

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

On motion by Senator ANDREWS of Cumberland,
ADJOURNED until Thursday, April 12, 1990, at 9:00 in
the morning.

ONE HUNDRED AND FOURTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION
49th Legislative Day
Thursday, April 12, 1990

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

Prayer by Honorable Michael Carpenter of Houlton.
The Journal of Wednesday, April 11, 1990, was
read and approved.

Quorum call was held.

PAPER FROM THE SENATE

The following Communication:
Maine State Senate
Augusta, Maine 04333

April 11, 1990
Honorable Edwin H. Pert
Clerk of the House
State House Station 2
Augusta, Maine 04333

Dear Clerk Pert:

House Paper 1648 Legislative Document 2281, An Act to
Amend the Laws Relating to Whitewater Rafting, having
been returned by the Governor together with his
objections of the same pursuant to the provisions of
the Constitution of the State of Maine, after
reconsideration the Senate proceeded to vote on the
question: "Shall this Bill become a law
notwithstanding the objections of the Governor?"

18 Senators having voted in the affirmative and 17
Senators having voted in the negative, with no
Senators being absent, accordingly, it was the vote
of the Senate that the Bill not become law and the
veto was sustained.

Sincerely,

S/Joy J. O'Brien

Secretary of the Senate

Was read and ordered placed on file.

COMMUNICATIONS
STATE OF MAINE

ONE HUNDRED AND FOURTEENTH LEGISLATURE
COMMITTEE ON TAXATION

The following Communication:

April 11, 1990

Hon. John L. Martin
Speaker of the House
114th State Legislature
State House
Augusta, Maine 04333

Dear Speaker Martin:

Enclosed is a draft copy of the final report of
the Commission to Study Problems with the Municipal
Assessment, Valuation and Collection of Property
Taxes. The Commission was required to report to this
session of the Legislature. For numerous reasons,
issuance was unavoidably delayed until now and the
final version has not yet returned from the
printers. There, we have sent this copy, which
differs from the final version only in minor
technical ways, in an effort to meet the statutory
deadline. As soon as the final version is completed,
we will make copies available to the full Legislature.

Thank you for the opportunity to serve on this
Commission. We have provided additional points of
discussion for future studies and look forward to the
work of the Select Committee on Comprehensive Tax
Reform being established in separate legislation
currently before the Legislature.

Sincerely,
S/Sen. Thomas H. Andrews
Commission Chair

Was read and with accompanying report ordered placed on file.

The following Communication:
 DEPARTMENT OF PUBLIC SAFETY
 State House Station 42
 Augusta, Maine 04333
 April 11, 1990

Hon. Charles P. Pray
 President of the Senate
 State House Station #3
 Augusta, ME 04333
 Hon. John L. Martin
 Speaker of the House
 State House Station #2
 Augusta, ME 04333

Dear President Pray and Speaker Martin:
 It is my privilege to present herewith the first annual report of the E-911 Advisory Committee as required by law.

Although the Committee started slowly, we have made considerable progress in the past year in that we have narrowed and defined the issues we must deal with, and more importantly, identified how we can implement this system at considerable savings in comparison with the original plan.

Many challenges lie ahead as the establishment of a statewide E-911 system in a large rural state requires the resolution of a series of special problems. Nevertheless, given the commitment of the Committee, your support and that of public safety agencies, I believe we will succeed.

Respectfully submitted,
 S/JOHN R. ATWOOD
 Commissioner

Was read and with accompanying report ordered placed on file.

The following Communication:
 STATE OF MAINE
 ONE HUNDRED AND FOURTEENTH LEGISLATURE
 COMMITTEE ON EDUCATION
 April 11, 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 Education 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	41
Unanimous reports	35
Leave to Withdraw	9
Ought to Pass	1
Ought Not to Pass	3
Ought to Pass as Amended	21
Ought to Pass in New Draft	0
Re-Deferred	1
Divided reports	5
Joint Order	1

Respectfully submitted,
 S/Stephen C Estes S/Nathanial J. Crowley, Sr.
 Senate Chair House Chair

Was read and ordered placed on file.

PASSED TO BE ENACTED
Emergency Measure

An Act to Require the Superintendent of Insurance to Review the Requirements for a Certificate of

Authority for Certain Captive Medical Malpractice Insurers (S.P. 705) (L.D. 1843) (Comm. of Conf. "A" S-689)

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 2 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Allow the Harness Racing Commission More Flexibility (H.P. 1828) (L.D. 2500) (H. "A" H-1113)

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.

ORDERS OF THE DAY
UNFINISHED BUSINESS

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

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

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 11, 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 second item of Unfinished Business:

Bill "An Act to Establish the Department of Child and Family Services" (EMERGENCY) (H.P. 1199) (L.D. 1666) (H. "B" H-1109 to C. "C" H-820)

- In Senate, Passed to be engrossed as amended by Committee Amendment "C" (H-820) as amended by House Amendment "A" (H-1008) and Senate Amendment "B" (S-672) thereto in non-concurrence.

TABLED - April 11, 1990 (Till Later Today) by Representative GWADOSKY of Fairfield.

PENDING - Passage to be engrossed as amended by Committee Amendment "C" (H-820) as amended by House Amendment "B" (H-1109) thereto in non-concurrence.

On motion of Representative Gwadosky of Fairfield, retabled pending passage to be engrossed as amended by Committee Amendment "C" (H-820) as amended by House Amendment "B" (H-1109) thereto in non-concurrence and later today assigned.

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

Bill "An Act to Establish a Five-year Medical Liability Demonstration Project" (S.P. 782) (L.D. 2023)

- In Senatè, Passed to be engrossed as amended by Senate Amendment "A" (S-683) in non-concurrence.

- In House, House Receded.

TABLED - April 11, 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.

TABLED AND TODAY ASSIGNED

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

JOINT RESOLUTION Commemorating Yom Hashoah, The "Days Of Remembrance" Of Those Who Suffered As Victims Of Nazism (H.P. 1827)

TABLED - April 11, 1990 by Representative KETOVER of Portland.

PENDING - Adoption.

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

Representative KETOVER: Mr. Speaker, Ladies and Gentlemen of the House: On April 22nd to April 29th are the "Days of Remembrance" for the victims of the Nazi holocaust, which only happened 45 years ago, 45 short years ago. For the last four years, I have proudly presented this Resolution.

This year I would like to explain as a board member of the Holocaust Human Rights Center the purpose of the center. It is to foster education about the Nazi holocaust and human rights and reduce prejudice and increase tolerance through knowledge and understanding. We know we have much to do. Although the Nazi holocaust was the worst genocide in history with more than 12 million people murdered, its lessons have not been learned. The atrocities, the genocide, the torture, death squads proves that man's willingness to participate in evil is alive and well. We established an education institute to operate in conjunction with the Maine State Library, the University of Maine System and the Department of Education and Cultural Affairs. This partnership is the first of its kind in the nation.

Last year, we heard from a teacher from Cony High School at the Blaine House reception on her project with several Cambodian students who read the Diary of Anne Frank and then wrote for the first time about the horrifying Cambodian genocide they lived through. There were two teachers at Mt. Blue High School who presented an in-service course on the holocaust for their students by studying students who learn about individual differences and rights. They learned that being different is acceptable and to be proud of who they are and of their heritage. The students have responded overwhelmingly, they have written journals and poems. The graphic displays that we have set up in the rotunda today from our memorabilia collection from which we teach history should remind all students about protecting human rights of all citizens.

Eli Rizal wrote and I quote, "The greatest evil today is indifference. To know and not to ask is a way of consenting to these injustices."

You know, the planet has become a very small place. What happens in it affects us all. I am Lithuanian and Polish heritage and with Poland becoming the first eastern European country to establish a non-communist government, Lithuania's

fighting for the democracy and other countries have followed. The world is changing rapidly. I wonder how my ancestors would be feeling right now but many of the survivors still are pondering the consequences of the reunification of West Germany. There is still much that we need to do there.

I want to read you a poem that was written by Reverend Martin Niemoller. "First they came for the Communists and I did not speak out because I was not a Communist. Then they came for the Socialists and I did not speak out because I was not a Socialist. Then they came for the labor leaders and I did not speak out because I was not a labor leader. Then they came for the Jews and I did not speak out because I was not a Jew and then they came for me and there was no one left to speak out for me."

I hope you will speak out. I have said this before, hatred has never made our children or anyone happier but the one thing that we can continue to do is to educate so we will never forget and you will speak out. Again, I want to quote Eli Rizal, "The holocaust was a unique event and it won't happen again, it can't happen again unless we forget."

Subsequently, was adopted and sent up for concurrence.

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

PAPERS FROM THE SENATE

Bill "An Act to Reduce Health Care Cost and Enhance Medical Care through Tort Reform" (S.P. 1006) (L.D. 2498)

Came from the Senate, referred to the Committee on Judiciary and Ordered Printed.

On motion of Representative Gwadosky of Fairfield, tabled pending reference in concurrence and later today assigned.

Non-Concurrent Matter

An Act to Provide Tax Amnesty and Necessary Administrative Support to the Bureau of Taxation (H.P. 1731) (L.D. 2390) (C. "A" H-1093) which was passed to be enacted in the House on April 7, 1990.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-1093) as amended by Senate Amendment "B" (S-692) thereto in non-concurrence.

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

PAPERS FROM THE SENATE

Bill "An Act Relating to the Whitewater Rafting Laws" (EMERGENCY) (S.P. 1005) (L.D. 2501)

Came from the Senate, referred to the Committee on Fisheries and Wildlife and Ordered Printed.

Under suspension of the rules, without reference to any committee, the Bill was read once and assigned for second reading later in today's session in non-concurrence.

Ought to Pass

Report of the Committee on Education reporting "Ought to Pass" on Bill "An Act Regarding the

Secondary Market for Student Loans" (S.P. 901) (L.D. 2295)

Came from the Senate, with the Bill and accompanying papers indefinitely postponed. Was indefinitely postponed in 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. 3 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 Somerset County for the Year 1990 (EMERGENCY) (H.P. 1830) (L.D. 2502) 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 a second time, passed to be engrossed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

(At Ease)

The House was called to order by the Speaker.

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

PAPER FROM THE SENATE

Non-Concurrent Matter

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) (H. "A" H-1103 to C. "A" H-1064) which was passed to be enacted in the House on April 11, 1990.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-1064) as amended by House Amendment "A" (H-1103) and Senate Amendment "A" (S-694) thereto in non-concurrence.

The House voted to recede and concur.

(At Ease)

The House was called to order by the Speaker.

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

REPORTS OF COMMITTEES

Ought to Pass Pursuant to Joint Order (H.P. 1772)

Representative CARTER from the Committee on Appropriations and Financial Affairs on Bill "An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 1991" (EMERGENCY) (H.P. 1831) (L.D. 2503) reporting "Ought to Pass" - Pursuant to Joint Order (H.P. 1772)

Report was read and accepted, the Bill read once.

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

By unanimous consent, ordered sent forthwith to the Senate.

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

COMMUNICATIONS

The following Communication:

STATE OF MAINE

ONE HUNDRED AND FOURTEENTH LEGISLATURE
COMMITTEE ON ENERGY AND NATURAL RESOURCES

April 12, 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 Energy and Natural 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	84
Unanimous reports	76
Leave to Withdraw	4
Ought to Pass	2
Ought Not to Pass	20
Ought to Pass as Amended	47
Ought to Pass in New Draft	0
Re-referred	3
Divided reports	8

Respectfully submitted,

S/Judy C. Kany

Senate Chair

S/Michael H. Michaud

House Chair

Was read and ordered placed on file.

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Provide Tax Amnesty and Necessary Administrative Support to the Bureau of Taxation (H.P. 1731) (L.D. 2390) (S. "B" S-692 to C. "A" H-1093)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 101 voted in favor of the same and 32 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

FINALLY PASSED

Emergency Measure

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Somerset County for the Year 1990 (H.P. 1830) (L.D. 2502)

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. 104 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.

By unanimous consent, ordered sent forthwith to the Senate.

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

SECOND READER

As Amended

Later Today Assigned

Bill "An Act Relating to the Whitewater Rafting Laws" (EMERGENCY) (S.P. 1005) (L.D. 2501)

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

Representative Jacques of Waterville offered House Amendment "E" (H-1119) and moved its adoption.

House Amendment "E" (H-1119) was read by the Clerk and adopted.

Representative Clark of Millinocket offered House Amendment "A" (H-1115) and moved its adoption.

House Amendment "A" (H-1115) was read by the Clerk and adopted.

Representative Clark of Millinocket offered House Amendment "B" (H-1116) and moved its adoption.

House Amendment "B" (H-1116) was read by the Clerk and adopted.

Representative Clark of Millinocket offered House Amendment "D" (H-1118) and moved its adoption.

House Amendment "D" (H-1118) was read by the Clerk and adopted.

On motion of Representative Jacques of Waterville, tabled pending passage to be engrossed as amended by House Amendments "E" (H-1119), "A" (H-1115), "B" (H-1116) and "D" (H-1118) and later today assigned.

The Chair laid before the House the following matter: Bill "An Act Relating to the Whitewater Rafting Laws" (EMERGENCY) (S.P. 1005) (L.D. 2501) which was tabled earlier in the day and later today assigned pending passage to be engrossed as amended by House Amendments "E" (H-1119), "A" (H-1115), "B" (H-1116) and "D" (H-1118).

Representative Marsano of Belfast requested a roll call on engrossment.

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

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

The SPEAKER: The pending question before the House is passage to be engrossed as amended by House Amendments "E" (H-1119), "A" (H-1115), "B" (H-1116) and "D" (H-1118). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 246

YEA - Adams, Aikman, Aliberti, Allen, Anderson, Anthony, Ault, Bailey, Bell, Boutilier, Brewer, Burke, Butland, Cahill, M.; Carroll, D.; Carroll, J.; Carter, Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Conley, Constantine, Cote, Crowley, Daggett, Dellert, DiPietro, Dore, Duffy, Dutremble, L.; Erwin, P.; Farnsworth, Farnum, Farren, Foss, Foster, Gould, R. A.; Graham, Greenlaw, Gurney, Gwadosky, Hale, Handy, Heeschen, Hitchborn, Hickey, Higgins, Holt, Hussey, Jacques, Joseph, Ketover, Kilkelly, LaPointe, Larrivee, Lawrence, Lebowitz, Lisnik, Look, Lord, Luther, MacBride, Macomber, Mahany, Manning, Marsh, Martin, H.; Mayo, McGowan, McHenry, McKeen, McPherson, McSweeney, Melendy, Merrill, Michaud, Mills, Mitchell, Moholland, Murphy, Nadeau, G. G.; Nadeau, G. R.; Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, E.; Paradis, J.; Paradis, P.; Paul, Pederson, Pendleton, Pineau, Pines,

Plourde, Pouliot, Priest, Rand, Reed, Richard, Ridley, Rolde, Rotondi, Ruhlman, Rydell, Seavey, Sheltra, Simpson, Skoglund, Smith, Stevens, A.; Stevens, P.; Strout, B.; Strout, D.; Swazey, Tammaro, Telow, Townsend, Tracy, Tupper, Walker, Wentworth, Whitcomb, The Speaker.

NAY - Begley, Curran, Dexter, Donald, Garland, Hepburn, Hutchins, Libby, Marsano, Richards, Small, Stevenson, Webster, M..

ABSENT - Hanley, Hastings, Hoglund, Jackson, Jalbert, Marston, McCormick, Parent, Tardy.

Yes, 128; No, 13; Absent, 9; Vacant, 1; Paired, 0; Excused, 0.

128 having voted in the affirmative and 13 in the negative with 9 being absent and 1 vacant, the Bill was passed to be engrossed as amended by House Amendments "E" (H-1119), "A" (H-1115), "B" (H-1116) and "D" (H-1118) in non-concurrence and sent up for concurrence.

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

CONSENT CALENDAR

First Day

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

(H.P. 1798) (L.D. 2468) Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$3,000,000 to Investigate, Abate, Clean up and Mitigate Threats to the Public Health and the Environment from Uncontrolled Hazardous Substance Sites" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1120)

(H.P. 1786) (L.D. 2456) Bill "An Act to Authorize a Bond Issue in the Amount of \$5,000,000 to Deal with Major Maintenance Problems in Public School Facilities" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1121)

There being no objections, under suspension of the rules, the Bills were passed to be engrossed as amended and sent up for concurrence.

