actions and you paid the consequences.

I am hoping that the individuals responsible for this will have also learned something about their actions and are willing to pay for their consequences of what they have done. They have done something that goes beyond impugning the reputation of Paul Jacques or Senator Judy Kany because you and I can argue about things as members of this legislature but when we leave that door, we leave it behind us. We don't attack individuals, we don't make personal attacks, we don't do things that would cheapen or diminish the integrity or respect that we have for individuals or for this legislature as an institution.

I think the actions of this particular corporation have gone way beyond that. I think it is a sad day and I personally apologize that I happen to live in the legislative district that that particular company resides in. If there is anything that I could do to destroy that letter, I would do it for Paul Jacques and Judy Kany in a second but I can't do that. The only thing we can give back tonight is our thoughts to both Paul and Judy and I think that is exactly what we are doing.

Representative Pouliot of Lewiston was granted unanimous consent to address the House:

Representative POULIOT: Mr. Speaker, Ladies and Gentlemen of the House: I will be very short and brief because I think everyone has said it and very elegantly. I really have to say to Paul, "Paul, thank you." Like I was trying to say yesterday in the debate and I really meant it very sincerely to the entire membership of that committee, both sides of the aisle, we may disagree but I can actually say to stand here in this body tonight is an honor. I do wish, as Representative Gwadosky just said, the chamber upstairs could be full of corporate executives. If they could only see this. I just hope that this can reach the papers tomorrow, that the people will know that we may be of different parties, but we represent the people of this state. Today, that corporate America, corporate Maine, the day you understand that when you enter into these chambers and try to attack a member, regardless of the party, we stand together. Paul, for you and Judy, we the people of Lewiston thank you and are very proud of you.

Representative Michaud of East Millinocket was granted unanimous consent to address the House:

Representative MICHAUD: Mr. Speaker, Ladies and Gentlemen of the House: I, too, along with a lot of members of this body was very shocked and very stunned this morning when I opened up the Kennebec Journal and saw this letter.

I don't always agree with Representative Jacques or Senator Kany, I probably agree more with Representative Jacques than I do with Senator Kany, but I think this is very insulting to the legislative process, I think it is a disgrace, it is repugnant and I use to have high regards for Scott Paper the way they used to use their employees but this totally diminished that. I don't mind being lobbied, and the Lord knows we've been lobbied quite a bit on this bill. The committee was under a lot of pressure. I do mind when they publicly take out an ad to try to disgrace and intimidate members of this body, especially Representative Jacques and Senator Kany. As I mentioned, I don't always agree with them, but I do have high regard for both of those individuals, I respect both of those individuals -- if they disagree with you, they will be up front and they will tell you. I respect that a lot.

I do not respect this type of dirty politics that this corporation pulled when they took out this ad.

Representative Jacques still has a good sense of humor. While all these speeches have been going on, he looked over at me and said, "I think I died." But Representative Jacques, I do want you to know I do respect you, I do respect Senator Kany, and I am sorry that this occurred but I am still very proud of both of you that you did not cave in to this type of intimidation, so stick with it.

Representative Erwin of Rumford was granted unanimous consent to address the House:

Representative ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: I have known Representative Paul Jacques since 1967, when I lived in Waterville and my children went to Waterville High School along with Paul. My daughter Susan happens to work at Scott Paper and she is very fond of Paul and I am sure she is as upset with this ad as anyone here in this legislature.

When I first came to this legislature in the 110th, I was the first woman to sit on the Inland Fisheries and Wildlife Committee and renewed my acquaintance with Paul and spent six years on that

committee. These two people, Representative Paul Jacques and Senator Judy Kany are two of the most dedicated and respected legislators. If this ad did anything at all, it certainly has accomplished one thing, it has brought out these facts about these two wonderful people and maybe the whole State of Maine will know just what we know about them. I am proud to be called a friend.

