

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
46th Legislative Day
Tuesday, May 7, 1991

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

Prayer by Reverend Calvin O. Dame, All Souls Unitarian Universalist Church, Augusta.

The Journal of, Monday, May 6, 1991, was read and approved.

SENATE PAPERS

The following Joint Order: (S.P. 681)

ORDERED, the House of Representatives concurring, that the Joint Standing Committee on Aging, Retirement and Veterans report out proposed legislation concerning the Maine State Retirement System including legislation regarding the age of retirement, the penalty for early retirement and the retirement health insurance benefit.

Came from the Senate, read and passed.

Was read and passed in concurrence.

Bill "An Act Concerning Insurance Coverage for the Diagnosis and Treatment of the Disease of Infertility" (S.P. 678) (L.D. 1800)

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

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

Bill "An Act to Clarify the Termination of Intensive Supervision" (S.P. 679) (L.D. 1801)

Came from the Senate, referred to the **Joint Select Committee on Corrections** and Ordered Printed.

(The Committee on Reference of Bills had suggested reference to the Committee on **Judiciary**.)

Was referred to the **Joint Select Committee on Corrections** in concurrence.

Bill "An Act Regarding Reimbursement for Out-of-District Special Education Placements" (S.P. 671) (L.D. 1785)

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

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

Resolve, to Extend the Reporting Deadline of the Commission on Maine Lakes (EMERGENCY) (S.P. 675) (L.D. 1789)

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 Eliminate Sunday Allocations on the Penobscot River" (S.P. 676) (L.D. 1790)

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

Was referred to the Committee on **Fisheries and Wildlife** in concurrence.

Bill "An Act to Improve the Execution and Administration of Arrest Warrants and Implement the Recommendations of the Warrants Subcommittee of the Commission to Implement the Computerization of Criminal History Record Information" (S.P. 672) (L.D. 1786)

Bill "An Act to Clarify Implied or Legal Malice for the Purpose of Awarding Punitive Damages" (S.P. 677) (L.D. 1791)

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 to Adopt a New Article for the Uniform Commercial Code" (S.P. 680) (L.D. 1802)

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

(The Committee on Reference of Bills had suggested reference to the Committee on **Banking and Insurance**.)

Was referred to the Committee on **Banking and Insurance** in non-concurrence and sent up for concurrence.

Bill "An Act to Authorize Operation of a 6-axle Single Unit Truck and a Combination Vehicle with a 53-foot Semitrailer Resulting from the Experimental Vehicle Program" (S.P. 674) (L.D. 1788)

Resolve, to Extend the Schedule for Recodification of the Motor Vehicle Laws (EMERGENCY) (S.P. 673) (L.D. 1787)

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

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

Unanimous Ought Not To Pass

Report of the Committee on **Aging, Retirement and Veterans** reporting **"Ought Not to Pass"** on Bill "An Act to Increase the Flexibility of Survivor Benefit Laws" (S.P. 35) (L.D. 51)

Report of the Committee on **Human Resources** reporting **"Ought Not to Pass"** on Bill "An Act to Continue the Demonstration Project Serving Victims of Alzheimer's Disease in the State" (S.P. 438) (L.D. 1182)

Report of the Committee on **Human Resources** reporting **"Ought Not to Pass"** on Bill "An Act to Reward and Encourage Foster Parent Training and Skilled Family Foster Care" (S.P. 592) (L.D. 1564)

Report of the Committee on **Judiciary** reporting **"Ought Not to Pass"** on Bill "An Act to Facilitate and Consolidate Certain District Court Cases" (S.P. 455) (L.D. 1231)

Report of the Committee on **Judiciary** reporting **"Ought Not to Pass"** on Bill "An Act Regarding Notice of Claim" (S.P. 552) (L.D. 1456)

Report of the Committee on **Legal Affairs** reporting **"Ought Not to Pass"** on Bill "An Act to Allow Ballot Clerks Access to Ballots Up to 2 Hours before the Polls Open" (S.P. 402) (L.D. 1078)

Report of the Committee on **Legal Affairs** reporting **"Ought Not to Pass"** on Bill "An Act to Improve the Efficiency of Voter Registration" (S.P. 408) (L.D. 1084)

Report of the Committee on **Legal Affairs** reporting **"Ought Not to Pass"** on Bill "An Act to Provide Affordable Housing in the State" (S.P. 418) (L.D. 1130)

