

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LEGISLATIVE RECORD

OF THE

One Hundred And Fourteenth Legislature

OF THE

State Of Maine

VOLUME V

SECOND REGULAR SESSION

March 20, 1990 to April 14, 1990

Index

HOUSE & SENATE LEGISLATIVE SENTIMENTS

December 7, 1988 to April 14, 1990

**ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION
46th Legislative Day
Monday, April 9, 1990**

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

Prayer by Reverend Carlton Gunn, Pride's Corner Congregational Church, Westbrook.

Pledge of Allegiance.

The Journal of Saturday, April 7, 1990, was read and approved.

Quorum call was held.

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

Resolve, to Reimburse Certain Municipalities on Account of Taxes Lost Due to Lands Being Classified Under the Tree Growth Tax Law (EMERGENCY) (H.P. 1823) (L.D. 2496) (Presented by Representative WHITCOMB of Waldo)

(Committee on Taxation had been suggested)

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

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

**ORDERS OF THE DAY
UNFINISHED BUSINESS**

The following matters, in the consideration of which the House was engaged at the time of adjournment Saturday, April 7, 1990, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

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

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

TABLED - April 7, 1990 (Till Later Today) by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Engrossed.

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

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

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)

-In House, Majority "Ought Not to Pass" Report of the Committee on Legal Affairs was read and accepted on March 27, 1990.

- In Senate, 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.

TABLED - April 7, 1990 (Till Later Today) by Representative GWADOSKY of Fairfield.

PENDING - Further Consideration.

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

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

An Act to Establish the Office of Substance Abuse (EMERGENCY) (S.P. 909) (L.D. 2312) (C. "A" S-639) TABLED - April 7, 1990 (Till Later Today) by Representative GWADOSKY of Fairfield.

PENDING - Motion of same Representative to reconsider whereby the Bill failed of passage to be enacted.

Subsequently, the House voted to reconsider its action whereby the Bill failed of enactment.

On motion of Representative Daggett of Augusta, under suspension of the rules, the House reconsidered its action whereby L.D. 2312 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (S-639) was adopted.

The same Representative offered House Amendment "B" (H-1102) to Committee Amendment "A" (S-639) and moved its adoption.

House Amendment "B" (H-1102) to Committee Amendment "A" (S-639) 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 "B" thereto in non-concurrence and sent up for concurrence.

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

An Act to Make Supplemental Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1990, and June 30, 1991 (EMERGENCY) (H.P. 1776) (L.D. 2444) (C. "A" H-1064)

TABLED - April 7, 1990 (Till Later Today) by Representative CARTER of Winslow.

PENDING - Passage to be Enacted.

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

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

Bill "An Act to Establish the Maine Medical Malpractice Act" (S.P. 289) (L.D. 762)

- In House, Bill and accompanying papers were indefinitely postponed on April 7, 1990.

-In Senate, Insisted on its former action whereby the Bill and accompanying papers were recommitted to the Committee on Judiciary in non-concurrence.

TABLED - April 7, 1990 (Till Later Today) by Representative MAYO of Thomaston.

PENDING - Further consideration.

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

(At Ease)

The House was called to order by the Speaker.

BILL HELD

Resolve, Creating a Commission on Adult Sentencing (EMERGENCY) (H.P. 1801) (L.D. 2471)

- In Senate, Passed to be Engrossed as amended by Senate Amendments "A" (S-654) and "B" (S-676) on April 7, 1990.

- In House, House Receded and Concurred.

HELD at the request of Representative MELENDY of Rockland.

On motion of Representative Melendy of Rockland, the House reconsidered its action whereby it receded and concurred.

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

House Amendment "A" (H-1099) was adopted.

On motion of Representative Melendy of Rockland, Senate Amendment "B" (S-676) was indefinitely postponed.

The Bill was passed to be engrossed as amended by House Amendment "A" (H-1099) and Senate Amendment "A" (S-654) in non-concurrence and sent up for concurrence.

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

On motion of Representative Melendy of Rockland, the House reconsidered its action whereby, Bill An Act to Establish the Office of Substance Abuse (EMERGENCY) (S.P. 909) (L.D. 2312) (C. "A" S-639) was passed to be engrossed.

On further motion of the same Representative, the House reconsidered action whereby Committee Amendment "A" (S-639) was adopted.

The same Representative offered House Amendment "A" (H-1101) to Committee Amendment "A" (S-639) and moved its adoption.

House Amendment "A" (H-1101) to Committee Amendment "A" (S-639) was read by the Clerk.

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

Representative MELENDY: Mr. Speaker, Men and Women of the House: Last week when we spoke on this particular L.D., there was a lot of debate in terms of what we should be doing about undedicating the funds that we have worked so frequently to keep dedicated, the Alcohol Premium Fund. I didn't realize at the time how much of a problem there really had been with why the undedication took place. When the study took place, there was nothing in the study that spoke about doing dedication or undedication of the fund.

