

MAINE STATE LEGISLATURE

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

VOLUME I

FIRST REGULAR SESSION

House of Representatives
December 5, 1990 to May 16, 1991

ONE HUNDRED AND FIFTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
35th Legislative Day
Thursday, April 11, 1991

Representative Michaud of East Millinocket assumed the Chair.

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

Prayer by Reverend Dan Bowers, Hope Baptist Church, Manchester.

The Journal of Monday, April 8, 1991, was read and approved.

SENATE PAPERS

The following Communication:

Maine State Senate
Augusta, Maine 04333

April 8, 1991

The Honorable John L. Martin
Speaker of the House
115th Legislature
Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed the following, upon the recommendation of the Joint Standing Committee on State & Local Government, Captain Andrew E. Demers, Jr. of New Gloucester for reappointment as Chief of the Maine State Police.

Sincerely,

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

Was read and ordered placed on file.

The following Joint Order: (S.P. 563)

ORDERED, the House concurring, that Bill, "An Act to Enhance the Protection of Children Who Have Been Removed from Their Homes," H.P. 528, L.D. 756, and all its accompanying papers, be recalled from the Legislative files to the Senate.

Came from the Senate, read and passed.

Was read.

The SPEAKER PRO TEM: The pending question before the House is passage of Joint Order (S.P. 563). This requires a two-thirds vote of the members present and voting. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

107 having voted in the affirmative and 1 in the negative, the Joint Order was passed in concurrence.

Bill "An Act Concerning Health Insurance for Retired Teachers" (S.P. 541) (L.D. 1439)

Came from the Senate, referred to the Committee on **Banking and Insurance** and Ordered Printed.

(The Committee on Reference of Bills had suggested reference to the Committee on **Aging, Retirement and Veterans.**)

Was referred to the Committee on **Banking and Insurance** in concurrence.

Resolve, to Direct the Department of Mental Health and Mental Retardation to Develop a Proposal to Improve Staff Retention in Community-based Programs Serving Persons with Mental Retardation (EMERGENCY) (S.P. 538) (L.D. 1436)

Came from the Senate, referred to the Committee on **Human Resources** and Ordered Printed.

Was referred to the Committee on **Human Resources** in concurrence.

Bill "An Act to Exempt from Right-to-know Laws Information Contained in the Personnel File of Department of Corrections Employees" (S.P. 540) (L.D. 1438)

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

Was referred to the Committee on **Judiciary** in concurrence.

Bill "An Act to Amend the Workers' Compensation Insurance Laws to Encourage Safety in the Workplace" (S.P. 539) (L.D. 1437)

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

Was referred to the Committee on **Labor** in concurrence.

Reported Pursuant to Resolves

Report of the Commission on Maine's Future, pursuant to Resolve 1987, chapter 60, Resolve 1989, chapter 3 and Resolve 1989, chapter 72 ask leave to submit its findings and to report that the accompanying Resolve, to Create the Maine Commission on Environmental Policy (S.P. 545) (L.D. 1449) be referred to the Joint Standing Committee on **Energy and Natural Resources** for public hearing and printed pursuant to Joint Rule 18.

Came from the Senate with the report read and accepted and the bill referred to the Committee on **Energy and Natural Resources** and ordered printed.

Report was read and accepted and the bill referred to the Committee on **Energy and Natural Resources** and ordered printed in concurrence.

Reported Pursuant to Resolves

Report of the Commission on Maine's Future, pursuant to Resolve 1987, chapter 60, Resolve 1989, chapter 3 and Resolve 1989, chapter 72 ask leave to submit its findings and to report that the accompanying Resolve, to Implement the Final Report of the Commission on Maine's Future (S.P. 546) (L.D. 1450) be referred to the Joint Standing Committee on **Energy and Natural Resources** for public hearing and printed pursuant to Joint Rule 18.

Came from the Senate with the report read and accepted and the bill referred to the Committee on **Energy and Natural Resources** and ordered printed.

Report was read and accepted and the bill referred to the Committee on **Energy and Natural Resources** and ordered printed in concurrence.

Reported Pursuant to Resolves

Report of the Commission on Maine's Future, pursuant to Resolve 1987, chapter 60, Resolve 1989, chapter 3 and Resolve 1989, chapter 72 ask leave to submit its findings and to report that the accompanying Resolve, to Create the Commission on Effective Information Systems in State Government (S.P. 544) (L.D. 1448) be referred to the Joint Standing Committee on **State and Local Government** for public hearing and printed pursuant to Joint Rule 18.

Came from the Senate with the report read and accepted and the bill referred to the Committee on **State and Local Government** and ordered printed.

Report was read and accepted and the bill referred to the Committee on **State and Local Government** and ordered printed in concurrence.

Reported Pursuant to Resolves

Report of the Commission on Maine's Future, pursuant to Resolve 1987, chapter 60, Resolve 1989, chapter 3 and Resolve 1989, chapter 72 ask leave to submit its findings and to report that the accompanying Bill "An Act to Codify the Maine Vision" (S.P. 547) (L.D. 1451) be referred to the Joint Standing Committee on **State and Local Government** for public hearing and printed pursuant to Joint Rule 18.

Came from the Senate with the report read and accepted and the bill referred to the Committee on **State and Local Government** and ordered printed.

Report was read and accepted and the bill referred to the Committee on **State and Local**

Government and ordered printed in concurrence.

Unanimous Ought Not To Pass

Report of the Committee on **Business Legislation** reporting "**Ought Not to Pass**" on Bill "An Act Related to Licensing Requirements for Landscape Architects" (S.P. 162) (L.D. 374)

Report of the Committee on **Energy and Natural Resources** reporting "**Ought Not to Pass**" on Bill "An Act to Prohibit Commercial Hazardous Waste Disposal Facilities" (EMERGENCY) (S.P. 173) (L.D. 428)

Report of the Committee on **Fisheries and Wildlife** reporting "**Ought Not to Pass**" on Bill "An Act to Conform the State Endangered Species Protection Laws with Those of the Federal Government" (S.P. 264) (L.D. 723)

Report of the Committee on **Fisheries and Wildlife** reporting "**Ought Not to Pass**" on Bill "An Act to Promote Safety in Hunting" (S.P. 307) (L.D. 816)

Report of the Committee on **Legal Affairs** reporting "**Ought Not to Pass**" on Bill "An Act Concerning Liability of Persons Selling or Serving Alcohol to Minors" (S.P. 206) (L.D. 533)

Report of the Committee on **Legal Affairs** reporting "**Ought Not to Pass**" on Resolve, Authorizing Kathleen Maynard and Howard Briggs to Sue the State (S.P. 348) (L.D. 950) (Representative RICHARDSON of Portland - of the House - abstaining)

Report of the Committee on **Marine Resources** reporting "**Ought Not to Pass**" on Bill "An Act to Limit the Number of Lobster Traps Per Line" (S.P. 179) (L.D. 488)

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

Unanimous Leave to Withdraw

Report of the Committee on **Fisheries and Wildlife** reporting "**Leave to Withdraw**" on Bill "An Act Concerning Surveys Conducted by the Department of Inland Fisheries and Wildlife" (S.P. 270) (L.D. 729)

Report of the Committee on **Fisheries and Wildlife** reporting "**Leave to Withdraw**" on Bill "An Act to Protect the Public's Rights on Whitewater Rivers of the State" (S.P. 378) (L.D. 1055)

Report of the Committee on **Human Resources** reporting "**Leave to Withdraw**" on Bill "An Act to Amend the Elderly Low-cost Drug Program" (S.P. 34) (L.D. 48)

Report of the Committee on **Human Resources** reporting "**Leave to Withdraw**" on Bill "An Act to Meet the Increased Need for Crisis Intervention and

Community Education Services Provided by Rape Crisis Centers in the State" (EMERGENCY) (S.P. 126) (L.D. 228)

Report of the Committee on Human Resources reporting "Leave to Withdraw" on Bill "An Act to Provide Funds for Family Support Services" (S.P. 144) (L.D. 356)

Report of the Committee on Human Resources reporting "Leave to Withdraw" on Bill "An Act to Provide Funds for Additional Adult Day Care Services" (S.P. 147) (L.D. 359)

Report of the Committee on Human Resources reporting "Leave to Withdraw" on Bill "An Act to Establish a Crisis Intervention System for Children and Families" (EMERGENCY) (S.P. 163) (L.D. 375)

Report of the Committee on Human Resources reporting "Leave to Withdraw" on Bill "An Act to Continue Funding for Peer Support and Advocacy Services for Persons with Mental Illness" (S.P. 185) (L.D. 494)

Report of the Committee on Human Resources reporting "Leave to Withdraw" on Bill "An Act to Expedite Repairs of Equipment Needed by Supplemental Security Income Recipients" (S.P. 308) (L.D. 817)

Report of the Committee on Human Resources reporting "Leave to Withdraw" on Resolve, to Establish a Respite Care Demonstration Project (S.P. 327) (L.D. 883)

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act to Amend the Definition of Sexual Contact" (S.P. 142) (L.D. 354)

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act to Amend the Law Relating to Gross Sexual Assault" (S.P. 305) (L.D. 814)

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act Regarding Leased Equipment" (S.P. 345) (L.D. 945)

Report of the Committee on Labor reporting "Leave to Withdraw" on Bill "An Act Concerning Illegally Employed Minors and Workers' Compensation" (S.P. 200) (L.D. 509)

Report of the Committee on Labor reporting "Leave to Withdraw" on Bill "An Act to Ensure Safety in the Workplace" (S.P. 202) (L.D. 511)

Report of the Committee on Judiciary reporting "Leave to Withdraw" on Bill "An Act to Increase the Maximum Permissible Fines for Class D and Class E Crimes" (S.P. 255) (L.D. 713)

Report of the Committee on Utilities reporting "Leave to Withdraw" on Bill "An Act to Regulate Cellular Telephone Rates" (S.P. 401) (L.D. 1077)

Report of the Committee on Taxation reporting "Leave to Withdraw" on Bill "An Act to Increase the Authority of Municipalities to Levy Service Charges on Certain Tax Exempt Property" (S.P. 318) (L.D. 856)

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

Non-Concurrent Matter

Bill "An Act Concerning Succession to the Position of Treasurer of State" (H.P. 103) (L.D. 146) which was passed to be engrossed in the House on March 25, 1991.

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

On motion of Representative Gwadosky of Fairfield, tabled pending further consideration and specially assigned for Tuesday, April 16, 1991.

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

CONSENT CALENDAR

First Day

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

(S.P. 188) (L.D. 497) Bill "An Act to Enhance the Supervisory Powers in the Maine Banking Code" (EMERGENCY) Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (S-55)

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

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

Banking and Insurance

Bill "An Act to Prohibit Financial Institutions from Selling Certain Accounts without Sufficient Notice" (H.P. 1017) (L.D. 1490) (Presented by Representative MELENDY of Rockland) (Cosponsored by Representative COTE of Auburn, Representative PINEAU of Jay and Representative KETOVER of Portland)

Ordered Printed.
Sent up for Concurrence.

Business Legislation

Bill "An Act to Provide for Clean-burning Diesel Fuel" (H.P. 1003) (L.D. 1471) (Presented by Representative JACQUES of Waterville)

Bill "An Act to Amend the Mechanic Lien Laws" (H.P. 1007) (L.D. 1475) (Presented by Representative WATERMAN of Buxton) (Cosponsored by Representative KERR of Old Orchard Beach, Senator CLARK of Cumberland and Senator ESTY of Cumberland)

Bill "An Act to Increase Distributor Acceptance of Beverage Containers and to Clarify the Sorting Obligations of Contracted Agents" (H.P. 1024) (L.D. 1497) (Presented by Representative RUHLIN of Brewer) (Cosponsored by Representative TARDY of Palmyra, Representative GARLAND of Bangor and Representative CONSTANTINE of Bar Harbor)

Ordered Printed.
Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act to Permit Orderly Consideration of Department of Environmental Protection Applications" (H.P. 1019) (L.D. 1492) (Presented by Representative JACQUES of Waterville) (Cosponsored by Representative HOGLUND of Portland, Representative LORD of Waterboro and Senator TITCOMB of Cumberland)

Bill "An Act to Amend Certain Laws Governing Hazardous Waste, Septage and Solid Waste Management to Include a Land Acquisition and Eminent Domain Provision for the Remediation of Hazardous Substances and to Provide for the Reimbursement of Expenditures Made for the Acquisition of Property" (H.P. 1027) (L.D. 1500) (Presented by Representative LORD of Waterboro) (Cosponsored by Representative COLES of Harpswell, Senator TITCOMB of Cumberland and Senator LUDWIG of Aroostook) (Submitted by the Department of Environmental Protection pursuant to Joint Rule 24.)

Bill "An Act to Provide for the Acquisition of Property for the Establishment, Preservation or Enhancement of Open Space and Recreation Corridors in the State" (H.P. 1029) (L.D. 1502) (Presented by Representative ANDERSON of Woodland) (Cosponsored by Senator THERIAULT of Aroostook, Representative FARREN of Cherryfield and Representative LARRIVEE of Gorham)

Bill "An Act to Provide for Citizen Input to the Bureau of Public Lands" (H.P. 1031) (L.D. 1504) (Presented by Representative LUTHER of Mexico) (Cosponsored by Senator MILLS of Oxford, Representative POWERS of Coplin Plantation and President PRAY of Penobscot)

Ordered Printed.
Sent up for Concurrence.

Fisheries and Wildlife

Bill "An Act to Amend the Hunting Laws on Westport Island" (H.P. 1001) (L.D. 1469) (Presented by Representative HEINO of Boothbay) (Approved for

introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Bill "An Act Concerning the Use of Deer Killed by Farmers" (H.P. 1010) (L.D. 1478) (Presented by Representative PENDLETON of Scarborough) (By Request)

Ordered Printed.
Sent up for Concurrence.

