

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
39th Legislative Day
Monday, April 22, 1991

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

Prayer by Reverend Mr. Peter Joseph, St. Joseph Maronite Catholic Church, Waterville.

Pledge of Allegiance.

The Journal of Thursday, April 18, 1991, was read and approved.

SENATE PAPERS

Bill "An Act to Improve the Administration of the Engineering Registration Laws" (S.P. 596) (L.D. 1581)

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

Was referred to the Committee on **Business Legislation** in concurrence.

Bill "An Act to Amend the Definition of 'Regional Association' under the Laws Relating to Waste Management" (S.P. 595) (L.D. 1580)

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

Was referred to the Committee on **Energy and Natural Resources** in concurrence.

Bill "An Act to Create a Preliminary Injunction for Certain Domestic Relations Cases" (S.P. 598) (L.D. 1583)

Bill "An Act Concerning Motor Vehicle Registrations after Suspension of the Right to Operate a Motor Vehicle" (S.P. 599) (L.D. 1584)

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

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

Bill "An Act Concerning Actions for Damages Resulting from Violations of Unemployment and Workers' Compensation Laws by Bidders on Construction Contracts" (S.P. 597) (L.D. 1582)

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 Public Law

Report of the Commission to Study the Certificate of Need Law and the Impact of Competitive Market Forces on Ambulatory Health Services, pursuant to Public Law 1989, chapter 588, section 56 ask leave to submit its findings and to report that the accompanying Bill "An Act to Limit Major Third-party Payor Status to Governmental Payors" (S.P. 594) (L.D. 1579) be referred to the Joint Standing Committee on **Human 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 **Human Resources** and ordered printed.

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

Unanimous Leave to Withdraw

Report of the Committee on **Human Resources** reporting "**Leave to Withdraw**" on Bill "An Act to Ensure Patient Access to Inpatient Psychiatric Services" (S.P. 395) (L.D. 1071)

Report of the Committee on **Human Resources** reporting "**Leave to Withdraw**" on Bill "An Act to Permit Timely Certificate of Need Approval of Hospital Projects Identified as Urgent" (EMERGENCY) (S.P. 420) (L.D. 1132)

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

Ought to Pass as Amended

Report of the Committee on **State and Local Government** reporting "**Ought to Pass**" as Amended by Committee Amendment "A" (S-63) on Bill "An Act Allowing Local Governments to Accept Federal and State Funds" (EMERGENCY) (S.P. 151) (L.D. 363)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-63) as amended by Senate Amendment "A" (S-74) thereto.

Report was read and accepted, the bill read once. Committee Amendment "A" (S-63) was read by the Clerk.

Senate Amendment "A" (S-74) to Committee Amendment "A" (S-63) was read by the Clerk.

On motion of Representative Joseph of Waterville, tabled pending adoption of Senate Amendment "A" (S-74) to Committee Amendment "A" (S-63) and specially assigned for Wednesday, April 24, 1991.

Non-Concurrent Matter

Bill "An Act to Implement the Recommendations of the Travel Information Advisory Council Concerning

Informational Signs" (H.P. 86) (L.D. 121) which was passed to be engrossed as amended by Committee Amendment "A" (H-72) as amended by House Amendment "C" (H-102) thereto in the House on April 11, 1991.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-72) as amended by House Amendment "C" (H-102) and Senate Amendment "A" (S-58) thereto in non-concurrence.

Representative Macomber of South Portland moved that the House recede and concur.

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

Representative COLES: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to vote against the motion to recede and concur. This bill raises a lot of concerns that I think need further consideration. For example, will this bill override local sign ordinances and is that a good idea?

Will this bill threaten our federal highway aid by violating federal highway rules? There are a number of other concerns as well. It seems to me because these concerns deserve further consideration that it is important for us to reject this motion to recede and concur and accept the motion that I am prepared to make if we reject this one and that is to insist and ask for a Committee of Conference. I hope you will go along with me.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative Macomber of South Portland that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Representative Coles of Harpswell requested a roll call vote.

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

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

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

Representative STEVENS: Mr. Speaker, Ladies and Gentlemen of the House: As you saw outside today, Maine is on the edge of allowing farmland stands to put up billboards. Even though you would agree that they could put up the billboards, there are still problems with this bill. The bill is silent on any sort of preapproval or checking with DOT before the farmer puts his sign up. Right now, the bill says the farmer can put a sign on state property. It requires no calling of DOT, checking with DOT, or any sort of prior notification to DOT that he is about ready to put a sign up. We are putting at risk our federal funds if we put signs on federal lands. If we had a Committee of Conference, the committee could iron out ways so that the farmers could at least call DOT and say, "By the way, I am going to put a sign on the corner of X and Y road, is that federal or is it state?" That is a small amount to ask to ensure our federal funds.

Right now, Representative Hastings and I and others have made the argument that, if you have a local sign ordinance that prohibits signs in your

community, it would be superseded by this law. Many of you have ordinances that don't allow even the standard DOT sign. If we pass this law, people cannot put a DOT sign up but they would still be able to put up their farmland signs if they were within five miles of their business. A Committee of Conference could determine absolutely whether or not local control or state law would supersede in this area. I think we take many risks by passing this bill as it is. A Committee of Conference might be able to iron out these two problems to keep it from being challenged or put at risk our federal highway funds.

I ask you to vote against the motion to recede and concur so we can have a committee look at this bill again and iron out the problems that currently exist in it.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative Macomber of South Portland that the House recede and concur.

The Chair recognizes the Representative from Thomaston, Representative Mayo.

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

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

ROLL CALL NO. 37

YEA - Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bell, Bennett, Boutilier, Bowers, Cahill, M.; Carroll, D.; Carroll, J.; Cashman, Chonko, DiPietro, Donnelly, Duffy, Duplessis, Dutremble, L.; Farnum, Farren, Foss, Gould, R. A.; Graham, Greenlaw, Hale, Hanley, Heino, Hepburn, Hichborn, Holt, Hussey, Jacques, Jalbert, Ketterer, Kilkelly, Lebowitz, Look, Lord, MacBride, Macomber, Mahany, Manning, Marsano, Martin, H.; McHenry, Merrill, Morrison, Murphy, Nash, Norton, Nutting, Ott, Paradis, J.; Parent, Paul, Plourde, Reed, G.; Reed, W.; Ricker, Rotondi, Salisbury, Savage, Sheltra, Small, Spear, Stevens, A.; Stevenson, Strout, Tammaro, Tardy, Waterman, Whitcomb, The Speaker.