I would like to read a letter to you that I received this morning. This is from the National Council on Alcoholism. "Dear Representative Melendy: It is our understanding that you are proposing an amendment to L.D. 2312, Senate No. 639, "An Act to Establish the Office of Substance Abuse" in order to rededicate the Alcohol Premium Fund. The National Council on Alcoholism in Maine strongly supports the proposed Office of Substance Abuse as it represents a major step forward in delivering services to the field of alcohol and drug abuse prevention, education, treatment and research.

The members of the Board of Directors of NCA have been extremely frustrated as they were informed that any effort to change the undedicated feature of the existing proposed legislation, while in committee, would result in the possible withdrawal of this legislation and, because of that concern, did not press beyond public hearing testimony urging that dedication remain. Now that an amendment is being proposed to continue the dedication of the Alcohol Premium Fund, we wish to support this amendment as it would continue to strengthen the new Office of Substance Abuse.

It is essential in our opinion that scarce dollars be spent as wisely as possible. The experience of having three sources of revenue for the substance abuse field makes great sense to us. State General Fund's amounting to \$3.67 million, federal funds amounting to \$3.6 million and the Alcohol Premium Fund amounting to approximately \$5.8 million makes up a three part funding source that has worked extremely well and balances the source of revenues.

The citizens of the State of Maine represented by their legislators have continuously supported the dedicated revenue from the premium fund. It provides direct linkage between consumption of alcohol and the possible sickness incurred. Other states such as California and Oregon are adopting the dedicated revenue premium concept at this very time. The federal government is looking closely at the same concept. We would like to thank you for making possible the opportunity to retain the Alcohol Premium Fund in its dedicated structure and appreciate your support of the most important adoption of the new Office of Substance Abuse. Again, our board and our general membership thank you from around the State of Maine."

Men and women of the House, I am asking you once again to do what you have done for years now and that is to support the dedicated fund. I would ask you to please support the passage of my House Amendment "A."

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

Representative DAGGETT: Mr. Speaker, Men and Women of the House: Addressing an issue such as the dedication of the Alcohol Premium Fund is not an easy one because for years legislators have supported this dedication. It is an issue which is very dear to many of us because we know the kind of problems there are due to substance abuse and we know that this has touched many of our lives as well as the lives of our constituents.

I would like to tell a little story to help illustrate the situation that I feel we are dealing with with the dedication of the premium fund. There was once a young woman who was getting ready to bake a ham and, as she cut two sides of that ham off and tucked it into the pan, her daughter said to her, "Why are you doing that?" She said, "Gee, I am not sure but my mother always did it before me. We are expecting your grandmother over here for lunch, so why don't we ask her when she arrives?" The grandmother arrived and the child asked her, "Why did you always cut the ham like that before you baked it?" The grandmother said, "Because I didn't have a pan large enough to put it in."

Sometimes we cling to something past the time that is pertinent and I think we all have to examine the reasons why we are clinging to the dedication of the premium fund. There was a purpose to the premium fund when it was first enacted. There was a time when alcohol consumption, of being publicly intoxicated, was a crime, it was a criminal offense. We are not dealing with a situation like that now. There was a time when people did not recognize the link between alcohol and a disease called alcoholism. There was a time when substance abuse was at the bottom and probably not even on a national agenda. Today, that is different, times have changed. Our national consciousness and concern over substance abuse is right at the top of the list. We know that two-thirds of school children are affected by substance abuse whether they are abusers or whether they have abusers in their homes.

I was reading an article about a corrections facility in New York that said the same percentage, two-thirds of those people have substance abuse

problems. This is not an issue that needs to be brought to the public consciousness, it is there, it is there now. Without the proper organization of state substance abuse services, a dedicated premium fund is a moot issue.

I hope that we can all reexamine the reasons why we have that emotional tie to this issue and see if those reasons are still valid or if they are not.

I have been working on this bill, which was a unanimous committee bill, for over a year and a half and have had a lot of opportunities to examine the link between the two issues. For me, the tie is not there any more. I urge you to vote against the pending motion.

The SPEAKER: The Chair recognizes the Representative from Presque Isle, Representative Lisnik.

Representative LISNIK: Mr. Speaker, Ladies and Gentlemen of the House: I did prepare some figures last week as I began to get a feeling that people would be concerned, that should undedication take place, that the Appropriations Committee may at some point cut what is the third leg (I guess) of the three part funding, which I might add, is still in place.

In FY 88, the General Fund appropriation was \$2.92 million and I will put an asterisk (*) next to that because this included some one-time money through the Department of Education, a one-time grant. The following year, the General Fund money did decline because of that one-time appropriation in '88, it went down to \$2.83 million along with a recommendation from ODAP that a contract be terminated with Eastern Maine Medical Center. In FY 90, again there was an increase and the General Fund went up to \$3.06 million and again this year FY 91, the general appropriations went up to \$3.38 million. Over the two bienniums, over the past four years, the Alcohol Premium Tax has increased by 9 percent, the General Fund has increased by 15 percent. I think that that shows that even at a time of fiscal crises that there is a commitment on the part of the Appropriations Committee in this legislature to make sure that these programs are appropriately funded.