Representative Sheltra of Biddeford was granted unanimous consent to address the House:

Representative SHELTRA: Mr. Speaker, Ladies and Gentlemen of the House: I was unaware of this publication, believe it or not, I guess I should start reading the Kennebec Journal more often. I was kind of hoping -- I was going for the Minority Report for the simple reason that a few years ago we lost our textile industry in Biddeford in a similar situation plus the fact that I haven't been lobbied by anyone here with the exception of Paul Jacques at the 11th hour and he swayed me considerably. But what I want to point out is that, had Paul mentioned this article or made me aware of the situation, it would have been a different story entirely. I would have changed right away but Paul is too much of a gentleman to try to intimidate someone by using that kind of tactics. I am very proud to be Paul's friend.

Representative Jacques of Waterville was granted unanimous consent to address the House:

Representative JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I am not dead but I am beginning to feel that way. I thank all my colleagues for their kind words but you really don't need to defend me. My skin is very thick, I have taken my lumps before and I will take my lumps again. I will submit to you that Scott Paper could have saved themselves a lot of money had they simply mailed this letter directly to me for 25 cents and taken the rest of the money and use it to do something about odor, color and foam. (applause)

They were, indeed, remiss because they didn't see this letter to my Governor, Governor McKernan, who happens to agree with me on this issue, they did not see the other members of the committee and if I may digress, a very hard working and dedicated committee, and yes, we have our fights. Representative Gould and I didn't agree on this issue but I think if you ask the Speaker, I was one of the ones that went and encouraged him to appoint Representative Gould to the Energy and Natural Resources Committee and I did so for one reason and that is because he cares about the people in the State of Maine, its environment, its trees and that is important.

I was going to talk about -- we got a book and talked about the Maine Legislature, the power of the big three -- used to be power companies, timber, manufacturing and how they ran this legislature, how legislators became pawns for the lobbyists and all that. This book was written in 1959. It was maybe a little case of *deja vu* but I see very quickly here after listening to everybody talk tonight, that there is no fear about the big three taking over the State of Maine. This is truly indeed the people's legislature and the people are well represented here.

I was a little upset that the company my father gave 40 years of his life to could do this but I have to forgive the people because, you see, Mr. Robinson doesn't come from the State of Maine, doesn't even come from the United States of America, probably doesn't know any better. I am sure his parents did the best job they could to raise him but he does not

know about Maine people and Maine tradition and the quality of the people we have in this state. I don't blame him.

Dave Maskewitz, a lobbyist for Scott Paper, he doesn't come from this state either. He comes from South Carolina or some place down there and his parents probably did the best job they could raising him. He, too, is not familiar with Maine ethics and the kinds of people that you and I have the honor of representing in this body so it is probably not his fault either. It really isn't.

You know, probably the saddest part about this whole thing is that we had a bill before our committee involving a major land trade with Scott Paper Company involving some pieces of land that really should be owned by the people of this state, really should be protected from developers and I think (the bill is dead) that that bill, unfortunately, got tied up in this mess. Men and Women of the House, that bothers me much more than anything they could ever do to me because I can assure you they wasted their 1600 bucks. After spending the time that we have spent on odor, color and foam, when I had made my decision, it was a decision I made based on all the information I had. There isn't anyone that will ever intimidate, that will ever coerce me or ever force me to change my mind, once I have made my mind up. That's the way my parents brought me up. Maybe my parents ought to be lent to some of these people who are involved in this and they would have been brought up differently.

Don't feel sorry for me, I appreciate the accolades but I am not dead, I am not intimidated, I am not coerced -- as a matter of fact, they singled Senator Kany and I out, they didn't go after the Governor, the Chief Executive of this state, they didn't go after many of the other legislators involved, they picked Senator Kany and Representative Jacques. To me, that means that they figured we were two of the biggest threats (applause) to them polluting our rivers. (applause)

Senator Kany doesn't need anybody to defend her because she has been in some very tough battles, she was the Mayor of the city of Waterville, and she survived. (applause)

Men and Women of the House, she will the Senator from our Senate District the next time around because she will survive and I can guarantee you one thing, I will be sitting in this body because I, too, will survive despite Scott Paper's cheap attempt. I thank you for your kindness, it really is much more than I deserve.