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

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative CARROLL from the Committee on Appropriations and Financial Affairs on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$15,000,000 to Finance the Acquisition of Farmland to Preserve the Land for its Natural, Open Space, Ecological and Aesthetic Value" (H.P. 1544) (L.D. 2129) reporting "Ought Not to Pass"

Representative CARROLL from the Committee on Appropriations and Financial Affairs on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$20,000,000 to Provide Funds to Help Municipalities with the Purchase of Equipment and Construction Costs for Solid Waste Disposal Facilities" (H.P. 1332) (L.D. 1849) reporting "Ought Not to Pass"

Representative CARROLL from the Committee on Appropriations and Financial Affairs on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 to Provide Funds for the Municipal Capital Investment Fund" (H.P. 1361) (L.D. 1878) reporting "Ought Not to Pass"

Representative CARROLL from the Committee on Appropriations and Financial Affairs on Bill "An Act

to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 for Use in Assisting Municipal Cleanup and Restoration of Areas Damaged by Sand and Salt Storage Piles" (H.P. 1463) (L.D. 2040) reporting "Ought Not to Pass"

Representative CARROLL from the Committee on Appropriations and Financial Affairs on Bill "An Act to Authorize the Issuance of a Bond Not Exceeding \$25,000,000 for the Financing of the Maine Inland Fisheries and Wildlife Acquisition Fund" (H.P. 1594) (L.D. 2207) reporting "Ought Not to Pass"

Representative CARROLL from the Committee on Appropriations and Financial Affairs on Bill "An Act to Authorize a General Fund Bond Issue for the Purpose of Promoting the Well-being and Rehabilitation of Children in Need of Care, Treatment, or Shelter" (H.P. 1747) (L.D. 2410) reporting "Ought Not to Pass"

Representative CARROLL from the Committee on Appropriations and Financial Affairs on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$18,989,530 for a New Supreme Judicial Court Facility in Augusta" (H.P. 1775) (L.D. 2443) reporting "Ought Not to Pass"

Representative CARROLL from the Committee on Appropriations and Financial Affairs on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$3,000,000 to Finance the Acquisition of Land for Conservation, Outdoor Recreation and Wildlife" (H.P. 1797) (L.D. 2467) reporting "Ought Not to Pass"

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

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

COMMUNICATIONS

The following Communication:

April 12, 1990

To the Honorable Members of the 114th Maine Legislature:

I am returning H.P. 1583, L.D. 2192, "AN ACT to Reduce Toxics Use, Toxics Release and Hazardous Waste Generation" without my signature or approval. This decision was particularly difficult given the importance of the issue. Certainly, the goal of reducing the use of toxics and hazardous waste is laudable. Nevertheless, L.D. 2192 is not a responsible approach to solving the problem.

Before addressing the specific concerns with this legislation as written, I want to state clearly that I support the Legislature's efforts to impose reasonable limits on future generation of hazardous waste and am introducing legislation concurrently with this message to accomplish that goal. L.D. 2192, however, goes far beyond reducing hazardous waste, and contains provisions that I simply cannot support, including those regarding toxic use and toxic release.

The sections of this bill regarding the use of toxics impose costly and overly burdensome requirements on all small businesses (estimated to be approximately 1,000 facilities) which are required to report annually on their inventory of toxic chemicals to the Maine Emergency Management Agency. Those businesses would, under this bill, be required to develop and update biannually a costly plan to reduce the use of toxics. In addition, those businesses will be required to file annual reports on their progress toward meeting arbitrary state goals. These goals were set without regard to the toxicity of the particular chemicals or the availability or cost of alternative technologies needed to meet these goals.

At the present time, data simply does not exist to enable businesses to measure either the use or the reduction of toxics.

The provision regarding toxic emissions is even more burdensome. The bill imposes strict requirements on many Maine businesses (estimated to be 83 companies, representing 100 facilities) to reduce toxic emissions of 308 chemicals to specific levels by certain dates. I cannot support this approach when the State of Maine has never even required a DEP air emission license for these same emissions. If these emissions are not so serious as to be regulated by the DEP's Air Bureau, then a requirement that they be reduced to meet arbitrary state goals simply cannot be justified. Before we impose such burdensome requirements on Maine businesses, we must compile the information that is needed about the cost of meeting such goals. Moreover, we have yet to determine whether there are mechanisms or techniques for industries to comply with these reduction requirements.

I particularly object to the fact that the computation of the required reduction is based on reductions from a two-year average of 1988-89. This arbitrarily and unfairly penalizes those companies which either acted responsibly by significantly reducing toxic emissions prior to 1988 or simply experienced low levels of production during 1988 or 1989.

Today I am submitting legislation which is identical to that recently reported out of the Energy and Natural Resources Committee, essentially as a minority report to this legislation, which is even more comprehensive than the legislation initially submitted this session by the Maine Department of Environmental Protection on this issue. This bill will accomplish meaningful waste reduction goals in a responsible manner. Additionally, I am directing the DEP and MEMA to investigate and report back to me regarding toxic use and toxic emissions in industrial facilities for the purpose of determining whether additional restrictions on the use of toxics may be necessary to protect the health and safety of Maine citizens.

For the foregoing reasons, I respectfully request that you sustain my veto.

Sincerely,
S/John R. McKernan, Jr.
Governor

Was read and ordered placed on file.

The accompanying Bill "An Act to Reduce Toxics Use, Toxics Release and Hazardous Waste Generation" (H.P. 1583) (L.D. 2192).

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

Representative MICHAUD: Mr. Speaker, Men and Women of the House: I hope you vote today to override the Governor's veto. The bill the Governor vetoed applied to all the waste and that included the poisons that go into the air, the water and on the land. The Governor wants to regulate only the waste that goes out-of-state.

The objectives and goals of the bill that the Governor vetoed are non-binding and are not arbitrary as he mentioned in his veto message. They were carefully considered by the Energy and Natural Resources Committee and are consistent with the reduction goals set forth within the Governor's bill that was also before us. This bill requires planning and the majority of the committee and both of these bodies believe that the companies that use these poison chemicals and released them into the air and water should be planning to reduce if at all

possible. If it is not possible, there is provision in the bill that they can get an exemption.

The 300 chemicals, which are to be regulated, have been identified by the federal government out of more than 50,000 chemicals to be used in the workplace. One of the chemicals that the Governor apparently is not concerned with is trichloroethylene. Last year in the State of Maine, there were 1.3 million pounds of trichloroethylene released into Maine's air in 1988. For those of you who don't know, trichloroethylene is hazardous to developing the fetus, it causes chronic health problems and pollutes the water.

I believe that the list of chemicals here is not a list that has been developed (as the Governor says) without regard to toxicity. The DEP does not regulate most of these poisons that go into the air and water.

If the business cannot reduce or substitute for a particular substance, there is an exemption in the bill that will accommodate them.

The DEP regulates chemical by chemical and, at the present rate that they are going to get to the 300 chemicals currently to be regulated, we will be here for another Century. This bill recognizes that and moves to reduce the emission of all the poisonous chemicals now. People are sick in Maine, particularly of lung disease, especially in the mill towns around the state. Companies that have already acted to reduce the toxic chemicals will also be considered under this proposed bill.

I think the Governor has vetoed a very important piece of environmental legislation that could make the workplace safe and reduce the poison that is going into the air and water. The bill he proposed to send to us will reduce the amount of waste that is going out-of-state. Again, I would remind you that we need to be careful of our air and water as well as the amount of hazardous waste we are sending out of the state.

The Governor wants to study the issue. I don't think we need to study, we have enough data and I hope that you will vote with me in overriding the Governor's veto.

If you look at the bill itself, on the third paragraph of the Governor's message, he talks about annual reports. Those reports are currently already required under Title 37b, Section 797. This legislation asks that each business (that must already report) to identify their progress on how they are going to reduce the toxics.

The emission requirements that he has stated in the 4th and 5th paragraphs of his veto message, despite the Governor's contentions, to the contrary, the toxic air emission addressed in the bill are pollutants and they are very serious pollutants and should be addressed by existing licenses but they are not.

If no mechanism exists to reduce the use or release of the toxic substance, then the Commissioner can exempt the businesses from those goals.

In summary, if a business has reduced its toxic emission prior to 1988 and 1989, the baseline years used to be determined in compliance with the reduction goals, the Commissioner must exempt the facility from the reduction goals as imposed in the bill. You will see that in the bill itself under Section 2304, Subsection 2E(1), paragraph b. This is a very important environmental, worker-related issue. I hope that you will go along with me and override the Governor's veto.

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

Representative WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: There are three principal reasons why the Governor objects to this bill and why I am going to urge you to vote "no" on the pending motion. Let me explain them to you briefly by paraphrasing some of the language that is in the Governor's veto message.

First of all, the sections of this bill regarding the use of toxics impose costly and overly burdensome requirements on all small businesses which are estimated to be approximately 1,000 facilities in this state. They are required to report annually on their inventory of toxic chemicals to the Maine Emergency Management Agency. Those businesses would, under this bill, be required to develop and update biannually a costly plan to reduce the use of toxics. In addition, those businesses will be required to file annual reports on their progress toward meeting arbitrary state goals. These goals were set without regard to the toxicity of the particular chemicals or the availability or cost of alternative technologies needed to meet these goals. At the present time, data simply does not exist to enable businesses to measure either the use or the reduction of toxics.

The second objection is as follows, the provision regarding toxic emissions is even more burdensome. The bill imposes strict requirements on many Maine businesses (estimated to be 83 companies, representing 100 facilities) to reduce toxic emissions of 308 chemicals to specific levels by certain dates. The Governor cannot support this approach when the State of Maine has never even required a DEP air emission license for these same emissions. If these emissions are not so serious as to be regulated by the DEP's Air Bureau, then a requirement that they be reduced to meet arbitrary state goals simply cannot be justified. Before we impose such burdensome requirements on Maine businesses, we must compile the information that is needed about the cost of meeting such goals. Moreover, we have yet to determine whether there are mechanisms or techniques for industries to comply with these reduction requirements.

Finally, the Governor particularly objects to the fact that the computation of the required reduction is based on reductions from a two-year average of 1988-89. This arbitrarily and unfairly penalizes those companies which either acted responsibly by significantly reducing toxic emissions prior to 1988 or simply experienced low levels of production during 1988 or 1989.

Please vote "no" on the pending question.

The SPEAKER: The Chair recognizes the Representative from Harpswell, Representative Coles.

Representative COLES: Mr. Speaker, Ladies and Gentlemen of the House: I would like to read this letter to you point by point and then perhaps we will have some answers.

"The section of the bill requiring the use of toxics impose costly and overly burdensome requirements on all small businesses which are estimated to be approximately 1,000 facilities." Information which has been supplied to me by the Emergency Management Agency indicate that there are in fact only 154 facilities that report the use of these chemicals. These chemicals, incidently, I would remind you are called extremely hazardous substances. They are the worst of the worst.

To continue the letter, "Those businesses would, under this bill, be required to develop and update biannually a costly plan to reduce the use of toxics." If you will examine the planning requirement in this bill and what was formerly the

Minority Report, they are almost identical, particularly if you bear in mind, that in the Minority Report there is a hierarchy which says the first they shall do is examine source reduction, that is reduction in use. In fact, the planning requirements are not substantially more costly in 2192 than they were in the Minority Report or than they are in the new bill which the Governor has just submitted, that just crossed our desks.

"In addition," the Governor says, "In addition, those businesses will be required to file annual reports on their progress toward meeting arbitrary state goals." They are filing those annual reports right now on the use of these chemicals. They are going to have to file two or three more sentences or paragraphs in addition to what they are already filing. These goals are not arbitrary, at least they are not any more arbitrary than the Governor's goals of 10 and 20 percent reduction in hazardous waste. In fact, 2192 and its goals parallels the Governor's bill. "These goals are set without regard to the toxicity of particular chemicals or their availability of costs to alternative technologies." Remember what I just said, these are extremely hazardous substances, the most toxic of the toxics.

I would say that setting goals for those things is not setting goals without regard to their toxicity. The availability cost of alternative technology -- in the bill is language which says they must undertake all practicable means of reducing their use and release. Practicable is a defined term of art, well established in the environmental law and environmental case histories. It means taking into account the availability and the cost so in fact this statement is false as well. "At the present time, the data simply does not exist to enable businesses to measure either the use or the reduction." If businesses don't know how much of a particular material they are using, they had better improve their internal accounting because they must be wasting a lot of money. They certainly know what they are releasing because they are already reporting it.

"The provision regarding toxic emissions is even more burdensome," he says, it "imposes strict requirements on many Maine businesses to reduce toxic emissions of 308 chemicals to specific levels by certain dates." First, it is 371 chemicals. Second, these chemicals, if they were captured and put into a barrel, would be labeled as hazardous waste under state and federal law and would be required to be disposed of under hazardous waste disposal requirements and rules. The fact is, right now, these things are being released without control into the environment.

All we are asking here is they reduce the pollution that they are now doing to the environment with hazardous wastes. There is nothing wrong with that. In fact, it seems to me that that is the responsible thing to do, to reduce that pollution.

"I cannot support this approach when the State of Maine has never even required a DEP Air Emission license for those same emissions." If we waited until DEP had a standard for every one of these chemicals, we would wait approximately 370 years. I don't think we can wait that long. "If these emissions are not so serious as to be regulated by DEP Air Bureau, then a requirement that they be reduced to meet arbitrary state goals simply cannot be justified." You can justify, he says, a goal of reducing the release of hazardous waste into the environment? That simply does not make any sense at all.

"Before we impose burdensome requirements on Maine businesses, we must compile the information that is needed about the cost of meeting such goals." The Energy Committee has never seen any information whatsoever on the costs to meet hazardous waste reduction goals. Is he concerned about the costs of meeting goals only as the goals that he is now proposing? The goals someone else is proposing instead of his goals? He is not being consistent here. "Moreover, we have yet to determine whether there are mechanisms or techniques for industry to comply with these reduction techniques." We have yet to make the same determination about hazardous waste reduction! As Representative Michaud pointed out, if in fact techniques don't exist, then they will not be required to make a reduction.

"I particularly object to the fact that the computation period of the required reductions is based upon reduction from a two-year average of 1988 and 1989." The Governor's bill uses a three year average, 1987, 1988 and 1989, but it still doesn't account for whatever reduction they have made prior to that in the base average. Instead, both bills account for it through other means so, if an industry or business has reduced previously, they can have that counted on every half.

In summary, the Governor has been severely and sadly misinformed as to what this bill is about and what the other bill is about. I regret very much that the Governor has been so misinformed and thus had to veto this bill. I believe if we send it back down to him or if we override this veto, he will learn that this bill is not nearly so terrible as he has been told it is. In fact, this bill is a responsible bill, responsible for the people of Maine, responsible for the environment of Maine and responsible for the health of the workers in Maine.

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

Representative LORD: Mr. Speaker, Men and Women of the House: Last week, we were told that L.D. 2192 was a good bill. If this is the case, why were all these businessmen out in the halls asking people to vote against it and vote for 2316? These weren't big businessmen, these were median sized businessmen and small businessmen. Many legislators in these halls have received phone calls and letters from businessmen objecting to 2192 and asking to pass 2316.

I still say that the main purpose of the bill was to go ahead and eliminate the hazardous waste that is being generated and sent out-of-state. When the bills were started, there was not much talk and I don't believe there was anything in 2192 on air emission, this was taken into consideration when we were talking. As a matter of fact, we were talking about emissions going into the water. As I said last week, this was taken care of with the bill of Representative Jacques.

I believe that we should uphold the Governor's veto and go along with the new bill, which we place as 2316, and pass that to get a good job done and reduce the amount of hazardous waste that is going out-of-state and not put that awful burden on our small and median size industry, even some of the larger ones so they are going to have to reduce production.

After reconsideration, the pending question is, Shall this Bill become a law notwithstanding the objections of the Governor? Pursuant to the Constitution, a two-thirds vote of the members elected is necessary. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 247V

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

NAY - Aikman, Aliberti, Anderson, Ault, Bailey, Begley, Butland, Carroll, J.; Cote, Crowley, Curran, Dellert, Dexter, Donald, Farnum, Farren, Foss, Foster, Garland, Gould, R. A.; Greenlaw, Hastings, Hepburn, Higgins, Hussey, Hutchins, Lebowitz, Libby, Look, Lord, MacBride, Marsano, Marsh, McCormick, McPherson, Merrill, Moholland, Murphy, Norton, O'Gara, Paradis, E.; Pendleton, Pines, Reed, Richards, Ridley, Seavey, Sheltra, Small, Stevens, A.; Stevenson, Strout, B.; Strout, D.; Tammaro, Telow, Townsend, Tupper, Webster, M.; Wentworth, Whitcomb.

ABSENT - Hanley, Hogle, Jackson, Marston, Parent, Tardy.

Yes, 84; No, 60; Absent, 6; Vacant, 1; Paired, 0; Excused, 0.

84 having voted in the affirmative and 60 in the negative with 6 being absent and 1 vacant, the veto was sustained.

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

PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE
(Indefinitely Postponed)

Bill "An Act Reducing the Use of Toxic Substances in the Workplace by Minimizing the Generation of Hazardous Waste" (H.P. 1832) (L.D. 2505) (Presented by Representative LORD of Waterboro)

(Committee on Energy and Natural Resources had been suggested)

Subsequently, was indefinitely postponed. Sent up for concurrence.

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

PASSED TO BE ENACTED
Emergency Measure

An Act to Make Supplemental Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1990, and June 30, 1991 (H.P. 1776) (L.D. 2444) (H. "A" H-1103 and S. "A" S-694 to C. "A" H-1064)

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.

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

Representative WEBSTER: Mr. Speaker, I move that the House reconsider its action whereby Bill "An Act

Reducing the Use of Toxic Substances in the Workplace by Minimizing the Generation of Hazardous Waste" (H.P. 1832) (L.D. 2505) was indefinitely postponed.

Mr. Speaker, Members of the House: We have discussed this issue earlier this afternoon and I think there are some real merits to this proposal. I hope that we would reconsider the action that defeated this proposal. I request a roll call.

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

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

The SPEAKER: The pending question before the House is the motion of the Representative from Cape Elizabeth, Representative Webster, that the House reconsider its action whereby L.D. 2505 was indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 248

YEA - Aikman, Aliberti, Anderson, Anthony, Ault, Bailey, Begley, Butland, Carroll, D.; Carroll, J.; Clark, H.; Curran, Dellert, Dexter, Donald, Farnum, Farren, Foss, Foster, Garland, Gould, R. A.; Greenlaw, Hastings, Hepburn, Higgins, Hussey, Hutchins, Jalbert, Lebowitz, Libby, Look, Lord, MacBride, Marsano, Marsh, McCormick, McPherson, Merrill, Murphy, Nadeau, G. R.; Norton, O'Gara, Paradis, E.; Pendleton, Pines, Reed, Richards, Seavey, Sheltra, Small, Stevens, A.; Stevenson, Strout, B.; Strout, D.; Tammaro, Telow, Tupper, Webster, M.; Wentworth, Whitcomb.