Human Resources

Bill "An Act to Require Eating Establishments That Have Outdoor Seating to Have Restrooms" (H.P. 1002) (L.D. 1470) (Presented by Representative LAWRENCE of Kittery)

Bill "An Act to Facilitate the Delivery of Family Support Services" (H.P. 1013) (L.D. 1481) (Presented by Representative RYDELL of Brunswick) (Cosponsored by Senator CONLEY of Cumberland, Representative CARROLL of Gray and Representative DUPLESSIS of Old Town)

Bill "An Act to Regulate Fines for Prohibited Acts Concerning the Use of Public Ways and Parking Areas Maintained by the State" (H.P. 1020) (L.D. 1493) (Presented by Representative LEBOWITZ of Bangor) (Cosponsored by Senator FOSTER of Hancock and Representative CATHCART of Orono) (Submitted by the Department of Mental Health and Mental Retardation pursuant to Joint Rule 24.)

Ordered Printed.
Sent up for Concurrence.

Banking and Insurance

Bill "An Act to Assist Maine Citizens with Health Insurance Costs" (H.P. 1021) (L.D. 1494) (Presented by Representative McHENRY of Madawaska) (Cosponsored by Representative RAND of Portland, Representative MITCHELL of Vassalboro and Senator THERIAULT of Aroostook)

(The Committee on Reference of Bills had suggested the Committee on **Human Resources**.)

On motion of Representative Manning of Portland, was referred to the Committee on **Banking and Insurance**, ordered printed and sent up for concurrence.

Judiciary

Bill "An Act to Protect Consumers and Provide Access to Information" (H.P. 1006) (L.D. 1474) (Presented by Representative GOODRIDGE of Pittsfield) (Cosponsored by Representative MAHANY of Easton and Representative RAND of Portland)

Bill "An Act Concerning the Liability of Sport Shooting Range Operators" (H.P. 1009) (L.D. 1477) (Presented by Representative RUHLIN of Brewer)

(Cosponsored by Representative RICHARDS of Hampden, Senator SUMMERS of Cumberland and Representative DUFFY of Bangor)

Bill "An Act to Remove the Statute of Limitations for Incest and Gross Sexual Assault" (H.P. 1015) (L.D. 1483) (Presented by Representative PARADIS of Augusta) (Cosponsored by Senator GAUVREAU of Androscoggin, Representative DUPLESSIS of Old Town and Representative FARNSWORTH of Hallowell) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Bill "An Act to Promote Gun Safety" (H.P. 1025) (L.D. 1498) (Presented by Representative OLIVER of Portland)

Bill "An Act to Adopt the English Rule, With Exceptions, for Attorney's Fees in Litigation" (H.P. 1030) (L.D. 1503) (Presented by Representative RICHARDSON of Portland)

Ordered Printed.
Sent up for Concurrence.

Labor

Bill "An Act to Clarify Job Titles in the Workers' Compensation Act" (H.P. 999) (L.D. 1467) (Presented by Representative FARNSWORTH of Hallowell)

Bill "An Act to Prevent Unfair Employment Hiring Practices" (H.P. 1000) (L.D. 1468) (Presented by Representative RUHLIN of Brewer) (Cosponsored by Representative PINEAU of Jay, Senator ESTY of Cumberland and Representative McHENRY of Madawaska)

Ordered Printed.
Sent up for Concurrence.

Legal Affairs

Bill "An Act to Prohibit the Use of Stickers on Trespassing Motor Vehicles" (H.P. 1004) (L.D. 1472) (Presented by Representative GURNEY of Portland) (Cosponsored by Representative SKOGLUND of St. George and Representative SHELTRA of Biddeford)

Bill "An Act to Protect the Copyright and Ownership Rights of Maine Artists" (H.P. 1011) (L.D. 1479) (Presented by Representative ADAMS of Portland) (Cosponsored by Representative CONSTANTINE of Bar Harbor, Representative GRAHAM of Houlton and Senator LUDWIG of Aroostook)

Bill "An Act to Amend the State Ballot Laws" (H.P. 1014) (L.D. 1482) (Presented by Representative GOULD of Greenville) (Cosponsored by Representative HASTINGS of Fryeburg, Representative WATERMAN of Buxton and Senator BERUBE of Androscoggin)

Ordered Printed.
Sent up for Concurrence.

State and Local Government

Bill "An Act to Amend the Budget Procedure for Cumberland County" (H.P. 1012) (L.D. 1480) (Presented by Representative GREENLAW of Standish)

Bill "An Act to Require the Popular Election of the State Auditor" (H.P. 1023) (L.D. 1496) (Presented by Representative BENNETT of Norway) (Cosponsored by Representative LOOK of Jonesboro and Representative HANLEY of Paris)

Bill "An Act to Update Certain Laws Regarding Corporations, Lobbyists and Notaries" (H.P. 1032) (L.D. 1505) (Presented by Representative JOSEPH of Waterville) (Cosponsored by Representative GRAY of Sedgwick and Representative LOOK of Jonesboro) (Submitted by the Department of the Secretary of State pursuant to Joint Rule 24.)

Ordered Printed.
Sent up for Concurrence.

Taxation

Bill "An Act to Require that a New Tax Assessment Manual Be Developed" (H.P. 1005) (L.D. 1473) (Presented by Representative GRAY of Sedgwick) (Cosponsored by Representative MAHANY of Easton, Representative MAYO of Thomaston and Representative NADEAU of Saco)

Bill "An Act to Improve the Property Tax Circuit Breaker Program" (H.P. 1008) (L.D. 1476) (Presented by Representative COLES of Harpswell) (Cosponsored by Representative CASHMAN of Old Town, Senator McCORMICK of Kennebec and Senator KANY of Kennebec)

Ordered Printed.
Sent up for Concurrence.

Transportation

Bill "An Act to Improve Motorcycle Driver Education" (H.P. 1026) (L.D. 1499) (Presented by Representative LARRIVEE of Gorham) (Cosponsored by Representative HEINO of Boothbay, Senator MILLS of Oxford and Representative McKEEN of Windham)

Bill "An Act Dealing with Abandoned Automobiles in the State" (H.P. 1022) (L.D. 1495) (Presented by Representative JACQUES of Waterville)

Ordered Printed.
Sent up for Concurrence.

Utilities

Bill "An Act to Authorize the Public Utilities Commission to Regulate Rates for Cable Television" (H.P. 1018) (L.D. 1491) (Presented by Representative PLOURDE of Biddeford) (Cosponsored by Representative DiPIETRO of South Portland and Representative ADAMS of Portland)

Bill "An Act to Amend the Charter of the Presque Isle Sewer District" (H.P. 1028) (L.D. 1501) (Presented by Representative MacBRIDE of Presque Isle) (Cosponsored by Representative DONNELLY of Presque Isle and Senator COLLINS of Aroostook) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.
Sent up for Concurrence.

ORDERS

On motion of Representative KETOVER of Portland, the following Joint Resolution: (H.P. 1016) (Cosponsors: Speaker MARTIN of Eagle Lake, President PRAY of Penobscot, and Representative RYDELL of Brunswick)

JOINT RESOLUTION COMMEMORATING YOM HASHOAH, THE "DAYS OF REMEMBRANCE" OF THOSE WHO SUFFERED AS VICTIMS OF NAZISM

WHEREAS, 46 years ago, 6,000,000 Jews were murdered in the Nazi Holocaust as part of a systematic program of genocide and millions of other people suffered as victims of Nazism; and

WHEREAS, the people of the State of Maine should always remember the atrocities committed by the Nazis so that such horrors are never repeated; and

WHEREAS, the people of the State of Maine should continually rededicate themselves to the principle of equal justice for all people, remain eternally vigilant against all tyranny and recognize that bigotry provides a breeding ground for tyranny to flourish; and

WHEREAS, April 11, 1991, has been designated internationally as a Day of Remembrance of Victims of the Nazi Holocaust, known as Yom Hashoah; and

WHEREAS, the national community pursuant to an Act of Congress will be commemorating the week of April 7th to April 14th as the Days of Remembrance of the Victims of the Nazi Holocaust; and

WHEREAS, it is appropriate for the people of the State of Maine to join in this international commemoration; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Fifteenth Legislature of the State of Maine now assembled in the First Regular Session, on behalf of the people we represent, pause in solemn memory of the victims of the Nazi Holocaust, and urge one and all to recommit themselves to the lessons of the the Nazi Holocaust through this international week of commemoration and express our common desires to continually strive to overcome prejudice and inhumanity through education, vigilance and resistance; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the United States Holocaust

Memorial Council in Washington, D.C., on behalf of the people of the State of Maine.

Was read.

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

Representative KETOVER: Mr. Speaker, Ladies and Gentlemen of the House: On Sunday, April 7th, through Sunday, April 14th, are the Days of Remembrance of the Victims of the Nazi Holocaust. This is my fifth year that I am proud to present this Resolution. I say "thank God" our men and women are home and "thank God" the war is over for most of us.

My hope is that the evidence of mold-breaking as the United States peace initiative advances — yes, maybe there will be a "new world order."

I would like to quote from Rabbi Adem Steinsaltz from the Jewish Telegraphic Agency. He says, "The world's afflictions begin the Jews, but never end with them. Jewish suffering is a symptom and a warning of what will eventually afflict the entire world and Saddam Hussein, like Hitler, may one day die in a bunker by his own hand, yet the blood that will have been spilled of his own nation and of others, is the consequences of a disease whose symptoms in his behavior to the Jews in their State could have been diagnosed years ago." He goes on and I quote, "In this case, anti-Semitism is only partially a factor. The major factor lies in giving license to savages to act like savages. The Bible warns us, "You shall not judge unjustly. Do not favor the poor nor show difference to the rich." The Jews, once again, have been asked to die without fighting back. I commend them for their bravery and holding their own. History must not repeat itself, you have shown that by support for the Americans in the Pacific Gulf by wearing yellow ribbons and the American flag.

Elie Wiesel wrote and I quote, "The greatest evil today is indifference, to know and not to act is a way of consenting to these injustices. The planet has become a very small place — what happens in other countries affect us."

I have said this before, hatred has never made our children or anyone happier. The one thing you can do is continue to speak out, wear your yellow ribbons and educate so we will never forget. Yesterday has a way of repeating itself, good and bad, but right now we are celebrating our people coming home, but we must not forget the past or what could have happened.

Subsequently was adopted and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative JACQUES from the Committee on Energy and Natural Resources on Bill "An Act to Amend the Agricultural Activities Exemption under the Natural Resources Protection Act" (H.P. 519) (L.D. 747) reporting "Ought Not to Pass"

Representative CASHMAN from the Committee on Taxation on Bill "An Act to Facilitate State Income Tax Withholding from Ordered Civil Service Annuities" (EMERGENCY) (H.P. 34) (L.D. 44) reporting "Ought Not to Pass"

Representative CASHMAN from the Committee on Taxation on Bill "An Act to Require that Insurance Companies Pay Corporate Income Tax" (H.P. 496) (L.D. 690) reporting "Ought Not to Pass"

Representative CASHMAN from the Committee on Taxation on Bill "An Act to Assess Taxes on Motel and Hotel Occupancy and Restaurants and Bars" (H.P. 719) (L.D. 1023) reporting "Ought Not to Pass"

Representative CROWLEY from the Committee on Education on Bill "An Act to Require Payment of Rent for the Residences of University of Maine System Presidents" (H.P. 865) (L.D. 1245) reporting "Ought Not to Pass"

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

Unanimous Leave to Withdraw

Representative LARRIVEE from the Joint Select Committee on Corrections on Bill "An Act to Require a State Police Station to Be Located within Five Miles of a State Maximum Security Prison" (H.P. 102) (L.D. 145) reporting "Leave to Withdraw"

Representative ANTHONY from the Joint Select Committee on Corrections on Bill "An Act to Ensure Proper Funding for County Jails" (H.P. 227) (L.D. 318) reporting "Leave to Withdraw"

Representative PARADIS from the Committee on Judiciary on Bill "An Act to Amend the Laws Concerning Paper Streets" (H.P. 533) (L.D. 761) reporting "Leave to Withdraw"

Representative PINEAU from the Committee on Labor on Bill "An Act Requiring Overtime Pay on Sunday for Retail Sales Employees" (H.P. 397) (L.D. 571) reporting "Leave to Withdraw"

Representative PINEAU from the Committee on Labor on Bill "An Act to Amend the Premium Pay for Sunday Workers" (H.P. 477) (L.D. 671) reporting "Leave to Withdraw"

Representative CLARK from the Committee on Utilities on Bill "An Act to Amend the Proceedings for Approval of Interim Rates by the Public Utilities Commission" (H.P. 742) (L.D. 1046) reporting "Leave to Withdraw"

Representative RAND from the Committee on Banking and Insurance on Bill "An Act to Enhance the Laws Governing Financial Responsibility" (H.P. 686) (L.D. 985) reporting "Leave to Withdraw"

Representative PINEAU from the Committee on Banking and Insurance on Bill "An Act to Strengthen the Mandatory Motor Vehicle Insurance Laws" (H.P.

826) (L.D. 1180) reporting "Leave to Withdraw"

Representative DiPIETRO from the Committee on Taxation on Bill "An Act to Change the Maine Tree Growth Tax Law" (H.P. 393) (L.D. 567) reporting "Leave to Withdraw"

Representative MELENDY from the Committee on Housing and Economic Development on Bill "An Act to Clarify the Duties of the Legal Staff of the Maine State Housing Authority" (H.P. 848) (L.D. 1214) reporting "Leave to Withdraw"

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

Ought to Pass as Amended

Representative HEINO from the Committee on Marine Resources on Bill "An Act to Make Changes in the Quahog Tax Laws" (H.P. 164) (L.D. 249) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-107)

Report was read and accepted, the bill read once. Committee Amendment "A" (H-107) was read by the Clerk and adopted and the bill assigned for second reading Tuesday, April 16, 1991.