NAY - Adams, Aliberti, Anthony, Butland, Carleton, Cathcart, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, Dore, Farnsworth, Gean, Goodridge, Gray, Gurney, Gwadosky, Handy, Heeschen, Hichens, Joseph, Kerr, Kontos, Kutasi, Larrivee, Lawrence, Libby, Lipman, Luther, Marsh, Melendy, Michaud, Mitchell, J.; Nadeau, O'Dea, O'Gara, Oliver, Paradis, P.; Pendexter, Pfeiffer, Poulin, Pouliot, Powers, Richards, Richardson, Rydell, Simonds, Simpson, Stevens, P.; Swazey, Tracy, Treat, Tupper, Vigue, Wentworth.

ABSENT - Aikman, Erwin, Garland, Hastings, Hoglund, Ketover, LaPointe, McKeen, Mitchell, E.; Pendleton, Pineau, Pines, Rand, Ruhlin, Saint Onge, Skoglund, Townsend.

PAIRED - Lemke, Mayo.
Yes, 74; No, 58; Absent, 17; Paired, 2; Excused, 0.

74 having voted in the affirmative and 58 in the negative with 17 being absent and 2 having paired,

the motion to recede and concur did prevail.

**PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE**

The following Bills and Resolves 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 Relating to Workers' Compensation Insurance for Leased Employees" (H.P. 1104) (L.D. 1603) (Presented by Representative AIKMAN of Poland) (Cosponsored by Senator THERIAULT of Aroostook, Senator BRAUN of Knox and Senator CARPENTER of York)

Ordered Printed.
Sent up for Concurrence.

Education

Resolve, to Instruct the Department of Education to Eliminate the School System "Report Card" Program (EMERGENCY) (H.P. 1100) (L.D. 1599) (Presented by Representative HANDY of Lewiston) (Cosponsored by Representative CROWLEY of Stockton Springs, Representative OLIVER of Portland and Representative O'DEA of Orono)

Resolve, to Create a Commission to Study the Need for a Technical College in York County (EMERGENCY) (H.P. 1105) (L.D. 1604) (Presented by Representative HALE of Sanford) (Cosponsored by Representative PAUL of Sanford, Representative MURPHY of Berwick and Senator VOSE of Washington)

Ordered Printed.
Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act to Authorize the Adoption of Permit-by-rule Procedures for Certain Activities in Class 3 Wetlands" (EMERGENCY) (H.P. 1096) (L.D. 1595) (Presented by Representative MORRISON of Bangor) (Cosponsored by Senator BALDACCI of Penobscot and Representative JACQUES of Waterville)

Ordered Printed.
Sent up for Concurrence.

Taxation

Bill "An Act Regarding the Forest Management Plan Requirements" (H.P. 1098) (L.D. 1597) (Presented by Representative HANLEY of Paris) (Cosponsored by Representative ANDERSON of Woodland, Representative GOULD of Greenville and Representative BUTLAND of Cumberland)

(The Committee on Reference of Bills had suggested the Committee on Energy and Natural Resources.)

On motion of Representative Jacques of Waterville, was referred to the Committee on Taxation, ordered printed and sent up for concurrence.

Legal Affairs

Bill "An Act to Limit the Cost and the Length of Campaigns" (EMERGENCY) (H.P. 1103) (L.D. 1602) (Presented by Representative O'GARA of Westbrook) (Cosponsored by Senator BRAUN of Knox, Representative HANDY of Lewiston and Representative CROWLEY of Stockton Springs)

Ordered Printed.
Sent up for Concurrence.

Taxation

Bill "An Act Concerning Proration of Real Estate Taxes" (H.P. 1097) (L.D. 1596) (Presented by Representative OTT of York) (Cosponsored by Representative CARLETON of Wells)

Bill "An Act to Authorize a Local Option Excise Tax on Gravel Mining" (H.P. 1099) (L.D. 1598) (Presented by Representative TRACY of Rome) (Cosponsored by Senator KANY of Kennebec, Representative MAYO of Thomaston and Representative HOGGLUND of Portland) (Approved by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.
Sent up for Concurrence.

Transportation

Bill "An Act to Increase the Penalty for Failure to Secure a Child with a Seat Belt" (H.P. 1101) (L.D. 1600) (Presented by Representative LUTHER of Mexico) (By Request) (Cosponsored by Senator MILLS of Oxford) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Bill "An Act Regarding the Issuance of Special Plates for Rescue Unit Workers and Providers of Emergency Medical Services" (H.P. 1102) (L.D. 1601) (Presented by Representative WATERMAN of Buxton) (Cosponsored by Representative CARROLL of Gray and Representative KERR of Old Orchard Beach)

Ordered Printed.
Sent up for Concurrence.

ORDERS

On motion of Representative KILKELLY of

Wiscasset, the following Joint Resolution: (H.P. 1107) (Cosponsors: Representative JACQUES of Waterville, Representative BENNETT of Norway, and Senator TITCOMB of Cumberland)

JOINT RESOLUTION EMPHASIZING THE NEED FOR ENVIRONMENTAL EDUCATION

WHEREAS, environmental problems are proliferating in this State, across the nation and around the globe; and

WHEREAS, a healthy economy depends on a sustainable base of natural resources and individual health and well-being depend on environmental quality; and

WHEREAS, addressing environmental concerns requires our understanding of economic, political and legal principles and of relevant scientific principles, and as environmental education is compatible with general education goals of our education system; and

WHEREAS, Maine residents' increasing concern with maintaining the health, safety and beauty of this State necessitates that our educational institutions provide students with opportunities, through improvement in natural science curricula, to acquire awareness of these problems and to grasp scientific principles requisite to finding solutions to them; and

WHEREAS, collaboration among formal and informal educators, government agencies and businesses and industries is needed to provide all learners, whether child or adult, with opportunities to learn about basic ecological relationships and to acquire analytical and problem-solving skills related to environmental issues, as well as a personal commitment to environmentally rational choices for themselves and their communities; now, therefore, be it

RESOLVED: That, We, the Members of the One Hundred and Fifteenth Legislature, now assembled in the First Regular Session, take this occasion to recognize that environmental education should be encouraged as a basic element in the education of grade school children, in undergraduate and graduate programs at the university level, and in technical and professional development programs, since the choices of individuals, acting alone or in groups, privately or professionally, generate and can solve many environmental problems; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable John R. McKernan, Jr., Governor, and the Honorable Eve Bither, Commissioner of Education.

Was read and adopted and sent up for concurrence.

On motion of Representative HICHBORN of Howland, the following Order:

ORDERED, that Representative Conrad Heeschen of Wilton be excused April 11 for health reasons.