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

ABSENT - Burke, Hanley, Hogle, Jackson, Marston, Parent, Tardy.

Yes, 60; No, 83; Absent, 7; Vacant, 1; Paired, 0; Excused, 0.

60 having voted in the affirmative and 83 in the negative with 7 being absent and 1 vacant, the motion did not prevail.

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

(At Ease)

The House was called to order by the Speaker.

The Chair laid before the House the following 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) -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 which was tabled earlier in the day and later today assigned pending further consideration.

Subsequently, the House voted to recede and concur.

By unanimous consent, was ordered sent forthwith to Engrossing.

The following item was taken up out of order without a supplement by unanimous consent:

PAPER FROM THE SENATE

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$4,500,000 for Acquisition of Certain Rail Lines, Rail Trackage Rights or Easements or Ancillary Rights and Interests for the Establishment, Preservation and Operation of a Rail System to Service Maine" (S.P. 1009) (L.D. 2504)

Came from the Senate, referred to the Committee on Appropriations and Financial Affairs and Ordered Printed.

Was read in its entirety by the Clerk.

Was referred to the Committee on Appropriations and Financial Affairs in concurrence.

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

PASSED TO BE ENACTED

An Act to Authorize the Maine State Lottery to Enter into an Agreement with Other States to Join the Multi-State Lottery Association, Known as Lotto*America, for the Purpose of Operating a Joint Lottery (H.P. 1711) (L.D. 2362) (C. "A" H-972; S. "B" S-629; S. "D" S-632)

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

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

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

Sixteen days ago, this House voted to kill Lotto*America. It did so because there was no proof that Lotto*America would bring in \$3 million, let alone \$7 million. It did so because the Lotto*America program might very well take revenues away from our present Tri-State Megabucks program. It did so because we were uneasy about how far state government was going to push state-sponsored gambling as a way of covering its debts. Since that time, sixteen days ago, there has been no new proof presented to show that our earlier positions was wrong.

I have talked to most of you about Lotto*America and I know that most of you do not like this program. I have heard from many of you that your constituents do not like it.

A Lotto*America ticket will have odds of over one to twelve million. Anyone who plays those kinds of odds has gone beyond gambling and is really engaging in a type of fantasy. If the legislature relies on

Lotto*America to balance the budget, we may also be indulging in fantasy.

I would urge you to stand by your original vote and vote to indefinitely postpone this bill.

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

Representative WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to vote against the pending motion for the primary reason that we are faced with a budget situation that requires more revenues than our current income and sales tax structure provides. Our alternative to Lotto*America is either to raise more revenues through taxation or to cut programs that are in our budget that we would like to see in place.

Lotto*America is really a voluntary program for raising revenues. If you don't want to play, you don't have to pay and that is what is the essence of the vote you are going to take today. It is a program that will avoid a tax increase or avoid further cuts in our budgets. I urge you to vote against the pending motion.

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

Representative SMITH: Mr. Speaker, Ladies and Gentlemen of the House: It is hard for me to believe that we are going the way of Nevada. We are going to depend on alcohol, tobacco and gambling for money to run this state. I would ask, what is next? Are we going to see a bill to license brothels? I wouldn't be surprised. What a message to send to young people in this state. We are surely on the downhill grade, not only financially but morally.

What would you say to a young man with a family that bought lottery tickets each week and all his family needs depending on his winnings? Would you pat him on the back and say, you are a great guy, you are doing a fine thing, you are helping balance the budget? I can't believe that.

Are you going to have a fund set up for those who are compulsive gamblers? A fund to take care of their families and their treatment? Is this building on a rock or is it building on sand? To me, that sand is quicksand.

I cannot vote for such a measure. This House passed a tax to deal with underground tanks of one cent. That does nothing for local property tax relief. Our local assessors have only one means to get their needed tax dollars and that is the property tax. What are we doing for them? As I see it, nothing.

I could vote for an increase in the sales tax, as good many here could, but we haven't had that opportunity. I wouldn't vote for the gas tax and I won't vote for this gambling bill. I know that this is a political year but I believe we should be more responsible and less political and stop playing chicken.

A bill could be before this body in a matter of minutes if it was not political. Politics is a poor way to make a judgment to run the state. I think responsibility should be considered. Our schools are going to be lacking financially and those tax dollars are going to be placed on the property tax. I would rather see a sales tax than a property tax. I would hope you would vote against this one.

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

Representative MCGOWAN: Mr. Speaker, Men and Women of the House: I rise today to not endorse the idea of Lotto*America because I believe as the previous speaker believes that it is not a good way

to run government. I believe that there are some serious holes in this proposal of Lotto*America by this administration, I don't believe that the revenues that are projected will come in. I believe that there are only so many dollars out there for games of chance to be spent by the people of the State of Maine. I believe that we have reached the saturation point on many of those dollars.

Unfortunately, the way our state is set up in regard to our Constitution, we have no choice but to adopt the provisions that the Governor has set forth in his budget. Lotto*America, tax amnesty, a personnel system that has not been completed for voluntary early-out's. All of these things have serious, serious budgetary questions in the mind of myself and my colleagues on the Appropriations and Financial Affairs Committees, but we must adopt these at this point in time because otherwise we will have a big hole in our state budget, \$7 million. That \$7 million for Lotto*America that will be taken out of people who can least afford it will be passed on to the local school districts or the local costs for health care for people who do not have health insurance that we have restored into the budget. Ten million we put back into general purpose aid to keep the property taxes from going up to your constituents and mine. They will go up, but not as great as they would have if we hadn't put the money back in. Lotto*America is ill-conceived, the dollars it generates will not be there, I predict. But, at this point in time, we have no other choice but to adopt the proposal that this administration has given us.

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

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: I believe we are not elected to come here to adopt shortsighted solutions that do long-term damage. Unfortunately, we live in an age characterized by the search for something for nothing. In contrast, my suburban home has bordering it a stone wall, I am always struck by (when I am out there working in my yard) that those stones were moved there by farmers, generations ago, hard work, hard work to make this country what it has become and to make this state what it has become. Actually, the fill that made up my backyard was taken from where they built liberty ships during World War II, dredged up and filled to make my backyard. Again, the character of Maine somehow seems to me is in my backyard and I am reminded of it when I am out there working.

Here we have a bill presented to us that, in my view, can only promote that whole image of getting something without work, this something for nothing mentality is something we have to guard against at every step. I don't believe we are sent here to encourage the "just imagine" approach as set forth by Robin Leach but rather I would remind people of a different slogan that you hear on the radio and television sometimes, that expressed by John Houseman, "We make money the old fashioned way, we earn it." That is what this state needs to do, we need to tax the old fashion way too, honestly, straightforwardly, with people out there earning it. To find the shortsighted solution in order to make this \$7 million budget balancing provision is to promote all the wrong values. I think we have to stop sometimes and step back and say, what are we doing to our society here? We can't continue to look for the shortsighted solution which does the long-term damage. I encourage the indefinite postponement of this bill.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Plourde. Representative PLOURDE: Mr. Speaker, Men and Women of the House: I would like to pose a question through the Chair.

As Representative McGowan from Canaan mentioned, if we have a big hole, if the lottery does not make it, what will happen if it fails, if the lottery does not make its \$7.5 million? Let's say that also amnesty does not make its \$15 million, what will happen?

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

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

Representative LISNIK: Mr. Speaker, Men and Women of the House: Our budget will not be balanced, we will have to go back. We are either going to have to make cuts in the budget or we are going to have to increase the revenue.

I agree with almost everything that has been said here today on both sides. I think the opponents make excellent arguments. I don't think this is good tax policy. I don't think we should be raising this kind of tax and depending on this kind of tax for anything in state government.

The only way I would really want to go along with something like this is to put it into a Rainy Day Fund. If you are going to have programs that are legitimate, they ought to be funded with legitimate taxes. I agree with that, you are absolutely right. I don't see a sales tax in front of me. I don't see a meals tax in front of me, a lodging tax, it is the only game in town. This appears to be the only game in town. If you want to balance the budget, you are going to have to buy this, otherwise you ought to be coming up with proposals to tell us how to raise revenue or where you want to cut.

I didn't vote for the Tri-State Lottery, I don't believe in lotteries to depend on legitimate programs, as I said. I didn't vote for this one this time around, but I don't see an alternative, so I will be voting for it today.

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

Representative KETOVER: Mr. Speaker, Ladies and Gentlemen of the House: I think most of you know how I feel about this issue. I am against Lotto*America and I probably will stay against it as long as I am a member of this body. When we have stooped this low to put in something like this, which is going to be off the backs of the people who cannot afford it, the people who have dreams or fantasies, who look to win this kind of money. There have been states who have been involved in Lotto*America who have never had a winner. Our chances of having a winner in this state is very low, maybe zero to two. The \$7 million bothers me so much because it is only a speculation. I know that the administration downstairs never would have put this in if they didn't have to balance the budget. I understand that, but we could put our own cash lotto in so that the money stays in our state and doesn't go to 13 other states. I can't support something that goes out of this state. Vermont and New Hampshire are not going to do it, why are we? Why are we doing something that I think is unfair to the citizens of Maine? I think you have heard every argument that I can think of against this.

I understand we have to balance the budget because it is constitutional, but I know we have the brain power in this state government to come up with a better solution and I have not heard it. I suggested a couple but nobody seems to be listening.

If that is all we are going to think of is Lotto*America, then I feel sorry for the citizens who we represent. I feel proud of what I do, I feel proud of what I say to my people, I am against it because they are against it. I hope you feel the same way. We are intelligent people here who can come up with a better solution. I hope that we will before we adjourn this 114th.

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

Representative LAWRENCE: Mr. Speaker, Men and Women of the House: I have heard some curious remarks on the floor of the House before but none more curious than made by the Minority Leader, Representative Webster. She said Lotto*America is a voluntary system of raising revenues and taxes, there is nothing voluntary about Lotto*America. If you read the editorial in U.S.A. Today, it was published this past week, they said, "The logic that we are only giving people what they want is the same logic used by people selling drugs in America."

I have heard from a lot of people especially those on this side of the House of how we need more morals in government, how we need more family values and I am curious how they can abandon this stance as a way to raise money.

The SPEAKER: The Chair recognizes the Representative from Orono, Representative O'Dea.

Representative O'DEA: Mr. Speaker, Men and Women of the House: There are, as I look at this bill, two problems, the first is that it is a bad government bill and that it is simply not a good way to run state government. It is not good public policy but, if you look at it in the big picture as people say, you would also see that it is not the only bad piece of public policy to move through here today. Tax amnesty went through here, it is on its way through here and tax amnesty and Lotto*America may well be part of this administration's legacy that they leave on for generations behind.

The difference though, in my mind, between tax amnesty and Lotto*America is that it is fundamentally wrong to balance the state budget on the backs of the people who are the least able to pay. I spoke early this afternoon with a friend who serves on the Committee on Appropriations and he told me that, if this bill doesn't pass, that we will be forced to go back to the drawing board and come up with another source of revenue, another tax. I would suggest that if we need to raise revenue that we should raise it from those people who are most able to pay, not those least able to pay.

I have heard people say in this body that they don't like Lotto*America, that it stinks, that they don't want any part of it. Well, I think we need to do a little bit better for the people we represent. I did not get elected to hold my nose and vote for bad public policy and there is no way I am going to start doing it today. This Lotto*America proposal doesn't even pass the straight-face test.

As I remarked to some members of my caucus this afternoon, it reminds me of a movie that came out about ten years ago, in Americathon, John Ritter played a character who had just been elected to the office of the President of the United States. His way of dealing with the huge debt and deficit was a novel one indeed. I hesitate to mention it here on the floor of the House after seeing Governor McKernan's proposals for balancing this budget for fear that they will show up in the next budget package. In this movie, the new president staged a national 30 day telethon to bail the federal government out, complete with dancers, music, Wayne Newton and everything else. It may sound amusing now

but think how amusing Lotto*America would have sounded only one year ago. Lotto*America takes bad bets from needy people and it keeps the people in this body and the people on the second floor from having to make the hard decisions that need to be made. I simply will not be part of this type of thinking that we can't do any better. We need to do better and if we can't, then there is something wrong with each and every one of us. It is a piece of bad public policy and it is something, if enacted, will be ridiculed from one end of this state to the other, you can bet on that.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: In the six years I have been here, never was I so discouraged as I am right now. To think that we are leaving a legacy to our children and grandchildren that from now on the government will be run like you run a crap game, by somebody who becomes a treasurer or the bank, they say in a poker game, hoping that you will get enough money as the banker in the poker game to pay the bills on Monday.

This proposal was brought to us in the Legal Affairs Committee. There have been many misconceptions thrown out. They came back and they said they will ask for a full accounting in a year. The Lottery Commission told us no way, shape or manner can they tell us if it is working at all until 18 months in operation. I don't think it is a good idea. I realize the position that the Governor is in. I realize the position the Appropriations Committee was in, but where will this stop? As somebody said, "What a heck of a way to run a railroad!"

Lotteries and gambling is all right if you want to raise money as supplemental funds, as somebody mentioned, possibly a Rainy Day Fund, but to say that you are going to sit there and gamble the future of our young people. I say we are gambling the future of our young people and the future of this state because education of our young people is what will make this state what it will be. When you say you will gamble just to make sure you have enough funds to educate the young people of this state, somebody needs to start thinking. What we have got to do, and I think if you went out there and asked the people of this state, education of your children is in jeopardy, what would you want to do? I know they wouldn't say, let's go gamble, let's do something.

I hope this works. If it works, I will be the first one to say that I was wrong. I have told this to the Lottery Commission, but if it doesn't work, you can bet your bottom dollar we will be back here next summer with a worse mess than we have got now.

Where will this stop? Where will this stop? We won't know next summer even if it is working.

Other states have refused to join it. New Hampshire and Vermont have refused to join it. The eight states that are included in the Lotto*America, none of them are the rich or very heavily populated states. Massachusetts is not in it. New York is not in it -- Pennsylvania, New Jersey, Illinois, Florida, Ohio, Michigan. Now they said in there, one state, which is comparable in population to Maine does have a lotto revenue from it and that is the District of Columbia. The population of the District of Columbia is a little under 1 million people, which is similar to Maine. What they completely overlooked is the fact that in any given day in Washington D.C., there are 2.5 million people in that city. That is where the revenue comes from, you can't expect it here in Maine.

I hope this goes through, if we have to do it, we will do it, but rest assured, we will be back next summer to straighten it out.

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

Representative STROUT: Mr. Speaker, Ladies and Gentlemen of the House: First off, I am going to do a first today that I haven't done in this session, I am going to ask for a roll call to make sure that I am on the right side.

Secondly, I heard earlier from a couple of speakers here today that if we don't pass this, the supplemental budget will be out of balance. About a year ago, you will remember that we passed a budget for two years and we found out, in a matter of six months, that we were out of balance.

You will hear also that there is no other alternative. We might have to make cuts or we might have to have additional revenue. If we oppose this Lotto*America today, I believe before we leave here, there are other alternatives. We may have to set down and do some other things but there is another way. The reason that I am voting against it is simply because my people have written and called me and very simply said in very few words, (this satisfies me) "It is a lousy way to raise money to fund state government."

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

Representative ALIBERTI: Mr. Speaker, Men and Women of the House: Constitutionally, I know what can and cannot be done. Representative Carter was very adequate in making that information available to us and I also can read.

It is obvious what we can do and we cannot do. It is obvious what the responsibilities of the branches of government are. The responsibility in providing fiscal autonomy that can be followed is with the second floor and that responsibility is being questioned. Take that gun away from my head. That is what this is right now, you are asking for a decision which I cannot be a part of because of the manner of which it is exercised. You are saying, you must do this or else, that is a form of Russian roulette.

I am going to be stubbornly responsible and not vote for this lotto. You found a way of addressing the concern in education just recently with a \$10 and \$12 million dollar way of adjusting that shortfall. I asked, "What does this \$7 million represent in the budget?" The answer was, less than one percent. That is minimal.

All of us received this today, is this credibility that you received today the projections that end on March 31st? Look at it! Look at the number of issues that are below projections, that is today. What are we doing about this? Are they saying, we will pick up next month and next month? That is why we are in this dilemma. The Taxation Committee in a very notable and credible way tried to address all these concerns and it is not a pleasant thing to hear the Chairman of the Taxation Committee say, "I have no alternative but to go along because of the budget shortfall."

I just heard a credible member of the Appropriations Committee, a highly respected member say, "I am against it but there is no way I can turn." I am sorry, I cannot accept that premise. There are alternatives, let them come up with them and not use this effort here that is just a welfare system that we are going to utilize. We are asking the people in this great lotto community, take us in, we need some money. This is welfare, help us get out

of this dilemma. We are a proud people in the State of Maine and I am sure we can resolve this.

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

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

I would simply like to have someone explain to us the credentials of the people who are running this Lotto*America?

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

The Chair recognizes the Representative from Brunswick, Representative Priest.