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-86) on Bill "An Act to Amend the Election Laws Dealing with Local Elections" (H.P. 224) (L.D. 315)

Signed:

Senators: KANY of Kennebec
SUMMERS OF Cumberland

Representatives: LAWRENCE of Kittery
JALBERT of Lisbon
DAGGETT of Augusta
POULIN of Oakland
RICHARDSON of Portland
STEVENS of Sabattus
TUPPER of Orrington
BOWERS of Sherman

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

Signed:

Senator: MILLS of Oxford
Representatives: PLOURDE of Biddeford
HICHENS of Eliot

Reports were read.

Representative Lawrence of Kittery moved that the

House accept the Majority "Ought to Pass" as amended Report.

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

Representative PLOURDE: Mr. Speaker, Men and Women of the House: I request a Division.

The reason I signed the Minority Report was simply because I strongly feel that the election laws, especially write-in candidate provisions, should be consistent throughout the state.

In 1987, the Maine Legislative body did that, obviously because they wanted to make our election laws consistent. If we maintain consistency, especially concerning write-in provisions, it won't be confusing for the voters. There is no question there has been problems in the past concerning write-ins.

Once again, I repeat that that obviously was discovered by this body back in 1987.

My third reason is the prime sponsor who submitted this bill. Her constituent won his write-in candidacy with the present write-in provisions, so tell me where the problem is.

Finally may I conclude, talking to Maine Municipal Association, they feel there is no need to change the write-in provisions for municipal elections. If this passes, it would only potentially create problems dealing with write-in candidates.

The SPEAKER PRO TEM: The Chair will order a vote. The pending motion before the House is the motion of the Representative from Kittery, Representative Lawrence, that the House accept the Majority "Ought to Pass" as amended Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

74 having voted in the affirmative and 25 in the negative, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (H-86) was read by the Clerk and adopted and the Bill assigned for second reading Tuesday, April 16, 1991.

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Enhance the Supervisory Powers in the Maine Banking Code (S.P. 188) (L.D. 497) (C. "A" S-55)

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

By unanimous consent, ordered sent forthwith to the Senate.

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

SENATE PAPER

The following Joint Order: (S.P. 570)

ORDERED, the House concurring that when the House and Senate adjourn, they do so until Tuesday, April 16, 1991, at five o'clock in the afternoon.

Came from the Senate, read and passed.

Was read and passed in concurrence.

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act to Regulate Petitioners at the Polls on Election Day" (H.P. 107) (L.D. 150)

Signed:

Senators: MILLS of Oxford
KANY of Kennebec
SUMMERS of Cumberland

Representatives: LAWRENCE of Kittery
PLOURDE of Biddeford
DAGGETT of Augusta
RICHARDSON of Portland
STEVENS of Sabattus
TUPPER of Orrington
HICHENS of Eliot
BOWERS of Sherman
POULIN of Oakland

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

Signed:

Representative: JALBERT of Lisbon

Reports were read.

On motion of Representative Lawrence of Kittery, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on Banking and Insurance reporting "Ought Not to Pass" on Bill "An Act to Clarify the Responsibilities of School Boards" (EMERGENCY) (H.P. 536) (L.D. 764)

Signed:

Senators: KANY of Kennebec
THERIAULT of Aroostook
BRAUN of Knox

Representatives: MITCHELL of Vassalboro
ERWIN of Rumford
TRACY of Rome
KETOVER of Portland

PINEAU of Jay
 RAND of Portland
 JOSEPH of Waterville
 HASTINGS of Fryeburg

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

Signed:

Representatives: CARLETON of Wells
 GARLAND of Bangor

Reports were read.

On motion of Representative Mitchell of Vassalboro, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act to Provide for Community Service as an Alternative to Fines for Persons Convicted of Operating Under the Influence" (H.P. 94) (L.D. 135)

Signed:

Senators: MILLS of Oxford
 KANY of Kennebec
 SUMMERS of Cumberland

Representatives: LAWRENCE of Kittery
 PLOURDE of Biddeford
 DAGGETT of Augusta
 POULIN of Oakland
 RICHARDSON of Portland
 STEVENS of Sabattus
 TUPPER of Orrington
 BOWERS of Sherman

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-78) on same Bill.

Signed:

Representatives: JALBERT of Lisbon
 HICHENS of Eliot

Reports were read.

Representative Lawrence of Kittery moved that the House accept the Majority "Ought Not to Pass" Report.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: This bill is what we call "the rich boozers bill." You get the poor man out there who imbibes a little bit too much, he gets stopped for OUI, goes before the judge and the judge says, either \$500 or 14 days of community services. The rich man with a Cadillac (don't get me wrong, I am not saying that everybody who has a Cadillac is a boozers because a lot of my colleagues have Cadillacs), and this was a request from one of the Superior Court judges, but under the present law,

there is no alternative to community services so somebody with plenty of money, again with a Cadillac or a Mercedes Benz or whatever, (I can't afford it, I drive a Ford Escort) but there is no alternative. I think if you are going to have punishment, then some of these people who have plenty of money, who flaunt the law and don't care because they can afford to pay the fine and they can afford to pay somebody else to be their chauffeur during suspension, I think it would be a good lesson for them to do a week of community service on these schools, I think that would be a good lesson that would say we are treating everybody equally.

I would ask that you turn down the Majority Report and accept the Minority Report.

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

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

I have asked this question several times in the past ten years and I have never really got an affirmative answer yet, I don't believe. If the court assigns somebody to your municipality to do work in your municipality and that person becomes injured and goes on Workers' Compensation or anything of that nature, who is responsible for the Workers' Compensation?

The SPEAKER PRO TEM: The Representative from South Portland, Representative Macomber, has posed a question through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Kittery, Representative Lawrence.

Representative LAWRENCE: Mr. Speaker, Men and Women of the House: I am afraid the good Representative is not going to get a definitive answer again because our committee didn't get a definitive answer but we had great concern with the Representative's concern in that area. If a person is doing alternative sentencing in a community, we believe there is a good chance that if that person was injured, the town would have to pay Workers' Compensation for that person.

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

Representative RICHARDS: Mr. Speaker, Ladies and Gentlemen of the House: First to address the question, it is my understanding that we created a special fund in state government for just this purpose. There are instances where people are put on community service and, as a result of an injury, they would be able to tap into this fund.

We are going to have a chance to deal with this bill again and I wanted to go up to Legal Affairs to find out the person that did testify on this bill indicating about that fund and I cannot present the name of that fund or the person who presented that information.

I would also like to address the bill itself and where it was generated to begin with. This bill came as a result of a probation officer that approached me last year and the problem presented was that there are circumstances that people are put on probation as a result of OUI and the conditions of probation are that that individual have an evaluation for substance abuse and treatment at the satisfaction of probation and parole. If there are any property damage or vehicle damage or personal damage, restitution is also ordered. That person can be put on probation

for a period of six months to a year, along with a fine. Sometimes when the individual is not able to pay the fine, that is also a condition of probation.

The criticism that was made to me was that we have a number of these people on our rolls that are taking up our time. They have been evaluated, they sought their treatment, they have completed their treatment successfully, they paid restitution, but now they are back here, month after month, not being able to pay the fine. In this day and age with the problems of funding for state services, the need for probation officers to administer to more important things instead of fines, such as somebody who just got out of prison and is on probation for a sexual crime that has essentially gotten no treatment within our institutions, we then dilute the supervision and assistance a probation officer can give that particular person because we are inundating him with all these other responsibilities such as paying a fine.

I asked one of the judges that came before our committee about this bill, knowing that it had come already with a 11 to 2, feeling that I had not talked to enough District Court Judges. I had talked to some who were in favor of it. This particular judge said, "I think it is a great idea but what I want you to know is, I would use this bill in a very rare situation with those people that truly do not have the ability to pay a fine. Does that make sense for this person to come back to the court every two weeks or every month or to the probation officer every month because he can't pay the fine? I don't see that as rehabilitation. I see it as rehabilitation if I can have the opportunity myself or that probation officer to assign some community service that would lend to rehabilitation."

The majority of all OUI's that go through our system pay the fine and take care of all the other things that are ordered by the court as well as spending the jail time of 48 hours or 7 days, whatever number of offenses it is. It is only the rare situation where you would have somebody given the community service. However, it is a viable option.

The factor that comes in is that, with all the numbers that we have gone through, we have the cumulative effect of many people being put on the rolls of one probation officer of maybe ten or fifteen. That dilutes their responsibilities which are much more important in this state.

At this point, I am actually sorry I didn't go further with the original intent of the bill, which I believe Representative Jalbert has spoken to with respect to the amendment on the Minority Bill and that is, if you've got somebody that can afford to pay \$300 as a minimum mandatory fine or \$500 for a minimum mandatory fine or the \$750 minimum mandatory fine for the third offense, you take and peel off the one hundred, what kind of rehabilitation is that? That is not rehabilitation but I guarantee you that if they are out on the highway for two weeks cleaning up garbage or if they out scrubbing the toilets for two weeks, that is going to be rehabilitation, that is going to be some humiliation that is going to make them think twice about driving drunk a second or third time.

Mr. Speaker, I request a Division.

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

Representative LAWRENCE: Mr. Speaker, Ladies and

Gentlemen of the House: I just want to make a few quick points regarding the questions raised by the first two speakers. First of all, regarding the person in the Cadillac, this bill doesn't apply to the person in the Cadillac, it has nothing to do with a person in a Cadillac, it only applies to indigent people and I don't know many indigent people who drive Cadillacs. It only applies to those people who are indigent and cannot pay the fine.

Currently what happens in court, if you can't pay the fine, the judge says he will give you a month to make a good faith effort, you pay \$50, come back next month, pay \$50 more, and keep coming back until the fine is all paid.

This bill was opposed by Mad Mothers Against Drunk Driving as a weakening of our tough OUI laws in this state. It would allow people to avoid the fines through community service when this community service wouldn't really have an impact on them. For a lot of these people, the choice in what they are going to spend their money on is the choice of paying the fine or going out and spending it on alcohol.

The last point I will make is that there is no system set up in our court system to currently handle community sentencing. The court system was very worried about this bill and what kind of burden it would place on them and, given the current financial situation, how much it would cost them.

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

Representative RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate the remarks of the Representative from Kittery and I will add only one additional one, the others have been covered.

This bill would open up the opportunity for fundamentally a great deal more of legal and court wrangling of who is impoverished and who is eligible under it and what the community service will be and what agency would be involved and how it would work. In some cases, the programs are fairly discreet and known but the reality is that fundamentally it takes away an important part of clarity in our law.

I would not be one who would stand up here today and say that all things are good as the reality of these fines. We have to keep in mind that the top level is \$750 for the third offense. We are talking about the value of a clunker car in this situation, not a Cadillac. The reality is that we are opening the door to a lack of clarity or loss of clarity in our legislation in this area and, with that loss of clarity, we are opening up the realm of judicial and legal interpretation constantly confounding the message that we are trying to get across to the people of the State of Maine.

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

Representative LIPMAN: Mr. Speaker, Ladies and Gentlemen of the House: If a person is truly injured and they are saying in this bill that they are indigent, that means that they have no capacity to pay. What do we accomplish by bringing them back, month after month, asking them to pay \$50 towards a \$300 fine or \$50 towards a \$500 fine, to hear that they don't have the money to pay? We are not accomplishing anything.

I can't speak to the technicalities of this bill but I certainly think the philosophy behind it makes a lot of sense. If a person does not have the capacity to pay and we can provide an alternative

method of having them work it off by public service, that seems to make a lot of sense to me.

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

Representative DAGGETT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to speak to this because I think we sometimes see an isolated bill like this and we don't see the broader context of the relatively comprehensive program that we have to deal with OUI offenders. A part of that is the first-time offender — we have the mandatory sentencing where currently 13 of our 16 counties have a comprehensive program that deals with first-time offenders. It is hoped that within another year the remaining 16 counties will have that.

This is a program which, in fact, is endorsed by MADD. Originally it wasn't. I want to tell you a little about the program and probably most of you do know about it already. It provides for community service in the context of rehab and acquaintance with an AA program while the person is incarcerated. It is a wonderful program because it gives an opportunity for these people who have been convicted of OUI to face the issues of their addiction to alcohol so it is a very comprehensive program.

Again, the next step in that is that the state, in fact, has a multiple offender program which deals with those people who have been convicted repeatedly so we have the two parts of that. We have the first-time conviction, we have a pretty good program to deal with that and we have a multiple offender program so there really is a very comprehensive state effort at dealing with these kinds of offenses right now.

The other issue which this bill raises is community service. Community service is not just something that pops up and arises and can be handled easily. It is a very involved program that requires a lot of administrative time. One of the parts of that is developing the community service so someone has to be there. There has to be a position in place to develop an opportunity for community service, to see that people attend to that, to see that the work is done and to make the kinds of linkages that are necessary. It is simply not something that happens because someone hopes that it happens.

The other part is there has to be someone to supervise that and to take care of it when it is going on so there was absolutely no provision for this in the bill. There was no way of creating the community service, of following it up and seeing that it happens. In fact, it does not fit into what we currently do in state policy. For that reason, I would hope that you would stay with the committee and support the "Ought Not to Pass" Report.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: One thing that was not brought out here is that the committee did receive a letter from one of the Superior Court judges requesting this. This was not an individual requesting it.

Someone said this is loosening up on our liquor laws, they need only look at the other minority member and I know that his voting record shows in the past that he is not for loosening up the liquor laws. If you do, I think somebody had better talk to him.

This is another means of trying to get them off

this every week, as someone said, pay a fine and that is it. When I said that the Cadillac boozier — this gives the judge the alternative, whether or not you are destitute or rich, I determine that you should do community service, that is what it does. It applies, yes, to the person who is destitute, who keeps coming every week or every two weeks and gets bombed and gets picked up but it also applies to the person who can well afford to take the money out of his pocket. It just says, you have been here too many times, it is about time, as the good Representative from Hampden said, you go clean toilets or wash floors. That is what young people are saying, I have to go spend some time at a school to clean it up because I am poor or the judge determined that I should do it, but somebody else doesn't have to.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: Having been on that committee for 8 years and worked on some of our OUI laws that we have on the books today, we worked those years to strengthen those laws and I, for one, will be very upset if we loosen up on any of our OUI laws.