At this point, Representative Gwadosky of Fairfield was appointed to act as Speaker pro tem.

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

Representative Martin of Eagle Lake was granted unanimous consent to address the House:

Representative MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: It is obvious with the amount of time we have spent tonight what the members of this body and the members of the other body feel about the action that took place today. It is also obvious the feelings the members of this House have towards both the Senator from Kennebec, Senator Kany and the Representative from Waterville, Representative Jacques.

It is unfortunate that any corporate citizen in Maine through their representatives would choose to take the action that they took today. The unfortunate part, and I say unfortunate because it is unfortunate for them and it is unfortunate for us, in their attempt to win a battle with an issue that is before the legislature, one of 2,500 pieces of legislation that we will have in this two year session. It is unfortunate that they would stoop to the level of attempting to intimidate, not only those two legislators, but the entire legislature by a full-page ad appearing in a couple of Maine's papers. Some of us may think that maybe it was poor advice. Some of us may think that perhaps it was engineered by one individual but I can't forget when my parents used to tell me when I came home and attempted to blame it on someone else for an action that I might have done a little beyond what I should have done that they said, you are responsible. So the responsibility of the action taken by the mill manager at Somerset is the responsibility of the corporation of Scott Paper Company. It is the responsibility of the management and the board of directors of Scott Paper Company to take action, not only the mill manager, but the corporate officials who are responsible for the operation of that particular facility.

I have been involved with this corporation before. I remember when a former member of this body resigned his position to become a lobbyist for them and I remember how that individual was treated. It so happened that he was also from Waterville, a member of the opposition party. Those of us who were here during that time remember how that took place and remember the insensitivity of the individuals in the corporation within this state, within that particular company and how they chose to handle it. What I saw today was a *deja vu*, here it is one more time.

I don't believe Senator Kany or Representative Jacques will suffer by that action today. Those that will suffer is (1) the company itself and (2) the paper industry as a whole and that is why I am here speaking to you tonight. It is difficult to carry sometimes the issues that the paper companies have and many of us in this room represent and are surrounded by paper companies, by the industry and their employees. About two-thirds of the employees in my legislative district work for one paper company or another. They will all suffer because I can assure you, for the short term and hopefully not for the long term, every time that a piece of legislation that comes into this body, we will be suspect, we will be skeptical and yes, to some degree, resentful perhaps of a way to get a little pound of flesh. We all know what has been going on as a result of Jay and what Scott Paper has done has moved into that league. That is not to say that the people at Jay, the employees at Jay, even the corporate officials at Jay or at Scott are responsible for the action but who is responsible? It is management at the top, it is the board of directors and its president. If Scott Paper's top management take no action, they will be condoning the action of the mill manager at Hinkley and, unfortunately, they will pay the price.

What advice I might give and what advice they might take is simple, they (by they, I mean the president) ought to take action to deal with the issue personally and to deal with the mill manager, to send a letter of apology to the legislators involved, to the legislature itself, to the people of Maine and make a commitment that this type of corporate blackmail will not be an action that they will choose to allow in the dealings with Maine. If

they choose to do otherwise, then I personally, as long as I remain a member of this body, do not feel that I will be of any help and could be of help to push issues for them, even though they may be right because they will have managed to color every single situation, not because I want to, but we are all human beings and we all react.

I tell my students the very first day of every class that I teach at the University that I want them all to know that (1) I am a Democrat; (2) that I have opinions and I am opinionated; (3) that I have no intentions of attempting to convince them to join the party of my choice or attempt to brainwash them and to remember that everyone has an opinion and a bias. I end that particular introduction by saying, "If at the end of a semester, you have managed to come to my position, I congratulate you and I blame you, don't blame me." That is true of all of us. Whether we admit it or not, we have a bias and that bias goes with us wherever we go, even though we try as hard as we can, we cannot always erase it and prevent it from having an impact upon us.

So, as we close this debate tonight, I again ask that the corporate officials, the board of directors and the president of Scott Paper Company decide to take action because I think they can be a good corporate citizen and they ought to be. I hope that they will be for the future of this state and the future of Scott Paper Company.