Representative PRIEST: Mr. Speaker, Men and Women of the House: My understanding is that Lotto*America is an outfit which is set up in Iowa which has a minimal number of employees, I think under ten and which largely deals with material sent to it from the various state gambling commissions and then works on choosing a winner and then reallocating funds (prize money) which is sent to the proper people. As far as to what their credentials are, I am unable to tell you because that information wasn't presented to us.

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

Representative LUTHER: Mr. Speaker, Ladies and Gentlemen of the House: The argument that this is the only game in town is not an argument to vote for the bill but exactly the argument why you should vote against it. When a sucker game is the only game in town, are you going to play it? If the bridge is out and there is only one road in town, are you going to drive your car into the river? There isn't \$7 million out there. I think we all know it. Where are the responsible people to go back to your electorate and tell them we either have to cut services or we have to raise taxes?

I said it in the caucus, I am going to say it again, Lotto*America is to the budget what the Hail Mary pass is to football, it is an exercise in desperation.

I am going to vote "no" on Lotto*America and I hope you will vote "no" with me.

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

Representative CARTER: Mr. Speaker, Ladies and Gentlemen of the House: I have been sitting here this afternoon listening to my colleagues express their frustration. We, on the Appropriations Committee, have been experiencing that frustration for four years. What we are experiencing this afternoon is the fundamental problem, the basic problem with the system. Let me try to explain to you what I mean.

We are supposed to be three equal branches of government. Unfortunately, it is only on paper. In actuality, it is not. We are a citizen legislature, part-time basis. To save the taxpayers money, we piggyback on the Executive Branch, we use their financial office, we use their budget office, we use every facility that we can piggyback on to save the taxpayers money. Unfortunately, we have reached an impasse.

When I first came here 23 years ago, this is my 24th year, we operated with an executive council. That system didn't function too well and we tried to reform it, we finally succeeded, it took a long time but we did succeed. We did succeed in reforming the government in doing away with the executive council and it has worked well since then, up until three years ago. Now, I suspect it would keep on working

well if we didn't have someone on the second floor practicing Washingtonian politics.

It is very difficult for us on the Appropriations Committee. In many cases, I feel sorry for my fellow Republicans who serve with us on the committee. I can see the frustration that they experience along with us. In some cases, I know that they feel embarrassed by what takes place before the committee. My heart goes out to them.

The gentleman on the second floor believes in a trickle-down theory, he has said so, has been quoted in the newspaper and he is practicing that policy. \$70 million trickled down on to the backs of the property taxpayers of this state. It is wrong, I agree, but unfortunately, there is nothing I can do about it. You might say, "Why? Why can't you do anything about it?" If some of you will recall, last session I had a bill in, a bill that would create an advisory commission on estimating revenues, an advisory commission mind you. The reason I did that was because I wanted to save the taxpayers some money. I didn't want to duplicate what they do in Washington. In Washington, they have the Office of Management and Budget and they have the Congressional Budget Office. Both branches estimate revenues and invariably one is up here in estimates and the other one is down there. They sit down and they negotiate what the actual revenues are going to be to fund the budget, a very expensive system, a very wasteful system. You can read about it every day -- the huge deficit that the federal government experiences.

We in Maine cannot do that because our Constitution states that we must have a balanced budget. We cannot spend a deficit, although it is been tried at times.

I was told that there was no need in pursuing my bill to set up a revenue advisory commission because the Governor was going to veto it. Being short of funds as we were last session, I didn't pursue it. We needed \$150,000, we had to have an agency set up, an economic model, and I just dropped the idea.

The other problem that we experienced is we can't get the information we want. If you don't ask the right questions around here, you don't get the answer. Many times when you do get the answer, you have to keep pressing and pressing because you don't get all of it. This time around, we resolved before we started the year to make sure that we would not repeat what we went through last year. But, lo and behold, everything has failed. We have somebody from the Executive Branch sitting in the back of the Appropriations room monitoring our activity and when we discover funds that we could spend to shore up the budget, lo and behold, here comes an amendment from the Executive Branch and they eat up the funds that we have found. This has been happening for the entire session. Understand that we are here currently, off-season in the biennium only three months at the most, and there is no way that we as individual legislators can root out all the information that we need to make sound judgment, we have to rely on the Executive Branch. Unfortunately, the power to estimate revenues lies with the Governor. The Governor sets the parameters and he tells you, this is how much we can spend and no more. We don't have the votes to override his veto or the votes to change it. If you try and do otherwise, you are going to fail.

I have heard it said that this is the only game in town, it is true. Right now, that is all we have before us. I don't gamble, I don't like Lotto*America but I find myself in a situation where I have no choice. I have exhausted every means available to me to try and find additional revenues.

If we don't accept this, unfortunately, our fellow citizens are going to be hurt. If this does not pass, we are going to have to make cuts, \$7 million worth of cuts or find additional revenues and you know we are not going to find additional revenues.

Some of you may think, well, he is wrong, he can find revenues. Let me tell you what transpired in Appropriations today. What is happening here is unbelievable, we had a commissioner, the Commissioner of Human Services come before the Appropriations Committee today and there was a bill on the table that we were dealing with, a bill that he had approached two legislators, one from this branch, one from the other branch and offered to fund their bill out of existing revenues in the department after he had told us twice that there was no additional revenues available in his department. He made a proposition to them, you vote against Representative Carter's Constitutional Amendment and I will fund your bill in-house. Think about that, a commissioner. They are more interested in playing politics, Washingtonian type, than in doing the job that they are supposed to be doing in the State House. Politics is 24 hours a day. They are deadly afraid of that bill because it could solve a lot of problems.

The Constitutional Amendment that I have introduced would allow the Appropriations Committee or the Financial Affairs Committee to meet when we are not in session. We would have the ability to work to discover funds that are being used that probably should be used more effectively in other areas. We have done this to some degree in this session. We have switched funds from the General Fund to federal funds and to dedicated accounts or special revenue accounts, releasing General Funds that we could shore up the budget with. You don't do this over night, it takes a lot of digging.

When we adjourn, the bureaucrats across the road here have a field day, they celebrate. As legislators, we have a duty of establishing policies, the Executive Branch is supposed to administer those policies. I can cite you occasions where people at the departments have come before the Appropriations Committee seeking General Fund money to set up a program. We said, no. The minute we leave and they have the authority, they are not doing anything illegal, when we are not in session, the Governor has the authority to expend federal funds. That is just exactly what they do, the minute we leave here, out comes a financial order, they create a position, start a program, federal funds. We have no control. Now, you tell me that we are setting policy when we have rejected those proposals before but unless and until we have a Constitutional Amendment that will provide the legislature with the needed tools to work, to root out expenditures that aren't necessary, it will be the same way. It is not going to be easy to pass this Constitutional Amendment because they are really working hard to defeat it, but it is the only way we can solve the problem. This is a golden opportunity, this is good government reform. You will hear them say, they want to interfere with Executive functions, not so, it is being done in many other states. The reason being is, you can't keep the fox in the chicken coup, somebody has to watch out and the only way we can do that is through a Constitutional Amendment.

That is not going to help us this time around but, if we don't buy what we have before us, we are going to have to explain to our fellow citizens what happened because I see \$7 million worth of cuts, general purpose aid that we worked to try and restore. We have restored \$10 million, that would be

an easy area to cut, hits everybody equally on the backs of the property taxpayer. We could cut Home Base Care. We could cut Vocational Rehabilitation, the Head Injury Fund, St. Andre's Home, Special Education, Alzheimer's and on and on. We don't have much choice, we like to think that we do have a choice, but we don't. I am not happy, I am not pleased with the method of funding the budget but there is no other choice. The man on the second floor has said, it is either this or a veto. We don't have the votes to override a veto.

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

Representative POULIOT: Mr. Speaker, Ladies and Gentlemen of the House: I rise really as a freshman member of this committee but I would like to tell you a little story. Having been a member in this House now for ten years and having the opportunity to serve on this committee, I think it is quite a privilege but the one thing I think I have learned is, I never thought I would ever see the day that we would balance the budget as some have said, by either cards, ponies, crap shoots, I never thought that day would ever come. The reason why, and I do it with deep regret, that I will be supporting this and I am not going to be repeating the things that my chairman Representative Carter said, and other members said, but that is a fact of life, we could not find the other \$7 million and I want to tell you why, why I feel that I have to vote this way.

Having served on Business Legislation for four years, it was easier if a piece of legislation went down because you didn't really hurt all the people but you know sometimes it might affect a businessman or could affect someone else but you could go home and really live with yourself. When I served four years on Transportation, that too was difficult. If you didn't build a road or you couldn't do a bridge because of lack of funds, well you could justify and you could live with it because you didn't really hurt the people that bad. The thing that I learned from serving on this committee is that you deal with all the people. There are feelings and these feelings are deep. I really do hope that before I say this that the Governor is listening because I think he should be listening to this debate today because there is a message that is being sent. I sat on this committee this year and I can honestly tell you as a 53 year old man, have been in business, probably not the best businessman in the state but I have worked hard for what I have done, I can remember sitting next to Representative McGowan a few times and he telling me, "Tough, huh Chickie?" I couldn't believe some of the things I was hearing when some of these people came before us.

My father passed away four years ago of Alzheimer's, there were no support groups out there for that poor gentleman and it was sad. When I heard some of these people come before us in these committees asking for \$50,000, \$100,000 -- I have seen people come before this committee, as God is my judge, that could barely make it to the podium. It is hard, how do I tell those people -- I don't like this lottery but if we can't find the \$7 million, how do we go home and we tell these people? If this thing fails and we have to dig into the budget and we have to make cuts in those areas, that would be more painful to me than trying to make a crap shoot. I know it isn't right but there is one thing I would like to do today and I hope as this debate goes on -- I have heard from the members of my party and I have noting but respect for you, all of you, and I know it is hard, many of you will vote for it, many of you will not and I respect all of you because I know

where you are coming from, but I hope before this debate is ended that I can hear from the members of the other party so that I will have direction when I go home, that I will know why and I can give some of the excuses as why I really had to reach deep down so low as to have to say we have to balance this budget by gambling.

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

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: Somehow I think I have been confined downstairs too long and am missing something.

One would think from hearing the debate today -- I have heard we have no control, there is nothing we can do about it, one would think that the legislature is a powerless body and we don't have a mind of our own. Yet, so many other times in other debates, we are very quick to point out, and we are very proud of our independence in the Executive Branch and are willing to act in the face of a threatened veto, yet somehow today, we are powerless. We do not have to accept the Governor's proposal, there is nothing that makes us do that. We could consider other alternatives but where are those other alternatives? We are a separate branch of government and we have a separate voice.

I have heard many legislators stand today and say, we want to do something else other than Lotto*America. Representative Smith could have worked for a passage of a sales tax bill or Representative Luther or Representative O'Dea or Representative Aliberti or Representative Anthony or many others or Representative Ketover could have submitted a cash lotto bill, that is the first time I have heard of a cash lotto.

I don't believe the citizens of this state support higher taxes and I don't either. In fact, they may even prefer that we cut \$7 million in spending to balance our budget. They may prefer that we do that. However, we have passed a budget, predicated on this \$7 million and in a bipartisan fashion, I share the feelings of the former speaker exactly. We have assessed the needs as we have seen them of Maine people and we have made the determination that this money is critical to programs like Aid to Education or Human Services or the many others that we share concerns about.

If you don't want this lottery bill, yet you want to spend the \$7 million, where are your proposals to raise the money? I challenge you to come forth. Where are your revenue raising bills?

It seems irresponsible to me to reject Lotto*America, yet endorse spending the \$7 million and not submit any legislation which would serve as an alternative. We as a body submit hundreds of bills each year; yet I have not seen one constructive proposal in bill form that addresses another way of raising this revenue. I prefer Lotto*America to raising taxes. If you don't, where are your alternatives to raising revenues?

The SPEAKER: The Chair recognizes the Representative from Princeton, Representative Moholland.

Representative MOHOLLAND: Mr. Speaker, Ladies and Gentlemen of the House: I would like to ask a question. How many people in this House would vote to legalize gambling? That is just what this bill is, legalizing gambling. I think you are doing so if you vote for this bill.

We seem to be able to find a penny a gallon to charge the poor people for underground tanks. So, I think if they just look around a little bit, I think they would come up with the money.

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

Representative ROLDE: Mr. Speaker, Ladies and Gentlemen of the House: I would like to respond to the gentlelady from Yarmouth, Representative Foss, because I am going to vote against this bill today. I did submit a bill that would raise \$10 million. It was not allowed in by the Legislative Council. That was a bill that would equalize the taxes that we now have on meals, lodging and drinks that are served in bars. We have a five percent tax on one, we have a seven percent tax on another, a ten percent tax. I would equalize that at seven percent, that was with my bill, that would bring in \$10 million, that lowers a tax, raises one tax. I have talked with people in the industry, one of their biggest complaints about the ten percent increase we put on was that we have three different taxes for those people. So I did responsibly try to come up with this kind of money. I think that option is still open to us.

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

Representative SHELTRA: Mr. Speaker, Ladies and Gentlemen of the House: Some time ago when the economy was flourishing, I think the Governor, and probably rightly so, made the statement that no new taxes, no taxes, period. I am sure that there is no one in this House that at one time or another hasn't had to eat crow. I think we all have. Since that time this assessment was made, we have had utter chaos come about. We ended up with a \$216 million shortfall.

The crux of this whole problem is this, if there is to be a tax raise, who is going to be to blame, Republicans or the Democrats? It is as simple as that. I think that if leadership of both parties could get together and bite the bullet and agree on a tax increase of one type or another that would give you a level playing field come election time, the problem would be rightly and justly resolved, it is that simple. It is no big problem.

The SPEAKER: The Chair recognizes the Representative from Shapleigh, Representative Ridley.

Representative RIDLEY: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to stand up here and give you a long speech but like my seatmate here I have been around here a little while, not as long as the good Representative from Winslow, Representative Carter, but I have been involved in budgets pretty much my whole adult life in one form or another.

I would just like to point out the playing field that we have down there — the Governor presents the figures to us that are giving us a balanced budget. With all due respect to him, he honestly feels that that is a balanced budget and we have to stay within those parameters. We might disagree in lots of areas I know I certainly did. There were a lot of other alternatives added or offered up. I offered a couple myself but when they are not acceptable on the second floor, you just don't have any chance of getting it through. He certainly can veto it and we can't override it or at least we haven't been too successful along those lines.

The committee worked long and hard, looked at a lot of different proposals, and we finally agreed as a group, all of us together. I might say this, that I think the committee does work very fine together. Our ideas are not that far apart. We agreed on this that this was about the best of any alternatives that we could come up with that would fly.

I voted against the lottery the first time around and I would like to vote against it this time but I think you have to face up to the facts that we do

have a problem. I don't know of an alternative. I wish someone would come forth with one. It isn't just an alternative but an alternative that would be acceptable to everybody involved in here, not only the Governor, but you people all have a lot of pet projects that you want to get funded. It is not easy to sit down there when you see all the people that come before us. We have them all, there are some real tear-jerkers that go down there. You would like nothing better than to fund them but you just know that you haven't got enough money to do it.

I think that the Appropriations Committee, not just because I am a member of it, has done an excellent job. They came together as a group and this is what we decided on and I am going to vote for this. I might have to hold my nose a little bit but I am going to vote for it. I think it is about the best alternative that we can come up with.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to stand here tonight and try to judge the morals of gambling or Lotto*America or anything else. I am going to try to give you a few facts because when it comes to gambling, I think that is each one's personal choice and they have to look at their own conscience and do whatever they think is right.

There was a market analysis done of lottery participation and multi-state lottery potential. It was prepared for the Tri-State Lottery Commission by Opinion Research Corporation in Princeton, New Jersey. The study was conducted in the fall of 1989 and was issued in January of this year. This report did not concern the operations of Lotto*America but the information gathered by the report concerning the purchasing habits of people who play lottery games provided valuable insight that can be used to understand Lotto*America as well as Megabucks. As we all know, Maine currently has four lottery games. This is, in my opinion, just one more, just one more business adventure that the state is going into.

In regards to Lotto*America, the study specifically states the majority of Tri-State residents express an interest in playing Lotto*America. More than six residents out of ten expressed that interest. The study also refuted the idea that Lotto*America would have a negative impact on Megabucks. When Tri-State Megabucks came in, it had no impact on our instant games, they still brought in the same amount of money and more. The survey showed that the largest percent of people in the State of Maine go for the big pot. I think this is one of the selling points to me of Lotto*America. I also believe we are going to have a lot of border crossing for Lotto*America because last week New Hampshire started their new game and it didn't go off quite as well as they expected, although they predict it will be doing better. I feel as though the residents of New Hampshire will be crossing the border into Maine to buy the big pot rather than going into Massachusetts for the big pot there. I believe that is one reason why Massachusetts is not going into Lotto*America, they don't have to, they already have a big pot and they are getting residents from Maine and New Hampshire crossing into Massachusetts and buying these tickets.

I am not going to stand here and tell you that the border crossing is going to bring in \$7 million because we know it isn't going to but I certainly believe it is going to help. This has not been taken into consideration when that \$7 million was estimated.

Many Maine lottery players also buy out-of-state tickets and with Lotto*America, many of these will

stay in Maine. New Hampshire residents play Massachusetts Lottery at 51 percent. I believe we will get a lot of those. That is all that I am going to say about Lotto*America. I believe it is a good business adventure, I believe it is worth trying and I don't think that any one of us here can judge the morals of gambling. I know there are people in this state who do not believe in gambling. I have been brought up in a family such as that and I guess they wonder sometimes what happened because I do like to play the lottery, that is about the extent of my gambling. I believe each and every citizen of this state, that is their choice and, if the majority wants to play it, they will. If they don't, they won't. I urge you to support Lotto*America.