The day that one of the District Attorneys came in before us to testify said that he, himself, had been picked up under our OUI laws and had to serve his three days in jail. I said to myself, it must be working, because if he couldn't get out of it, I am sure no one else can. That is why we made these laws so that everyone would have that fear of three days in jail or at least they would have to report. Now we are letting them out to work but they have to go back there at night and I am thoroughly supportive of that and I urge you to vote "Ought Not to Pass" on this bill.

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

Representative RICHARDS: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, when MADD came to oppose the bill, I think I can quote their words correctly in saying "that this breaches the very cornerstone of the OUI law." As far as I could hear in the course of the testimony is that the reason they thought it breached the cornerstone of the OUI law was a difference in philosophy and that difference in philosophy was that community service would have an impact as much as paying a \$300 fine and that is the breach. I disagree that that is a breach, I feel that community service serves just as an important a purpose as paying a fine and, in some cases, much more of a benefit toward rehabilitation.

With respect to this bill, the Representative from Augusta, Representative Daggett, is correct that there is nothing in here mandating a program for community service. We don't need it. I know that in Penobscot County and other counties (such as the town of Hampden) we have people that are able to take part in community service, (for other crimes) such as mowing lawns in the cemetery. There are a number of other jobs that already provides provisions. So towns that want to use people for community service can inform the court or can inform probation or parole to do that.

I can assure you that, if there is nothing out there, a judge is not going to spend his or her time making phone calls to find a job for the person.

One other thing to consider is the fact, if you have somebody who is truly indigent, who has a substance abuse problem, is married and has four

children and they are spending hundreds of dollars each week to continue that habit, where is that money being taken away from? It is being taken away from the family so in that situation where you are truly indigent or somebody that is on AFDC or whatever and that money is being used for alcohol for one spouse substance abuse and taking away good nutrition from the children and so forth, I think it is a viable opportunity for a judge to say that perhaps community service is best serving for this person and the family altogether rather than taking additional dollars and putting that family in further crisis.

Mr. Speaker, I did get a note from somebody in here, it was not signed and they said, "Are you for or against the "Ought Not to Pass" Report?" I am against it.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: There has been talk about that this person would not be cured or nothing would happen to that person — well, I hate to bring up a subject that most of us have had to deal with who have been here for awhile, it is called DEEP, and I see a few heads shaking because they know what I am talking about. If someone is caught, the first time they go through DEEP; if someone is caught the second time, they go through DEEP, and if someone is caught the third time, they go through DEEP. That is something that our committee has dealt with for the last six or seven years and it is an important program that I think some people think we should keep on the books. Others think we ought to abolish it but the statutes still say that you need to go to counseling, especially on a second offense.

The other thing is, I am just curious if anybody has talked to the Department of Corrections because it would seem to me, if you are going out on community service, the Department of Corrections would have to get involved. With 9,000 people on probation right now and at a thousand a year in the last two or three years, growing to more than a thousand, and with the cutbacks in probation that we saw during the Supplemental Budget, I am not sure that the Department of Corrections could handle this. I think that is something that we ought to be aware of — how many more things are we going to put onto the Department of Corrections.

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

Representative RICHARDS: Mr. Speaker, Ladies and Gentlemen of the House: Just to answer the question that was posed by Representative Manning — the purpose of this bill is to take people off the probation rolls. When you have people on probation rolls that are there for the entire year because they can't pay the fine, they are off the rolls quicker if they are given community service for a period of time. Actually you are relieving the burden on Corrections rather than creating a burden.

The SPEAKER PRO TEM: The Chair will order a vote. The pending question before the House is the motion of the Representative from Kittery, Representative Lawrence, that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

67 having voted in the affirmative and 35 in the negative, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

Divided Report

Majority Report of the Committee on Education reporting "Ought Not to Pass" on Bill "An Act to Revise the Composition of the Board of Trustees of the University of Maine System" (H.P. 251) (L.D. 342)

Signed:

Senators: ESTES of York
BRAWN of Knox

Representatives: CROWLEY of Stockton Springs
PFEIFFER of Brunswick
CAHILL of Mattawamkeag
NORTON of Winthrop
O'DEA of Orono
BARTH of Bethel
O'GARA of Westbrook
AULT of Wayne

Minority Report of same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-76) on same Bill.

Signed:

Senator: McCORMICK of Kennebec

Representatives: HANDY of Lewiston
OLIVER of Portland

Reports were read.

Representative Crowley of Stockton Springs moved that the House accept the Majority "Ought Not to Pass" Report.

On motion of the same Representative, tabled pending his motion and specially assigned for Tuesday, April 16, 1991.

CONSENT CALENDAR

First Day

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

(S.P. 39) (L.D. 61) Bill "An Act to Require the Earlier Determination of State Aid to Education" Committee on Education reporting "Ought to Pass"

(S.P. 252) (L.D. 710) Bill "An Act to Amend the Law Governing the Election of Members to Regional Vocational Boards" Committee on Education reporting "Ought to Pass"

(S.P. 269) (L.D. 728) Bill "An Act Pertaining to the Licensing of Boarding Care Facilities" Committee on Human Resources reporting "Ought to Pass"

(S.P. 277) (L.D. 736) Bill "An Act to Amend the Laws Concerning the Aeronautical Functions Investigation" Committee on Transportation

reporting "Ought to Pass"

(S.P. 125) (L.D. 227) Bill "An Act to Provide Equity in the Natural Resources Protection Laws" Committee on **Energy and Natural Resources** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-43)

(S.P. 180) (L.D. 489) Bill "An Act to Change the Specifications for Membership of the Maine Dental Health Council" Committee on **Human Resources** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-39)

(S.P. 254) (L.D. 712) Bill "An Act to Amend the Charter of the Portland Water District" Committee on **Utilities** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-41)

(S.P. 260) (L.D. 718) Bill "An Act to Protect the Confidentiality of Library Records at Libraries of the University of Maine System" Committee on **Education** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-42)

(S.P. 279) (L.D. 738) Bill "An Act to Reestablish the Board of Visitors of State Institutions, except for the Augusta Mental Health Institute and the Bangor Mental Health Institute" Committee on **Human Resources** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-38)

(S.P. 282) (L.D. 741) Bill "An Act to Amend the Laws Governing the Bath Children's Home" Committee on **Human Resources** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-37)

(S.P. 323) (L.D. 879) Bill "An Act to Prevent Multiple Assessments of Patients at the Augusta Mental Health Institute" Committee on **Human Resources** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-44)

(H.P. 202) (L.D. 293) Bill "An Act to Place the Deferred Compensation Plan Under the Direction of the Maine State Retirement System" Committee on **State and Local Government** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-88)

(H.P. 216) (L.D. 307) Bill "An Act to Amend the School Bus Inspection Laws" Committee on **Transportation** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-91)

(H.P. 444) (L.D. 634) Bill "An Act to Exempt Municipal Vehicles from Overweight Penalties" Committee on **Transportation** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-92)

(H.P. 335) (L.D. 465) Bill "An Act to Extend Coverage to Veterans' Stepchildren for Educational Assistance" Committee on **Aging, Retirement and Veterans** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-93)

(H.P. 619) (L.D. 889) Bill "An Act to Amend the Rules Dealing with Laundering Services for Cloth Diapers Used by Day Care Centers" Committee on **Human Resources** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-95)

(H.P. 612) (L.D. 872) Bill "An Act to Amend the Maine Housing Authorities Act and the Affordable Housing Partnership Act of 1989" Committee on **Housing and Economic Development** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-96)

(H.P. 395) (L.D. 569) Bill "An Act to Amend the Composition of the Board of Trustees of the Maine Technical College System" Committee on **Education** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-100)

(H.P. 389) (L.D. 563) Bill "An Act to Amend the Auctioneer Licensing Law Relating to the Sale of Motor Vehicles at Public Auction" Committee on **Transportation** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-101)

(H.P. 501) (L.D. 695) Bill "An Act to Amend the Uniform Fraudulent Transfer Act" Committee on **Judiciary** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-103)

(H.P. 363) (L.D. 517) Bill "An Act Concerning the Payment of Interest on Mandatory Escrow Balances" Committee on **Banking and Insurance** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-104)

(H.P. 54) (L.D. 75) Bill "An Act to Protect Insurance Consumers and Encourage Long-range Financial Planning" Committee on **Banking and Insurance** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-105)

(H.P. 443) (L.D. 633) Bill "An Act Relating to Violations Involving the Disregard of Red Flashing Lights on School Buses" Committee on **Transportation** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-106)

(H.P. 190) (L.D. 283) Bill "An Act to Provide Due Process in Employment Decisions Affecting Public School Principals" Committee on **Education** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-108)

There being no objections, the above items were ordered to appear on the Consent Calendar of Tuesday, April 16, 1991, under the listing of Second Day.

CONSENT CALENDAR

Second Day

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

(H.P. 550) (L.D. 787) Bill "An Act to Clarify Certain Provisions of the Hospital Care Financing System and Provide for Systematic Consideration of Consumer Viewpoints by the Maine Health Care Finance Commission"

(H.P. 136) (L.D. 196) Bill "An Act to Expand the Blaine House Scholars Program to Assist in Teacher

Certification" (C. "A" H-75)

(H.P. 67) (L.D. 95) Bill "An Act Concerning the Licensing of Organizations Operating Games of Chance or Beano" (C. "A" H-77)

(H.P. 517) (L.D. 745) Bill "An Act to Amend the Laws Regarding State Assistance to Mass Transportation" (C. "A" H-79)

(H.P. 391) (L.D. 565) Bill "An Act to Clarify the Licensing Status of Acute Care Units at State Mental Health Institutes" (C. "A" H-82)

(S.P. 149) (L.D. 361) Bill "An Act to Expand the Applicability of Certain Energy Standards" (C. "A" S-34)

(S.P. 313) (L.D. 851) Bill "An Act to Modify the Law Relating to Continuing Deliberation by a Civil Jury in the Face of Disagreement" (C. "A" S-36)

(H.P. 601) (L.D. 861) Bill "An Act to Repeal the Restriction on Investments in Loans Secured by First Mortgages on Real Estate by State-chartered Credit Unions" (C. "A" H-83)

(H.P. 230) (L.D. 321) Bill "An Act to Require Insurance Coverage for Reconstructive Breast Surgery for Women Who Have Had Mastectomies" (C. "A" H-84)

(H.P. 497) (L.D. 691) Bill "An Act to Prohibit Discrimination against Insureds over 65 Years of Age in Automobile Insurance Rates" (C. "A" H-85)

(H.P. 572) (L.D. 823) Bill "An Act to Amend the Wrongful Death Laws"

(H.P. 621) (L.D. 891) Bill "An Act to Clarify the Obligation of District Attorneys to Pay for Physical Examinations of Certain Crime Victims"

(H.P. 100) (L.D. 141) Bill "An Act to Change the Title of the Commission on Safety in the Maine Workplace"

(H.P. 267) (L.D. 387) Bill "An Act to Amend Employment Practices Regarding Employee Personnel Files"

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

PASSED TO BE ENGROSSED

Bill "An Act to Increase the Fees for Local Registration of Motor Vehicles" (H.P. 470) (L.D. 664)

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

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Amend the Charter of the Berwick Sewer District" (EMERGENCY) (H.P. 645) (L.D. 919)

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

Representative Clark of Millinocket offered House Amendment "A" (H-97) and moved its adoption.

House Amendment "A" (H-97) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" (H-97) and sent up for concurrence.

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Allow the Part-time Chaplain's Position at the Maine State Prison to Be a Job-sharing Position" (H.P. 979) (L.D. 1422)

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

Representative Melendy of Rockland offered House Amendment "A" (H-116) and moved its adoption.

House Amendment "A" (H-116) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" (H-116) and sent up for concurrence.

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Establish Standards of Financial Need for Grants under the Small Community Grants Program" (EMERGENCY) (H.P. 99) (L.D. 140) (C. "A" H-61)

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

Representative Jacques of Waterville offered House Amendment "A" (H-87) and moved its adoption.

House Amendment "A" (H-87) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-61) and House Amendment "A" (H-87) and sent up for concurrence.

Bill "An Act to Implement the Recommendations of the Travel Information Advisory Council Concerning Informational Signs" (H.P. 86) (L.D. 121) (H. "C" H-102 to C. "A" H-72)

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

On motion of Representative Hastings of Fryeburg, the House reconsidered its action whereby Committee Amendment "A" (H-72) as amended by House Amendment "C" (H-102) was adopted.

The same Representative offered House Amendment "E" (H-118) to Committee Amendment "A" (H-72) and moved its adoption.

House Amendment "E" (H-118) to Committee Amendment "A" (H-72) was read by the Clerk.

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

Representative HASTINGS: Mr. Speaker, Ladies and Gentlemen of the House: The other night, as you know, we dealt with farm market roadside signs. At that time, I spoke to the bill because I could see, in my area and I could visualize in almost any town, difficulties with the sign law as it was then amended. I had asked that perhaps we could consider something a little bit more reasonable and certainly something that I think is more practical in its application.

I have checked with the people in my area and, mind you as I told you the other night, there were two in my town and three that sit within a half a mile of our Main Street but in the State of New Hampshire, and therefore I have proposed this particular amendment because, if you will, there are three major parts to it but I caution on the second part not to read the Statement of Facts because the Statement of Facts, as issued, did not include the correct analysis of what was actually being done.

Simply stated it has these parts, (1) if you are going to have a roadside stand, it has to be in Maine in order to get the benefit of this law; (2) if you are going to put it within the right-of-way limits and the right-of way limits to where you are going to put the sign is abutting a residence or land on which a residence is located such as, in our town along the village there are all kinds of homes, if you are going to put it there, you have to get the consent of the landowner abutting the right-of-way, even though it is put in the right-of-way; (3) the signs, as you know, there is always a discrepancy of what is a sign. I have said that a sign is the message board side of the sign; therefore, if you have a dual-faced sign, that is two signs.