I think that Representative Daggett is absolutely correct, there was a time when this was necessary and appropriate. Again, as she stated, we should reexamine that, we should understand that there is a tremendous commitment here and we should let go of that emotional tie.

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

Representative BEGLEY: Mr. Speaker, Men and Women of the House: I rise in opposition to this amendment of the committee. We did come out with a unanimous report and I would like to remind you that, at this point in time, on the Alcohol Premium Fund, we received about \$5 million last year. We also put another \$5 million with that, as Representative Lisnik has pointed out to you. We have had a tremendous commitment to this type of program and I believe we also have another \$5 million coming from the federal government. So, we had about \$15 million spent on these programs last year, I think it is very obvious and very evident that the state is totally committed to these types of programs.

I also have permission to say to you that the different departments that are involved in this, the Department of Education, the Department of Public Safety and the other departments involved in these programs are supportive of the compromise that we came out with on the unanimous report. In order to sustain that compromise, I would ask you to vote against this amendment.

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

Representative MARSANO: Mr. Speaker, Ladies and Gentlemen of the House: I thought I would speak on this amendment because the argument that the Representative from Waldoboro makes is one which I heard out in the halls after the vote was taken last week. It made no sense to me then and it makes no sense to me this afternoon.

It is incredible to me that somehow this gets treated as a compromise when the issue which underlies this bill has been so eloquently addressed by Representative Daggett and it really makes no difference except as the dedication is a sideshow of this little movement to get an Office of Substance Abuse. It is a sideshow that gets carried on in some part of this legislature each and every term that we are here, the question of whether or not we are going to undedicate the revenues.

The dedication of the revenues, it seems to me, was that there was a commitment made at one time by this legislature with respect to premium taxes on the sale of alcohol, a drug that the state sells in many stores throughout the state, for the purposes of ensuring that some of it went to some purposes which was satisfactory to a legislature which existed before my time but of which some of you were members. You made that commitment and I think it is noble, as the Representative from Presque Isle said. He was talking about more money, fine. That's all well and good to give more money. There is no need to undedicate the premium tax in order to do that. We can simply do it around that amount of money, which is really all Representative Melendy's amendment attempts to do.

I guess what it comes down to is that this House and this legislature occasionally will reason to a conclusion with respect to the Office of Substance Abuse, an idea which I favor. It can do that without being fettered by the concept of trying to dedicate or undedicate. We made the commitment, let's continue the commitment and let's adopt enough legislation here among the pieces that are before us which will see us move forward toward the laudable goals that the Representative from Augusta, Representative Daggett extols, while at the same time, recognizing that we made a commitment which we should not abandon simply because there is no reason for the commitment.

Let me say to all due respect to the unanimous committee reports -- that in some fashion, this little mixture apparently generated a unanimous committee report but it seems to me as though the State and Local Government Committee was a poor place for that kind of policy with respect to Taxation to have been debated and it can be undone now while achieving the goal of the unanimous committee report. Accordingly, I hope that this amendment will eventually see the light of the legislative day and I would like the opportunity to vote on this. Mr. Speaker, when the vote is taken, I would request the yeas and nays.

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

Representative CURRAN: Mr. Speaker, Ladies and Gentlemen of the House: As probably a lot of you are saying to yourselves, I never understood all the way through the committee action on this bill and before action on it why undedicating has become an issue. I think maybe Representative Daggett has put her finger on it, it is a comfortable perception for a lot of people to cling to and it may be a sideshow as some others have suggested.

I will say this, that in the committee, whether I understand why or not, in the committee testimony, which was quite extensive, there was a long line of people who came before the committee and here I have a list of their names who were quite insistent about not undedicating that. I didn't understand it then, I don't understand it now. Committee Amendment "A", which is the committee's report, takes care of that very well. It has been said over and over to you already last week and again this week that the original committee amendment takes care of that and there should be no fear in it. I will say this to you and I am sorry that I have to, but in leaving the funds dedicated with this amendment of Representative Melendy's, it will save this important bill rather than defeat this important bill -- then by all means, vote for the amendment.

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

Representative ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: A number of years ago when we put in the Alcohol Premium, I was the chair of an ad hoc committee that worked with all the people that were working on alcoholism in order to put this legislation through. It was not an easy thing to do, it was the first bill of its kind in the country to ever be passed and there were many different feelings within the field. There were many different currents, many different factions. At one point, in trying to bring this group together to work in concert for this particular bill, I was so disgusted with the in-fighting that went on that I threatened to walk out of the meeting. I feel almost like that today.

When I stood up the other day and debated this bill, it was my understanding that the members of the field were entirely behind what the committee has done, the unanimous committee report. I now find that there is one group that apparently has decided that they are not going to participate in that but what they would like to do is sort of have their cake and eat it too. I also know that there have been people out there who are very much opposed to having an alcoholism office at the highest level of government and have been working to subvert this bill.

I do know in regard to what the gentleman from Westbrook just said, that putting this amendment on, will kill the bill. I am still tempted to vote for the amendment because I, more than anyone else I think in this body, am emotionally wetted to this idea of dedication. In fact, if it were up to me, I would dedicate the entire \$32 million that we receive from alcohol. Frankly, I realize that voting for this amendment will kill the bill, it will end the dream of having an office and it will put what had been a unified effort over the years back into the disarray that it was then before we had the Alcohol Premium Fund.