Report of the Committee on **Legal Affairs** reporting **"Ought Not to Pass"** on Bill "An Act to Eliminate Municipal Responsibility for Issuing Concealed Weapon Permits" (S.P. 504) (L.D. 1342)

Report of the Committee on **Utilities** reporting **"Ought Not to Pass"** on Bill "An Act to Create a Limited Right of Entry" (S.P. 383) (L.D. 1060)

Report of the Committee on **Banking and Insurance** reporting **"Ought Not to Pass"** on Bill "An Act to Amend the Insurance Law Relating to the Type of Coverage Provided by Insurance Carriers" (S.P. 228) (L.D. 582)

Report of the Committee on **Banking and Insurance** reporting **"Ought Not to Pass"** on Bill "An Act to Amend the Workers' Compensation Insurance Laws to Encourage Safety in the Workplace" (S.P. 539) (L.D. 1437)

Report of the Committee on **Banking and Insurance** reporting **"Ought Not to Pass"** on Bill

"An Act to Require Health Insurance to Honor Patient Assignment Requests" (S.P. 573) (L.D. 1527)

Report of the Committee on **Banking and Insurance** reporting **"Ought Not to Pass"** on Bill "An Act to Regulate Uninsured and Underinsured Motor Vehicle Liability Insurance" (S.P. 580) (L.D. 1533)

Report of the Committee on **Business Legislation** reporting **"Ought Not to Pass"** on Bill "An Act to Strengthen the Laws Relating to Junkyard Cleanups" (S.P. 477) (L.D. 1279)

Report of the Committee on **Judiciary** reporting **"Ought Not to Pass"** on Bill "An Act to Clarify the Laws on Manslaughter in the Workplace" (S.P. 416) (L.D. 1128)

Report of the Committee on **Judiciary** reporting **"Ought Not to Pass"** on Bill "An Act to Reestablish Capital Punishment in the State" (S.P. 462) (L.D. 1238)

Report of the Committee on **Legal Affairs** reporting **"Ought Not to Pass"** on Bill "An Act to Amend the Liquor Laws Pertaining to the Retail Sale of Wine" (S.P. 353) (L.D. 955)

Report of the Committee on **Legal Affairs** reporting **"Ought Not to Pass"** on Bill "An Act to Allow Service of Civil Process by any Licensed Private Investigator or Bonded Security Agency" (S.P. 434) (L.D. 1155)

Report of the Committee on **Legal Affairs** reporting **"Ought Not to Pass"** on Resolve, to Allow Martin L. Bruno to Bring Suit Against the City of Lewiston and Its Employees (S.P. 461) (L.D. 1237)

Report of the Committee on **Legal Affairs** reporting **"Ought Not to Pass"** on Resolve, Authorizing Harvey and Rachel Desgrosseilliers to Sue the City of Auburn (S.P. 479) (L.D. 1281)

Report of the Committee on **Marine Resources** reporting **"Ought Not to Pass"** on Bill "An Act to Create a Lobster and Shellfish Advisory Commission" (S.P. 496) (L.D. 1334)

Report of the Committee on **State and Local Government** reporting **"Ought Not to Pass"** on Bill "An Act to Ensure Access to Land Located on Discontinued Roads" (S.P. 209) (L.D. 536)

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 **Human Resources** reporting **"Leave to Withdraw"** on Bill "An Act to Protect Client Advocacy Services in the ASPIRE Program" (EMERGENCY) (S.P. 484) (L.D. 1286)

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

Refer to the Committee on Marine Resources

Report of the Committee on **Business Legislation** on Bill "An Act to Amend the Laws Regarding the Labeling of Seafood" (S.P. 583) (L.D. 1536) reporting that it be referred to the Committee on **Marine Resources**.

Came from the Senate with the report read and accepted and the bill referred to the Committee on **Marine Resources**.

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

Refer to the Committee on Banking and Insurance

Report of the Committee on **Judiciary** on Bill "An Act Concerning Discrimination under the Maine Human Rights Act and the Workers' Compensation Act" (S.P. 525) (L.D. 1403) reporting that it be referred to the Committee on **Banking and Insurance**.

Came from the Senate with the report read and accepted and the bill referred to the Committee on **Banking and Insurance**.

Report was read and accepted and the bill referred to the Committee on **Banking and Insurance** in concurrence.