At this point, Speaker Martin resumed the chair and called the House to order.

Representative Tracy of Rome was granted unanimous consent to address the House:

Representative TRACY: Mr. Speaker, Ladies and Gentlemen of the House: I do not rise this evening to defend Representative Jacques or Senator Kany because they are two unique individuals. They are true leaders, they are not followers, they are leaders. What we have in Representative Jacques and Senator Kany are people that stand up, stand strong and stand for the uniqueness and the values of the State of Maine. They have not and will not buckle under pressure from corporations, their ads, or their high-paid lobbyists. They are true, true leaders.

Representative Jacques is also a great Representative on the Fish and Wildlife Committee. He has a great dedication, not only to the environment, but also to its natural resources.

Senator Kany I have known for many, many, many years and she is one heck of a great lady and that is all I have to say. May God bless you in your true leadership for the people of the State of Maine.

Reference is made to (H.P. 1646) (L.D. 2279) Bill "An Act Concerning the State Minimum Wage" (C. "A" H-1046)

In reference to the action of the House on April 5, 1990, whereby it Insisted and Asked for a Committee of Conference, the Chair appointed the following members on the part of the House as Conferees:

Representative McHENRY of Madawaska
Representative RUHLIN of Brewer
Representative PARENT of Benton

The following item appearing on Supplement No. 24 was taken up out of order by unanimous consent:
PAPER FROM THE SENATE

Non-Concurrent Matter

Bill "An Act to Reduce the Use of Toxic Substances in the Workplace and Minimize the Generation of Hazardous Waste" (H.P. 1583) (L.D. 2192) which was passed to be engrossed as amended by Committee Amendment "A" (H-1082) in the House on April 5, 1990.

Came from the Senate failing of passage to be engrossed as amended by Committee Amendment "A" (H-1082) in non-concurrence.

The House voted to insist.

The following item appearing on Supplement No. 25 was taken up out of order by unanimous consent:

PAPER FROM THE SENATE

Non-Concurrent Matter

Bill "An Act to Ensure Continuity of Health Insurance Coverage" (H.P. 1641) (L.D. 2274) which was passed to be engrossed as amended by Committee Amendment "A" (H-1090) in the House on April 5, 1990.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-1090) as amended by Senate Amendment "B" (S-675) thereto in non-concurrence.

The House voted to recede and concur.

The following items appearing on Supplement No. 27 were taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Measure

An Act to Relating to the Protection and Advocacy Agency for Persons with Disabilities (H.P. 1527) (L.D. 2112) (C. "A" H-1044)

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 and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act Concerning Political Campaign Financing and Reporting (H.P. 1570) (L.D. 2175) (C. "A" H-1074)

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 Child Support Guidelines (H.P. 1704) (L.D. 2353) (C. "A" H-1079)

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

PASSED TO BE ENACTED

An Act Relating to Health Maintenance Organizations (S.P. 926) (L.D. 2337) (C. "A" S-644)

An Act to Protect the Public from Unsafe Industrial and Commercial Facilities (H.P. 1249) (L.D. 1747) (C. "B" H-1050)

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.

The Chair laid before the House the following matter: An Act to Increase the Penalty for Vehicular Manslaughter and to Remove the Habitual Drunk Driver Offender from the Highways (H.P. 1672) (L.D. 2314) (C. "A" H-1061) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Paradis of Augusta, the House reconsidered its action whereby the Bill was passed to be engrossed.

On further motion of the same Representative, the House reconsidered its action whereby Committee Amendment "A" (H-1061) was adopted.

The same Representative offered House Amendment "A" (H-1097) to Committee Amendment "A" (H-1061) and moved its adoption.

House Amendment "A" (H-1097) to Committee Amendment "A" (H-1061) 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: Resolve, Creating the Special Commission to Study and Evaluate the Status of Education Reform in Maine (S.P. 561) (L.D. 1564) (H. "A" H-1021; C. "B" S-593) which was tabled earlier in the day and later today assigned pending final passage.