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

Representative NORTON: Mr. Speaker, Ladies and Gentlemen of the House: While I wouldn't go so far as Representative Rolde in putting the creases in the ham to the tune of \$32 million, I well believe that we should maintain the tie between the consumption of alcohol and the treatment that many need to have as a basis of it. I think it allows people to function a little better in the liquor stores when they sell their commodity and I know it makes a direct tie into the producing part of the revenue. It is only part of the revenue that we are talking about. This isn't enough to carry on the whole program but I think a part of the money to be spent to procure alcohol should come back in the form of the treatment that

some people so desperately need as a result of that consumption. If for no other reason, I would like to see that tie.

I have a great confidence that the priority of this subject is high with this legislature and I commend people for it. I do feel that, in the long run, to have a form of dedicated revenue for the present is very, very important and I urge you to support the Representative from Rockland's amendment.

The SPEAKER: The Chair recognizes the Representative from Scarborough, Representative Higgins.

Representative HIGGINS: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief but I did want to echo the comments of my learned colleague on the Appropriations Committee as it concerns this issue. I can understand the anxiety of those people who are currently funded under this dedicated account but we have already heard testimony from most everybody here that says the Appropriations Committee continues to give more money for this issue than currently comes under the Alcohol Premium Account. It is not enough and we have to continue to put more General Fund money with that dedicated account.

History has shown that the committee has continually put more money in there. I cannot understand the anxiety of those people who say if we undedicate it somehow there is going to be a raid on that fund. History doesn't indicate that in any stretch of the imagination. We had similar problems with the Fish and Game Department, we finally undedicated them and that hasn't seemed to hurt their ability to function and I don't think it is going to hurt these programs that are so needed as they deal with alcohol abuse.

There is in our committee an underlying concern about the dedication and a certain amount of, I don't know if you want to say the word jealousy, but it creates a damper. Sometimes I think when you have a premium fund with a cap on it, the tendency for the committee is to just say, "Well, they don't need any money because they have got some dedicated accounts, they can find the money somewhere else so we are not going to give them that extra General Fund money that they are asking for."

So, when you have two or three pots of money that you can juggle around, it has tendency to make the committee feel like perhaps there ought to be a cap rather than if you had just one account, then we know how much money is coming in and how much money is going out. We may be able to deal with this issue more to their benefit financially than we have in the past because there is that anxiety on the committee's part over how many dollars they are getting from some other source.

I am in favor of undedicating it. I know that it is not a popular issue with some of the people that have called me, but I sincerely feel that it is to the benefit of the entire program in how they approach and deal with their financial issues.

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

Representative MELENDY: Mr. Speaker, Men and Women of the House: I think I have to repeat one part of the letter. Representative Rolde speaks about the members that were altogether in supporting the undedicating in order to be able to have a bill. What I would like to repeat is, the members of the Board of Directors of the National Council on Alcoholism have been extremely frustrated when they were informed that any effort to change the undedicated feature of the existing proposed legislation, while in committee, would result in the possible withdrawal of this legislation. Because of

that concern, they did not press beyond the public hearing testimony urging that dedication remain.

I want to tell you, no one asked me to put the amendment on the bill. In fact, I was quite surprised Sunday night when I received the call from Earl Loomer from the National Council on Alcoholism saying, "Gee, I really appreciate your putting that amendment on because we feel the way you do but we were told that it couldn't happen." I am sorry, men and women of the House, but this is a democratic society and this is the way that we are going to handle our House and if I feel strongly about an amendment, I am going to try to put it on. It is up to each and every one of you to dig down to the deep bottom of your heart to decide how you want to do this.

Substance abuse involves many, many problems in our society. Fifty percent of fatal accidents, 80 percent of fire deaths, 60 percent of child abuse cases, 36 percent of pedestrian accidents, 65 percent of murders, 65 percent of drownings, 65 percent of arrests, 75 percent of falls -- all are related to substance abuse. I want to tell you that by keeping the dedicated account is the awareness, it is the same thing as that bill that I brought before Judiciary to try to put a trigger lock on a gun. It is the same type of thing, we want to create an awareness.

More than that, reasons for maintaining the dedicated premium fund dollars, the dedicated revenue of the premium fund gives some assurance that in times of difficult funding, that there remains a dedicated revenue base from which to work. Premium dedication shows a direct linkage between alcohol consumption and the consequences of excessive drinking, the disease of alcoholism. Those who choose to drink also directly share in the funding of preventing education, treatment and research. The Alcohol Dedicated Premium Fund also represents one of the three sources of funding in the substance abuse field. Yes, we speak about the General Fund giving some more money to it, it is because we know there is a problem out there, so what is the problem with keeping this portion dedicated if it puts a message out there to the public?