COMMUNICATIONS

The following Communication:

WORKERS' COMPENSATION COMMISSION
STATE HOUSE STATION 27
AUGUSTA, MAINE 04333

April 30, 1991

Honorable John L. Martin
Speaker, House of Representatives
State House Station #2
Augusta, Maine 04333

RE: Quarterly Report for the First Quarter of
Calendar 1991 39 M.R.S.A. Section 92(3).

Dear Speaker Martin:

This letter and statistical attachments are the first quarterly report of Commissioner case load and progress mandated by 39 M.R.S.A. Section 92(3).

The Commission received 3,982 petitions in the first quarter of 1991 and disposed of 3,885 by decision or dismissal. The backlog of pending petitions grew from 10,026 to 10,123. Although total backlog increased, Commissioners reduced the number of petitions undecided for more than two years to 178, an all time low. By way of comparison, total

backlog at the end of 1986 was 7,499 with 492 petitions pending more than two years. Each litigated case involves an average of 1.4 petitions.

Although the Commission is making progress at reducing delay at the formal hearing level, current budget restraints may have a severe effect on our other responsibilities. The agency is facing a loss of roughly 30% of its staff. Under current targets, the Office of Employment Rehabilitation, the Abuse Investigation Unit, and the unit inputting benefit payment information face suspension of operations. Computer system development will be curtailed. Assistance to injured workers before informal conferences will be further reduced.

There have been no formal complaints or filings concerning the 30 day decision rule of 39 M.R.S.A. Section 99-B as implemented by Commission Rule 22.11. Informal complaints about the timeliness of decisions following the close of evidence have increased.

A summary of case load and dispositions is presented in the attached tables. I would be happy to discuss this report further if you wish.

Sincerely,

S/Ralph L. Tucker
Chairman

Was read and with accompanying report ordered placed on file.

The following Communication:

DEPARTMENT OF LABOR
BUREAU OF LABOR STANDARDS
STATE HOUSE STATION #45
AUGUSTA, MAINE 04333-0045

May 3, 1991

The Honorable John L. Martin
Speaker of the House
State House Station #2
Augusta, ME 04333

Dear Speaker Martin:

I am pleased to submit the second annual report on substance abuse testing in Maine, in accordance with 26 M.R.S.A. Section 690.

The report covers the calendar year 1990 which was the first full year under the law.

This report was prepared by the Department of Labor, with the assistance of Philip Haines, Ph.D., Director, Public Health Laboratory, Department of Human Services and Thomas Hughes, Employee Assistance Program Coordinator, Office of Substance Abuse. The cooperative efforts of both Dr. Haines, Mr. Hughes, and William Peabody, Deputy Director, Bureau of Labor Standards, goes a long way in explaining the progress to-date in the successful implementation of the law.

If you have any questions or comments about this report, please do not hesitate to contact me at 289-6400.

Sincerely,

S/James H. McGowan
Director

Was read and with accompanying report ordered placed on file.

**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:

Aging, Retirement and Veterans

Bill "An Act to Authorize Employees of a Participating Local District to Participate in a Qualified Alternative Pension Plan" (H.P. 1248) (L.D. 1815) (Presented by Representative MANNING of Portland) (Cosponsored by Representative JALBERT of Lisbon and Representative HANDY of Lewiston)

Ordered Printed.
Sent up for Concurrence.

Banking and Insurance

Bill "An Act Relating to Tax Refund Anticipation Loan Disclosures" (H.P. 1246) (L.D. 1813) (Presented by Representative MITCHELL of Vassalboro) (Cosponsored by Senator KANY of Kennebec) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.
Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act to Allow Municipalities to Request Extensions under the Growth Management Laws" (EMERGENCY) (H.P. 1249) (L.D. 1816) (Presented by Representative MARSH of West Gardiner) (Cosponsored by Senator TITCOMB of Cumberland, Representative LORD of Waterboro and Representative MICHAUD of East Millinocket)

Bill "An Act to Create the Maine Local Land Trust Board" (H.P. 1250) (L.D. 1817) (Presented by Representative ADAMS of Portland) (Cosponsored by Senator McCORMICK of Kennebec, Representative MARSH of West Gardiner and Speaker MARTIN of Eagle Lake)

Ordered Printed.
Sent up for Concurrence.

Judiciary

Bill "An Act to Amend the Provisions Regarding Post-judgment Interest" (H.P. 1247) (L.D. 1814) (Presented by Representative FARNSWORTH of Hallowell) (Cosponsored by Representative MITCHELL of Vassalboro and Representative MARSANO of Belfast) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.
Sent up for Concurrence.