Was read and passed.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative HUSSEY from the Committee on Transportation on Bill "An Act to Amend the Gross Vehicle Weight Limits of Commercial Vehicles" (H.P. 551) (L.D. 788) reporting "Ought Not to Pass"

Was placed in the Legislative Files without further action pursuant to Joint Rule 15 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 Require Interest on Tenant Security Deposits and to Provide Funds for Affordable Housing" (H.P. 607) (L.D. 867)

Signed:

Senators: MILLS of Oxford
SUMMERS of Cumberland

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

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-150) on same Bill.

Signed:

Senator: KANY of Kennebec
Representatives: LAWRENCE of Kittery
JALBERT of Lisbon
RICHARDSON of Portland

Reports were read.

Representative Lawrence of Kittery moved that the House accept the Minority "Ought to Pass" Report.

On further motion of the same Representative, tabled pending his motion that the House accept the Minority "Ought to Pass" Report and specially assigned for Wednesday, April 24, 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. 274) (L.D. 733) Bill "An Act Relating to the Definition of Gross Sexual Assault under the Maine Criminal Code" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-71)

(S.P. 340) (L.D. 930) Bill "An Act to Clarify the Certification of Correspondence Schools" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (S-72)

There being no objections, the above items were ordered to appear on the Consent Calendar of Wednesday, April 24, 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. 724) (L.D. 1028) Bill "An Act to Clarify the Provisions for Temporary and Conditional Psychologists' Licenses"

(H.P. 361) (L.D. 515) Bill "An Act to Expand Consumer Membership on the Board of Osteopathic Examination and Registration" (C. "A" H-145)

(H.P. 440) (L.D. 623) Bill "An Act to Improve the Regulatory Operations of the Board of Licensing of Auctioneers" (EMERGENCY) (C. "A" H-146)

(S.P. 38) (L.D. 60) Bill "An Act to Ensure Access to Boards of Directors" (C. "A" S-67)

(S.P. 62) (L.D. 114) Bill "An Act to Exempt Certain Activities from the Site Location of Development Laws" (C. "A" S-64)

(S.P. 63) (L.D. 115) Bill "An Act to Amend the Special Archery Hunting Season Laws" (C. "A" S-65)

(S.P. 227) (L.D. 581) Bill "An Act to Require Each Person Licensed for the Practice of Funeral Service to Participate in Continuing Professional Education" (C. "A" S-66)

(S.P. 236) (L.D. 627) Bill "An Act to Clarify the Role of Law Enforcement Officers in the Investigation of Medical Examiner Cases" (C. "A" S-60)

(S.P. 276) (L.D. 735) Bill "An Act to Amend the Laws Concerning Removal or Destruction of Landmark Locations by State Departments" (C. "A" S-61)

(S.P. 297) (L.D. 795) Bill "An Act to Amend the Revised Maine Securities Act" (C. "A" S-68)

(S.P. 355) (L.D. 957) Bill "An Act to Authorize the Town of Brownville to Acquire the Assets and Liabilities of the Brownville Water District"

(EMERGENCY) (C. "A" S-69)

(H.P. 382) (L.D. 556) Bill "An Act to Improve Eye Care in the Schools" (C. "A" H-147)

(H.P. 405) (L.D. 588) Bill "An Act to Amend the Public Drinking Laws" (C. "A" H-148)

(H.P. 423) (L.D. 606) Bill "An Act to Clarify Provisions Relating to the Bureau of Intergovernmental Drug Enforcement" (C. "A" H-149)

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

As Amended

Bill "An Act Concerning the Restraint of Dogs That Pose a Public Risk" (H.P. 604) (L.D. 864) (C. "A" H-112)

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Prevent Multiple Assessments of Patients at the Augusta Mental Health Institute (S.P. 323) (L.D. 879) (C. "A" S-44)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 110 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act Concerning Waste Management (H.P. 318) (L.D. 448) (C. "A" H-68)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 112 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act 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) (H. "A" H-116)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 118 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

FINALLY PASSED

Emergency Measure

Resolve, to Direct the Department of Mental Health and Mental Retardation to Develop a Plan to Provide Appropriate Services for Severely Mentally Ill Persons Who Are Living in Homeless Shelters (H.P. 474) (L.D. 668) (C. "A" H-71)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 117 voted in favor of the same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Require the Earlier Determination of State Aid to Education (S.P. 39) (L.D. 61)

An Act to Provide Equity in the Natural Resources Protection Laws (S.P. 125) (L.D. 227) (C. "A" S-43)

An Act to Change the Specifications for Membership of the Maine Dental Health Council (S.P. 180) (L.D. 489) (C. "A" S-39)

An Act to Amend the Law Governing the Election of Members to Regional Vocational Boards (S.P. 252) (L.D. 710)

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

ENACTOR

Tabled and Assigned

An Act to Amend the Charter of the Portland Water District (S.P. 254) (L.D. 712) (C. "A" S-41)

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

On motion of Representative Chonko of Topsham,

tabled pending passage to be enacted and specially assigned for Wednesday, April 24, 1991.

PASSED TO BE ENACTED

An Act to Protect the Confidentiality of Library Records at Libraries of the University of Maine System (S.P. 260) (L.D. 718) (C. "A" S-42)

An Act Pertaining to the Licensing of Boarding Care Facilities (S.P. 269) (L.D. 728)

An Act to Amend the Laws Concerning the Aeronautical Functions Investigation (S.P. 277) (L.D. 736)

An Act to Reestablish the Board of Visitors of State Institutions, except for the Augusta Mental Health Institute and the Bangor Mental Health Institute (S.P. 279) (L.D. 738) (C. "A" S-38)

An Act to Amend the Laws Governing the Bath Children's Home (S.P. 282) (L.D. 741) (C. "A" S-37)

An Act to Eliminate the Requirement of Mediation in Certain Domestic Cases (H.P. 72) (L.D. 100)

An Act to Assist in the Cleanup of Contaminated Property (H.P. 113) (L.D. 156) (C. "A" H-62)

An Act to Amend the Charitable Solicitations Act (H.P. 274) (L.D. 394) (C. "A" H-66)

An Act to Protect Stone Walls, Stone Impoundments and Timber Bridges of Historical Significance (H.P. 379) (L.D. 553) (C. "A" H-69)

An Act Concerning the Commission on Governmental Ethics and Election Practices (H.P. 383) (L.D. 557) (C. "A" H-67)

An Act to Increase Support for Affordable Housing (H.P. 404) (L.D. 587) (C. "A" H-70)

An Act to Amend the Election Laws Relating to Ballot Counting (H.P. 450) (L.D. 640) (C. "A" H-65)

An Act Concerning the Town of Rumford Water District (H.P. 680) (L.D. 979)

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

(At Ease)

The House was called to order by the Speaker.