Lastly, as sub-part of that, if you have existing DOT signs, which all of these people do in my area, those signs count against the four so you can't have four plus as many as six DOT signs, which is possible to have under that regulation.

All I am trying to do is make this applicable to the farmers in my area, applicable to the people who have to live with these signs, some of whom do not like them, but in fairness all of us like the green space that the farms create. Therefore, I offer this amendment and urge you to adopt it to the bill as a fair compromise of getting help to the farmer and yet not amending in any other way, the House Amendment that was put on the other night.

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

Representative STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I would ask for a Division on the amendment and I would urge you all to vote against the amendment and I will explain to you three reasons.

What this basically does is it guts the bill, in my opinion. First, he wants permission (in this amendment) that if you are going to install one of

those signs in front of a residence, you have to have permission from the landowner. The OBDS signs that we have now that are put up by DOT in the right-of-way, you don't need permission from the landowner. That is one reason we should vote against this amendment.

Second, if you prohibit these signs within a hundred feet of public monuments or business directional signs — the big reason that we wanted these signs in the right-of-way on some of our municipal roads is that you have intersections and if you have them within a hundred feet, you are going to restrict these farmers from putting these signs in those intersections. That, to me, is very important. When we dealt with this, that was brought up many times.

The third reason is that now you are going down to two signs. We agreed to come up with an amendment for four signs and five miles of the farmers place of business. What this amendment does is it says that, if you put something on both sides of that piece of plywood that a lot of them use, you are going to restrict it now so you will only have two signs out there on two roads and there are a lot of farmers out there that would like to have more visibility by getting over four different roads. This is going to restrict them.

I ask you to vote against the amendment.

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

Representative HASTINGS: Mr. Speaker, Ladies and Gentlemen of the House: I will try to address the proposals and objections by the good Representative from Corinth.

The difficulty that I have is that rights-of-way in rural areas often extend into the wooded areas. Therefore, if I am required to put a sign outside of the right-of-way limits, it is acknowledged that it is going on private property, but it is not going to be visible. Therefore, I clearly agree that a sign should be able to be put inside the right-of-way and yet, in those wooded areas, I don't care that there not be approval from the owner of that land. If you are going to put it in the middle of your town, in front of your house where your lawn is mowed to the road and there is no requirement as to the type of sign that they put up, only the size of the sign, if they put a piece of plywood out there and paint on it "peas, corn and yellow beans", do you want that any old which way against a saw horse out in front of your house? I think they ought to be able to get the consent of the person whose house they are going to put it in front of. It is only common courtesy that you do that. It is done in my area right now, illegally, but they give at least the courtesy of the owner to get their permission to put the sign out there. What they are suggesting is, you don't have to do anything, you just stick it out anywhere you want and that is not fair. It certainly isn't what any country person ought to be doing to his neighbor.

The next item, and I failed to speak to it is the issue, and it has nothing to do with the DOT signs because if you read it, it says, "Signs may not be erected within 100 feet of an on-premise commercial sign or public monument." On-premise commercial signs means where the business is being conducted. I don't think that a farmer ought to be able to stick out in front of a filling station his sign leaning against some sort of support anyway that he wants to stick it out in the right-of-way. That is not a

residence so, technically, he simply wouldn't have to get approval to put it there, even though its within the right-of-way, so I said make him get it away from other businesses. If he is going to compete, at least be fair about it. A public monument — the same way. Do you want a farmer to put a homemade sign out in front of your monument that, in many towns, not in my area, are dedicated to the Civil War? They have little triangles — do you want all these commercial signs out there in that little triangle? It doesn't make sense. Common courtesy tells you, "don't do it."

I can tell you, people in my town last year that ran for election and we have a little triangular piece going to the Fair, they put their political signs out there and I can tell you that the town's people got tremendously upset — so bad because it came to be 30 or 40 signs there — I ran down and took my signs out. The people hate it. They said, "What are you doing putting it next to our little place where we keep flowers and so forth?" Legal, but I think it is only common courtesy.

Lastly as to the number of signs — I think that farmers do need the exposure of these signs. Normally, it is best to put a sign so that oncoming traffic would be able to see it on that side of the road. What I hear them saying is that they want to be able to put, in effect, 8 signs out there, one on each side because there has to be a post up the middle and those 8 signs would be considered two-faced signs and, therefore, only one. In my opinion, that is like trying to run around, as they called it in the Desert Storm action "the Hail Mary action" — we are going to run around this thing, we will give you four but suddenly we have eight. I don't think this should be a "Hail Mary action", I think we ought to be up front, going to have four signs and see them in any direction you come. Four signs, one, two, three, four and I shouldn't be able to turn around and look in my rear view mirror and see another one on the way back.

I just think this is a fairness issue. As I said, I have checked with my people that have these in my town and this is a fair compromise. They are living to it now, why can't we continue it?

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

Representative STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I am glad that it is his opinion. He is from a different profession than I am. I believe what he is saying here is that he is going to make it very confusing and very tough for some of the farmers to do what they want to do. I think there has got to be some common sense to go along with this. I don't believe the farmers in this state are going to be posting signs in front of these businesses like he is saying and I don't think that I or anybody else will go out there and put it by that residence without asking permission but you are restricting them from doing it.

I agree with the good gentleman when he talks about political signs — yes, there are a lot of them that don't like those put in the right-of-way but the law says they can.

I've got to repeat again, that on this provision dealing with these intersections, this is going to restrict them, in my opinion, and I repeat my opinion is different from the Representative from Fryeburg. It is not going to allow them to put these signs in the intersection.

The other issue is that you are dropping them down where they will only be able to use two signs and I think that is wrong.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Palmyra, Representative Jardy.

Representative TARDY: Mr. Speaker, Ladies and Gentlemen of the House: I, too, would urge that you vote against the adoption of House Amendment "E" because this bill was a unanimous report out of the Transportation Committee. It was amended with the consent of the ten members of the Transportation Committee. The other 141 of us could probably blow smoke here all night and come up with another 141 versions but I would have to ask what happened to local control and remind the House that this legislation does nothing to that body of law that allows local governments to enact ordinances that could be more restrictive than the sign law that is currently on the books. I would suggest that if I had a community that was tremendously upset, I would consider a local ordinance.

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

Representative GURNEY: Mr. Speaker, Ladies and Gentlemen of the House: I am against any amending of the billboard law and I know that there are some of us here in this House that feel the same way.

If we are going to have something, I believe Representative Hastings' amendment can be dealt with — it is fair and I believe if we are going to do anything, this is okay.

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

Representative LEBOWITZ: Mr. Speaker, Ladies and Gentlemen of the House: I beg to differ with the good gentleman from Fryeburg. If I were a farmer selling sweet corn or green beans or peas, I certainly would not put my sign up in front of anyone else's house because I would be afraid that they would stop there and not at my house so I think I would be a little more selective before I put a sign out, except in front of my own house.

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

Representative MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. I rise to oppose the amendment as I will oppose any other amendment that comes along. Although we all don't agree on whether we are in favor of the bill or are against it, there were 91 people who voted for the bill the other night.

I think the thing is that all these amendments are causing what the real issue is. We are talking about four signs, two by four, about the size of your desk, within five miles of the product for a period of 60 days. That is not an infringement on the billboard law, it is not a foot in the door, it is a very simple bill and I hope you will oppose the amendment.

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

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

The other night I asked this question and was told a different answer than I heard from one of the speakers tonight and that is, if this law passes, does the zoning law of Fryeburg supersede it?

The SPEAKER PRO TEM: The Representative from Fryeburg, Representative Hastings, has posed a

question through the Chair to anyone who may respond if they so desire.

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

Representative MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: I am not of the legal profession but I will tell you this — I went on the advice of two members of our committee who come from the Lewiston/Auburn area and they said that their local ordinance prohibits any political signs in either Lewiston or Auburn. Therefore, I would say that the municipalities have the right to override.

Representative Hastings of Fryeburg was granted permission to speak a third time.

Representative HASTINGS: Mr. Speaker, Men and Women of the House: I would dare say that if we put this law into statute that it does supersede local zoning. The DOT signs supersede local zoning because our town says you shall have no off-premise signs. What you are allowing is off-premise signs and if you don't have that authority by state law, then frankly this does nothing for the farmers in my area which I had hoped that it would do.

In my opinion of it, I suggest that it would supersede the local zoning ordinance and allow the farmers to do this. Don't get me wrong, when I stand before you, I have farmers who want this in my area. I only tell you that it is fair to do these things.

I have heard from other Representatives speaking here tonight say, "Well of course they wouldn't put a sign in front of a residence." Well, that's all this law says that of course they are not going to put in front of the residence without their permission. They said, of course they wouldn't put it in front of the commercial business and I am saying, fine. If that's what you really mean, say it. There are people out there who put signs willy-nilly, anywhere, and if you don't believe it, look at the yard sales signs you see popping up over the weekend. They put them everywhere, on the telephone poles and everything else. That is totally illegal but they put them there. If you just want common courtesy, look at the amendment that does nothing more than say that common courtesy is going to be adopted and we are going to allow farmers to do it but they have to show the same courtesy to their neighbors as they have in the past. That is all we ask of them. That is why I would support the amendment and the law, once amended, to become the law of the State of Maine overriding the local zoning ordinances.

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

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

If the current law within your town is one that does not allow signs, how would your amendment assist farmers in your area?

The Representative from Wiscasset, Representative Kilkelly, has posed a question through the Chair to the Representative from Fryeburg, Representative Hastings, who may respond if he so desires.

The Chair recognizes the Representative from Fryeburg, Representative Hastings.

Representative HASTINGS: Mr. Speaker, Ladies and Gentlemen of the House: Currently, my town has an ordinance that says no off-premise signs. Currently, it is state law that you shall have no signs within a roadway right-of-way limits. Therefore, it is

illegal to have any of these so-called farmer signs out in the community.

My community chooses to look the other way because these people have been responsible and have asked permission and put them out in the right-of-way limits, in front of peoples houses, out on the main road, 302 that goes through the heart of my village, and it is totally illegal. About twice a year, the DOT comes through the town, scoops up the signs and takes them away. The farmers turn around and put them back out there and, because we are supportive of the farms, the people whose houses about the right-of-way where these signs are located, they let them put them back out again. They don't complain because they want to support the green space that these farmers preserve.

All I am saying is, make it legal, but make them continue to go to those residences as they have in the past and get approval from them. It is very simple and courteous, that's all I can say.

The SPEAKER PRO TEM: The Chair will order a vote. The pending question before the House is adoption of House Amendment "E" (H-118) to Committee Amendment "A" (H-72). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Representative Nadeau of Saco requested a roll call.

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

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

The SPEAKER: The pending question before the House is adoption of House Amendment "E" (H-118) to Committee Amendment "A" (H-72). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 26

YEA - Adams, Aikman, Aliberti, Carroll, D.; Carroll, J.; Coles, Daggett, Donnelly, Dore, Farnsworth, Garland, Gean, Gray, Gurney, Handy, Hanley, Hastings, Heino, Hogle, Kontos, Larrivee, Lipman, Luther, Marsh, McKeen, Michaud, Mitchell, E.; Mitchell, J.; Nadeau, O'Dea, Oliver, Ott, Pfeiffer, Richards, Richardson, Ruhlin, Rydell, Salisbury, Simonds, Stevens, P.; Tracy, Treat, Tupper, Wentworth.

NAY - Anderson, Ault, Bailey, R.; Barth, Bell, Bennett, Bowers, Cahill, M.; Cashman, Chonko, Clark, H.; Crowley, DiPietro, Duffy, Duplessis, Erwin, Farnum, Farren, Foss, Goodridge, Gould, R. A.; Graham, Gwadosky, Hale, Hepburn, Hichborn, Hichens, Hussey, Jacques, Jalbert, Kerr, Ketover, Ketterer, Kilkelly, Lawrence, Lebowitz, Lemke, Libby, Look, Lord, MacBride, Macomber, Mahany, Manning, Marsano, Martin, H.; McHenry, Merrill, Morrison, Murphy, Nash, Norton, Nutting, Paradis, J.; Paul, Pendexter, Pendleton, Pines, Plourdis, Poulin, Pouliot, Powers, Reed, G.; Reed, W.; Ricker, Rotondi, Saint Onge, Sheltra, Simpson, Skoglund, Small, Spear, Stevens, A.; Stevenson, Strout, Swazey, Tamaro, Tardy, Waterman, Whitcomb.

ABSENT - Anthony, Bailey, H.; Boutilier, Butland, Carleton, Cathcart, Clark, M.; Constantine, Cote, Dutremble, L.; Greenlaw, Heeschen, Holt, Joseph,

Kutasi, LaPointe, Mayo, Melendy, O'Gara, Paradis, P.; Parent, Pineau, Rand, Savage, Townsend, Vigue, The Speaker.

Yes, 44; No, 80; Absent, 27; Paired, 0; Excused, 0.

44 having voted in the affirmative and 80 in the negative with 27 being absent, the adoption of House Amendment "E" (H-118) to Committee Amendment "A" (H-72) did not prevail.

Subsequently, Committee Amendment "A" (H-72) as amended by House Amendment "C" (H-102) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-72) as amended by House Amendment "C" (H-102) thereto and sent up for concurrence.

PASSED TO BE ENACTED

An Act to Exempt the Replacement, Repair and Maintenance of Road Culverts from State Permit Requirements (H.P. 98) (L.D. 139) (H. "A" H-50 to C. "A" H-43)

An Act Regarding Zoning Variances (H.P. 135) (L.D. 195) (C. "A" H-48)

An Act to Increase the Availability of Funding for Health Care (H.P. 281) (L.D. 401) (C. "A" H-49)

An Act to Provide Funds for the Montpelier Museum in Thomaston (H.P. 521) (L.D. 749)

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

ORDERS OF THE DAY

TABLED AND TODAY ASSIGNED

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

An Act to Amend Certain Provisions of the Laws Relating to Health Insurance (H.P. 257) (L.D. 348) (C. "A" H-47)

TABLED - April 8, 1991 by Representative MAYO of Thomaston.