Taxation

Bill "An Act to Create a Sales Tax Trust Fund for Maine's Future" (EMERGENCY) (H.P. 1251) (L.D. 1818) (Presented by Representative RICHARDS of Hampden) (Cosponsored by Senator GAUVREAU of Androscoggin)

Ordered Printed.
Sent up for Concurrence.

SPECIAL SENTIMENT CALENDAR

In accordance with House Rule 56 and Joint Rule 34, the following item:

In Memory of:

Phyllis J. Roberts, of Buxton, a woman well known as a caring and dedicated citizen who took an active role in civic, historical and religious affairs of the state, county and community and who has provided sound leadership. Mrs. Roberts represented the former Maine House District 118 from 1980 to 1984; (HLS 314) by Representative WATERMAN of Buxton. (Cosponsors: Senator ESTY of Cumberland, Senator TITCOMB of Cumberland)

On motion of Representative Waterman of Buxton, was removed from Special Sentiment Calendar.

Was read and adopted and sent up for concurrence.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative PARADIS from the Committee on **Judiciary** on Bill "An Act to Amend the Adoption Laws to Permit an Unmarried Person or Persons to Adopt Children" (H.P. 684) (L.D. 983) reporting "**Ought Not to Pass**"

Representative PINEAU from the Committee on **Labor** on Bill "An Act to Require the Maine Job Training System Service Providers to Make Teen Parents a Priority" (H.P. 955) (L.D. 1382) reporting "**Ought Not to Pass**"

Representative RUHLIN from the Committee on **Labor** on Bill "An Act to Ensure the Equitable

Payment of Costs Associated with Unemployment Compensation during a Strike" (H.P. 209) (L.D. 300) reporting **"Ought Not to Pass"**

Representative PARADIS from the Committee on Judiciary on Bill "An Act to Allow Disclosure of Litigation Information in Cases That Settle" (H.P. 985) (L.D. 1430) reporting **"Ought Not to Pass"**

Representative OLIVER from the Joint Select Committee on Corrections on Bill "An Act to Establish a Shock Incarceration Program" (H.P. 1185) (L.D. 1728) reporting **"Ought Not to Pass"**

Representative HANDY from the Committee on Aging, Retirement and Veterans on Bill "An Act to Equalize Health Benefits for State Retirees Eligible for Medicare" (H.P. 659) (L.D. 938) reporting **"Ought Not to Pass"**

Representative FARREN from the Committee on Marine Resources on Bill "An Act Concerning Mooring Assignments" (H.P. 779) (L.D. 1111) 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 MANNING from the Committee on Human Resources on Resolve, to Provide for the Study of Fraud and Overcompensation Involving Recipients of Aid to Families with Dependent Children and Food Stamps Assistance (EMERGENCY) (H.P. 1146) (L.D. 1671) reporting **"Leave to Withdraw"**

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

Refer to the Committee on Banking and Insurance

Representative PARADIS from the Committee on Judiciary on Bill "An Act to Amend the Maine Human Rights Act to Make Effective Provisions against Employment Discrimination" (H.P. 720) (L.D. 1024) reporting that it be referred to the Committee on Banking and Insurance.

Report was read and accepted and the bill referred to the Committee on Banking and Insurance and sent up for concurrence.

Divided Report

Majority Report of the Committee on Transportation reporting **"Ought Not to Pass"** on Bill "An Act to Fund the Replacement of a Passenger Ferry of the Casco Bay Island Transit District" (H.P. 295) (L.D. 416)

Signed:

Senators: MILLS of Oxford
GOULD of Waldo
THERIAULT of Aroostook

Representatives: SMALL of Bath
RICKER of Lewiston
BAILEY of Farmington
MARTIN of Van Buren
STROUT of Corinth
MACOMBER of South Portland
HUSSEY of Milo
BOUTILIER of Lewiston
TAMMARO of Baileyville

Minority Report of the same Committee reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-209) on same Bill.

Signed:

Representative: HALE of Sanford

Reports were read.

On motion of Representative Macomber of South Portland, the House accepted the Majority "Ought Not to Pass" Report. Sent up for concurrence.

Divided Report

Majority Report of the Committee on Legal Affairs reporting **"Ought Not to Pass"** on Bill "An Act Related to Theft of Services for Rental Property" (H.P. 520) (L.D. 748)

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
HICHENS of Eliot
BOWERS of Sherman

Minority Report of the same Committee reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-212) on same Bill.