ORDERS OF THE DAY

UNFINISHED BUSINESS

The following matter, in the consideration of which the House was engaged at the time of adjournment Thursday, April 18, 1991, has preference in the Orders of the Day and continues with such preference until disposed of as provided by Rule 24.

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

HOUSE DIVIDED REPORT - Majority (7) "Ought to Pass" as amended by Committee Amendment "A" (H-132) - Minority (6) "Ought Not to Pass" - Committee on Fisheries and Wildlife on Bill "An Act Concerning Ice Fishing" (H.P. 485) (L.D. 679)
TABLED - April 18, 1991 (Till Later Today) by Representative MAYO of Thomaston.
PENDING - Acceptance of Either Report.

The SPEAKER: The Chair recognizes the Representative from Athens, Representative Rotondi.

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

This bill as it is amended from the Committee would lower the line limit for persons ice fishing from five lines per person, which is what it is right now, to three lines per person on any lake or pond that is managed for cold water game fish, for example, salmon, trout and togue.

The Department of Inland Fisheries and Wildlife already have the ability through their rulemaking process to limit ice fishing trap lines and they have done so on some ponds in Maine. On Parker Pond in Chesterville, they limited it to two lines per person and also on St. George Lake in Liberty, Swan Lake in Belfast and the Swanville area and Cold Stream Pond in Enfield.

Some of the biologists were asked what they thought of this legislation when we had the hearing. Peter Bourque who is the Director of Fisheries and Hatcheries for the Department of Inland Fisheries and Wildlife said that they have traditionally limited harvest through length limits and bag limits and that they continue to be the best regulatory tools for fisheries management.

One other biologist said that he felt that the regulation had limited usefulness when applied on a water-by-water basis and may result in reduction in harvest through shifts in fishing to nearby waters but that application of the regulation on a statewide basis reduces whatever utility that it might have had.

I believe, ladies and gentlemen, that it is more of a social issue than a biological issue. I think we simply don't need the legislation because the department can already do it.

I hope you will support the Minority "Ought Not to Pass" Report.

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

Representative RUHLIN: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will join with me tonight in rejecting the Minority Report.

I ask for a roll call.

The majority of the members of the Committee on Fisheries and Wildlife have voted for a three trap limit on those waters managed primarily in the State of Maine for cold water species, that is what the bill means when it says Class B waters. If you were to join with that majority tonight in rejecting the

Minority Report, you would be supporting the efforts to protect Maine's unique fishing opportunities.

Over the weekend, I was reading this month's issue of one of the sporting magazines and it mentioned an article in 1965 that said, "There are few places in the United States where fishing for wild trout" they were talking about trout here but the bill also includes salmon, "is still good. There is only one place where it is still excellent, that is Maine." The author went on to say, "The fishing is not what it used to be, but Maine's decline has been slower than that of the rest of the United States and New England in particular."

By rejecting this Minority Report tonight, we can continue that reputation that Maine has of doing an excellent job of trying to protect its unique wildlife.

In rejecting the Minority Report, we will protect Maine's outstanding natural resources for future generations, not just for our own use, but for future generations and, hopefully, reverse a decline that is happening more slowly here but still happening here.

In rejecting the Minority Report, you will also be doing one other thing — with the increased accessibility through the use of snowmobiles, increase construction of timber roads and so forth, many of the ponds that were at one time hard to get to — when I was young I used to use snowshoes and a toboggan and walked across three feet of snow and it was a great experience and you chipped your holes with a hand auger, and with 36 inches of ice, it was almost self-limiting. Today, we have snowmobiles, we have ease of access, there are more four-wheel drive vehicles around and there are power augers. Everybody can get to their favorite pond very easily for the most part. They get there and put the maximum number of holes in and, in many cases, especially if they have youngsters with them, each youngster (under present law) has five traps, so father and say three children put out 20 traps and tie up an area. It is not like a boat where you move through the water, you actually occupy that space on the lake for the duration that you are there. What happens in many cases is those ponds that have ease of access, the good water or the water you want to fish or other parts of the lake are actually (because of the crowded situation) closed off. I think that lessens the enjoyment of the ice fishing experience. Ice fishing is a very deep engrained habit in the Maine life-style.

I also think in rejecting the Minority Report tonight, you will be supporting the overwhelming majority of ice fisherman that I have talked to. I have not used a questionnaire nor have I gone throughout the state but there are five major fishing groups that are in my area of which I am a member and I have talked with the membership. I did not talk to them as an advocate, I frankly thought when I first presented this that there might be strong opposition to it. In talking to these people who enjoy the sport of fishing through the ice, the overwhelming, and I mean overwhelming, majority that I talked to favor a reduction in the trap limit for the cold water species. They do want to see it and this bill does it as it comes out of committee.

If you want to take your kids out on a warm February day and put out a lot of traps for pickerel and perch, those fish do not seem to be hurt very much by that type of fishing pressure. They regenerate themselves quite quickly and grow quite

quickly and the kids have a lot of fun fishing those warm water species.

Tonight when you vote, remember that this bill is aimed at the cold water species of which we are having a problem of maintaining the levels.

Also in rejecting the Minority Report tonight, you will be supporting SAM. The Sportsman's Alliance of Maine has supported it. The department, since its modification by the committee (the committee did modify it and I will discuss that in a moment — from the original bill that was submitted), at first they opposed it but now the department says that it is a social and political decision that they are not ready to go forward with, but they have no objection if the legislature goes forward with it. They have no problem adapting to it.

In rejecting the Minority Report tonight, I know the good chair of that committee mentioned some ponds where they do have less than the five trap limit now and those are known generally as trophy ponds or excellent quality ponds or lakes. What happens is, if you take a lake and single it out as a trophy lake, and it is only one trap or two traps, everybody who wants to catch a trophy goes to that lake. Then, rather than having five fisherman or ten fisherman, you now have 60 or 70 fisherman. By having all the cold water lakes managed, those lakes that are managed for the cold water species, by having all of them a three trap limit, that is going to spread out the attention and the attention is what gathers sometimes to fishing pressure, so you are in fact spreading out the fishing pressure.

They talk about you can reduce the bag limit, maybe we can go from three fish to two fish or four fish down to one fish, but when you trap a fish through the ice, for those of you who are not familiar with ice fishing, generally you are using live bait that has a hook in it and when the fish takes the bait, it quite often takes it quite deeply. By doing that, you take a young small fish that could grow up to be a trophy fish and you bring it up from 38 degree or 40 degree water, expose it in some cases to 20 to 25 degree air temperatures and it blinds that fish. You can take that hook out which may be embedded deeply and you are probably going to damage that fish in that process. Also that sudden temperature change runs a great high risk of blinding that fish and we are losing a lot of fish. People say, "I release the fish." Sure you release the fish, you release a blind fish. Most cold water fish feed with their eyesight. That fish will die.