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

Representative LORD: Mr. Speaker, my Learned Colleagues: I gambled every day when I was farming, every day of my life I gambled. I gambled on the weather, I gambled that my cows would get bred, I gambled they were going to give milk. It is a gamble. To me this is a gamble, pure and simple. It might work, it might not work.

I have been in here -- this is the sixth year and we have had Megabucks for six years and up to March 31st of this year, we have gained (I have got to get the right section here, I don't want to be quoted wrong) \$21,627,996 on gambling. Now in the six years I have been here, I haven't heard anybody say, let's get rid of the gambling. I haven't heard anybody say, we don't need this to balance the budget, we have been balancing the budget with it, right or wrong. They expect that maybe it might get up to \$30 million, better than \$30 million. I am not going to say that this is right, I am not going to say that this is wrong. I think it is up to the people who want to bet on it. You know when we have a million jackpot, I don't bet on the million jackpot, good Lord, that is just chicken feed, but when it gets up to \$3.5 million or \$5 million, I might loosen up a little bit and buy two or five tickets. I have never bought more than five tickets in my life because that is quite a lot of money to spend on this gambling but that is my right and that is your right to do it. If they people want to bet on it, they will. I know and you know that when that pot gets up there big, you dream about what you can do with it and you say, well I will buy a few tickets and maybe I'll win and if I don't win, the State of Maine has gained a little bit and I hope you will vote for the Lotto*America.

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 Priest of Brunswick that L.D. 2362 and all its accompanying papers be indefinitely postponed.

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

Representative DEXTER: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with Representative Parent of Benton. If he were present and voting, he would be voting nay; I would be voting yea.

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

Representative MELENDY: Mr. Speaker, pursuant to House Rule 7, I wish to pair my vote with Representative Higgins of Scarborough. If he were present and voting, he would be voting nay; I would be voting yea.

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

Representative PARADIS: Mr. Speaker, I wish permission from the Chair to pair my vote with Representative Hanley of Paris. If he were present and voting, he would be voting nay and I would be voting yea.

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 Hoglund of Portland. If she were present and voting, she would be voting yea and I would be voting nay.

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

Representative BOUTILIER: Mr. Speaker, pursuant to House Rule 7, I would like to pair my vote with Representative Jackson of Harrison. If he were present and voting, he would be voting nay and I would be voting yea.

The SPEAKER: The Chair recognizes the Representative from Easton, Representative Mahany.

Representative MAHANY: Mr. Speaker, pursuant to House Rule 7, I would like to pair my vote with Representative Tardy of Palmyra. If he were present and voting, he would be voting nay; I would be voting yea.

The SPEAKER: The pending question before the House is the motion of Representative Priest of Brunswick that L.D. 2362 and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 249

YE - Adams, Aliberti, Anthony, Bailey, Begley, Bell, Brewer, Burke, Cahill, M.; Cashman, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Curran, Daggett, Dore, Erwin, P.; Farren, Gould, R. A.; Gurney, Heeschen, Holt, Hussey, Jacques, Jalbert, Ketover, Kilkelly, LaPointe, Lawrence, Luther, McKeen, McPherson, Michaud, Mills, Mitchell, Moholland, Nadeau, G. G.; Nadeau, G. R.; Nutting, O'Dea, Oliver, Paradis, J.; Paul, Pederson, Pineau, Plourde, Priest, Rand, Rolde, Rotondi, Rydell, Sheltra, Simpson, Smith, Strout, D.; Swazey, Tracy.

NAY - Aikman, Allen, Anderson, Ault, Butland, Carroll, D.; Carroll, J.; Carter, Cathcart, Chonko, Conley, Dellert, DiPietro, Donald, Duffy, Dutremble, L.; Farnsworth, Farnum, Foss, Foster, Garland, Graham, Greenlaw, Gwadosky, Hale, Handy, Hastings, Hepburn, Hichborn, Hickey, Hutchins, Joseph, Larrivee, Lebowitz, Libby, Lisnik, Look, Lord, MacBride, Macomber, Manning, Marsano, Marsh, Martin, H.; McCormick, McGowan, McHenry, McSweeney, Merrill, Murphy, Norton, O'Gara, Paradis, E.; Pendleton, Pines, Pouliot, Reed, Richard, Richards, Ridley, Ruhlin, Seavey, Skoglund, Small, Stevens, A.; Stevens, P.; Stevenson, Strout, B.; Tamaro, Telow, Townsend, Tupper, Walker, Webster, M.; Wentworth, Whitcomb, The Speaker.

ABSENT - Marston.

PAIRED - Boutilier, Dexter, Hanley, Higgins, Hoglund, Jackson, Mahany, Mayo, Melendy, Paradis, P.; Parent, Tardy.

Yes, 60; No, 77; Absent, 1; Vacant, 1; Paired, 12; Excused, 0.

60 having voted in the affirmative, 77 in the negative, with 1 being absent, 1 vacant, and 12 having paired, the motion did not prevail.

Subsequently, 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.

(At Ease)

The House was called to order by the Speaker.

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

**PASSED TO BE ENACTED
Emergency Measure**

An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1990 and June 30, 1991 (H.P. 1831) (L.D. 2503)

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 16 against and accordingly 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.

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

**PAPER FROM THE SENATE
Divided Report**

Majority Report of the Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-698) on Bill "An Act to Reduce Costs to County and Municipal Government by Delaying the Implementation Dates of Certain State Mandates" (S.P. 1004) (L.D. 2492)

Signed:

Senators: KANY of Kennebec
ERWIN of Oxford
LUDWIG of Aroostook
Representatives: DEXTER of Kingfield
LORD of Waterboro
MICHAUD of East Millinocket
JACQUES of Waterville
GOULD of Greenville
COLES of Harpswell
SIMPSON of Casco
HOGLUND of Portland
ANDERSON of Woodland

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

Representative: MITCHELL of Freeport

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed.

Reports were read.

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

Committee Amendment "A" (S-698) 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 by Committee Amendment "A" in concurrence.

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

COMMUNICATIONS

The following Communication:

STATE OF MAINE

ONE HUNDRED AND FOURTEENTH LEGISLATURE
COMMITTEE ON STATE AND LOCAL GOVERNMENT

April 12, 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 State and Local Government 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	63
Unanimous reports	56
Leave to Withdraw	12
Ought to Pass	8
Ought Not to Pass	4
Ought to Pass as Amended	16
Ought to Pass in New Draft	0
Re-referred	2
Pursuant to Joint Order	14
Divided reports	7

Respectfully submitted,
S/Georgette B. Berube S/Ruth Joseph
Senate Chair House Chair

Was read and ordered placed on file.

ORDERS

On motion of Representative POULIOT of Lewiston, the following Joint Order: (H.P. 1834)

Ordered, the Senate concurring, that the Joint Standing Committee on Appropriations and Financial Affairs report out such legislation as it determines necessary to increase the borrowing authority of the University of Maine System.

Was read and passed and sent up for concurrence.

The following item appearing on Supplement No. 17 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 Bill "An Act to Revise the Salaries of Certain County Officers" (EMERGENCY) (H.P. 1833) (L.D. 2506) reporting "Ought to Pass" - Pursuant to Joint Order (H.P. 1484)

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.

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

COMMUNICATIONS

The following Communication: (H.P. 1835)

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333

April 12, 1990

TO: The Honorable Members of the 114th Maine Legislature:

I am returning, without my signature or approval, H.P. 1588 - L.D. 2200, "AN ACT Regarding Investment of Funds in Corporations Doing Business in Northern Ireland". This legislation would require that decisions on investment of trust funds in the Maine State Retirement System be tied to adoption of certain MacBride Principles by U.S. corporations doing business in Northern Ireland.

I appreciate and respect the good intentions of the bill's supporters. However, this legislation interferes with sound fiscal management of our publicly funded Retirement System, in the interest of promoting a campaign which does not seem to have widespread support in Northern Ireland among those who are supposed to benefit from it. Nor has the campaign been embraced by the U.S. Congress or the international community.

The desirability of the MacBride Principles is not at issue in my decision. I have serious reservations about using our pension funds, paid for by public employees and the taxpayers, to promote any campaign of social policy in other nations however appealing they might seem here in Maine. Investment decisions in the Maine State Retirement System should be based on prudent fiscal policy with the plan participants in mind. I am aware that we have enacted similar legislation with respect to South Africa. That government's legal policy of racial discrimination, backed by the full force of their police power, has provoked a campaign of economic sanctions against South Africa by the U.S. and other governments throughout the world, with the backing of prominent South African leaders.

I cannot agree that our actions regarding South Africa set a precedent for similar action in Northern Ireland where discrimination is illegal. The campaign to impose the MacBride Principles has not achieved the same level of international recognition. The U.S. Congress, which has readily confronted civil rights violations here and abroad, has never joined the campaign, nor has the international community.

Furthermore, the degree of support for the campaign within that country is uncertain. While I have received no letters from Northern Ireland supporting L.D. 2200. I have received letters from leaders of labor, religious, political, and professional organizations urging my veto because of deep concern for the damage they believe the campaign is causing. For instance, the position of the largest trade union in Northern Ireland which is 50% Catholic, is that the negative disinvestment focus of the campaign will harm the prospects of unemployed Catholics more than any other group.

I share with all Maine legislators the desire to eliminate religious discrimination in Northern Ireland. Last week's Irish Echo contained an article by John Hume, Leader of the Social Democratic and Labour Party, the main Catholic Nationalist Party in Northern Ireland. Mr. Hume expresses serious concern that the campaign to impose the MacBride Principles on U.S. corporations interferes with his country's crucial objective of job creation in areas of high unemployment. He appeals to state legislatures and Irish Americans to use our influence with corporations in our states to invest in areas of high unemployment in Northern Ireland. The State of Maine moved in that direction in May, 1986 when we signed an Agreement with the Industrial Development Board for Northern Ireland to promote two-way trade and investment opportunities. I would be pleased to work with legislators to expand Maine's economic ties with

Northern Ireland by encouraging import/export deals, licensing agreements, and joint ventures.

I am extremely reluctant to link management decisions about our retirement trust funds with campaigns to influence bitter conflicts within other countries. Maine citizens are not in a position to monitor international events. A case in point is newly independent Namibia, against which sanctions have been lifted by the United States, but which is still targeted for investment restrictions in Maine law. Furthermore, it is disturbing to me, as Chief Executive, to see evidence of significant opposition to Maine's promotion of the MacBride campaign by those who live, work, and raise families in Northern Ireland.

Because of these reservations, I am in opposition to L.D. 2200 and respectfully urge you to sustain my veto.

Sincerely,
S/John R. McKernan, Jr.
Governor

Was read and ordered placed on file.

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

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

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

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

Representative CASHMAN: Mr. Speaker, Men and Women of the House: I rise tonight to urge the House to override the veto of Governor McKernan on L.D. 2200, "An Act Regarding Investment of Funds in Corporations Doing Business in Northern Ireland."

Just a short time ago, we took a vote in this House, we took two votes in this House actually, and we showed overwhelming support for this bill. I think the last vote was 116 to 24. Nothing has changed since that time, the bill is the same, the situation in Northern Ireland is the same. As a matter of fact, it probably is a little worse with two weeks having gone by. The only thing that has changed is that the Governor has vetoed the bill.

I am not going to attack the Governor's veto, that is his right. I know he gave it consideration. I met with the Governor, tried to convince him to sign it.

I must take exception to his reasons for vetoing the bill, I don't agree with him. He says that the legislation interferes with sound fiscal management of the retirement system. That is not a new issue. That was discussed in the original debate on this bill. The fact is that the Maine State Retirement System's philosophy on investment should not reflect a profit at-any-cost philosophy. I think that the House agreed with that, that is why we voted overwhelmingly to pass this bill.

The Governor goes on to say that the campaign will impose the MacBride Principles in comparing it to the South Africa Bill, he says that the Northern Ireland Bill is different because discrimination in Northern Ireland is illegal and the campaign to impose the MacBride Principles does not achieve the same level of recognition or support.

Men and women of the House, I would say that if you were being discriminated against, whether it is illegal or not, is not the issue. The fact is it happens, it exists. I don't think anybody questions that. Even the surrogates that the British Government sent to the hearing didn't question that. The figures don't lie. The fact that the campaign has not received the same amount of support, I think the reason for that is obvious, you are not trying to do battle here with South Africa, you are doing battle with Great Britain. We don't expect the President of the United States to support this campaign when he is cozying up to the British Prime Minister as has been the case.

In spite of the fact that the British Government has spent millions and millions of dollars to kill this campaign, 14 states in this country have adopted it, including our neighbor New Hampshire. Most of the major cities in this country have adopted it including Boston, New York, Philadelphia, Pittsburgh, San Francisco, New Orleans and Chicago. Most of the major cities, Chicago, have all adopted it in spite of the fact that millions of dollars have been spent on propaganda to kill it.

The South Africa situation was different, you weren't battling the government of Great Britain, you weren't battling the money that they put out to kill this. No wonder it hasn't gained the support. I don't think that this House should be intimidated or have our mind changed because this kind of money is being spent on this issue.

The Governor goes on to say that he has received letters and that in fact the position of the largest trade union in Northern Ireland, which is 50 percent Catholic -- men and women of the House, the makeup of this union is 50 percent Catholic when you take in all of Ireland. This is a union that covers Southern Ireland and Northern Ireland. If you take in both locations, it is 50 percent Catholic.

The correspondence received by the Governor, which he shared with me came from a spokesman from Northern Ireland, the same breakdown is not true in Northern Ireland. Again, that is not new. We discussed that on the floor of this House when we debated this issue before.

The Governor also received a letter from the Presbyterian Church of Northern Ireland. I don't think I even have to comment on that.

The Governor received a letter from the Alliance Party of Northern Ireland and that is the Unionist Party. Their platform is union with Great Britain. I am not surprised that they are opposed to this bill.

The Governor said that it concerns him that there is division in Northern Ireland on this issue. The bill wouldn't be here if there was not division in Northern Ireland on this issue.

The Governor quotes an article in the Irish Echo and the article quotes John Hume, leader of the Social Democratic Labour Party. John Hume has always opposed the MacBride Principles. John Hume is a leading politician in Northern Ireland and a very good one but you should understand this, that Mr. McGrady, his Whip in the SDLP, supports the MacBride Principles. The SDLP takes no position as a party on the MacBride Principles because of that split between Mr. McGrady and Mr. Hume. Mr. McGrady recently released a statement in the Irish Echo, the issue after the John Hume article, saying that the MacBride Principles were the greatest weapon to encourage compliance with the law against discrimination in Northern Ireland. I could read the rest of the veto message but there is nothing in it really that hasn't been debated on the floor of this House already.

I have served in this House with a Governor from my party and I know how difficult it is to vote to override a veto of the Governor if he is in your party. I did it twice here, voting to override vetoes of Governor Brennan. I urge this House to stick with the votes we have taken. Twice we have voted on this issue, twice we have showed it overwhelming support. Nothing has changed and there is nothing new in this veto message. I urge you to stick with your votes, vote to override this veto and pass this bill.

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

Representative WEBSTER: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to vote no on this question for one simple reason and that is that we are using the power of our assets in the Maine State Retirement System to make political and economic judgments about what is appropriate policy in another country.

I happen to believe myself that that is an effective role for this body to take. I think in this instance though, if we take this step, we will not actually be helping those very people that we are seeking to help.

I am not convinced in my own mind that the sanctions that are proposed in this legislation are sanctions that will in fact help the working people of Northern Ireland.

As I told you before, I was one of the cosponsors of the bill that imposed restrictions on the Maine State Retirement System for those companies doing business with South Africa. I shared the views of some of the people who spoke on that bill at the time, particularly Representative Susan Dore, about the effectiveness of economic sanctions and how those sanctions, when applied appropriately, can work.

My fear is that, in this instance, we will be taking jobs and economic livelihood away from those people who most desperately need it. Unless you are absolutely convinced in your mind that the application of these MacBride Principles will help people in Northern Ireland, I urge you caution and ask you to vote no on this measure.

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

Representative DORE: Mr. Speaker, Men and Women of the House: I rise to address the chamber only because the good Representative from Cape Elizabeth mentioned my name. Not only did I say that economic sanctions were effective but when I said that I full-well knew that in South Africa, when we imposed economic sanctions, the Black people in South Africa suffered, they knew it, we knew it, anybody who boycotted products in South Africa from diamonds to cow hides well-knew that it had an economic impact on the Black majority of the population in South Africa. But the political freedom that they were fighting for and the right to have Nelson Mandela speak for them outside of prison, not inside of prison, was worth that sacrifice. It was worth that economic hardship, it was worth the lives it took to have that kind of economic hardship and it took lives. I think in Northern Ireland today, when you can talk about people having an 80 percent unemployment rate among Catholic Northern Irish members, you can talk about economic sanctions that will cause a struggle, that will cause a hardship, certainly being worth the effort.

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

Representative HICKEY: Mr. Speaker, Ladies and Gentlemen of the House: I rise today with much

regret, regretful that our Governor has decided to reject the overwhelming majority of Maine Legislators, both Democrats and Republicans, who favor this legislative proposal to address discrimination in the workplace of Northern Ireland companies that use funds from the Maine Retirement System. This need not be a partisan issue. I know both Democrats and Republicans oppose religious discrimination. I firmly believe that Democrats and Republicans would never accept the type of economic discrimination that takes place every day in the six counties of Northern Ireland.