Maine has become a model for other states to follow with respect to the premium dedicate revenue. California has new legislation and Oregon is reviewing new legislation as well as the federal government in the area of this type of dedicated funding. The alcohol dedicated revenue gives assurance to the field and the people of the state that 100 percent of those funds will go into the field of substance abuse directly. So, for these reasons, we must continue the dedicated revenue.

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

Representative DAGGETT: Mr. Speaker, Men and Women of the House: I would like to call your attention to some letters which may in fact be on your desks right now. Before I look at the one from the Maine Association of Regional Councils, which was written on April 6th, I would like to read from a letter that I have that was written by the Maine Association of Regional Councils a year ago in January of 1989. I am reading from the last paragraph of that. Many of you will remember that last year we voted on the Alcohol Premium Fund and its dedication or undedication. This letter addresses that issue. The last paragraph says, "It is our sincere belief that the loss of the dedicated Alcohol Premium Fund would deal Maine's present alcohol and drug treatment and prevention programs a

crippling, if not a mortal blow." That was January 1989.

I would like to read from a letter from the same Association of Regional Councils written in April of 1990. "Four of the five citizenry advisory groups firmly support L.D. 2312 as submitted by the State and Local Government Committee. We believe passage of this bill will offer Maine citizens a more efficient, accountable and responsive service delivery system." Ladies and gentlemen, I would submit to you that this is an example of the kind of movement and the kind of change that, hopefully, people can envision today. We do not have to continue something that we did some years ago. Nothing is in concrete, we have the right to change our minds as we see an appropriate purpose.

Last year, the dedication issue sat by itself. It is before you this year in a form that will provide (as this current letter says) Maine citizens a more efficient, accountable and responsive service delivery system.

For those of you who are not quite sure what the Association of Regional Councils is, there are a lot of players in this game, there are a lot of people and agencies that have a stake in this. The Regional Councils are established by the Department of Human Services to advocate for services for substance abuse services. They are a watchdog organization, keeping an eye on the kinds of services that are offered to our constituents. They make referrals, their funding only consists of an Executive Director and the rest of it is all volunteer. These are the people that we are here to serve and this is their opinion.

I would also like to read to you a letter from the Maine Association of Substance Abuse Programs. MSAP represents the majority of substance abuse programs in Maine. These are the people who in fact are the recipients of grant monies to treat substance abusers. If they felt that their very livelihood was in jeopardy, they would never be behind this bill. I will quote from this letter. "The committee has crafted an excellent piece of legislation. We believe the current bill to be in the best interest of clients in need of care throughout Maine."

I hope that you will oppose the current motion and be able to stay with the unanimous committee report.

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.

How many new positions does this L.D. make?

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

The Chair recognizes the Representative from Augusta, Representative Daggett.

Representative DAGGETT: Mr. Speaker, Men and Women of the House: One of the good parts of this bill is that it in fact creates no new positions. This was a part of intense debate within the committee as to how it would be accomplished, that the new office would be able to have the authority to see that the services are coordinated without creating new positions. There are currently a number of positions within (what is currently called the ADPC) and those positions will remain. There will be some positions that deal solely with substance abuse issues that are within the Department of Human Services that will be transferred into and help to enhance the new proposed office. The other work that

will be done will be able to be delegated by that office but the coordination is assured.

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

Representative FOSTER: Mr. Speaker, Men and Women of the House: This is a good bill and a bad bill. I believe the Office of Substance Abuse is a good idea but when you look at the Statement of Facts, the only revenue they are guaranteed, and I will read it to you, is the amendment requires that the Office of Substance Abuse receive appropriation amounts at least equal the amount collected each year by the State Liquor Commission through the Premium Fund. It doesn't say that they have to have any more General Fund. That is the only money that they are sure of.

If you look at the other page, it says in particular, some of the General Fund appropriations included in this bill have been proposed for reduction in the Governor's Supplemental Budget.

Ladies and gentlemen, I say to you that there never would have been this kind of money for alcohol abuse in the State of Maine had we not had a premium tax. I know the feeling in my committee of dedicated revenues because they would like to undedicate all of them. I have heard it said that they have a dedicated revenue so let them use that fund. We have federal funds and I have yet to hear anyone say that they don't need any General Fund money because they have federal funds, matching funds. I am very wary of undedicating these funds because you do have a vehicle in the years to come to increase that tax but I am very wary when you only have the language that says that the money that you have for this office is only the money coming from the premium tax with no commitments of General Fund money. I want you to think long and hard about that. That money is yours to begin with, that premium tax money is yours to begin with.

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

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

As I listen to the debate on both sides of this issue, I am just a little bit confused. I am reading this letter from the Maine Association of Regional Councils on alcohol and other drugs dated April 6th in support of the bill. My question is, was this letter written before or after this amendment was drafted? Are these people who wrote this letter aware of the amendment?

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

The Chair recognizes the Representative from Rockland, Representative Melendy.

Representative MELENDY: Mr. Speaker, Ladies and Gentlemen of the House: I certainly can't tell you when except I didn't get this amendment until today so I don't know how they would have known about that. I would have to say that, when they wrote that letter, they were still working with that ax at their neck that said, "possible withdrawal of legislation unless funds were undedicated", and that is just assumption on my part. If I didn't have the amendment, I don't know how they would.