I have been a scuba diver and I have seen dead fish and they don't float on the top if they die through ice fishing, they are on the bottom and they break down very quickly. So, the fact that "I don't see them in the Spring" — well, you aren't going to see them in the Spring, they disintegrate by that time.

For these reasons, I hope you will enable your department, the Department of Fisheries and Wildlife, to more properly manage our cold water species in the state. This bill would give them the opportunity in those areas that have mixed populations of cold water and warm water fishing or, in certain cases, to bring it back to a five trap limit if they so desire and if that is the advice of the biologists. This is not an attempt to second-guess the biologists. It still leaves the ultimate control on the department itself but it does say that it is good management of our natural resources to start from three traps rather

than starting from five traps.

I hope you will join me tonight in rejecting the Minority Report and then go on to pass the Majority Report.

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

Representative CLARK: Mr. Speaker, Men and Women of the House: I hope you go with the Minority Report this evening. There is no question in my mind and particularly to the committee members who serve on that committee that this is a social problem. I think if the summer fisherman had their way, there wouldn't be any ice fishing at all during the winter.

The biologists in the department can do it through rule making. Why take away some tool that they have and close off all these bodies of water from five to three traps? I do a lot of fishing in the winter time through the ice. I can tell you honestly that about 90 percent of the time when I do fish, I might put out five traps, but most of the time I do that, I get them through the one hole I fish through and it seems to be the same hole, no matter how many traps I have out there.

This is a social problem. We heard it time and time again when we were in the hearing. We heard it time and time again when we were in the work sessions. I hope you take a good look at this and follow the good House chair when you take your vote on this and go with the Minority Report.

The SPEAKER: The Chair recognizes the Representative from Cherryfield, Representative Farren.

Representative FARREN: Mr. Speaker, Men and Women of the House: I urge you to support the motion of our good chairperson of the Fisheries and Wildlife Committee. I will not go over all the things that I had here because many of them have already been said.

However, I would say that those ice fisherman that have contacted me, not only in my district but all over the state, are not in favor of changing it to a five trap limit. It sounds, from what I have heard here this evening, that Maine fishery is managed fairly well under the present system.

I would urge you to vote for the motion made by the Chairman of the Fisheries and Wildlife Committee.

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

Representative DUFFY: Mr. Speaker, Ladies and Gentlemen of the House: I am one of the signers of the Majority Report because I truly believe that this is a conservation bill. After the bill was printed, a lady came up to me in the hall and said, "You know, you really have a point there about three traps instead of five, at least for the abuse where people are taking a lot kids out in trucks and letting them play and they really are off having a good time while the adults are cutting all these holes." She said, "My daughter was even invited to a birthday party which was an ice fishing party and there were 30 kids and four adults." She said, "I think there were 140 holes put through the ice and the kids had a good time and it was great but we had to really watch the litter, we had to make sure the kids were paying attention, they really wanted to play more than work with the traps. That is a problem out there."

Besides that, I talked to Peter Bourque who is head of the biologists and I asked Peter, "How long ago was the five trap limit set?" Peter told me it had to be at least over 30 years ago. I asked who set it and the trap limit was set by the legislature

over 30 years ago. He said it is definitely a social issue. I said, "Thirty years ago, that would put us well before snowmobiles, it would put us well before motorized ice augers, that would put us well before any of the conveniences we have today."

The Deputy Commissioner of Fisheries and Wildlife (in the work session) said definitely it is a social question. I said, "What do you think the biologists would do if we set it to three traps? They still have the ability to go to five in most areas." The commissioner said, "You are changing the psychology on us, you are changing the way the biologists will make their decisions." In other words, the biologists, instead of telling you where there is not enough fish, will have to tell you to increase the limits where there is enough fish to take the fishing pressure of five traps. This, indeed, is a conservation bill.

I urge you to vote nay against the pending motion and help out with the fishing opportunity in the State of Maine.

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

Representative MARSH: Mr. Speaker, Ladies and Gentlemen of the House: I think Representative Ruhlin said it all. There is not much more that I can say except, if you go back in the history of this — actually this goes back to the advent of the snowmobiles. It was ironic to me at the time that when the snowmobile came to Maine and the ice augers came to Maine that what was more important to me was the good insulated boots that came to Maine at the same time we liberalized the ice fishing season. It was at that time that we went from the traditional February 1st opening back to the January 1st opening and provided another full month of ice fishing. Since then, the quality of ice fishing has gone down hill. We still have what is considered good ice fishing, as Representative Ruhlin quoted from a magazine article, but this bill, if you reject the Minority Report and go with the Majority, in my opinion, you are voting for insurance to see that we keep ice fishing at least as good as it is now and in all probability it would get better.

As has been testified to, it does leave management up to the department. They can make the decision on both the biological lines or social lines depending on how the individual towns want to go. It does set a threshold which is tighter to start from, which I feel is very important.

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

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

The SPEAKER: The pending question before the House is the motion of Representative Rotondi of Athens that the House accept the Minority "Ought Not to Pass" Report.

The Chair recognizes the Representative from Thomaston, Representative Mayo.

Representative MAYO: Mr. Speaker, pursuant to House Rule 7, I wish to pair my vote with Representative O'Dea of Orono. If he were present and voting, he would be voting nay; I would be voting

yea.

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

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

The SPEAKER: The pending question before the House is the motion of Representative Rotondi of Athens that the House accept the Minority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 38

YEA - Adams, Aikman, Aliberti, Anderson, Ault, Bailey, H.; Bailey, R.; Bowers, Cahill, M.; Carroll, D.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Constantine, Cote, Crowley, Daggett, DiPietro, Donnelly, Dore, Duplessis, Dutremble, L.; Erwin, Farnum, Farren, Foss, Goodridge, Gould, R. A.; Graham, Gray, Greenlaw, Gurney, Heino, Hepburn, Hichborn, Hussey, Joseph, Kerr, Ketover, Ketterer, Kontos, Kutasi, Larrivee, Lawrence, Lebowitz, Libby, Lipman, Look, Lord, Luther, MacBride, Macomber, Mahany, Manning, Marsano, McHenry, Melendy, Merrill, Michaud, Mitchell, E.; Mitchell, J.; Murphy, Nash, Norton, Nutting, O'Gara, Oliver, Paradis, J.; Pendexter, Pfeiffer, Pineau, Plourde, Powers, Rand, Reed, G.; Reed, W.; Ricker, Rotondi, Rydell, Saint Onge, Salisbury, Savage, Sheltra, Small, Spear, Stevens, P.; Strout, Swazey, Tamarro, Tracy, Vigue, Waterman, Wentworth, Whitcomb.