PENDING - Passage to be Enacted.

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

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

An Act to Prohibit Tie-in Sales in Insurance (H.P. 273) (L.D. 393) (C. "A" H-46)

TABLED - April 8, 1991 by Representative MAYO of Thomaston.

PENDING - Passage to be Enacted.

Subsequently was passed to be enacted, signed by

the Speaker pro tem and sent to the Senate.

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

Bill "An Act to Protect Children from Illegal Tobacco Sales" (S.P. 506) (L.D. 1344)

(Committee on Legal Affairs suggested)

- In Senate, Referred to Committee on Business Legislation.

TABLED - April 8, 1991 by Representative MAYO of Thomaston.

PENDING - Reference in concurrence.

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

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

JOINT RESOLUTION RECOGNIZING THE ESTABLISHMENT OF CHILDREN'S CASTLE (S.P. 300)

-In House, Indefinitely Postponed on February 26, 1991.

-In Senate, Adhered to its former action whereby the Joint Resolution was adopted in non-concurrence on March 28, 1991.

-In House, House Receded and Concurred.

TABLED - April 8, 1991 by Representative MAYO of Thomaston.

PENDING - Motion of Representative HOLT of Bath to reconsider whereby House voted to recede and concur.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lewiston, Representative Handy.

Representative HANDY: Mr. Speaker, Ladies and Gentlemen of the House: I hope today that you will vote to reconsider our action on passage of this Resolution. Since we last acted on this proposal, I have received some information from the Attorney General that I would like to share with you. Given the fact that the motion to reconsider is before us, I am not able to share that with you at this time. We would have to prevail on the motion to reconsider.

I would also like to share with you the information that came from the Education Committee with respect to the legislation at hand so I hope that you will support the motion to reconsider so I can give you that information so we can make an informed decision.

The SPEAKER PRO TEM: The Chair will order a vote. The pending question before the House is the motion of the Representative from Bath, Representative Holt, that the House reconsider its action whereby the House voted to recede and concur. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

69 having voted in the affirmative and 34 in the negative, the motion to reconsider did prevail.

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

Representative HANDY: Mr. Speaker, Ladies and Gentlemen of the House: I thank the members of the House for allowing the motion to reconsider to

prevail.

A member of the other body, Senator Bost, wrote to the Attorney General's Office and requested his opinion on this matter that we have before us. Right up front I want to tell you that I am standing here before you asking you to oppose the motion to recede and concur. My reasoning is based on what is presented in the Attorney General's letter that Senator Bost received dated April 11th.

I would like to read to you the pertinent section of that. Attorney General, Michael E. Carpenter, writes in part: "As a former legislator, I understand your concern that such a Resolution would extend an unfair advantage to this proposal and fund-raising effort and certainly the legislature may wish to avoid a parade of similar organizations seeking the same benefits. Given the laudatory of the Resolve and the fact that it would be passed before, and I emphasize before, the program is initiated, it would seem to me to convey an advantage vis-a-vis the other undoubtedly worthy projects."

There are many organizations that deal with children and I think certainly members of past legislatures know my interest in children's issues and we all know that many of us here are on Boards of Directors of various organizations, some sanctioned by various departments of state government, some are not. Some of us serve as Executive Directors or officers of the non-profit organizations. This particular organization, the Children's Castle, has not gone through the licensing procedures of the Department of Human Services.

I draw your attention to Public Law 916, which was signed into law a year ago this month. It is a very succinct piece of law which is 20a, MRSA 5802-A. When the Education Committee undertook consideration of the original legislation, the original legislation presented was very specific and mentioned the Children's Castle as a program and that was the intent of the sponsor at the time. I am sure all of us, on a number of committees, have had pieces of legislation before us that seek to put into law some specific language with respect to an organization. I know we have in the Education Committee. We, as a legislature, as an institution, have avoided getting involved in specifying in statute particular organizations, so the Education Committee recognizing the needs that are out there for places for children to be taken care of, crafted legislation and amendments that really replace the bill, which is now Section 5802 of the Education statutes. I am going to read briefly from that statute. "The Department of Education is authorized to designate one residential child care facility providing long-term care for six or more children who are in the custody of the Department of Human Services as a pilot project. In school year 1991-1992, the Commissioner of Education shall pay to the school unit in which the designated facility is located the school unit's actual local per pupil education expenditure and approve transportation costs for each state ward of the facility. Expenditures for this pilot project may not exceed \$30,000."

Now the sponsors and the proponents of this Resolution, as well as information that has been placed on your desks, have advanced the issue that this, indeed, has been, or at least implied, that this has been approved. Well, it hasn't been approved. I would submit to you, men and women of

the House, that we really have the cart before the horse. I think we should not be in the business of making endorsements of a particular program that hasn't gone through the hoops that an agency of state government is required of them. I think we should not be getting in the business of endorsements, I think we should let celebrities do that. I understand that Bo Jackson is looking for work and perhaps he might be someone you might want to consider.

I would hope that you would oppose the motion to recede and concur based on the information that I have shared with you today from the Attorney General as well as this body of law that speaks to the establishment of such a facility but not specifically to the entity called the Children's Castle.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Coplin Plantation, Representative Powers.

Representative POWERS: Mr. Speaker, I would request that the Clerk read the Resolution.

Whereupon the Clerk read the Resolution in its entirety.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Coplin Plantation, Representative Powers.

Representative POWERS: Mr. Speaker, Ladies and Gentlemen of the House: I would request a roll call.

I ask and urge you all to give support to this Resolution.

Shortly after I became elected in November, I was given an invitation to go the Middle School in Phillips where these people putting this all together with the architects, teachers, municipal officers in the town, the clergymen and everybody in the surrounding towns, so they could get information concerning the formation of Children's Castle.

I went there with an open mind, I didn't have any idea until I got there what to expect but, before the end of the day, I was firmly convinced by looking at the architects proposal of this Children's Castle from A to Z that it was something certainly that the area in Phillips and Avon needed badly. I decided to give it my full support. The people who founded the Children's Castle are above reproach. Their integrity is impeccable. Fifteen members that are on that Board of Directors live in Franklin County, some of them are teachers who teach in the system, the clergymen, the preachers in the towns, — if this is such a bad proposal to give them a little pat on the back to go forward, I can't imagine why the 114th Legislature gave them the recognition to support them through their tuition, through bus service or whatever they needed.

These are going to be foster children that might someday, without this Children's Castle, burden our correctional facilities which are overflowing. We have no money in the state to expand our jails. If we can do a little something like this to maybe keep some of these children from being a burden on the state facilities, I think it would be a mortal sin not to support this Resolution.

I ask the people of this body to please come to my aid and give your support to this Resolution that I have fought so hard to get passed.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: This is not a foregone conclusion, we haven't approved anything, we know

that. This is just an idea. This is a Resolution which is binding to no one. It is not binding to the state, it is not binding to any one of us. It is just an idea out there and I, for one, support the idea. It may not work, it is very possible that it wouldn't work, but at least the private sector is trying to do something. I don't know about anyone else, but after I read the front page of the Portland Press Herald on Sunday about that little boy, it made me sick to think that the State of Maine was behind removing that child and putting him where we did because he suffered plenty from all, his parents, foster parents, and anyone else who seemed to come in contact with him.

Once this is built, we will not send a child there until the Department of Human Services licenses it. Maybe there is a question there after this other episode, I don't know, but at least they will have the opportunity to license it. If they do not see that it is a fit place for children, they will not send any children there. As I said, it is only an idea, we are not binding ourselves to a thing.

I would like to say to these people, "Good luck, go out there and try this idea" and that is all we are saying to them, "Good luck, hope you make it, hope we can put some children there and they do grow up to be good citizens in our society."

I hope you would join with Representative Powers and myself in supporting this Resolution.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Alfred, Representative Gean.

Representative GEAN: Mr. Speaker, Men and Women of the House: I, like Representative Murphy, rise to support this as a good idea and urge you to oppose the motion to recede and concur.

It is a good idea, there is no doubt in anyone's mind that taking care of this population of kids is an awfully good idea. We are not doing a very good job of that right now. As Representative Murphy has pointed out, the front page of the Portland Press Herald can tell us that.

To go on Record as a legislative body though supporting with this Resolution an unproven program that isn't even on line — as was pointed out earlier when we debated this, it puts every other non-profit corporation in the State of Maine providing services to human beings at a distinct disadvantage.

Representatives I have met with since the other night who voted for this Resolution have indicated there was a great deal of confusion regarding what they were voting for. The word used most often by the Representatives I spoke with had to do with the fact that they believed this to be a fairly innocuous Resolution, not legally binding, of no great input. I can tell you as a person who has directed the efforts of non-profit human service community-based programs for over 20 years, that if I had this Resolution, I would put it on the front of a very slick publication, send it to everybody who looked like they had more money than I did — that then limits that finite body of money that is available to all of those non-profit corporations in this state.

I urge you to oppose this motion to recede and concur and defeat this Resolution.

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

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: Like the previous speaker, I tend to believe this is probably an excellent idea.

In fact, if I am approached individually outside of this body to endorse this, I will gladly look at it, I suspect from all I have heard, I will probably do it. We desperately need projects of this sort. However, I do not believe that the Resolution process should be opened up as a mechanism to generate support for funding, for a solicitation of private funds. In other words, it is the process that I am concerned about here.

If we support this Resolution and allow it, let me tell you ladies and gentlemen of the House, we are going to have 20 more before this legislative session is over of other "really good ideas" that we are going to want to support and it is going to put us in a box. You know, if we don't support that Resolution, does that mean we don't like the project? I just see a whole flood of good projects coming to this body looking for endorsement of the sort that is sought here and it seems to me that is not what this body is all about. I am always a little leery about these Joint Resolutions anyway and particularly one that is really and clearly being asked for our support in order to support a fund-raising effort. I do not think that the legislature should be a part of a fund-raising effort. That is the only reason that I am opposing this.

I would repeat, I would encourage the supporters of this idea to come to me when I am not here on the floor of the House. Out in the lobby, I would gladly listen to you and I probably would sign your Resolution but I won't sign a Legislative Resolution putting the State of Maine on Record because I just see a flood coming.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Dover-Foxcroft, Representative Merrill.

Representative MERRILL: Mr. Speaker, Ladies and Gentlemen of the House: I was approached by the founder of Children's Castle and we had a nice conversation here and we exchanged pleasantries, but I am upset now to find a letter here with my name on it and I just have questions about it. I had agreed, back along, with Representative Murphy's idea that foster home care is needed but I now have my doubts and I would just have you people think twice about this.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Farmington, Representative Bailey.

Representative BAILEY: Mr. Speaker, Ladies and Gentlemen of the House: The Children's Castle concept is not in my district but it is in my county and I would like to say a few words.

Before I get started, I would like to say, even if we had 20 more Resolutions come in here, I think that probably we can take a look at them and vote on them on their own merits.

I have a couple of concerns and the first one is foster children. From my experience, the state hasn't done a very good job and we need some alternatives. This may be one of them.

I have heard remarks here in the last few days about the gentleman that is trying to further this concept as being aggressive and pushy and different, some of those adjectives, and what I would like to do is just take a few moments and let you know what I know about him. I am not a personal friend, but I have met this gentleman on several occasions. I think to know something that he has done up in our county may give some of the credibility that we need

here.

His business started in a semi-trailer, a family business, that moved to a chicken coop and then moved to a very modern and efficient factory. After he had the factory going, he got into some difficulty because I believe, and I could stand to be corrected, that some people from Hong Kong took some pictures at a national toy show of some very sophisticated children's toys that he manufactures and immediately began in competition. This gentleman used the same aggressiveness that I have heard here and went to Washington, D.C. and tried to fight it through the Federal Trade Commission and so forth. He was not successful, but what he did, he fought it in the market place. He fought it in every state in this United States to my knowledge and he is still alive and functioning because he has that dedication to stay at a job and make sure that it goes to completion. Now he has expanded back to the chicken coop again and making puzzles out of different materials.

I had a small business and I had an opportunity to buy his products and I was extremely impressed by his factory, by the people that worked in it, and the way I was treated in the tours of the factory. He employs 50 people and we need that in our county. He has been dedicated, he has served on the school board in the district north of me so I am sure that he will use this same dedication and aggressiveness and yes, probably be little bit pushy too, but ladies and gentlemen, I feel that he probably will raise the money because that is going to be his goal and he follows his goals one hundred percent.

We could give him a little help here this evening by at least supporting that because, if not, who is going to take care of our foster children? Some of these foster children should enjoy the same things that we enjoy, freedom from being abused, freedom to enjoy the things that we enjoy and I have had quite a bit to do with foster children and I know this evening what is happening to some of them. I have been working on a particular case that the state has been unable to solve and it is a tragedy so maybe, just maybe, this concept here — and if we have some disagreement with this gentleman, if we have some problems, let's try to work them out. Let's try to keep this concept going and maybe we can save some of our kids.

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

Representative O'DEA: Mr. Speaker, Ladies and Gentlemen of the House: Before I begin, I would like to just give you a couple of numbers to think about in the context of my remarks. Every year the State of Maine spends between \$25 and \$30 million dollars on child welfare care. We have about a thousand licensed foster homes in the State of Maine, a number that is probably inadequate by a quarter or a third.

I would like to begin by reading some remarks from the Maine Times, an article entitled, "Kids on the Bottom." It was published in December of 1988. "Social workers have even taken children home with them. Usually they can find a home for the kids but it might not necessarily be an appropriate place for the child", said Barbara Cates who serves as the liaison between the Maine Foster Parents Association and the Department of Human Services.

"Sometimes they have to scrounge around for a roof. Too many placements are made with the thought of where there's a bed, not where the child belongs.

When children are improperly placed and shifted from one home to another, to another institution or home, their lives become a self-fulfilling prophecy. Abused at home, then rejected by the very people that seem to be their saviors, they become increasingly troubled. They are victims of a system that can't treat them", said Charlotte Bailey McPherson, a Department of Human Services Social Worker in Portland.