On motion of Representative Crowley of Stockton Springs, the House reconsidered its action whereby L.D. 1564 was passed to be engrossed.

On further motion of the same Representative, the House reconsidered its action whereby Committee Amendment "B" (S-593) was adopted.

The same Representative offered House Amendment "A" (H-1096) to Committee Amendment "B" (S-593) and moved its adoption.

House Amendment "A" (H-1096) to Committee Amendment "B" (S-593) was read by the Clerk and adopted.

Committee Amendment "B" (S-593) as amended by House Amendment "A" (H-1096) thereto was adopted.

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

The following items appearing on Supplement No. 26 were taken up out of order by unanimous consent:

ENACTOR

**Emergency Measure
Later Today Assigned**

An Act to Amend Maine's Underground Oil Storage Law (S.P. 632) (L.D. 1725) (H. "A" H-1071 to C. "A" S-633)

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

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

**PASSED TO BE ENACTED
Emergency Measure**

An Act Creating the Long Pond Water District (S.P. 916) (L.D. 2322) (S. "B" S-652; C. "A" S-606)

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

**PASSED TO BE ENACTED
Emergency Measure**

An Act to Provide for the Licensing and Certification of Real Estate Appraisers and to Create a Board of Real Estate Appraisers (S.P. 934) (L.D. 2365) (C. "A" S-641)

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. 108 voted in favor of the same and 3 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 Concerning Living Wills (H.P. 1497) (L.D. 2074) (C. "A" H-1059)

An Act to Implement the Recommendations of the Court Jurisdiction Study (H.P. 1682) (L.D. 2328) (C. "A" H-1077)

An Act to Improve Protective Services for Incapacitated and Dependent Adults (H.P. 1754) (L.D. 2417) (H. "B" H-1080; C. "A" H-1041)

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.

The Chair laid before the House the following matter: An Act to Amend Maine's Underground Oil Storage Law (S.P. 632) (L.D. 1725) (H. "A" H-1071 to C. "A" S-633) which was tabled earlier in the day and later today assigned pending passage to be enacted.

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

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: We debated L.D. 1725 at length yesterday but I would like to put a few comments on the Record. I do remain opposed to this bill for three basic reasons. First, as mentioned yesterday, it includes a broadbased regressive tax or at least it will act like a tax for those who insist it is only a fee.

Secondly, in my opinion, it is an unfunded environmental mandate that will increase the pressure on the property tax through heating oil and gas cost increases in local budgets.

My third basic concern is that we are creating a \$100 million fund over ten years with 17 new state positions at a time when we are struggling to reduce the state budget.

For the above reasons, I do oppose the bill. However, since the debate yesterday, another issue has surfaced which has been the constitutionality of this fee. Given the hour, I am reluctant to read you this material, however I do want to put it in the Record.

First of all, last evening on Channel 6, there was an editorial on the gas tax which I would like to read to you. "We think the Maine Legislature is about to violate the Maine Constitution, the gasoline tax is a direct user fee. Twenty-seven states have gasoline taxes lower than Maine. Maine people have supported higher gasoline taxes because those taxes are dedicated by the Maine Constitution to be used only for highways and bridges. That may change even though the Constitution is clear.

The Legislative Energy and Natural Resources Committee wants to add a fee on each barrel of gasoline that is brought into the state, a fee that amounts to a penny a gallon on the gas tax. The idea is to raise money to pay for the cleanup of leaking underground fuel tanks.

Article IX, Section 19 of the Maine Constitution restricts all fees and taxes on gasoline. The revenues must be used for the construction and maintenance of highways and bridges. The committee goes too far when it reaches into the dedicated highway funds to remove underground tanks from private property. It would appear that the politicians in Augusta have taken a page out of the Federal Congress, raise funds for one purpose and spend it on the latest hot political button. If that is not unconstitutional, it ought to be."

Clearly, this editorial raised some concerns and I received a phone call about it and frankly, I hadn't thought about the constitutionality issue. My concerns were based on other issues but that brought into light the possibility that we may be passing a bill thinking we are resolving a problem and not resolving it at all. So, I have done some research today to follow up on that.