NAY - Anthony, Barth, Bell, Bennett, Boutilier, Butland, Carleton, Carroll, J.; Coles, Duffy, Farnsworth, Garland, Gean, Hale, Handy, Hanley, Hastings, Heeschen, Hichens, Holt, Jacques, Marsh, Martin, H.; Morrison, Nadeau, Ott, Parent, Paul, Poulin, Pouliot, Richards, Richardson, Ruhlin, Simonds, Simpson, Stevens, A.; Stevenson, Tardy, Treat, Tupper.

ABSENT - Hoglund, Jalbert, Kilkelly, LaPointe, McKeen, Paradis, P.; Pendleton, Pines, Skoglund, Townsend, The Speaker.

PAIRED - Gwadosky, Lemke, Mayo, O'Dea.
Yes, 96; No, 40; Absent, 11; Paired, 4; Excused, 0.

96 having voted in the affirmative and 40 in the negative with 11 being absent and 4 having paired, the motion to accept the Minority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

TABLED AND TODAY ASSIGNED

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

HOUSE DIVIDED REPORT - Majority (10) "Ought Not to Pass" - Minority (3) "Ought to Pass" as amended by Committee Amendment "A" (H-130) - Committee on State and Local Government on RESOLUTION, Proposing an Amendment to the Constitution of Maine Requiring the Governor-elect to Receive More than 50% of the Votes Duly Cast (H.P. 319) (L.D. 449)

TABLED - April 18, 1991 by Representative JOSEPH of Waterville.

PENDING - Motion of same Representative to Accept the Minority "Ought to Pass" as Amended Report.

On motion of Representative Joseph of Waterville, retabled pending her motion that the House accept the Minority "Ought to Pass" as Amended Report and specially assigned for Wednesday, April 24, 1991.

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

Bill "An Act to Amend the Law Concerning the Maine High-Risk Insurance Organization" (H.P. 546) (L.D. 783)

TABLED - April 18, 1991 by Representative ERWIN of Rumford.

PENDING - Adoption of Committee Amendment "A" (H-135)

On motion of Representative Mayo of Thomaston, retabled pending adoption of Committee Amendment "A" (H-135) and specially assigned for Wednesday, April 24, 1991.

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

HOUSE DIVIDED REPORT - Majority (12) "Ought Not to Pass" - Minority (1) "Ought to Pass" as amended by Committee Amendment "A" (H-120) - Committee on Legal Affairs on Bill "An Act to Require Landlords to Pay Interest Earned on Security Deposits to Tenants" (H.P. 134) (L.D. 194)

TABLED - April 18, 1991 by Representative LAWRENCE of Kittery.

PENDING - Acceptance of Either Report.

On motion of Representative Lawrence of Kittery, retabled pending acceptance of either report and specially assigned for Wednesday, April 24, 1991.

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

HOUSE DIVIDED REPORT - Majority (8) "Ought Not to Pass" - Minority (5) "Ought to Pass" as amended by Committee Amendment "A" (H-89) - Committee on State and Local Government on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for 4-year Terms for Senators and Members of the House of Representatives (H.P. 256) (L.D. 347)

TABLED - April 18, 1991 by Representative JOSEPH of Waterville.

PENDING - Motion of same Representative to Accept the Minority "Ought to Pass" as Amended Report.

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

Representative JOSEPH: Mr. Speaker, Ladies and Gentlemen of the House: I ask that you seriously consider voting in favor of four-year terms for Senators and members of the Maine House of Representatives.

I believe that this is an important consideration for several good reasons. One of the reasons brought

forward before our committee, and I concur with, is that currently the high cost of political campaigns make it prohibitive for many of us to continue to run or for new persons to decide to run. We are not paying those dollars but we are going to our constituents, to our public, to our friends, and to our families to fund these political campaigns. If we had four-year terms, we would have to go to those people and ask for that financial support, one less time.

Second, a very important issue - our democratic system is based on three equal branches of government as we all know. In Maine, the Governor and legislature was elected to one-year terms until 1880. In Maine, the Governor and legislature was elected to two-year terms until 1957 when the Governor was then given four-year terms. In Maine, for 137 years the Governor and legislature, therefore, had the same term length. In Maine, the equality that we talk about of the balance of power and that we have become accustomed to talking about when we talk about the democratic process is tilted and has been since 1957.

In Maine, all elected county officials serve four-year terms, sheriffs, registrar's of probate, registrar's of deeds and county commissioners.

The third reason is to preserve a citizen legislature. As legislators become veteran legislators, they develop certain expertise on the complex issues that come before us. This is beneficial to Maine citizens, to our constituents.

Fourth, we heard testimony that several House Districts are so expansive that it is very difficult in two-year terms to visit and meet with constituents in each of those communities within the time frame of the two-year term. We heard that, in some cases, there are 50 different communities in those rural districts.

In a democratic system, we cannot afford to be complacent. We are urged to question the system, to change the system, to improve the system and so now we need to ask, why should we only have two-year terms in the Maine House and the Maine Senate? It is our responsibility to periodically talk about this issue. In 38 states, 38 senates have four-year terms. In 4 states, 4 Houses have four-year terms. I would say that their balance of power is out of whack.

I do urge you to vote in favor of this piece of legislation because I think it is important legislation in order to bring back the balance of power in our state.

The SPEAKER: The Chair recognizes the Representative from Jonesboro, Representative Look.

Representative LOOK: Mr. Speaker, Ladies and Gentlemen of the House: I would ask you to consider the Majority Report, which is "Ought Not to Pass." You have heard the arguments for this bill and I would say, let's examine what this will mean.

It may not necessarily reduce the cost of elections because, remember, every two years you always have an election and this same cost is there for the municipalities. The only reduction in cost would be the cost of the individual's campaign. Now what does that also mean? That means that the individual does not have to go out and campaign every two years. It lessens the exposure of the individual to the public and, therefore, it lessens the scrutiny of the individual candidate to the public.

By having it every two years, it makes a closer

relationship of the Representative or the Senator to that public and it makes a better situation among them.

Another thing that we should realize is that if we have four-year terms that, when we come to the ten year census figures, where the districts have to be reassigned possibly, you are going to run into a problem with the four-year term.

Sometimes a person does not wish to make four-year commitments to an elected office and, therefore, they would be discouraged from running.