They get more severely damaged, become street kids, commit crimes, and end up at Maine Youth Center. There is a feeling that what happens next after taking a child into custody is sometimes worse than the home that they came from. There are any number of reasons for the problem but the one that most everyone in the system mentions with great frequency is the lack of money and no clear mandate from the people of the state to spend the money to ensure that these children receive proper care. Private society and our clumsy governmental institutions, such as DHS, have not been wholly adequate in addressing the needs of these people. No hope for these kids caught up bouncing from foster home to foster home, with no stability, no love, no siblings, just confusion in their lives, nothing stable that you would think of as being part of a normal childhood.

A friend of mine at the University of Maine, a Doctor of Political Science says, "that the greatest difference between the party on that side of the aisle and the party on this side of the aisle is that one believes in the good that government can do and the other believes that government is the problem."

The truth, probably, is somewhere in between but I am a believer in the good that government can do and I know that what we are doing in the area of long-term child care is really not adequate. I think each of us knows that in our hearts. Is the Children's Castle concept the answer for all the children out there? Most definitely it is not. Will it work? Who knows? It might be a dismal failure. I do believe that we should do what we can today to help this project to get going and, if passing this non-binding Resolution will do that, then it is our obligation to do so.

Some of my friends in this body have argued that we would be putting the stamp of legislative approval on this concept but I would suggest to you that if there is something that this body can do to aid the cause, we should do it. The role of our state government has changed a great deal over the past 150 years or so and we have come to assume the responsibility for these children who are most vulnerable and whose lives have little stability and love in them. We know that the Children's Castle concept has worked well in countries such as Nepal, Nicaragua, Brazil, Bangladesh, China, and our neighbor to the north, Canada. If we are truly advocates for children, as we like to think of ourselves, then we will support this measure.

For those in this body who oppose this concept, I ask you, what is your proposal today to meet this unmet need? I would ask you, what plan do you have today to help us meet the destructive forces that work here? I believe it is better to try something new and to fail than it is to never try at all. If the Children's Castle concept helps one child, then it will be an unqualified success. If it is a dismal failure, then we will have lost nothing more than we would have done if we had done nothing at all.

Nobody ever built a statue to a critic.

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

Representative KILKELLY: Mr. Speaker, Ladies and Gentlemen of the House: I rise this evening to oppose the motion to recede and concur. For those of you who don't know, I have worked in social services for 15 years. I spent four years as a Head Start Director working with low-income four year old children and their families. I spent several years as a recreation director working with children from ages 4 to 9 and have all the time spent working in churches and private organizations to assist in social service programs. I am not unaware of the needs of foster children in this state and I am not unaware of the needs of children in this state.

I feel there are two issues before us and the first is process. We in this government have, very clearly, three branches of government. We are the Legislative Branch and the Legislative Branch determines policy. We have an Executive Branch who administers programs. It is not within the purview of the legislature to validate a program because we don't have the criteria, that is not our place, that is the place of the administration through the Department of Human Services, in this case.

When someone says we are not being asked to validate a program, I would draw your attention to a letter that we received from Mr. Sibulkin on this proposal. It says, "A key piece of our fund-raising is the proposed Legislative Resolution. It would publicly acknowledge the problem, the potential role of the private sector and would identify our project as one valid potential solution. I am emphasizing the word "valid." How are we determining if this is a valid solution? What do we have for criteria with which to base this?"

Again, I go back to the fact that in process, this is incorrect process. We acknowledge many things through Resolutions and the Resolutions generally talk about good works that have been done. I do not know of a time when we have had a Resolution to a concept that has not yet been done.

Part of my other concerns with the Resolution that is before us, as I said in previous debate on this issue, was that I did serve on the Education Committee last year when the bill was brought before us to provide foster children with tuition. I don't have a problem with that. The bill had a price tag on it of \$5.7 million and I had a problem with that as, of course, we all did. The bill was significantly reduced — Representative Handy read to you what is in the law now, that there would be one pilot project and that one pilot project would not spend more than \$30,000 and that it would be evaluated by the Department of Education in the year 1991-1992. At the rate this is going, there will not be a program (Children's Castle) that will be in a position to be evaluated.

I think the other thing that is really interesting to note is that the Department of Human Services has already informed the people of Children's Castle that they should not expect more than six foster children, no more than six. The reason for that is the criteria. The criteria for Children's Castle is that they are looking for children that have been abandoned, abused, neglected or otherwise homeless and will fit into a family environment. Those are not children that are

difficult to place if they can fit into a family environment. Then the question is, how many children that have been abused, abandoned, neglected or otherwise homeless are ready and able to fit into a family environment? Not many. Peter Walsh from the Department has said, "Do not expect more than six children."

If this program does get off the ground, if it is able to serve however many children, now depending on which piece of paper you read, you will see that it will serve 35 children, it will serve 45 children, it will serve 50 children, it will serve 75 children — only six of those will probably be foster children. Only six of those will probably be eligible for the tuition reimbursement, therefore, the towns of Phillips and Avon will be responsible for other schooling costs. So I think it is really important to understand what it is we are getting into here.

The other problem that I have is that we don't know what it is we are buying, what it is we are validating and the reason we don't know that is that the information changes on a regular basis.

In December of 1989, according to written information that the committee received last year, we read that affiliation was pending with S.O.S. International. In January of 1990, it says, in fact there was affiliation. In March of 1991, there is a letter that says, "We will follow S.O.S. Children's Villages." In a meeting I had earlier this week with the people that are proposing this Resolution, in April of 1991, they said, "No we are not affiliated, we associate with them and we share information but we are not affiliated." April 10th, we had an article in the Sentinel that says, "They will follow the S.O.S. model. What is S.O.S.? What is the S.O.S. model? S.O.S. was begun after World War II as a way to find homes for war orphans. The staffing model of the program is that there is a mother with no conflicting family ties and she is responsible for maintaining a home for seven to ten children or six or seven children within a village in which there are several of these houses. Then there is a director and it is interesting for me that the director is always referred to in the male.

We have seen them move from that because the Education Committee had some severe concerns about that and then the information that we have seen since then says, "No, it is apparent with no conflicting family ties." Now we have in my discussion of a couple of days ago, "Well, parents would be okay, maybe if they had a child, that would be okay." It is all influx, it does not exist, even the concept is not clear.

At this point, it is my understanding that there is a 55 page draft of a draft plan that the Board hasn't even seen yet. We are being asked to endorse, to validate something for which the Board has not voted yet. I have requested of the people that are proposing this Resolution that it might be better to just pull back, to come back in January when the legislature will be seated again and to give us information that is far more clear, that is far more information than we currently have. I am very concerned, there are a lot of specific questions that I raised and the response that I got was, "It is in the draft of the draft, we will have to wait, we will have to see and we can share that with you." A draft of a draft is not a document that I am willing to validate through the legislative process and I have grave concerns about that.

When you go back to your legislative districts and you know that there are people in your districts that are struggling to work very, very hard to do good deeds for people and some of them have been established for awhile and some are new, how are you going to justify to them that you have endorsed a concept that is not even a clear concept at this point over what it is that they are doing and when they are competing in the same type fund-raising market, as Children's Castle, they will be at a disadvantage. As one who has written grants in the competitive process, I can tell you everything counts and this is something that will be looked at and it is something that will be taken very, very seriously. I think it behooves this legislature to take their vote as seriously as other will be reviewing this.

I urge you to vote against receding and concurring.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Howland, Representative Hichborn.

Representative HICHBORN: Mr. Speaker, Ladies and Gentlemen of the House: I am not surprised that some of my constituents back home are disappointed in this legislature. I am surprised to hear people recommend the Department of Human Services as being the ultimate when it comes to child protection and child care. It seems to me that I recall a child burned in an oven. I read the article in the paper to which Representative Murphy alluded to.

I happened to have had a little experience of my own. I had a complaint from a constituent about a child who was being mistreated and in a home that was unsuitable. I took it upon myself to go visit that home but, because I didn't get permission from the Department of Human Services first, they tried to crucify me for that and they left the child there for six months. I am telling you that I wouldn't have left my dog there overnight. I couldn't have slept. I had nightmares for a week afterwards. You can't tell me that the Department of Human Services can do a better job than somebody with a heart and a soul as this man and the people up in the Avon and Phillips area have. He is a successful businessman and he happens to be, by the way, a man who lived in my district at one time. We used to backpack up to the top of a lookout mountain in our area. I know the gentleman and I know who he is and I know what his intentions are. I know that this is an idea that is approved by the people in that area and the people in that area know that gentleman. The people who support him include preachers, teachers, and the citizens of that community.

I can't imagine anybody turning down a suggestion, a volunteer idea of wanting to help and make a contribution. I don't think they need to go to the Department of Human Services in order to have an idea. In fact, I think if the Department of Human Services endorsed the idea, I might be tempted to vote against it. I hope we can go back home and tell our people that when somebody comes forth with an idea, that you and I aren't sent down here to tell people that they shouldn't have an idea and have the courage and the industry to go ahead and bring it to fulfillment.

I hope when you vote, you will vote to endorse this Resolution.

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

Representative DUPLESSIS: Mr. Speaker, Ladies and Gentlemen of the House: The good Representative from Dover-Foxcroft gave an example of what I mentioned in caucus on Monday as a major concern with this Resolution. There would be nothing to stop this organization from using each of our names on a fund-raising letter and sending it out to each of our districts. I don't know about you but I have a difficult time already raising money for projects that I already endorse and I object to my name being used for an organization that has no track record, which could potentially turn out to be an inferior track record.

I urge you to vote against this Resolution.

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

Representative DORE: Mr. Speaker, Ladies and Gentlemen of the House: I have been listening to the debate and I know that people are very serious on both sides of the issue. I am going to be little haughty and suggest that perhaps I know more about foster care in the State of Maine than many of you and that is because I sponsored a good deal of foster legislation and I have worked a lot with the foster parents in that process.

I would like to describe a little bit about foster care to you. If you have seen this ad, "Katy needs a Home" — this is in my paper this week, this is not the first time, this is not the second time, this is not the third time, there is no where for the Katies in Maine to go. We are tapped out on foster care.

In Lewiston two weeks ago, seven children were taken out of one home, all siblings. They went to seven different foster homes, not because foster parents are mean but because that is the most people can cope with. When kids are coming out of terribly, terribly complex environments, you need agency support in order to take in more than a few of them. So this organization has come up with an agency-like concept in a village-like setting that would, indeed, grow in the numbers of children it took in. Yes, it would start with a small number because every village starts with a home. Eventually, it is my hope and the hope of many others that they would expand their services. Those seven siblings are not seeing one another. Don't kid yourself and think the social workers have time to provide visits for them between one another, the social workers don't have time to visit foster homes they are in.

If you care to talk to any social workers, they will testify that, as it stands, they spend all their time on supervised visits with the parents and on court appointments. They don't often get into foster homes.

In terms of the State of Maine and the track record of the State of Maine, I think I have to make it clear that, with our best attempts and they are our best attempts and we do have limited resources, we are currently failing the children who need foster care services. We are failing them drastically.

A DHS worker walked into my son's school last week and explained to them that, yes, you teachers are already required by law to report abuse and that includes black and blue marks but don't call us and ask us what we are doing because we do not have the time to get to investigate black and blue marks. We only investigate stuff that is far worse.

This is a Resolution, folks, and it is a Resolution for the creation of an agency for children

that has members on the Board that includes a pediatrician from Farmington, that includes our own Rod Scribner from Augusta, — I have taken a look at the Board list members. They asked me, in fact, and I declined. I said, you wouldn't want me on your Board, I would never make a meeting, but I took a look at who was on the Board when I was invited. These are all noble people, they are not about to abscond with money, they are not about to do something inappropriate. They are going to try to raise some money and open some group homes and if we don't have some group homes, you can bet that children who get taken out of their homes and placed into foster care and many times on a short-term basis but often on a long-term basis who are not adoptable, will not be living together as siblings. This type of institution would provide the hope that somebody could grow up in sibling groups and, hopefully, in an environment that allowed them to depend, not just on one adult, but many adults. They need a safety net.

I am hoping that we can support this. It is a Resolution and don't kid yourselves, the foster care system is doing its best right now, it is doing the best we can do with the limited resources and that is pretty much failing. That is the best we can do with the resources we have and I happen to know that we are not pumping anymore resources into it these days. Anybody who reads the budget is well aware of that. I hope that you vote to recede and concur. I think they are trying to do something noble here. It is amazing to me that we should even have a debate about the efforts.

I want to talk to you a little bit about Resolutions because we have a number of Resolutions from the past. This year we voted to support the Gulf effort, then we voted to support the President in the Gulf effort. We voted to support estuary and oceanic studies in 1991 and we voted to encourage cooperation with private organizations in this endeavor and encourage the University of Maine and encourage the Maine Maritime Academy and encourage the United States Fish and Wildlife Services and the Executive Department of the State of Maine to conduct joint study of resources in the Gulf of Maine. We weren't voting to commend them for something they were doing, we were voting to encourage them because this is a good idea.

This is about children and it is a darn good idea and if it isn't Children's Castle, I hope it will be something else and I hope it is soon.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: It isn't very often that I get up and speak and defend the Department of Human Services but there has been a lot said here tonight about the Department of Human Services. If you think that it is that bad, I suggest that you go and visit with them some day, a day like tomorrow at three o'clock in the afternoon when they get the calls about these episodes. It is a very tough job. I think if we are all concerned about this that we should remember this night in about two months when we know that that budget is going to be cut and that is the concern that I have here tonight. We can talk all we want but remember, in a few months, we are going to be slashing, and I say that because I am a little more pessimistic because I have been sitting in my committee for the last three months, I now call it Misery Gore, and have been hearing about the

problems. I would hope that we would remember that when we are dealing with the budget.