I would like to read to you a couple of things. One is Article IX, Section 19 of the Constitution, at first reading it seems indeed that the editorial writer may be correct. "Section 19. All revenues derived from fees, excises and license taxes relating to registration, operation and use of vehicles on public highways and to fuels used for the propulsion of such vehicles shall be expended solely for the cost of administration, statutory refunds and adjustments, payment of debts and liabilities incurred in construction and reconstruction of highways and bridges. The cost of construction, reconstruction, maintenance and repair of public highways and bridges under the direction and supervision of a state department having jurisdiction over such highways and bridges and expense for state enforcement of traffic laws and shall not be diverted for any purpose, provided that these limitations shall not apply to revenue from excise tax on motor vehicles imposed in lieu of personal property tax."

Based on the reading of that and some reflection I, along with Representative Foster and Representative McPherson, sent a letter to the Attorney General requesting an advisory opinion on that and I will read that letter to you.

"Dear Mr. Attorney General: As you know, we have been dealing with the important environmental issues encompassed by two bills, L.D. 1725, An Act to Amend Maine's Underground Storage Law and L.D. 2349, An Act to Enhance the Ability of the State to Respond to Oil Spills. Questions about the constitutionality of the legislation have come to our attention and we are seeking your clarification. According to a WCSH TV editorial, an insurance fund for cleanup fund financed by a per-barrel tax on petroleum brought into Maine could be a violation of the Maine Constitution. Article IX, Section 19 states in part that fees associated with the operation of vehicles on public highways must be targeted for highway and

bridge construction. Since this matter is still pending before the 114th Legislature, we would appreciate your prompt clarification of it."

That was delivered to the Attorney General's Office about noon and about 6:30, we received a response from the Chief Deputy Attorney General, Mr. Kilbreth. "This is in response to your letter of April 6 for a question of constitutionality of L.D. 1725 and L.D. 2341. The question you raised concerning whether these bills by Article IX, Section 19 of the Maine Constitution which require that revenues derived from fees relating to fuels used for the propulsion of vehicles on public highways has been answered by our Supreme Court in Portland Pipeline Corporation vs Environmental Improvement Commission 307A2D1 Maine 1973.

The court found that the funding mechanism used to fund the Maine Coastal Protection Fund, which was a predecessor to the funds here and substantially identical to them, did not violate Section 19 principally because the purpose of that section was to restrict the use of revenues derived from taxes on highway users to highway purposes. Because the history of this section demonstrated that its focus was on those who derived benefits as users of the highway system as the class subject to the tax, the court held that the anti-diversionary requirement of Section 19 did not apply to revenues derived from a license fee imposed upon those engaged in the initial transfer of petroleum products. The funding mechanism of the two L.D.'s in question is substantially the same as the funding mechanism upheld in the Portland Pipeline case and faces an identical challenge to the one you suggest here. Accordingly, we do not see any constitutional infirmity with either L.D. 1725 or L.D. 2345. If I can be of further assistance, please let me know. James Kilbreth"

Ladies and Gentlemen of the House, I am not a constitutional scholar but I have studied the Deputy Attorney General's opinion since receiving it earlier this evening and the second paragraph narrowly addresses a license fee as opposed to a general per-barrel and I believe that there is some lack of clarity in the letter as to whether or not this Law Court opinion can automatically be transferred to other fees.

I am hopeful that those who may be more constitutionally literate than I am will study this further but this evening I have not been able to glean much more information. I do want to say though that I share your concerns about our groundwater supply and I know that we can address the problem of leaking underground storage tanks in other ways. Yesterday, I suggested two other viable possibilities, self-insurance funds subsidized by the industry or a bond issue to create a state insurance fund, which would allow the voters to decide and which would shift the funding for this away from the regressive gas tax. However, I am a realist and based on yesterday's roll call, I realize that those options probably will not be considered by this House but I do appreciate the opportunity to put my concerns in the Record.

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

The Chair recognizes the Representative from Canaan, Representative McGowan.