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 Augusta, Representative Daggett.

Representative DAGGETT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to respond to Representative Nutting's question, seeing as how I am the one who asked for the letter. I have been in contact with the person who is the Director of the Regional Council in my area and knew of his strong support for this, knew of the strong support for the Regional Councils, I cannot account for the date, but this morning I did ask for a letter indicating what the position was of the Regional Councils.

The SPEAKER: The pending question before the House is the adoption of House Amendment "A" (1101) to Committee Amendment "A" (S-639).

The Chair recognizes the Representative from Thomaston, Representative Mayo.

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

The SPEAKER: The pending question before the House is the adoption of House Amendment "A" (1101) to Committee Amendment "A" (S-639). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 240

YEA - Aikman, Allen, Anthony, Bailey, Brewer, Butland, Carroll, J.; Clark, H.; Conley, Cote, Dexter, Donald, Dore, Duffy, Farnsworth, Farnum, Foss, Foster, Garland, Gould, R. A.; Hale, Hanley, Hastings, Hepburn, Hichborn, Holt, Hussey, Hutchins, Jackson, Ketover, Kilkelly, Libby, Look, Lord, Luther, MacBride, Marsano, Marsh, Martin, H.; McHenry, McKeen, McPherson, McSweeney, Melendy, Merrill, Mills, Murphy, Norton, Nutting, O'Gara, Rand, Rolde, Ruhlin, Rydell, Simpson, Skoglund, Smith, Stevens, A.; Stevenson, Strout, B.; Strout, D.; Tamaro, Tracy, Tupper, Walker, Whitcomb.

NAY - Adams, Aliberti, Anderson, Ault, Begley, Bell, Boutillier, Burke, Cahill, M.; Carroll, D.; Carter, Cathcart, Chonko, Clark, M.; Coles, Constantine, Crowley, Curran, Daggett, Dellert, DiPietro, Dutremble, L.; Erwin, P.; Farren, Graham, Greenlaw, Gwadosky, Handy, Heeschen, Hickey, Higgins, Hogle, Jacques, Jalbert, Joseph, LaPointe, Lawrence, Lebowitz, Lisnik, Macomber, Manning, McCormick, McGowan, Michaud, Mitchell, Nadeau, G. G.; Nadeau, G. R.; O'Dea, Oliver, Paradis, E.; Paradis, J.; Paradis, P.; Parent, Paul, Pederson, Pendleton, Pineau, Pines, Plourde, Pouliot, Reed, Richard, Richards, Ridley, Rotondi, Seavey, Sheltra, Small, Stevens, P.; Swazey, Tardy, Telow, Townsend, Webster, M.; Wentworth, The Speaker.

ABSENT - Gurney, Larrivee, Mahany, Marston, Moholland, Priest.

PAIRED - Cashman, Mayo.

Yes, 66; No, 76; Absent, 6; Vacant, 1; Paired, 2; Excused, 0.

66 having voted in the affirmative and 76 in the negative with 6 absent, 2 having paired and 1 vacant, the motion did not prevail.

Subsequently, Committee Amendment "A" (S-639) as amended by House Amendment "B" (H-1102) was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-639) as amended by House Amendment "B" (H-1102) thereto in non-concurrence and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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 to Enhance the Ability of the State to Respond to Oil Spills (H.P. 1691) (L.D. 2341) (S. "A" S-679 to C. "A" H-1056)

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. 128 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 Study the Feasibility of Establishing a Piscataqua River Basin Compact between Maine and New Hampshire (S.P. 496) (L.D. 1370) (S. "A" S-678 to C. "B" S-552)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 123 voted in favor of the same and none against and accordingly the 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 Piscataquis County for the Year 1990 (H.P. 1824) (L.D. 2497)

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. 127 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.

PASSED TO BE ENACTED

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) (H. "A" H-1100 to C. "A" H-1088)

An Act Relating to Correctional Policy (H.P. 1814) (L.D. 2486) (S. "B" S-673)

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

FINALLY PASSED

Resolve, to Authorize the Director of the Bureau of Public Improvements to Sell a Parcel of Land to the Warren Sanitary District (S.P. 1003) (L.D. 2491) (C. "A" S-680)

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

PAPER FROM THE SENATE
Divided Report
Later Today Assigned

Majority Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (S-628) on Bill "An Act to Promote Economic Development" (S.P. 907) (L.D. 2306)

Signed:

Senators: ESTY of Cumberland
MATTHEWS of Kennebec
McHENRY of Madawaska

Representatives:

RAND of Portland
TAMMARO of Baileyville
PINEAU of Jay
McKEEN of Windham
LUTHER of Mexico

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

Signed:

Representatives: McCORMICK of Rockport
BUTLAND of Cumberland
REED of Falmouth
RUHLIN of Brewer

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-628) as amended by Senate Amendment "C" (S-655) thereto.

Reports were read.

Representative McHenry of Madawaska moved that the House accept the Majority "Ought to Pass" Report.