Signed:

Representative: JALBERT of Lisbon

Reports were read.

On motion of Representative Daggett of Augusta, the House accepted the Majority "Ought Not to Pass" Report. Sent up for concurrence.

Divided Report

Majority Report of the Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-224) on Bill "An Act to Amend the Maine Human Rights Act Regarding Pregnancy" (H.P. 486) (L.D. 680)

Signed:

Senators: GAUVREAU of Androscoggin
BERUBE of Androscoggin

Representatives: CATHCART of Orono
RICHARDS of Hampden
FARNSWORTH of Hallowell
ANTHONY of South Portland
PARADIS of Augusta
STEVENS of Bangor
COTE of Auburn
KETTERER of Madison

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

Signed:

Senator: HOLLOWAY of Lincoln

Representatives: HANLEY of Paris
OTT of York

Reports were read.

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

Representative PARADIS: Mr. Speaker, Men and Women of the House: I move that the House accept the Majority "Ought to Pass" Report.

I am going to be very brief but I would like to share with my colleagues that this bill received the enthusiastic support of the Maine Women's Lobby, the Christian Civic League of Maine, the Family Planning Association of Maine and the Maine Human Rights Commission. It was testified to at the hearing and certified at the work session that it is far cheaper for businesses to retain trained employees. That is what this bill is all about.

When a woman is pregnant, there might be that temptation to fire her because she can no longer do the work load that they are accustomed to getting from her due to her pregnancy. Since pregnancy is a fact of life — in fact it is one of the essences of life if we think about it for a moment — the Women's Legal Defense Fund did a survey some months ago and certified that it was three times more expensive to train another employee than it was to keep the present employee who might be pregnant.

We know that some of these jobs entail waitressing or other laborious jobs that include standing and physical exertion. But, if that pregnant woman wants to continue work, I don't think it is right to fire that pregnant woman.

The Federal Equal Opportunity Act says that all businesses of 15 or more employees must have a policy of not firing pregnant women.

This bill that we have before us makes all employees come under the same category.

I do not like to make a distinction that somebody who has 14 employees can fire a pregnant woman and

someone who has 16 cannot fire a pregnant woman. I ask you seriously to consider this. There are some groups that might have reservations about this type of legislation but I would say to you that it is more the case than not that in households of two parents oftentimes the woman has to work, not because she wants to, but because the family needs the income especially with another child on the way. To discriminate and to force that woman out of employment is probably one of the cruelest things that we can do. We have to face that issue as we go into the last decade of the 20th Century. Certainly in the next century, most women will have to work in order to support their family.

Not to consider this bill is probably one of the worst travesties of justice we can do, so I ask my colleagues to please support the overwhelming majority of the Judiciary Committee which voted "Ought to Pass."

The SPEAKER: The Chair recognizes the Representative from Paris, Representative Hanley.

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

To any member signing on to the Majority Report, are there any other New England States that have taken the Equal Employment Opportunity Commission beyond what we currently have to make it so that any employer with less than 15 employees has to create special dispensation for a woman that has been disabled due to her pregnancy? Are there any other New England States that have gone to this extent that we are asking to go here today?

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

The Chair recognizes the Representative from Paris Representative Hanley.

Representative HANLEY: Mr. Speaker, Men and Women of the House: The answer to that question is no. Maine would be going into uncharted waters here this afternoon. I think it is important that we realize exactly what we are doing. Yes this bill, as initially introduced, could have been a lot more harmful and dangerous to the business environment that we currently have. The committee (it is a very good committee that we have in Judiciary) worked on the bill and we got the bill to a point where we brought the state guidelines up to the federal guidelines for those large employers, those who employ 15 or more employees. Where the committee went wrong and where we took a diversion path was that the majority of the committee decided that we should ask the small employers, those with less than 15 employees, to shoulder an even stronger burden than they are currently shouldering.

It is important to realize that this bill would prohibit a small employer from terminating a female employee who takes pregnancy disability leave. I think it is also important for members of this House to realize that 88 percent of businesses in Maine are small businesses, those with less than 20 employees.

I think we have to put into perspective exactly what we are going to be doing here this afternoon, what we have been doing to, not only the large businessman, but the small businessman.