I ask that you consider the opinion of the Majority of the State and Local Government Committee, which was "Ought Not to Pass" and Mr. Speaker, I would ask for a roll call vote, please.

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

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

If this bill should pass through this House and through the Senate, does that mean that we give the people the right to vote at a referendum? Is that all this means?

The SPEAKER: The Chair would answer in the affirmative.

The Chair recognizes the Representative from Woodland, Representative Anderson.

Representative ANDERSON: Mr. Speaker, Ladies and Gentlemen of the House: I have spoken before on extending legislative terms from two to four years. It was a good idea then and I still think it is a good idea today.

The original Maine Constitution of 1820 called for the Governor, State Representatives and State Senators to serve for a one-year term. Today, the Governor of Maine serves a four-year term. I believe what is good for the Executive Office is good for the other two branches of the legislature.

This bill would give legislators two years to devote to their public interest, free from re-election worries. I believe this bill will save legislative candidates and the state government a considerable amount of money. From the very moment this body recognized the reality of our economic problems, many of us have said in newspapers, on television, on radio and on the floor of this House, that Maine needs a more efficient and economical state government. Extending legislative terms to four years is a step in that direction. I thank you for your support on this bill.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Larrivee.

Representative LARRIVEE: Mr. Speaker, Ladies and Gentlemen of the House: I am also on the Minority Report and I would like to let you know why. Two years ago when this item came up, I voted against it. Since that time, I have had my eyes opened up a little bit.

I would share two things with you. First of all, as far as our contact with our constituency, those Representatives and Senators who are of a mind to stay in contact with their constituents will do so year-round, year in and year out, week by week, regardless of whether it is an election year or not. So I believe that our constituents are best served by those who stay in touch with them, regardless of whether it is an election year.

The second reason that I believe a four-year term is a good idea has to do with the fact that in the

State of Maine we have a biennial budget. That means as a Freshman, you get an opportunity to look at one budget per term, one budget, one term. When I ran for the Town Council and was elected, that was for three years. That was three budget seasons and I can assure you that on my second budget season, I was more than twice as well equipped to handle that budget as I was the first year. By the third year, I really had some input into that budget process. I believe that because we have a two year budget process, a four-year term makes much better sense because you will have the opportunity in that second half of your term to have a much clearer knowledge and clearer handle on the budget issues. For those two reasons, I ask you to support the Minority Report.

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

Representative MAHANY: Mr. Speaker, Men and Women of the House: Most everything that needs to be said in favor of putting this question to the people, which is what we will be doing tonight, has already been said.

For the benefit of the Freshman legislators here, I would like to point out that, a couple of years ago, when we handled this bill, I had sent a questionnaire to my constituents and in it was a question which essentially asked them if they would prefer that legislators have four-year terms, three-year terms or a two-year term and 76 percent of the constituents that answered my questionnaire were in favor of the four-year term, 14 percent in favor of the three-year term, and 5 percent for the two-year term and about 5 percent were undecided. So I think the people are really ready for the question and it is a question that has been around for a long time.

I would also like to point out to you that this really is not a radical step. Five other states already give both the Senate and the House and the Governor a four-year term.

With respect to money, you never really know until after the fact, I suppose, how it is going to turn out but it would seem to me that if we had four years in which to raise money for campaigns, that that would liberate us somewhat from some of the big money collectors whoever they may be and from the PACS. You can only do so much in a legislative district and I, for one, would much prefer to raise my own money among my own constituents then have to depend on PACS and others for it. It would seem to me, though I can't prove it, if we ran only every four years that there would be some savings to the state there.

I think the biggest obstacle that we have to overcome here is the fact that it is the idea of our having a four-year term as something new. There was a time when that same idea for the Governor was new back in 1957 and there were some real heated debates around that issue and some of the arguments brought against his or her running for a four-year term are not unlike some of the arguments we would bring here today against the legislators running for a four-year term. Once it is done, if the people decide to do that, we will adjust very quickly and legislators running for four-year terms will be taken as a matter of course, just as is the Governor's four-year term today. We think of it as something quite natural. So, I hope that you will vote for this "Ought to Pass" Report and put this question out to the people.

The SPEAKER: The Chair recognizes the

Representative from Howland, Representative Hichborn.

Representative HICHBORN: Mr. Speaker, Ladies and Gentlemen of the House: As a senior member of this body who will never be around long enough to be affected by whatever action you take on this, I can speak without any political bias and I would certainly vote in support of the four-year term for several reasons. I am sure that our constituents would be very happy, indeed, if we came knocking at their door asking for votes and for money for our campaigns once in four years rather than every two years. Perhaps the six months that we spend in campaigning every two years now could be better spent trying to serve our constituents needs.

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

Representative DONNELLY: Mr. Speaker, Ladies and Gentlemen of the House: I have heard a few things today that I take exception to. I do not believe running every four years will make us more responsive to our constituents. I think running every two years lets our constituents decide on a more regular basis what kind of job we are doing.

I also disagree with the idea that we will be saving money as a state. We now still have to elect our U.S. Representatives every two years; thus, we have to still hold an election every two years.

I think if we run for a four-year term, we are encouraging more of a professional legislature. If that is the direction you wish to take, I would encourage you to vote along with this Minority Report. If you would like to keep a citizens legislature like we have now, I think a two-year term is more conducive to that.

I would like to pose a question through the Chair.

In this bill, the move behind this is to make us co-equal with the Governor's office — would the sponsor also like our terms limited to two consecutive terms like the Governor's office?

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

The Chair recognizes the Representative from Easton, Representative Mahany.

Representative MAHANY: Mr. Speaker, Ladies and Gentlemen of the House: In response to the Representative from Presque Isle's question, I would merely say that one of my objectives is putting state government back into its original balance. If I am not mistaken, the Governor's term has always been limited. There is a reason for that and that is in the nature of the Executive Branch where the power is concentrated in one person and there is no party check and balance there, there is no opposition, and there are not two branches of the Executive Branch, two chambers, whereas in the legislature, we have all kinds of checks and balances. First of all, we have 151 members of this House here and, each and every one of us check and balance the other to a certain extent because we are all kind of independent and we all have pretty good sized egos or we wouldn't be here.

Moreover, there are two chambers and we all know that there is a healthy kind of competition here between the House and the other body and we review what the other one has done and act as a kind of filter as well as a balance within the legislature. In each one of those two chambers, there is a

Majority Party and a Minority Party, which effectively functions as opposition. There is a leader of the Majority Party and a leader of the Minority Party so the nature of the legislature is much different and that is why the legislative office has never been limited to two terms or whatever. That sets it apart from the Executive Branch where the power is concentrated in one person and where power is concentrated in one person, there is obviously a much greater temptation and possibility of abuse of power and that is why the Governor's term is limited or he is limited to two terms or she is, one day I am sure we will have a woman Governor, so the difference there is in the nature of the two branches. It is inherent in the nature of the two branches and the founding fathers knew that and they knew all too well that a powerful Executive would be inclined to abuse its powers and wanted to set some limits there.