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

Representative REED: Mr. Speaker, Ladies and Gentlemen of the House: L.D. 2306, An Act to Promote Economic Development comes to this body with one of the few, and I happy to report, the last divided report from the Joint Standing Committee on Labor for this session. Why is that true? Because in the opinion of the Minority signers, this bill is aimed at a target for which there was no evidence of existence during the hearing.

Even if the alleged problem does or may at some future time exist, this proposal has veered far off course and like all errant projectiles will miss the mark and not be self-destructed before it does considerable harm.

At the hearing, we were told that if you oppose this bill, that was tantamount to having no concern for the well-being of Maine workers. I must respectfully disagree with that proposal. My son and daughter are Maine workers, my constituents are Maine workers and my Dad, at age 75, still gets up at 4:00 a.m. every day of the week to go to work operating a gas station. I am sensitive to concerns of Maine workers and those that L.D. 2306 attempts to address are incorrect, in my opinion.

Why then do I oppose it? First, because it is far too broad in scope and would in fact place the Attorney General of this state in every employment decision for affected companies in this state. It would also permit harassment through litigation by any disgruntled employee who chose to avail himself or herself of that possibility. It is drafted so loosely that it has to be difficult, if not impossible, to enforce. Most importantly, it will have, in my opinion, exactly the opposite effect of its purported intent.

L.D. 2306 reminds me of a hologram that you may be familiar with, it is an optical illusion of sorts that uses reflected images to convey the impression

that something exists where in fact it does not. If you look closely at L.D. 2306, you will see that it is in fact a hologram. Viewed quickly from the point of view of the sponsors, I suspect it appears to afford a small measure of protection for employees of certain businesses. However, if you step up closely, as you would with a hologram and study it more carefully from a closer angle, you will see that, not only is there no such protection, but in fact quite the opposite results.

L.D. 2306 has a number of drastic weaknesses which make it unworkable. The title refers to economic development; yet Section 875-1 includes all so-called economic activities of the impacted employer including simply staying in business, not the development of any new jobs or any economic development. 875-1, part c, attempts to exclude tax abatements or exemptions, while 875-5 includes the term tax benefits as one of the criteria for applicability of this bill. 875-2, the employer criteria is so broad that it would force an employer with multiple locations to consider an employee who may have worked at the location, say in Portland or Sanford, for a placement position in Bangor or Fort Kent. 875-3b requires that employers keep contact with employees for at least three years after they have left their employ. More time is likely, depending upon the type of so-called public subsidy that they receive and 876-2 extends this time to three years after the end of any such activity. 876-2 will permit any employee to challenge any employment decision in an affected company, bringing the Attorney General and the courts into every single business decision. 878-2, as written, could have the Supreme Court deciding complaints resulting from the alleged incorrect filling of part-time vacancies. Does this make any sense ladies and gentlemen?

L.D. 2306 would impose such intrusive, costly and burdensome restrictions on Maine businesses that they would very likely refrain from seeking this assistance that might be critically needed to keep their business going through a temporary, difficult situation. Therefore, the results of this bill may exactly be the opposite of the intended purpose. Employers will not get the help that they need, businesses will fail to grow, or worse yet, may not even survive, jobs may well be lost instead of protected. This is yet another one of those bills with serious, unintended, but very likely consequences.

It should not become the law in this state and, therefore, I would urge you to defeat the pending motion so that we may accept the Minority "Ought Not to Pass" Report. Mr. Speaker, I request a division.

The SPEAKER: The Chair recognizes the Representative from Brewer, Representative Ruhlín.

Representative RUHLIN: Mr. Speaker, Men and Women of the House: For some of you who have been around for a few years, the way that that report came out, when you look at the names, it may look a little bit strange to some of you. I think it is because when you look at the title and with the good intent in which the bill was introduced to the committee, one would think that a person who was in favor over the years of job training and retraining programs certainly would be for this piece of legislation. However, that is exactly the objection that I found to it.

This bill by itself would gut some of the many training bills that we have used. I will use one example. Because it says that if you use tax or committal financing as a part of your economic structure to enlarge your company, and if you have a person in that company, at present anybody who you go

out and have to retrain through JTPA, loses their opportunity to go into your company until you have given that existing employee an opportunity to advance up to that. So now we have these people we have given aspirations to, given them the encouragement to go into training and retraining and tell them we have this new economic development in your area and yet, there may already be a person in the company we are going to promote first and we are going to let you into that company below the level of work standards that we have trained you for. That is wrong.

Another thing that I find very objectionable about this bill is, if I take a low interest loan and I go out and repay it because I am successful and somebody makes a determination that I have wrongly hired a person, why should I have to pay back the entire profits, the entire loan? Why can that entire loan be called in at one time? Why not just the subsidy, the amount of money that I saved by getting a low interest loan? Look at the last page -- if I borrow a low interest loan and somebody prevails against me with the Attorney General, that entire \$1 million low interest loan can be called in immediately, it can be called in its entirety, not just the subsidy, not just the difference in cost between that low interest and a normal prevailing interest. That is against the economic expansion of the state, that is against the fair hiring or retrained workers of this state and it will slow down the hiring of the workers of this state.