Representative MCGOWAN: Mr. Speaker, pursuant to Joint Rule 19, I request to be excused from voting.

The SPEAKER: The Chair will grant the request.

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

Representative MARSH: Mr. Speaker, I also request permission pursuant to House Rule 19 to be excused from voting.

The SPEAKER: The Chair will grant that request.

Representative Gwadosky of Fairfield 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.

On motion of Representative Michaud of East Millinocket, tabled pending passage to be enacted and later today assigned.

The following item appearing on Supplement No. 28 was taken up out of order by unanimous consent:

REPORTS OF COMMITTEES

Ought to Pass Pursuant to Joint Order (H.P. 1484)

Representative JOSEPH from the Committee on State and Local Government on Resolve, for Laying of the County Taxes and Authorizing Expenditures of York County for the Year 1990 (EMERGENCY) (H.P. 1822) (L.D. 2495) reporting "Ought to Pass" - Pursuant to Joint Order (H.P. 1484)

Report was read and accepted, the Resolve read once.

Under suspension of the rules, the Resolve was read the second time, passed to be engrossed and sent up for concurrence.

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

The Chair laid before the House the following matter: An Act to Enhance the Ability of the State to Respond to Oil Spills (H.P. 1691) (L.D. 2341) (C. "A" H-1056) which was tabled earlier in the day and later today assigned pending passage to be enacted.

This being an emergency measure, a two-thirds voted of all the members elected to the House being necessary, a total was taken. 108 having voted in favor of same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

On motion of Representative Pineau of Jay, Adjourned until Saturday, April 7, 1990, at ten o'clock in the morning.

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

In Senate Chamber
Friday
April 6, 1990

Senate called to Order by the President.

Prayer by the Honorable Barbara A. Gill of Cumberland.
HONORABLE BARBARA A. GILL: Good morning everybody. I would ask God to look down on this Chamber today, and give us the strength to get through these next few days, in a bipartisan fashion.

We have many issues that we have to deal with, and I hope He gives us the grace and the wisdom to deal with them in a way to meet all the needs of the people of Maine. Amen.

Reading of the Journal of Thursday, April 5, 1990.

Off Record Remarks

PAPERS FROM THE HOUSE
Non-concurrent Matter

SENATE REPORTS - from the Committee on HUMAN RESOURCES on Bill "An Act Regarding the Administration of the Maine Children's Trust Fund" S.P. 957 L.D. 2421 (C "A" S-643)

Majority - Ought Not to Pass.

Minority - Ought to Pass as Amended by Committee Amendment "A" (S-643).

In Senate, April 5, 1990, Minority OUGHT TO PASS AS AMENDED Report READ and ACCEPTED and the Bill PASSED TO BE ENGROSSED AS AMENDED BY COMMITTEE AMENDMENT "A" (S-643).

Comes from the House the Majority OUGHT NOT TO PASS Report READ and ACCEPTED in NON-CONCURRENCE.

On motion by Senator BERUBE of Androscoggin, the Senate INSISTED and ASKED FOR A COMMITTEE OF CONFERENCE.

Sent down for concurrence.

The Chair appointed as conferees on the part of the Senate:

Senator GAUVREAU of Androscoggin

Senator BERUBE of Androscoggin

Senator WHITMORE of Androscoggin

The Secretary has so informed the Speaker of the House.

House Papers

Bill "An Act Concerning the Use of Live Animals in Games"

H.P. 1781 L.D. 2450

Committee on LEGAL AFFAIRS suggested and ORDERED PRINTED.

Comes from the House Bill and Accompanying Papers INDEFINITELY POSTPONED.

On motion by Senator WEBSTER of Franklin, under suspension of the Rules, READ ONCE without reference to a Committee.

The Bill, LATER TODAY ASSIGNED FOR SECOND READING.

Joint Resolutions

The Following Joint Resolution: H.P. 1790
JOINT RESOLUTION PETITIONING THE CONGRESS OF THE UNITED STATES TO PROPOSE AN AMENDMENT TO THE