Representative Gean from Alfred pointed out about what would happen if other institutions such as the Children's Castle — believe me folks, Representative Gean and members of my committee can tell you that there are tons and tons and tons of ongoing, good quality, programs that both the Department of Mental Health and the Department of Human Services could verify and this would, I think, just open up a can of worms. We can give you a list, come up tomorrow, we killed a ton of bills last week, we cried an awful lot when we did it because an awfully lot of those are ongoing programs.

There is one program in the State of Maine that people don't know much about and that is called the "Homestead." That program got so far out of whack that the State of Maine, two months ago, hauled eleven people out of it, eleven of their foster children, because something was so great somewhere down the line that they decided to form Homestead. The State of Maine probably did more to keep Homestead going than they probably should have. In the long run, it came down to, they didn't want to get that call on a Friday afternoon that said, "Oh by the way, we have no food in the refrigerator, we have no heat in the building and we just want to let you know that your eleven foster children that we have here will go without food and shelter over the weekend."

What we need to realize is that we are endorsing a product that doesn't have a track record. It might have a track record in the areas that Representative O'Dea talked about but it doesn't have a track record here in the State of Maine. I know of two agencies in this state that are doing marvelous jobs dealing with children. Spurwink and Sweetser, Spurwink in Portland and other areas of the state, and Sweetser in the Saco area of the state go out and fund-raise year after year to help programs that they have but they don't come to the state and these are proven programs. My real fear is, what are we getting into if we endorse this? I wasn't aware of what Representative Duplessis talked about and I certainly would be real leery because if something went wrong two years down the road and they were investigating, and I am not saying that it will happen, but I wouldn't want Representative Manning, House Chair, who deals with the Department of Human Services — I wouldn't want my name on it saying that I endorsed it. I would rather let it go.

There is a program in Portland that is being endorsed by the United Way. The United Way in the greater Portland area, the Portland legislators will tell you is probably one of the finest institutions dealing with social services. They came in the other day with a program dealing with case management of kids just like this. We had to look at that program and it was going to cut the cost eventually of dealing with these kids. We looked at the program but we had real doubts because it still hasn't had its first Board of Directors meeting. They wanted \$100,000.

If an ongoing program wants an endorsement and has a good track record, that's one thing, but a program that has no track record, that has no sanctions by the Department of Human Services, no sanctions by the Department of Mental Health and Mental Retardation, I think that's another thing. I think that is what concerns me. I think we ought to

really take a hard look at it.

I want to echo what the good Representative from Auburn said about foster people. We have got to remember that there are an awful lot of people out there who are doing an awful lot of good work. I wouldn't want this legislature to go home tonight thinking that those kids are in foster homes and that the only thing left for them to do is to go to the castle in the sky because these people have come to our committee this year, have asked for certain things, we are going to try to give them certain things but they have done a great job. There are other people out there doing a good job and they have had a track record doing the good job. That is thing I think we ought to be careful about tonight. When we vote, we ought to be voting on a track record versus no track record at all.

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

Representative NORTON: Mr. Speaker, Ladies and Gentlemen of the House: I was pleased that Representative Powers had the Resolution read. I think having heard the Resolution my convictions about support for this Resolution were confirmed.

Earlier I read and I brought the paper that Representative Murphy and one or two others have referred to that talked about a four year old's violent death, after having spent two years in foster care before choking to death one night, his body covered with bruises. Another page of that same paper — severe problems of today's foster children overwhelm the system. A DHS manager says that at least half of Maine's foster children need counseling because they are emotionally disturbed. Many others suffer speech impairments, learning disabilities and physical ailments brought on by malnutrition, fetal alcohol syndrome, their parents' drug abuse and other factors. What these children encounter in state custody is foster parents ill-equipped to manage them and caseworkers so over-burdened that they may not visit the foster homes for months. Foster parents say training is severely lacking to help them and others deal with victims of sexual abuse and complicated behavior disorders. State budgets cut further will threaten services, already threatened. We must acknowledge the severity of this problem.

All I see us doing is applauding this undertaking by the private sector. We hope it can address the problem, I don't know that it can but, in looking at the Board of Directors, I find that of 22, I personally know 11 and I will mention a few of them, Ron Smith, Treasurer and Senior Vice-President of the Key Bank of Maine from Belgrade Lakes; Audrey Conant and her husband Ralph, I don't think I need to explain who they are; Lulu Cook, a person who retired as a Special Education Director of MSAD #58 in Kingfield; the Honorable Edward Dexter, lumberman, former legislator, present friend; Kenneth Goodall, Principal of the Phillips Primary and Middle Schools in Phillips; Helen McKendry, a registered nurse; Dr. McKendry, an orthopedic surgeon here in the Kennebec Valley Medical Center and who are my constituents and live in Manchester; Barbara Moody, former Director of the Right-to-Read effort, who I was proud to employ when I was an Associate Commissioner in the Department of Education, presently first-grade teacher in Phillips and part-time instructor at the University of Maine in Farmington and also does work for St. Joseph's College in Windham; and the Honorable Rodney Scribner, State Auditor. These are

people who I will cast my lot with, these are people who I think will address the problem in a manner that will preclude anyone's fears, including mine, that in isolation my name or anyone else's would be used in the singular in any endeavor associated with this task. So with that kind of faith, I say, let's move on, endorse this Resolution, and I hope it helps the children of this state for many years to come in many ways, not only at that site but this may be something that will untrack this entire system statewide.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: The good Representative from Portland, Representative Manning, says when you go home tonight — I don't know if we will ever get home. All I have heard for the last hour and a half is, let's not do anything which will hurt the feelings of the bureaucrats. The bureaucrats are not sitting in this chamber tonight, I am sitting here as a Representative along with the other members. I make the decision for my constituents. They say we should wait for their blessing, I think they should wait for that blessing and appointment. Then someone else spoke about the bad things that they are doing and how bad it is being run. Well, I wouldn't want them to anoint me if they did things that bad.

One speaker said that he would go out in the corridor and say I support it but I don't want my name on any Resolution in here. When I came to Augusta as a Representative, I didn't come here to tell someone out in the corridor or in the men's room or out in the parking lot, that I favor something but that I would not come in here and put my name on it.

We are not doing anything, we are not endorsing to give anybody money — what I am saying is, if you believe in something, vote for it. Tell them, we think you are doing a good job.

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

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I endorse this idea fully and I am afraid that maybe some people didn't have the idea or the brightness or the intelligence or what have you to come up with an idea like this before. The people who did come up with this idea have to be sharp and smart. There are people here trying to destroy this idea, I don't know why but I think it is just a matter of envy that they didn't think of it before these people did. I fully support it and I would request a roll call.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Alfred, Representative Gean.

Representative GEAN: Mr. Speaker, Ladies and Gentlemen of the House: I didn't realize that this was going to turn into an hour and a half debate with so many varied dimensions, otherwise I might not have said much.

A couple of things that need to be addressed I believe is that I have not ever been accused in my life of running around defending the Department of Human Services so please bear with me for a moment if it appears that I miscued here. I am not going to defend the Department as a bureaucracy but I certainly take exception to any kind of innuendo insinuation that comes down suggesting that the Department of Human Services by virtue of being there is not populated with caseworkers who have a heart. I work with those caseworkers on a daily basis, I see them putting in a 12 and 14 hour days and too often

taking the children home with them and agonizing over the fact that this legislature has not appropriated enough money to do the job that they have been hired to do.

Signing this Resolution and sending it off to the Children's Castle doesn't get anyone of us off the hook for fulfilling that responsibility to those children in this state.

In response to Representative O'Dea's question of who has a proposal, I have a proposal, let's everyone on both sides of this issue and this aisle go down to the second floor and deal with the Governor and the Appropriations Committee and tell them that children in this state who are being abused really are a priority and we expect them to appropriate enough money to keep them alive.

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

Representative FARNUM: Mr. Speaker, Ladies and Gentlemen of the House: I will be brief. I have dealt with this problem for over 30 years. I have taken, over 30 years ago, a child out of a foster home and forced that child to be put into a better home. The problem is not something that has been in the last few years, but for many years, and no one has come up with a solution until, let's say, today. I endorse this program completely and absolutely.

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

Representative JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: I am going to speak and I am not going to apologize for it either. I have been listening to what the opposition was and why this Resolution was so bad. In my 13 years of service in this great body, I have never seen so much time spent on a Resolution in all my tenure. That bothers me a little bit.

We have passed Resolutions endorsing everything from the Blueback Monkey, we have sent Congress, we have sent the President Resolutions and I am sure they have had a great time reading them and probably lit their fires at home with them, amongst other things they have done with them, I am sure. It just amazes me that a Resolution that says we welcome someone trying to do something that apparently we are not going to be able to do, I am not putting a rubber stamp on the idea as I have voted for many Resolutions that does not put a rubber stamp on an idea, it says it welcomes that idea. I am, indeed, baffled by an hour and a half debate over whether or not we should allow someone who is trying to do something that is good and decent in the State of Maine. I will tell you something, we have passed some ding-a-ling Resolutions in this House before — what are you worried about? Are you worried about hurting the legislature's reputation? Are you worried about hurting your name? I will tell you, if these people can use my name to raise money to help children, that's the best use of my name around this place in 13 years, especially in the last 3 months. I am going to vote for it because anything I can do to help and if putting my vote of approval on this Resolution saying "go for it, we welcome your involvement, we welcome the opportunity for agencies like yourself, a group like yourself" to help us do a job that we don't have the money to do, we don't have the time to do, we don't have the dedication to do and we are failing in, regardless of how hard we are

trying, then I am guilty of it, use my name, use it any way you want, it will probably be the best use its has gotten in a heck of a long time.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Eliot, Representative Hichens.

Representative HICHENS: Mr. Speaker, Ladies and Gentlemen of the House: I served on the Health and Institutional Service Committee for 14 years. I heard all of the problems that the good Representative from Portland told about that came before the Human Services Committee nowadays. I have seen and heard what has gone on in our Human Services Department regarding foster children and I realize that it is a great problem. I commend those who are doing a good job but I condemn those who are not doing a good job and there are some of those in that Department, one of the head ones and I am not going to mention his name, but I have had confrontations with him back before I retired for the first time. I don't know whether I will be retiring again for the second time or not, that lays in the future, but we have problems.

Today, in our Legal Affairs Committee, we heard about this problem, of this youngster that died in a foster home, we don't know who was guilty or who wasn't guilty but I recall that I asked the question of the Attorney General representative today about a home in the southern part of our state, a foster home, who have had 40 children pass through in the last 17 years. I ask you tonight, what kind of care did those 40 children get passing through a home in 17 years with an unmarried mother taking care of some of her own children along with these foster youngsters?

This is a chance to help these kids, let's give them that chance and I hope that you will pass this Resolution.

The SPEAKER PRO TEM: 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 PRO TEM: The pending question before the House is the motion to recede and concur.

The Chair recognizes the Representative from Portland, Representative Adams.

Representative ADAMS: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with the Representative from Brunswick, Representative Clark. If Representative Clark were present and voting, she would be voting no; I would be voting yes.

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

Representative RYDELL: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with the Representative from Bar Harbor, Representative Constantine. If Representative Constantine were present and voting, she would be voting no; I would be voting yes.

The SPEAKER PRO TEM: The pending question before the House is the motion to recede and concur. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 27

YEA - Aikman, Anderson, Ault, Bailey, R.; Bell, Bennett, Bowers, Cahill, M.; Carroll, D.; Cashman, Clark, H.; Crowley, Donnelly, Dore, Duffy, Farnum, Farren, Foss, Gould, R. A.; Graham, Gwadosky, Heino, Hepburn, Hichborn, Hichens, Hussey, Jacques, Jalbert, Kerr, Ketover, Ketterer, LaPointe, Lawrence, Lebowitz, Look, Lord, MacBride, Marsh, McHenry, Murphy, Nadeau, Nash, Norton, Nutting, O'Dea, Ott, Paradis, J.; Pendexter, Pendleton, Pines, Plourde, Pouliot, Powers, Reed, G.; Reed, W.; Richardson, Rotondi, Ruhlin, Sheltra, Simpson, Skoglund, Small, Spear, Stevenson, Strout, Swazey, Tamaro, Tardy, Tracy, Tupper, Waterman.

NAY - Aliberti, Anthony, Coles, Daggett, Duplessis, Erwin, Farnsworth, Garland, Gean, Goodridge, Gray, Handy, Hoglund, Kilkelly, Kontos, Larrivee, Lemke, Libby, Lipman, Macomber, Mahany, Manning, Marsano, Merrill, Mitchell, E.; Mitchell, J.; Morrison, Paul, Pfeiffer, Poulin, Richards, Saint Onge, Salisbury, Simonds, Stevens, A.; Stevens, P.; Treat, Wentworth, Whitcomb.

ABSENT - Bailey, H.; Barth, Boutilier, Butland, Carleton, Carroll, J.; Cathcart, Chonko, Cote, DiPietro, Dutremble, L.; Greenlaw, Gurney, Hale, Hanley, Hastings, Heeschen, Holt, Joseph, Kutasi, Luther, Martin, H.; Mayo, McKeen, Melendy, Michaud, O'Gara, Oliver, Paradis, P.; Parent, Pineau, Rand, Ricker, Savage, Townsend, Vigue, The Speaker.

PAIRED - Adams, Clark, M.; Constantine, Rydell.

Yes, 71; No, 39; Absent, 37; Paired, 4; Excused, 0.

71 having voted in the affirmative and 39 in the negative with 37 being absent and 4 paired, the motion to recede and concur did prevail.

On motion of Representative Mitchell of Vassalboro, the House reconsidered its action whereby Bill "An Act to Amend the Workers' Compensation Insurance Laws to Encourage Safety in the Workplace" (S.P. 539) (L.D. 1437) was referred to the Committee on Labor.

On motion of the same Representative, was referred to the Committee on Banking and Insurance in non-concurrence and sent up for concurrence.

(Off Record Remarks)

On motion of Representative Morrison of Bangor, Adjourned at 7:54 p.m. until Tuesday, April 16, 1991, at five o'clock in the afternoon pursuant to Joint Order (S.P. 570).