I know both Democrats and Republicans support legislation that provides economic opportunities for all people regardless of their religious preference. What we have in front of us this afternoon is the veto of a bill that would do just that. There is nothing extreme in this legislation. There is nothing in this bill that you and I would not expect from our own Maine companies today. There is nothing in this bill that you and I would not demand from Maine employers. If a company set up a shop in Lewiston and decided that all the people of French heritage would be excluded, you and I would demand action be taken to stop this ridiculous discrimination, yet the Governor's veto of this bill is nothing more than his expressed support for the policy of discrimination that exists in the six counties of Northern Ireland.

I refuse to support this discrimination and ask that you join me in this vote to override the Governor's regretful veto of a fair and just piece of legislation.

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

Representative DELLERT: Mr. Speaker, Men and women of the House: The MacBride campaign is very damaging, the threat of divestment, stockholder resolutions, boycotts and the like are part and parcel of the MacBride campaign. That is why the continuation of this campaign discourages potential investors and undermines Northern Ireland's position as a location for American investment which Northern Ireland really needs, they are counterproductive.

Principles 1, 7, and 8 require preferential treatment for minorities and are inconsistent with fair employment and, therefore, illegal.

Principle 2 puts the responsibility for protecting Catholics traveling to and from the workplace on the employer, thus ignoring the role of the police and states an obligation and rule of law.

Number 2 principle implies that the Catholic workers alone are to be protected, even though in recent years, many Protestants have been injured.

Finally, the Maine State Retirement Board of Trustees has particular concerns over this because of the prospect that enacting this legislation could lead to others requesting similar legislation for their various groups and they are very, very concerned for the fiduciary responsibilities they bear to the Maine State Retirement System and the taxpayers of Maine.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Gray, Representative Carroll.

Representative CARROLL: Ceann Comhairle (Mr. Speaker), Ban, fear Maine Oireachtas (Women and Men of the Maine Legislature): Cathain a tharlaíonn se? (When does it happen?) Ca bhfuil muid dull? (Where are we going?) The Gaelic language is old, the problems in Northern Ireland are ancient. We hear nothing today about the people in Ireland, that romantic vision, rockbound coast as in Maine, sea air as in Maine, a proud people as in Maine. All we can think about is the economic viability. The only

economic viability that you see are those of people being discriminated against in a country that is their own, a police state, a government that occupies Northern Ireland is the same government that, over 200 years ago, occupied this country. There was no international sanctions 200 years ago that supported the cause of the colonists. There were laws after laws that were passed to make things better in what now has become the United States. We had Stamp Acts, Embargo Acts, Intolerable Acts, each and every one was supposed to make things better for the people of the colonies.

During the debate on the floor of the House, we heard that there were new laws passed to make things better for the people of Northern Ireland. They were passed recently, they were passed ten years ago, they were passed twenty years ago, they were passed 500 years ago, the problem persists, the problem goes on, it is time for it to end.

The recent issue of Business Monthly listed a series of major corporations from around the world who have on their agenda, in their annual meetings, issues of social policy, included are the areas of South Africa and Northern Ireland to disinvest their money. If it is not us here in Maine who will "lead the way" as our motto says, who will? If not now, then when? Fourteen states say it is all right, it is time to take a major step forward. It is not an English issue, it is not an Irish issue, it truly is not a partisan or Catholic issue, it is not an issue for you and I, as Democrats or Republicans, it is one of fairness, it is one of human rights, it is one of leadership and it is one of freedom. This state has always been a leader, it should continue to be a leader and it is up to us today to stand by your vote of the other day and override this veto.

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

Representative JOSEPH: Mr. Speaker, Men and Women of the House: This important piece of legislation was heard in the State and Local Government Committee and we heard many proponents for this piece of legislation. It is very interesting that only two persons spoke in opposition to this piece of legislation.

I refer you to the Governor's veto message. In the fourth paragraph it says, "The campaign to impose the MacBride Principles has not achieved the same level of international recognition. The U.S. Congress, which has readily confronted civil rights violations here and abroad, has never joined the campaign nor has the international community." Shame on them!

I am asking you tonight to consider overriding the Governor's veto. I disagree with the faint-hearted politics that would have us sustain the Governor's veto. On March 17th, in the Washington Post, there was an editorial that is appropriate for this evening's discussion. It talks about forgetting the past. It talks about failing our role as a democratic nation to help people struggling for freedom. It talks about apathy. It talks about politicians, Irish/American politicians, who have let down their brothers and sisters living on the Emerald Isle.

I would like to share some of that with you this afternoon or this evening because Maine, whether or not our Governor would be Irish, English, Scottish or whatever, but all of us might learn something from this article. Coleman McCarthy says, "Why do so many of the 40 million Irish/Americans fritter away St. Patrick's Day in booze and blarney? Why isn't this a moment instead to reflect us passionately on Ireland as a divided homeland and a scene of entrenched human

rights violations and economic discrimination against Catholics by the British Government? Little enough attention is paid in the United States to British injustice and violence vented on the half million minority citizens of the six counties of the North. The Reverend Sean McManus, a Northern Ireland born priest who directs the Irish National Caucus, a Washington lobby asked, "Can you imagine our Jewish/Americans celebrating a great Jewish day ignoring the plight of the Soviet Jews? Can you imagine Afro/Americans celebrating a great African day and ignoring the plight of Blacks in South Africa? Well then, Irish/Americans should not celebrate St. Patrick's Day and ignore the plight of Irish Catholics under English rule in Northern Ireland."

In Congress in the past 20 years, one Irish Catholic after another has abandoned the kind of militancy that is fitting and needed for protesting British Government rule in the north. While serving as Speaker of the House, Tip O'Neal would roar against human rights abuse in El Salvadore and South Africa but on Northern Ireland he did little more than stick a shamrock in his lapel every St. Patrick's Day and issue a bland call for peace. The current Irish/American Speaker Tom Foley looks at the Northern Ireland question and dares not criticize Britain. It hasn't been much different among other congressional Irish Catholics as well. They are St. Paddy's Day Irish people.

A plausible explanation for the epidemic of indifference is a fear of criticizing the British Government and that being seen as pro-Irish Republican Army, a wing of which is violent. They have let themselves be blinded by the threat of terrorism says Representative Thomas Manton of New York, whose parents were born in Ireland. Manton, who succeeded Geraldine Ferraro in the House, is among a newer and younger group of congressional Irish/Americans who see the quality of British rule in Northern Ireland and are not afraid to expose it. Their unofficial leader is Representative Joseph Kennedy of Massachusetts. He has gone into the prisons of Northern Ireland in actions reminiscent of his father's visit to poor families in Appalachia in the South in the mid-1960's. Kennedy has spent time in the homes of Belfast, learning for himself that British enforced bigotry stifled the lives of Northern Ireland's Catholics. On March 12th, Kennedy held hearings for the Congressional Human Rights Caucus. Among the witnesses was Gerard Conlin, an Irishman imprisoned for 15 years as one of the Guilford Four and recently exonerated with three others of all charges. Conlin testified, "The British Government framed us on a charge of bombing pubs in Guilford, and fifteen years later, they have admitted that we were innocent all along."

If Joe Kennedy had not held hearings and brought in witnesses from Amnesty International to document human rights abuses in Northern Ireland, the public wouldn't have stirred nor would it have learned that some Irish/American politicians find it normal, not risky, to be faithful to their ancestral homeland. Perhaps our Governor might learn that it is normal, not risky, to stand up against human rights violations. There is no pride in being simply a St. Paddy's Day Irishman. I urge you not to be faint-hearted politicians. I urge you to override the Governor's veto.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Mattawamkeag, Representative Cahill.

Representative CAHILL: Mr. Speaker, Men and Women of the House: I rise today in hopes that you

will consider overriding the Governor's veto. I strongly believe that this L.D. is the way to go. I also find it difficult to simply ignore (and that is what we would be doing) the goings-on in Northern Ireland for this reason or for that. I feel that we are missing the major crux of the matter here.

I have been approached by those who are skeptical of this bill because of their belief in the commitment put forth by the British Government, the commitment was the Fair Employment Act. This 1989 Act is supposed to ensure the equality of opportunity in employment. The Act in reality lacks goals and timetables for achieving fair employment. What assurance do we have that this legislation isn't simply a ploy to derail the only effective attack on employment discrimination in Northern Ireland that has ever come along? I have many doubts pertaining to this Act including the fact that there is no judicial review for complaints of religious discrimination. Imagine the frustration and anxiety that was, and after passage of this Act, still is all too evident simply because of unemployment caused by religious indifferences.

We have a chance to do something to promote human rights and demote prejudices. By not supporting this bill, we are taking a step backward and not forward. By overriding the veto, we would be sending a message to the British Government, loud and clear, that we neither support nor promote the blatant religious discrimination taking place in Northern Ireland. I urge the people of this chamber to override the Governor's veto of L.D. 2200.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative Oliver.

Representative OLIVER: Mr. Speaker, Men and Women of the House: I think there are some very important points to make on a bill like this. The number one point is the fact that there is discrimination and it is documented. It is not speculated, it is documented, both sides agree. Ending discrimination helps everyone.

I worked in the South over 20 years ago and I well remember those years. They were years of frustration, of bigotry, and in just one city alone, I was in jail nine times and beaten up. The same arguments that prevail against the bill that I am hearing on the floor and I certainly heard in the Governor's remarks are the type of arguments we heard back in the '60's.

First of all, I wanted to say that ending discrimination helps everyone, those who are discriminated against and those who practice discrimination. This bill does not diminish Britain but rather moves her forward towards her own vision of a just and fair society. No nation can pass a Magna Charta or a Bill of Rights and stand still. Justice is something that each generation has to fight for.

I raised a question about baseball, to my good friend Representative Tammaro. He and I discussed 20 and 30 years ago of watching ball games and our hero's. I remember very clearly the year that Jackie Robinson broke into baseball, I even traveled the distance to watch him play that first year. I remember the fans and I remember the "Go, Jackie, go" and I was fortunate to be in a stadium where he hit a double. Then, with the fans cheering along and thank God for his coach allowing him, he stole third base and then stole home. The point was that, in the newspapers at that time in common gossip, was that somehow baseball was going to suffer, fans would not attend the game, the level of play would diminish, players, white players, would not participate. There would be boycotts and disruption and everyone knows

that baseball was enhanced and the owners got larger profits and the fans got greater enjoyment.

The MacBride Principles are accepted by leading Protestant, Catholic and Jewish leaders and certainly all those who respect and honor the long struggle for human rights. As you vote, I hope you remember your own background and your own struggles, whether it be being Jewish and having an ethnic slur or French and being told as a child, you can't speak your beautiful language, or a woman not getting equal pay for equal work, or a worker being discriminated against by an employer who did not care about his labor. So, this is a vote that affects us all and goes deeply into who we are as a people and who we are as a state.

As I said before, this is certainly not anti-British, this is very pro-people. We are doing a great favor to the British and to those who practice discrimination in Northern Ireland by supporting this bill. The bill will not end discrimination in Northern Ireland, none of us are that naive, but it will chip at the wall and, as we know and we have seen in Eastern Europe, that chipping at that wall over years and those who stood up and protested and were arrested did not do so in vain, that finally the wall came down.

I heard some comments and I thought I had to repeat a few things because they reminded me of 25 years ago. These are some of the arguments we heard then that we would be "interfering in prudent investments." That was always the classic. I remember a key committee that called me into their office, considered me a leader in that particular town and asked me, did I realize what I was doing to investments in that town and the social disruption that I was causing? Then there was the "must go slower" argument, that is a great argument. You move up from the back of the bus one seat at a time, one bus at a time. You are lucky if you ever get there. And, "this is a societal problem so why should we worry about it, it is something that exists in the general public." That "conditions are changing." Representative Carroll brought this out very clearly. And, "we should give it time." Some things you do need time, good wine and other things that we enjoy in life. We give time to our teenagers. Since I have two who are growing up, I have to have patience but you do not give time to discrimination. When you find it, you have to fight it. You have to fight it with a collective will that this body can mobilize. Then there is the argument that "it shouldn't concern us because it is too far away." World economy and anything that happens in Northern Ireland or the Sudan or Ethiopia certainly affects us. I heard that argument. In those days, it was "that's Alabama's problem." Would there be anybody in this body today that would say that Birmingham isn't a better city and that the South isn't a better region and that we as a country aren't a better and stronger country because we took the high moral ground? We are not there yet but our laws indicate that we have a collective will to move to end discrimination. So, we have heard all these arguments. I guess it is very emotional to me in the sense that waiting is a very terrible thing when you are discriminated against. It is something that even if one person is discriminated against, a woman in a work force, a worker, a Black, a Catholic, a Jew, we have to stand up. It is a moral obligation to end it.

This bill says a lot about us and one of the things that I feel very proud of is that, as a state, we are very concerned and we are very tolerant and we are very caring of that other person. I sense it here in debate and I sense it in the hallways and I

see it on the committee -- that we are willing to go very far to be tolerant. This is our chance again.

This bill is extremely important, not only for Northern Ireland and to help Britain create the real vision it should as a nation, but for us personally to go home and be able to tell our families that the world is going to be a little more just because of an action we took today.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Vassalboro, Representative Burke.

Representative BURKE: Mr. Speaker, Men and Women of the House: This country was founded on the principles of life, liberty and the pursuit of happiness. In addition, this country has stepped to the forefront on multiple occasions to demand observance of basic human rights doctrines in all countries throughout the world. Let it never be said about us as Americans or as Mainers in particular that we would allow our own citizens to enjoy life, liberty, and the pursuit of happiness, that we would protect the rights of people who are oppressed and kept from these things if the country in which they lived were an enemy of ours but that we would allow and in fact condone oppression if the country which engaged in it was an ally of ours.

This is the worst example of situational ethics that one can think of, that we would close our eyes to oppression because the oppressor is a friend of ours and that is to engage in the oppression ourselves. We must take a stand and continue to take a stand even when unpopular with our friends, that we will not tolerate oppression and discrimination in any shape, in any form, on the face of this earth. Because this is an economic sanction, a non-violent manner of addressing the issue, it should be applauded, not degraded. We should seek to encourage our ally, to reconsider through persuasion rather than at the point of a gun, should be our aim. I applaud the authors of this reasonable and thoughtful legislation and urge all of you to vote to override the Governor's veto.

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

Representative WENTWORTH: Mr. Speaker, Members of the House: May I just remind you that we are prohibiting our state from doing business with companies working in Ireland who are not working under MacBride Principles. Inasmuch as none of our companies in the United States are working under MacBride Principles, how are we helping them by denying them this business?

The SPEAKER PRO TEM: The Chair recognizes the Representative from Old Town, Representative Paradis.

Representative PARADIS: Mr. Speaker, Members of the House: I would just like to say a few words on this bill. In the past, when this bill was before us for the first time, I voted for it, then I voted to sustain the veto when it came up here. This time I voted for the bill and I intend to vote to override. It pains me to vote in such manner against my Governor but I do not believe that the Governor has had the same experiences that I have had with life and he has not walked in my shoes or seen the things that I have seen. He has had his own experiences and that is probably why it had led him to come to a point of veto again for the second time on this bill.

After listening to the debate for several times and my good friend Representative Cashman of Old Town has done much to convince me on this subject and has done much to remind me. It reminds me of the days that I served in the CC Camps with young men from the Boston area. That story sounded much like what we hear today. We have heard also that this situation in Ireland goes back for decades. I have not lived

that long, but from my days in the Bar Harbor area with these young men from Boston, I have heard their stories and I listened to their oppressions. From my years of service, both as enlisted and commissioned, I walked also with the men of Irish extraction and they related their experiences that their parents had brought over from this country and it was not pleasant at all.

I could think back to my own days of growing up in Old Town and some of my own experiences, not to the same measure that they were telling me, but to some extent, I could understand what they were talking about. It always has been the same and the situation goes on. Unless we do something to break the mold, it will continue to go on. Though this is a very small measure on our part compared to what will be necessary in order to bring Ireland to its senses and bring the British to relinquish their hold over the Irish people to some extent, it will nevertheless signify that we, the people of Maine, are aware that we are doing what we can and what must be done in order to remove or make adjustments to this situation.

So, I will be voting to override. I leave it up to you as to your own circumstances but that will be my vote this evening.

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

Representative CONLEY: Mr. Speaker, Men and Women of the House: I want to congratulate Representative Paradis for standing up and making the remarks he made. As Representative Cashman said, it is never easy to vote to override the veto of the leader of your party. I hope, although I have not voted to sustain one of the Governor's vetoes, but when an opportunity arises for me where conscience calls out that I can rise to that level and make that judgment in the same way that Representative Paradis has explained to us.

I think it is the use of the veto itself in reference to this bill that bothers me the most. We debated the bill at length. Only a very small number of our members voted against the bill. When you look at the constitutional powers that are set out for the three branches of government, power of the veto for the Governor is the most significant power which he has in relation to what we do in this body. It should only be used at times when one truly believes that this body has departed in a serious way from what would be in the best interests of the people of this state. I have to challenge the Governor's judgment on this issue. He has chosen to use this very significant power to reject what is only a modest proposal to stamp out discrimination. I can only view this veto as a stamp of approval for discrimination. It is the only way I can see this veto. At its lowest common denominator, it is nothing more than a stamp of approval for the Queen. It is a return to the chains that we cast off 200 years ago. It is an answer only for the interests of Great Britain. There was no testimony given, any credible testimony, that this bill would in any way damage the workers of this state or in any way jeopardize their fund.