I have always stood on the floor of this House and spoken for the workers of the state. I certainly am not going to now sign on to a Majority Report that I believe hinders the welfare of those very workers we have been trying to help.

I hope when you vote, you will keep that in mind. I move indefinite postponement of this bill and all accompanying papers.

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

Representative MCHENRY: Mr. Speaker, Men and Women of the House: The intent of this bill and the amended version of this bill is to protect the employees of this state from being laid off or fired on account of some employer who may wish to bring in employees from outside the state if that employer has received tax dollars to help that employer to compete, whether by adding new machines or expanding their work place. We are saying, if you want tax dollars to help you, you ought to at least give us some fair estimate as to what you are going to do with your employees. We are not saying that you cannot lay off employees because you have added machinery that replaced some of the employees but what we are saying is, you will not lay off employees that you have presently if you can train those employees with the same amount of money, the same amount of training you would give to another employee from outside the State of Maine. That is all we are doing. We are not saying to the employer that you cannot -- if the employee who is presently employed by the employer cannot go through the course that is being offered, the retraining, then that employee does not qualify. We are not saying to the employer that you cannot go outside the State of Maine. We are trying to keep the jobs of the working men and women of this state and we are trying to protect them a little bit, not much, but a little bit.

I had a bill here a few years ago that I cosponsored that said, any money that was tax dollars going to any industry, we ought to make sure that the job they had would be held. This bill does not say that. You can eliminate jobs by being more

competitive but at least try to keep the employees that you have. If you can do it by retraining them on the same level that you are going to retrain people from outside of the state, then you ought to do it. That is all it says. You can try to paint it different ways, but we are trying to provide a little protection for our greatest asset that we have in the State of Maine and that is our workers and not have people come in from outside of the state and take over those jobs.

On motion of Representative Gwadosky of Fairfield, tabled pending the motion of Representative Ruhlin of Brewer that L.D. 2306 and all its accompanying papers be indefinitely postponed and later today assigned.

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

PAPER FROM THE SENATE
Divided Report

Majority Report of the Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-682) on Bill "An Act to Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY) (S.P. 927) (L.D. 2345)

Signed:

- Senators: HOBBS of York
GAUVREAU of Androscoggin
- Representatives: PARADIS of Augusta
CONLEY of Portland
STEVENS of Bangor
ANTHONY of South Portland
FARNSWORTH of Hallowell
COTE of Auburn

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

Signed:

- Senator: HOLLOWAY of Lincoln
- Representatives: RICHARDS of Hampden
HASTINGS of Fryeburg
MacBRIDE of Presque Isle
HANLEY of Paris

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-682).

Reports were read.

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

Committee Amendment "A" (S-682) was read by the Clerk and adopted.

Pursuant to Joint Rule 20, tabled pending second reading and especially assigned for Tuesday, April 10, 1990.

On motion of Representative Cote of Auburn, Adjourned until Tuesday, April 10, 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
Monday
April 9, 1990

Senate called to Order by the President.

Prayer by Reverend Dr. William Doughty, Jr. of the Pineland Center in Pownal.

REVEREND DR. WILLIAM DOUGHTY, JR.: Honorable members of the Senate. I have been granted just two minutes of your valuable time. Please allow me to thank Senator Nancy Clark for suggesting my name, and also please accept my invitation to visit me at Pineland Center, where I serve as Chief of Volunteer Services. You are always welcome to drop in whenever you are in the area. If you like, I will come to you, and bring you my slide presentation of Pineland, past, present, and future.

Let us pray. Gracious Creature of the Universe, God of compassion, honor, and good will. As we gather here on the eve of the great spiritual moments of history, the passover of the Jewish faith, and the Holy Week of the Christian, we call upon you to send down Your vibrant Holy Spirit, to enter into the hearts and minds of these, our elected Senators and their staffs.

In the noble tradition of the native American, let Your great Spirit speak to the highest level of human ethic, living in each person here present. Guide the deliberation of this day and all coming days with Your hand of mercy and justice. Bring, we pray, a sense of willingness to negotiate and compromise to all who enter into the debates that will determine the future of our great and beloved State of Maine. Open new vistas of thought that will enable these, our lawmakers, to see the future so clearly, that their decisions will be hailed as inspired by generations yet to come.

During this election year, raise the standard of ethical behavior and political rhetoric to a level of honesty and clarity never equaled before. Bless, strengthen, and protect these good people as they go about the business of government. Bring healing to body and mind and soul and every individual and their family, so that peace and concur will prevail throughout our cities and towns. Return us to the prosperity of our past as we face the future together. All this we pray this in humility, as servants of the people, under Your will. Amen.

Reading of the Journal of Saturday, April 7, 1990.

Off Record Remarks

COMMUNICATIONS

The Following Communication:
STATE OF MAINE
HOUSE OF REPRESENTATIVES
AUGUSTA 04333

April 7, 1990

Honorable Joy J. O'Brien
Secretary of the Senate
114th Legislature
Augusta, Maine 04333
Dear Madam Secretary:

The House voted today to adhere to its former action whereby it failed to enact An Act to Authorize