Moreover, since I am the person who has been asked, and I hate to refer to my European experience but I did spend quite a bit of my life there and it did have an impact on me, and one of the things that I noticed was that, when members of the American government went over there to confer with members of the German government, that usually the Germans have more experience and that is when I first became aware of how important experience is. Even though this is the State of Maine, we do need experienced people around, people who have been here longer than 8 years. That experience is very valuable and there is sufficient turnover, historically every two years, or every time there is an election, it is not a vast turnover, but we know that we are getting new blood in here all the time.

I would even say that the Executive Branch is a more impersonal kind of branch of government and it is statewide. The Governor does not have access to the people of the state on the same level that I have access to the people in District 144. Everybody in District 144 knows me, most of them personally, they can drive up to my dooryard any day or give me a call on the telephone, which is toll free, and that creates quite a different situation in terms of how well my people know me. They can judge first-hand whether or not I am keeping in contact with them so I guess my answer to Representative Donnelly's question is this — no, I would not be in favor of that for the reasons I have given and because of the great value that I put on experience, I would rather see the Governor, if it actually came down to it, have more than just two terms if he can get re-elected than I would for our terms to be limited.

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

Representative MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: I intend to vote against this for two reasons. The first reason is, that once you get elected here, after the first year you may not want to come back for two more years. I think another good reason is that, once you get elected and you are here for four years, maybe the people don't want you to come back for three more years. I don't see any problem with the system the way it is right now.

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

Representative BELL: Mr. Speaker, Ladies and Gentlemen of the House: As we all know, Congress is

elected every two years and I feel that the House should follow suit with Congress. If the Congressional people from Washington can hustle and make it around for constituent contacts every two years, where we are right in our own districts, I see no reason why we can't do the same.

We have many people out there who would impose limits on House members — what better way is there to impose limits than to run every two years and, if you are not doing your job, you may not be here so I still think that is the fairest way. If they think you are doing your job, you may be here for longer than Representative Donnelly's figure of 8, you might be here 10, 15 or 20 like other people but generally, if you are not doing your job, you won't get back. So I think every two years is the fairest way.

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

Representative NORTON: Mr. Speaker, Ladies and Gentlemen of the House: What we are deciding here tonight is what the people of the State of Maine might think of this issue, not what we might think. I am going to give them that voice because I go around every two years and they say, "Are you running again?" Sometimes I don't know how to take that. I take it in a jovial manner and I think they mean it that way and what they are doing is expressing a shock that two years has gone by. I will tell you another thing, I think the biggest mistake in this Republic is having the House of Representatives in Washington running every two years. I think that is long overdue for a change and I don't here in the State of Maine, we should emulate it nor encourage it in any way.

I would like to hear the people in the State of Maine speak on this issue and I think that is the issue before us — do we want them to speak and let them decide and I believe you can't get closer to democracy than that.

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

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

The SPEAKER: The pending question before the House is the motion of the Representative from Waterville, Representative Joseph, that the House accept the Minority "Ought to Pass" as Amended Report.

The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

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

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

Representative MAYO: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with Representative O'Dea of Orono. If he were present and voting, he would be voting nay; I would be voting yea.

The SPEAKER: The pending question before the House is the motion of the Representative from Waterville, Representative Joseph, that the House accept the Minority "Ought to Pass" as Amended

Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 39

YEA - Anderson, Ault, Boutilier, Carroll, D.; Carroll, J.; Cashman, Cathcart, Clark, H.; Clark, M.; Constantine, Cote, DiPietro, Duplessis, Dutremble, L.; Erwin, Farnum, Farren, Gean, Goodridge, Gould, R. A.; Graham, Gray, Greenlaw, Gurney, Hale, Handy, Heino, Hichborn, Holt, Hussey, Joseph, Ketover, Ketterer, Kontos, Larrivee, Lord, Luther, Mahany, Manning, Marsh, Martin, H.; McHenry, Melendy, Michaud, Morrison, Murphy, Nadeau, Nash, Norton, Nutting, O'Gara, Paradis, J.; Paul, Plourde, Pouliot, Powers, Rand, Reed, W.; Rotondi, Ruhlin, Rydell, Saint Onge, Salisbury, Sheltra, Simonds, Spear, Stevens, A.; Stevens, P.; Strout, Treat, Vigue, Wentworth.

NAY - Adams, Aikman, Aliberti, Anthony, Bailey, H.; Bailey, R.; Barth, Bell, Bennett, Bowers, Butland, Cahill, M.; Carleton, Chonko, Coles, Crowley, Daggett, Donnelly, Dore, Duffy, Farnsworth, Foss, Garland, Hanley, Hastings, Heeschen, Hepburn, Hichens, Jacques, Jalbert, Kerr, Kutasi, Lawrence, Lebowitz, Libby, Lipman, Look, MacBride, Macomber, Marsano, Merrill, Mitchell, E.; Mitchell, J.; Oliver, Ott, Parent, Pendexter, Pfeiffer, Pineau, Poulin, Reed, G.; Richards, Richardson, Ricker, Savage, Simpson, Small, Stevenson, Swazey, Tamaro, Tardy, Tracy, Tupper, Waterman, Whitcomb, The Speaker.

ABSENT - Heglund, Kilkelly, LaPointe, McKeen, Paradis, P.; Pendleton, Pines, Skoglund, Townsend.

PAIRED - Gwadosky, Lemke, Mayo, O'Dea.
Yes, 72; No, 66; Absent, 9; Paired, 4; Excused, 0.

72 having voted in the affirmative and 66 in the negative with 9 being absent and 4 having paired, the Minority "Ought to Pass" as Amended Report was accepted, the Resolution read once.

Committee Amendment "A" (H-89) was read by the Clerk and adopted and the Resolution assigned for second reading Wednesday, April 24, 1991.

The SPEAKER: To the Committee on Labor, as a result of the resignation of the Representative from Mexico, Representative Luther, the Chair appoints the Representative from Greene, Representative St. Onge. To the vacancy created by the Representative from Greene, Representative St. Onge and her resignation on State and Local Government Committee, the Chair appoints the Representative from Wiscasset, Representative Kilkelly, effective immediately.

On motion of Representative Duffy of Bangor,
Adjourned at 7:40 p.m. until Wednesday, April 24,
1991, at five o'clock in the afternoon.