I think we should look to the words of Franklin Delano Roosevelt back in 1938 when he talked about the chains we threw off and the freedoms which this country stands for. In reference to other countries he said this, "The fires of freedom and civil liberties burn low in other lands, they must be made brighter in our own. If in other lands, eternal truths of the past are threatened by intolerance, we must provide a safe place for their perpetuation."

This bill represents an opportunity for us to let the civil liberties burn brighter for the people of Northern Ireland. Let's not vote as Democrats or Republicans on this bill, but as Americans, to make the realities which we have here replace the dreams the people in Northern Ireland have to live with.

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

Representative BEGLEY: Mr. Speaker, Men and Women of the House: I do not believe that the issue tonight is whether we can wipe out discrimination or not. I think what we are talking about doing is, is that going to help? I think that is our issue.

I would like to read to you from the Governor's statement that he sent up to us. He had some serious questions on the degree of support for this campaign within Northern Ireland. That degree of support is uncertain. He goes on to say, "While I have received no letters from Northern Ireland supporting L.D. 2200, I have received letters from leaders of labor, religious, political, and professional organizations urging my veto because of deep concern for the damage they believe the campaign is causing." I would remind you that these are coming from Northern Ireland. "For instance, the position of the largest trade union in Northern Ireland which is 50 percent Catholic, is that the negative disinvestment focus of the campaign will harm the prospects of unemployed Catholics more than any other group."

I encourage you to support the Governor's veto.

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

Representative KETOVER: Mr. Speaker, Ladies and Gentlemen of the House: Three years ago I spoke on this issue and I am proud to speak on it again today. I will never tolerate hatred or bigotry or racism or discrimination of any kind. We are teaching our children in school not to tolerate this and that every individual has rights. We teach them that being different is acceptable. We should be protecting human rights of all citizens around the world. I will say this again, I said this this morning, hatred has never made our children or anyone happier. I will say it again because this is the day that we celebrate the Holocaust and certainly my family knows what hatred and bigotry and racism is all about. We have been fighting and are still fighting all of those feelings and probably will as long as I am alive. What can we do? We can stop this in my lifetime. I hope we will.

The predominantly Catholic area in Northern Ireland has been suffering an unemployment rate of 70 to 80 percent. The British Government rhetoric about fair employment is shallow and fallacious. There is no fair employment in Northern Ireland and there will be no fair employment in Northern Ireland until the international community recognizes the need to focus attention on these six war torn countries.

There are children in Northern Ireland who have parents, grandparents and great-grandparents who have never held a steady job. What hope can these children have? Where is the potential for success when everyone they know is unemployed, just as the violence in American cities results in the lack of economic opportunity. The violence in Northern Ireland continues because Catholic men and women see no hope for their economic survival and no hope for success.

I hope, ladies and gentlemen, that you will override the Governor's veto so that we can deal with this today and not have to wait another few years. I don't want to come back and do this again. I don't want another few years, I don't want to ever have to talk about this again in anybody's lifetime. I have

children and grandchildren and I don't want them to have to live through it. It is a horrible, horrible thing to do.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I am not Irish, not a bit of Irish in me. Sometimes I think I would be proud to be Irish but I heard some people say today or insinuate that the British Government does practice discrimination. The very structure of the British Government is one of the few countries in the world that recognizes a religion. The Church of England is the church recognized by the British Government. I think possibly Turkey has it and some other countries, but nowhere else in the world can I think that the Queen will pick the next Archbishop of Canterbury. You can't tell me that any government which has recognized a particular religion as part of the government is not going to show discrimination against anyone else. It would be no different if the Prime Minister of Italy picked the next Pope, so the British Government is trying to say that they do not discriminate. History will prove to you that, everywhere the British Government has been, they left a mess for somebody else to clean up, India, South Africa, everywhere. Let's not fool each other. That is how they became the son of the silent British Empire. They didn't do it by negotiating, that's for sure. Today, they are trying to say that they do not discriminate in Northern Ireland.

I have known what discrimination is in a small town in Maine. So if you think for one minute, that if the government of the State of Maine had control and recognized any particular religion and not being mine in this state, I wouldn't have had much chance to get around.

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

Representative MCCORMICK: Mr. Speaker, Men and Women of the House: I do not deny that there has been a great deal of discrimination and I am quite sure the British Government is still practicing discrimination. This is a very, very emotional issue and I sat on the committee that heard the debate. I looked into many of the claims that were made and I have tried to look at this thing from a very, very logical, actual situation as it exists today. It looks to me like there are laws in place, which just went into effect the 1st of January. That will at least remedy the situation considerably. For that reason and that reason only, I stand up and take up some more of your time to try to read to you some of the facts as I see them.

I am speaking today in support of the Governor's veto of this legislation. I urge my fellow members of the House from both parties to join me in that support.

As many of you know, the Governor has received numerous letters from various organizations and entities located in Northern Ireland including churches, major trade unions and political parties, all without exception, requesting that this legislation not be enacted by the State of Maine. He also has not received any letters from Northern Ireland in support of this legislation. While I do not think that anyone in this body questions the sincerity of the people who support this legislation and supported the so-called MacBride Principles since their inception in 1984, I think it is clear from the overwhelming response that we have received in this state in connection with this legislation, that there appears to be little support for the MacBride

Principles, this effort, and the very country to which they relate.

Furthermore, there appears to be no consensus among those who live, work and raise families in Northern Ireland on this very serious issue. It should also be noted that, despite ongoing efforts to have the MacBride Principles legislation enacted in every state in this country since 1984, only 12 states have done so. Our own Congress, as has been stated earlier, has also declined to adopt such legislation.

Furthermore, we know that not one American company doing business in Northern Ireland has ever adopted or endorsed the MacBride Principles since they first came into being in 1984. I think the overall reason for the concerns of those persons who have taken the time and effort to voice their views on this issue from Northern Ireland are very well described as summarized in a very recent article appearing in the March 28th issue of the Irish Echo written by John Hume. He was a member of the European Parliament and is a respected leader of the local Democratic and Labour party in Northern Ireland, which I understand is the principal Catholic Nationalist Party in that country. Mr. Hume points out that these people are concerned about the negative effect the MacBride campaign may have on the achievement of one of the major goals in Northern Ireland government in its fight to deal with the job discrimination problems through the discouragement of new investments by American companies in that country. Mr. Hume also makes the point that the Fair Employment Act of 1989 for Northern Ireland, which was enacted as a result of very substantial efforts by the Irish government, goes far beyond the provisions of the MacBride Principles with respect to achieving the goals of eventual elimination of job discrimination in that country. Furthermore, it seems clear to me that the major reason why you would expect that Fair Employment Act that was enacted last year would be more effective in dealing with the employment discrimination is the simple fact that the MacBride Principles do not represent, in any way, the law in Northern Ireland with respect to this problem. The 1989 Act is the law of that country on this issue.

We have heard a great deal said about the problems that have existed in the past and the failure of the government to deal with this very serious problem of job discrimination. I think it is clear that what the government has done in the past year is to admit its failures in the past to deal with this issue and it has responded to that failure by enacting a new law, which actually goes far beyond some its counterparts in this country, including this state's own Human Rights Act. The 1989 Fair Employment Act for Northern Ireland is very much a pro-active piece of legislation that requires specific reporting in other specific and timely affirmative action procedures on the part of every employer on an ongoing basis and further contains, for the first time, substantial civil and criminal penalties against those employers who violate the law, including but not limited to, criminal fines of up to 30,000 pounds or about \$45,000 for any one such violation.

The final point which I would like to make is the final point which was made by Mr. Hume in his recent article in the Irish Echo. This point is essentially that all of the laws and principles in the world, which are designed to stamp out job discrimination, cannot be successful in Northern Ireland today unless something is done to deal with the very severe unemployment problem in that country, which presently

stands at an overall rate of 15 percent. I think it is clear, as Mr. Hume stated, that the only way that you can effectively deal with that type of problem is by attracting new investment, both from within and out of the country involved. This is exactly what Mr. Hume calls upon the Irish in this country to concentrate on. In their efforts to help Northern Ireland to effectively deal with this every serious problem, this issue was specifically recognized by Governor Brennan during his second term of administration when, following a trade mission which he led to Northern Ireland in the Fall of 1985, he authorized an economic development agreement dated May 20, 1986 between the Industrial Development Board for Northern Ireland and the Maine State Development Office that called for both parties to promote to a trade an investment opportunity through international business cooperation.

It seems to me that the direction the State of Maine should be taking on this issue is the very direction called for in recognizing and living up to its commitments under this agreement, which it entered into in 1986 with the government of Northern Ireland. In doing so, I think it is clear that we will be doing our part to assist the people in that country to attract new investments from the United States as a means of creating new jobs which will clearly assist those people in effectively dealing with the very problems which are the subject matter of this legislation that is before this body today.

I would, therefore, call on my fellow members of this body from both parties to vote to support the Governor's veto of this legislation, to join me in finding ways to support this state's commitment under this trade agreement with the government of Northern Ireland in helping to attract new investments in that country in the future. It may very well be if this new law doesn't create what we believe, and I believe that it will, that I will be in some way, fighting just as hard to get some kind of sanctions in a year or two years from now if this doesn't work. Believe me, but I feel that violence has not worked in Northern Ireland and I feel it is time that we give this new law a chance for peace and try it in a peaceful manner instead of adopting some principles which, I feel and many others in Northern Ireland feel, both Catholic and Protestant, including the churches, will inflame the issues there and get it back into the violent situation that has been going on there for years. I would at least like to give this new law a chance and I urge you to please help me sustain the veto.

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

Representative MANNING: Mr. Speaker, Men and Women of the House: The good gentleman from Rockport talked about this new law that went into effect. He talked about it two weeks ago when we had this bill. Just two days ago, watching on national news, I watched the head of the European Parliament, who happens to be from Ireland, go to the Northern Ireland town of Belfast, a man named Ian Peaselee. Many of us know Mr. Peaselee as probably one of the most anti-Catholic people in Northern Ireland. His report said that he led a major riot and there was real fear of this person who was heading up the common market. Will that law help? Will that law really help, Representative McCormick, with people like that? You say, I don't know. Well, that is the problem because people like that are running Northern Ireland.

When you go out and campaign in the streets of Portland, I hope you ask some of the old-time Irish Catholics about the signs they used to see on the

main streets of Portland. I wish you could go and talk to former Commissioner Kevin Concannon's father who came over from Ireland. He is still going strong in his late eighties. The signs said, "Irish need not apply." Talk to my father who grew up in a neighborhood in St. Dominics Parish. Back in those days in parts of Portland, you were known as living in parishes and in certain sections. He told me about walking down State Street and having people say, "You Irish, get off the sidewalk." I tell you, the first time I went into the Portland Club, I always remembered about the story my father told me about walking in front of the Portland Club. But they changed, they now not only take Democrats, they now take in women. Things can change.

I would hope that when we take a look at this bill and you see people like Representative Curran, who has worked on programs to bring in the Irish children, both Protestant and Catholic, to try to give them a sense of what it is really like to live in non-fear of being persecuted, that we really take a hard look at this. This is probably the only chance that we will have this year to tell the English government how we really feel.

I haven't been over there but I don't believe my good friend and colleagues, Representatives Cashman, Curran and McGowan, are lying nor do I believe many of my other friends who have been there are lying and told me about the police state that currently exists in Northern Ireland. I would hope tonight that we would remember the discrimination, not only in Northern Ireland, but the discrimination that used to happen in my hometown. We need to change and we need to change now. If we don't, many lives will probably be lost in Northern Ireland before the next time this legislature debates this all important bill.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bangor, Representative Duffy.

Representative DUFFY: Mr. Speaker, Ladies and Gentlemen of the House: I haven't gotten up before to speak on this bill because you could almost take it for granted that I am asking you to override the Governor's veto. I haven't gotten up to speak on this bill before because it is an emotional issue to me and I would probably, in my own mind, think the same thing someone else might think, that he is prejudice, he is Irish. Well, I am prejudice about this and I am Irish.

I did go to Ireland last September and I have seen Ireland and I have seen the faces of Irish people. They are a proud people and a poor people. I came from a county that is right next to the northern border and it is called County Monaghan. As I understand it, I do have cousins on both sides, I have cousins in Northern Ireland and some distant cousins in the Republic of Ireland.

I feel very deeply about this bill and I hope and pray that we override and that we do some good.

I want to share one thing with you about how I feel about this issue. After I got back from Ireland, I got this little bit of prose and I would like to read it to you, it will only take a minute. It was written by Mary Holt Moore. "There are many who do not understand this Irish-American, for we are in a sense unfulfilled, because the land of our ancestors is still suffering and struggling for its freedom and unity. To those who ask me who I am, I say, I am of Irish-America, I am a child of immigrants, I am of a people who, for over 800 years, have had a need to know a king, but the King of Heaven, and bow the head to know queen, but Queen of Heaven. I am of a disbursed people, sent in slavery to the Balboas, in chains to Australia, and famine to America. I am for people who tore themselves from

their father's trembling arms, kissed their tearstained mother's face good-bye and traveled all over the world to keep a roof over the beloved heads and food on the hungry table. I am of an empire for which no sun can set, for wherever you go in this whole wide world, wherever House of God is risen, wherever House of Learning founded, or a tree of liberty planted by a loving hand and watered by the tears of an Irish exile, there you will find the Irish empire. I thank God for the flight of my father, I thank God for the land of my birth, I pray that God will save Ireland, I pray that God will continue to bless America."

The SPEAKER PRO TEM: After reconsideration, the pending question is, Shall this bill become a law notwithstanding the objections of the Governor? Pursuant to the Constitution, a two-thirds vote of all the members elected is necessary. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 250V

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

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

ABSENT - Higgins, Hogle, Jackson, Marston, Parent, Pendleton, Skoglund, Tardy.

Yes, 104; No, 38; Absent, 8; Vacant, 1; Paired, 0; Excused, 0.

104 having voted in the affirmative and 38 in the negative with 8 being and 1 vacant, the veto was not sustained. Sent up for concurrence.

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

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

COMMUNICATIONS

The following Communication:

STATE OF MAINE
OFFICE OF THE GOVERNOR
AUGUSTA, MAINE 04333

April 12, 1990

To: The Honorable Members of the 114th Legislature:

I am returning without my signature or approval H.P. 1249, L.D. 1747, "AN ACT To Protect the Public From Unsafe Industrial and Commercial Facilities." Although I agree with the intent of this bill and appreciate the efforts of its sponsors, I cannot

support, and the Department of Labor cannot enforce, a bill that lacks crucial definitions, requires inspections of unlimited scope and applies an unprecedented and likely unconstitutional set of wholly subjective standards.

The purpose of this bill is to help protect against the threat of industrial accidents caused by a significant turnover in a work force. I agree that this protection is desirable even though it comes in addition to the protection already provided by the Occupational Safety and Health Act, the Maine Emergency Planning and Community Right-to-Know Act, the Hazardous Materials Transportation Act, the OSHA Hazard Communications Standard, state and federal hazardous waste regulations, and the Spill Prevention, Control and Countermeasure Plans.

L.D. 1747, as introduced, sought to minimize the threat posed by a significant turnover in a work force by shutting down a business for several months. The sponsor, the Joint Standing Committee on Energy and Natural Resources and the House of Representatives through engrossment, all agreed, however, that the more appropriate approach would be to ensure that new employees, particularly those of businesses using hazardous substances, have, in fact, been trained as required by existing state and federal laws. A minority of the Labor Committee, to which this bill was re-referred after House engrossment, also agreed with the reasoning of this more limited approach.

The bill before you now, however, takes a significantly broader approach. First, the bill would apply to all "industrial or commercial facilities." The bill never defines what constitutes such a facility, even though virtually every enterprise in this state may be considered "commercial." Nonetheless, the Department of Labor must then determine whether the business has at least 50 full-time employees and any equipment that, if operated improperly, could cause serious injury to persons or property located in the vicinity of the facility.

Because virtually any piece of equipment that is improperly operated can trigger an event that could cause an off-premise injury, the full scope of this bill is, at best, unknown. It certainly applies to any restaurant that uses propane gas, any utility company that has transmission lines, any store that receives deliveries by truck and any business that maintains a company car. Assuming that it is appropriate for the Department of Labor to inspect transmission lines and automobiles, the Department must then determine how long an automobile or telephone line remains "in the vicinity of a facility." That the bill neither defines "in the vicinity" nor "the facility" only makes this inquiry more difficult.

Assuming that the Department of Labor can determine which companies are the covered facilities and which of those have the type of equipment that brings them within the scope of this bill, the Department must then determine whether the facility has "adequately addressed" ensuring that new employees are "adequately" trained, and that "adequate safeguards" have been taken to assure that their equipment is in "proper working condition." The bill, however, imposes no standard for assessing adequacy, and thus a business in full compliance with pertinent state and federal law can still be deemed to have not acted adequately. This complete lack of articulable and objective standards not only raises serious policy concerns, it almost certainly violates the constitutional due process mandate that a punitive law must give clear notice of its

requirements so that persons subject to the law have a fair opportunity to comply.

The Department must then determine if the business has minimized the risks of its operation to people and property located in its vicinity. Note that the inspection section of the bill makes no distinctions between substantial and remote risks, or between serious and harmless injuries. The bill thus applies to every risk of every injury within the undefined "vicinity." While we all agree that the interest in public safety is paramount, it is simply not reasonable to impose, nor possible to enforce, this sweeping and absolute standard.

The minority report of this bill provides a far more workable and reasonable approach. That version recognizes that the most direct threat to public health and safety that this legislation can effectively minimize lies with hazardous chemicals and their mishandling by untrained persons. It would require the Departments of Labor, Environmental Protection and the Maine Emergency Management Agency to enter a facility where there has been a significant turnover in personnel handling extremely hazardous substances; determine whether those employees have been trained to handle, store and label those dangerous chemicals in accordance with existing state and federal laws; inspect the company's emissions control equipment in accordance with licensing requirements; and verify that the company has an emergency response plan and designated personnel who know how to implement it. If these state officials, after applying these established principles of law, find an imminent and substantial threat to public health, the Attorney General must then immediately seek a court injunction to close the offending part of the operation.

Because the inspection under the minority report is tied to the established standards of current state and federal law governing occupational and public safety, hazardous substance control and court injunctions, the approach of the minority report is clearly more workable and appropriate than the bill before you now. Although I appreciate the efforts of the proponents of the majority report, I cannot support, and the Department of Labor cannot enforce, a bill that lacks crucial definitions, requires inspections of unlimited scope and applies an unprecedented and likely unconstitutional set of wholly subjective standards. For this and the reasons stated above, I urge you to sustain this veto.

Thank you.

Respectfully submitted,
S/John R. McKernan, Jr.
Governor

Was read and ordered placed on file.

The accompanying Bill "An Act to Protect the Public from Unsafe Industrial and Commercial Facilities" (H.P. 1249) (L.D. 1747).

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

Representative REED: Mr. Speaker, Men and Women of the House: I am mindful of the hour and that we have just had a lengthy debate but I beg leave of the House to offer a few brief reminders about the issues at hand since there has been a great deal of whitewater under the bridge since we last spoke on this issue.

Most of us have had some exposure to high physics or perhaps some modicum of knowledge of ballistics. If you do, you know that a vehicle that sets out on a long journey, just a few degrees off course, will, at the end of its travel, miss its target by a very wide margin. L.D. 1747 is in fact a vehicle that has

traveled a long and circuitous route before arriving before the body this evening.

It was introduced June 12, 1989, ten months ago. It had its public hearing, carefully studied, was enacted in this body as a 23 word amendment, transmitted to the other body, then reappeared in the Labor Committee on February 2nd without benefit of any public hearing. The Labor Committee, as you may remember, presented to this body a report. Although this bill has had a long journey, it has benefited from a lengthy and serious and good faith attempt to produce some effective legislation, which I believe is evident by the two "Ought to Pass" Reports that this body had before it. Regrettably, these efforts were without success.

This is, indeed, a regrettable result. The measure before the body, as I said earlier, is flawed beyond reclamation. First, it fails to focus on the potential problem, the focus should be on employees and hazardous materials and not equipment. I would say that there could be a reasonable doubt. In the case of a significant change of employees, there may be a threat. Unfortunately, the issue before us misses that mark.

Secondly, the measure as we now have it, lacks definable standards. To substantiate that position, I would ask that you read only the title of the issue and it is called, "An Act to Protect the Public from Unsafe Industrial and Commercial Facilities" and then I would ask you to look through the body of the document and there is no definition of facility. It lacks definable standards.

Thirdly, it is so broad and vague as to be completely unenforceable and, hence, ineffective. It is in fact a loosely constructed collage of ill-defined terms and requirements that would be impossible to apply fairly. It is unfortunate that we have to come to the present position and this position is even more regrettable because, but for the intransigence of a few, that many could have been afforded a real measure of protection. Unfortunately, that has not been the case and I would urge this House to sustain the Governor's veto.

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

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I wish I could have a photocopy of the previous vote to put on this one. In the Governor's veto, there is no mention at all of the intention of this bill. The intention of this bill was to protect the public. We already have plenty of laws on the books pertaining to the Minority Report that was alluded to. There are plenty of laws that say you must provide a safe workplace for your employees. There are plenty of laws that protect the employees but what law do we have on the books that protect the public where that industry is located? None, ladies and gentlemen, none whatsoever.

As you will recall, what happened in Jay was a warning that we must take action, we must do something to protect the public. What happened in Jay is something that, luckily, thank God, the winds were in the right direction and no injury occurred. There could have been plenty of deaths. This is what motivated people to put in this piece of legislation, to protect the public.

I don't believe there is one person in this body that would like to have an industry in their hometown that would put the lives of their children and their constituents in danger. This piece of legislation did not allow anybody to come in and say, "Look this employer is not providing a safe workplace and I want an inspection." They must follow the procedure and

the procedure is very stringent. In the committee, we saw fit to draft a piece of legislation that would take care of the problem of anybody who just wanted to disrupt the operation of a plant. I believe our committee exempted utilities so there is part of this veto message that is not correct, because we did exempt the utilities and we did exempt hospitals because the greater interest of the public is always in the mind's of the committee.

Therefore, I hope you people here in this House do have concern for public safety. The Minority Report did absolutely nothing. I will be honest with you, it did nothing to address the problem of public safety. It did something for in-plant safety but it did nothing for the public. I assure you the likely unconstitutionality of this legislation is a farce. If the Governor had put it to the judges, which he didn't because he knew the answer, it would have been constitutional. We do have the right to do it. He will put a question when it concerns labor to the judges when he knows full-well the answer (like the last bill he put before the judges) he knew and we knew that it was not constitutional. That is when he will put it before the judges, not this one, because he knew full-well it would be upheld.

I hope that you have the interests of the public in your heart and you vote to override.

The SPEAKER: The Chair recognizes the Representative from Bethel, Representative Mills.

Representative MILLS: Mr. Speaker, Men and Women of the House: I don't know if you still have your copy of the veto message on your desk or not but I think it is interesting. The first two paragraphs deal with why the Governor wished he could have signed the bill so they don't necessarily deal with why you shouldn't vote for this bill. The third paragraph deals with the original bill which isn't before us today, so that has nothing to do with us for today. The last two paragraphs deal with the Minority Report which isn't before us today, so basically, you are left with four paragraphs, I guess, as to why he objects to the bill.

In those four paragraphs, it seems to mention basic reasons why he is against the bill and that is because of the standards and the amount of people, which was mentioned by Representative Reed. The amount of people was agreed on and worked on in both reports of being 50 people. When we originally brought this bill before the committee it was 250 and they thought, if it is good for 250, then why isn't it good for 50, so both reports moved it down to 50. Then it also mentions that there aren't any standards there and then it goes on to list all these other types of employment, which some of them have already been mentioned here that are exempted in the bill. It goes on and mentions that it could possibly be affecting these other types of businesses. Well, the reason why the standards in the Majority Report were left the way they were is because they put into the original report from the Majority that the DOL and DEP would get together and they would set the standards for what this bill would do. The reason we did that was because we didn't want to try to argue it out in committee and then get a bill that was unworkable out from the committee. They had a report that gave, in general, what we wanted to have inspected and then it was up to the DEP and DOL to come up with the standards. As far as objecting to that, I am surprised because that is why we ended up putting the bill the way it was -- it was so we wouldn't have a problem with the standards and DEP and DOL would be able to set the standards. I am surprised that that would be a reason for it to be vetoed.

I guess the most important thing about this bill and the reason it is here today is because you have to ask yourself, whatever side you want to take on a position of having an employer replace half of their work force, the question is, do you want to make sure that those people who are being replaced, that are being brought in there, the people that are working in hazardous material zones, are they trained and do they know what they are working for? We already have laws on the books, as has been stated, that say they have to. The point is, even though there are laws on the books, there are people in the State of Maine who break the laws. The question becomes, what do we do? Do we do anything as a state or not? The bill as it is set up does not require any shutdown time of any of those facilities, it just says that the state will go in and make sure that those people who are being replaced are doing the job they have been trained to do. There is no shutdown time and we are checking to make sure that we as a state are protecting the public and the people in that workplace before an accident happens instead of after. That is the important thing about this bill.

I think that we have been warned in the case of Jay that people could have been killed. It could have been the biggest tragedy the state has ever had. We have been warned by it, we should do something about it. That is what this bill did and I think it is a shame that we are not going to do something about it after having been warned.

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

Representative PINEAU: Mr. Speaker, Ladies and Gentlemen of the House: I think you are all sitting back saying, when is he going to pop up? I take offense, yes ladies and gentlemen of the House, offense to the way the good Representative from Falmouth views how the bill got to where it is. Apparently, he wasn't going through the school system in Falmouth trying to get his children out. Apparently, it isn't real important to him.

When I got into this body last year, people from both parties came to me and said that was really bad, there should have been something we could have done, the state should have been able to act before that happened.

Ladies and gentlemen of the House, words in the debate were just used like regrettable and unfortunate that this bill wasn't worked out. I say to you that it is criminal that it wasn't worked out. If that cloud of over 100,000 gallons of chlorine dioxide had set on the Jay school system that day, you people, those of the 113th, would have been called into an emergency session to bang something through to make sure that that didn't happen again. We have let a little time go by and it is not real important to some.

If you look at the bill in the Majority Report, yes it is a little harder, a little tighter. I think my children and the children of the State of Maine deserve that protection. Corporations based all over this country or all over this world don't care about Maine people, they care about profits. The state has to protect her own, that is all the Majority Report did.

The Majority Report leaves up to the Department of Labor and I guess the good Governor downstairs deals with his Department of Labor different than I would. I would make the policy, they would enforce it. I wouldn't ask them what they can do, I would tell them what they would do to in order to protect my people. Apparently, the people of Jay aren't the Governor's people.

The Majority Report gives the state the right and the option to go into a facility that can cause public harm if 50 percent of the work force has been replaced. I don't think it is asking much. I do believe the good people of the Department of Labor have sense enough to promulgate the rules that are needed. I think if you look through and read the veto message, it is obvious what the Governor is saying. Apparently whoever wrote it didn't even look at the Majority Report, he was dealing with a bill that was in front of Energy.

Yes, I do take offense at how he treated my people back then saying that we should have been able to move. This would have given him the right to move if it happened again. Ladies and gentlemen, we have been reminded, we know what history says, it is there and when it happens -- and it will happen at some point, maybe we won't be here, some others will, but when it occurs again, those of us that voted for this measure are going to at least know we tried, those who didn't will have to live with that decision.

The SPEAKER: After reconsideration, the pending question before the House is, Shall this bill become a law notwithstanding the objections of the Governor? Pursuant to the Constitution, a two-thirds vote of the members elected is necessary. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 251V

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

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

ABSENT - Higgins, Hogle, Jackson, Lisnik, Marston, Parent, Tardy.

Yes, 93; No, 50; Absent, 7; Vacant, 1; Paired, 0; Excused, 0.

93 having voted in the affirmative and 50 in the negative with 7 being absent and 1 vacant, the veto was sustained.

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

PAPER FROM THE SENATE

Unanimous Ought Not To Pass

Report of the Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$4,000,000 to Finance Major Improvements and Renovations at State Parks and Historic Sites" (S.P. 995) (L.D. 2461)

Report of the Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 for Construction of Water Pollution Control Facilities" (S.P. 997) (L.D. 2464)

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

CONSENT CALENDAR

First Day

H.P. 1381) (L.D. 1912) Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$4,500,000 for the Restoration and Preservation of Historic Buildings" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1122)

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

The following item appearing on Supplement No. 23 was taken up out of order by unanimous consent:

PAPER FROM THE SENATE

The following Communication:

Maine State Senate
Augusta, Maine 04333

April 12, 1990
Honorable Edwin H. Pert
Clerk of the House
State Station 2
Augusta, Maine 04333

Dear Clerk Pert:
Senate Paper 829 Legislative Document 2137, An Act to Repeal the Homestead Exemption, having been returned by the Governor together with his objections of the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration the Senate proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

16 Senators having voted in the affirmative and 17 Senators having voted in the negative, and 2 Senators being absent, accordingly, it was the vote of the Senate that the Bill not become law and the veto was sustained.

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

Was read and ordered placed on file.

The following items appearing on Supplement No. 24 were taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Bond Issue

An Act to Authorize a Bond Issue in the Amount of \$5,000,000 to Deal with Major Maintenance Problems in Public School Facilities (H.P. 1786) (L.D. 2456) (C. "A" H-1121)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken. 107 voted in favor of same and none against, and accordingly the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

**PASSED TO BE ENACTED
Bond Issue**

An Act to Authorize a General Fund Bond Issue in the Amount of \$3,000,000 to Investigate, Abate, Clean up and Mitigate Threats to the Public Health and the Environment from Uncontrolled Hazardous Substance Sites (H.P. 1798) (L.D. 2468) (C. "A" H-1120)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken. 105 voted in favor of same and 10 against, and accordingly the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

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

PAPER FROM THE SENATE

The following Joint Order: (S.P. 1007)

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

Came from the Senate, read and passed.

Was read.

On motion of Representative Gwadlosky of Fairfield, L.D. 1564 and all accompanying papers were indefinitely postponed in non-concurrence.

The following Joint Order: (S.P. 1008)

ORDERED, the House concurring, that "Resolve, Authorizing the Conveyance of Certain Public Lands and the Settlement of a Boundary Line Dispute Involving Public Lands," H.P. 1779, L.D. 2446, and all its accompanying papers be recalled from the legislative files to the Senate.

Came from the Senate, read and passed.

Was read.

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

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

PAPERS FROM THE SENATE

Non-Concurrent Matter

Bill "An Act to Reduce Costs to County and Municipal Government by Delaying the Implementation Dates of Certain State Mandates" (S.P. 1004) (L.D. 2492) which was passed to be engrossed as amended by Committee Amendment "A" (S-698) in the House on April 12, 1990.

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

Subsequently, the House joined in the Committee of Conference in concurrence.

Non-Concurrent Matter

Bill "An Act Relating to the Whitewater Rafting Laws" (EMERGENCY) (S.P. 1005) (L.D. 2501) which was passed to be engrossed as amended by House Amendments "A" (H-1115), "B" (H-1116), "D" (H-1118) and "E" (H-1119) in the House on April 12, 1990.

Came from the Senate passed to be engrossed as amended by House Amendments "D" (H-1118) and "E"

(H-1119) and Senate Amendments "A" (S-695) and "C" (S-699) 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:

CONSENT CALENDAR

First Day

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

(S.P. 998) (L.D. 2465) Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$8,000,000 for Capital Construction and Improvements Necessary to Continue Marine Research and Public Health Operations at McKown Point in Boothbay Harbor" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-701)

(S.P. 741) (L.D. 1945) Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$75,000,000 to Finance the Acquisition of Land for Conservation, Outdoor Recreation and Wildlife" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-702)

(S.P. 698) (L.D. 1836) Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$20,000,000 to Provide Funds to Help Municipalities with the Costs of Capital Construction to Correct Combined Sewer Overflows" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-703)

There being no objections, under suspension of the rules, Second Day Consent Calendar notification was given, the Senate Papers were passed to be engrossed as amended in 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. 28 was taken up out of order by unanimous consent:

COMMUNICATIONS

The following Communication:

STATE OF MAINE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
COMMITTEE ON JUDICIARY

April 12, 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 Judiciary 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	69
Unanimous reports	64
Leave to Withdraw	29
Ought to Pass	2
Ought Not to Pass	0
Ought to Pass as Amended	31
Ought to Pass in New Draft	0
Re-referred	2
Divided reports	1
Joint Orders	4

Respectfully submitted,

S/Barry J. Hobbins
Senate Chair

S/Patrick E. Paradis
House Chair

Was read and ordered placed on file.

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

In Senate Chamber
Thursday
April 12, 1990

The following item appearing on Supplement No. 29 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Measure

An Act to Revise the Salaries of Certain County Officers (H.P. 1833) (L.D. 2506)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 106 voted in favor of the same and 2 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

(Off Record Remarks)

On motion of Representative Jacques of Waterville,

Adjourned until Friday, April 13, 1990, at nine o'clock in the morning.

Senate called to Order by the President.

Prayer by the Honorable R. Peter Whitmore of Androscoggin.

HONORABLE R. PETER WHITMORE: Good morning. This certainly is a different perspective that I've had of the 114th Legislature, or at least the 114th Senate, from this position. Let us pray.

Lord God, Father of us all, we ask You to bless us as we go about our duties today. We seek Your help to allow us to render decisions that will be reasoned, not capricious. Our strength and tolerance are many times tested in this process. We call on You to give us the strength to carry out our tasks and help us to be patient with each other at all times. Finally, Lord, we must confess, we cannot tell a lie, we are all praying that this day end Sine Die.

Reading of the Journal of Yesterday.

Off Record Remarks

COMMUNICATIONS

The Following Communication:
DEPARTMENT OF PUBLIC SAFETY
STATE HOUSE STATION 42
AUGUSTA, MAINE 04333

April 11, 1990

Honorable Charles P. Pray
President of the Senate
State House Station #3
Augusta, ME 04333
Honorable John L. Martin
Speaker of the House
State House Station #2
Augusta, ME 04333

Dear President Pray and Speaker Martin:

It is my privilege to present herewith the first annual report of the E-911 Advisory Committee as required by law.

Although the Committee started slowly, we have made considerable progress in the past year in that we have narrowed and defined the issues we must deal with, and more importantly, identified how we can implement this system at considerable savings in comparison with the original plan.

Many challenges lie ahead as the establishment of a statewide E-911 system in a large rural state requires the resolution of a series of special problems. Nevertheless, given the commitment of the Committee, your support and that of public safety agencies, I believe we will succeed.

Respectfully submitted,
S/John R. Atwood
Commissioner

Which was READ and with Accompanying Papers ORDERED PLACED ON FILE.

The Following Communication:
COMMITTEE ON TAXATION
ONE HUNDRED AND FOURTEENTH LEGISLATURE