I feel it incumbent upon me to make sure that the House knows exactly what is going on with this legislation. Any small business, those businesses with less than 15 employees would have to — if a pregnant woman is ready to return to work, the

employer must reinstate her to the former job or one that has equal or better wages and responsibility. Any temporary replacement worker hired to fill in for this disabled employee would then be terminated. The smaller the business the greater the actual impact of losing an employee for an extended period of time, several weeks or months, finding a replacement and then reinstating the employee and terminating the replacement.

The proposed business necessity exemption is not defined in Maine Human Rights Law and is not well defined in Case Law. With respect to small employers and mandatory pregnancy disability leave, the term has never, never been defined in Maine. The fact that it has never been defined in Maine means that this will be a cause for a number of lawsuits, a number of legal expenses that will be incurred by the small employers. If you think the small employers have it tough now, just bring a case to the Human Rights Commission and have them have to hire legal counsel and define what business necessity is because it currently is not defined.

It is virtually impossible to know the practical effects of this exemption. It will probably mean the small employers will have to engage in expensive litigation.

Most employers provide pregnancy disability leave to female employees to the extent possible. This legislation, however, would take away the small employer's ability to make a reasonable accommodations that balances the needs of the business to survive and the needs of the pregnant employee. The small employer would be rendered virtually powerless, short of asserting business necessity, and having to hire a lawyer to fight the issue before the Human Rights Commission and in the courts.

Make no mistake men and women of the House, the action that you would take in accepting the Majority Report would be extensive on the impact it would have on the small businesses in our state. Please do not be lulled into a false sense of security that, no, this won't have an impact because, yes, it will. For those of you who have had businesses move out of your district, take jobs out of your district, keep that in mind when you vote.

I hope you would not support the Majority Report so you could go on to accept the "Ought Not to Pass" Report.

Mr. Speaker, I request a roll call.

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

Representative JACQUES: Mr. Speaker, I would like to pose a question through the Chair to anyone who cares.

Last Fall, I received a call from a young lady who had worked previously at one of the so-called high-classed restaurants in the city of Waterville that had just changed ownership. When they changed ownership, they told her to go out and buy her new uniforms because they were going to make this place even a higher-class restaurant. When she came back after the four or five week time period that they were changing hands with her new uniforms, the person that was in charge of the waitresses noticed that the lady was obviously pregnant or in the stage of pregnancy where it was noticeable and then informed her that they no longer needed her services because she was not, and I quote "was not very attractive to

look at, and probably would turn some of the customers off." She then went to see if she could get some redress in this whole thing and was told to go to the Human Rights Commission, which she did and was told there was nothing they could do to protect her in that situation. Her lawyer then advised her that she couldn't go any further civilly since she had no real finding on the basis of the Human Rights Commission and she basically was at a dead end unless she had a lot of money and really wanted to pursue it.

If we pass this bill, will this ensure that no high-class restaurant can do that to some lady like this ever again? I would pose that question to anybody who is familiar with it who cares.

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

The Chair recognizes the Representative from Hampden, Representative Richards.

Representative RICHARDS: Mr. Speaker, Ladies and Gentlemen of the House: My understanding of that question is that this bill would not address that problem. If I heard the facts correctly, this was an individual that either had prior employment and then came back to get a job and in the interim changed hands and made it a higher-classed restaurant. If that individual had been discharged as a result of her pregnancy, she would have currently a cause of action.

What this bill does is it addresses what is a fact of life in the 1990's, our eyes are opening to the fact that women are taking a greater part of the work force and women get pregnant. As a result of any disability because of that pregnancy, specifically a disability as a result of that pregnancy, that employer could not discharge that employee because of that disability. That is what the bill does.

The bill also has a clause for the employer which has the word of art "business necessity." Business necessity, common sense meaning would be is that a small business person who has an employee that is disabled and can no longer work as a result of the pregnancy would have to let that employee go because obviously the business is going to go down the tubes and, of course, they can't afford to pay two people, they are a marginal business and that would be business necessity.

I respectfully disagree with my colleague on Judiciary, Representative Hanley, and we have talked about this issue over and over again. We talked about it in Judiciary. I heard the words being used, uncharted waters, extensive litigation, almost portraying it to be a nightmare if we are going to pass this piece of legislation.

As I recall, the testimony at the hearing — Jack Dexter, representing the chamber, indicated that this is really not going to be a significant impact but it is opening the door to other things and made reference to the law changes dealing with handicaps. I don't think he meant a strong correlation but in analogy meant that by handicaps certainly that has expanded to other things in laws that we have passed to respect those rights. I think he would acknowledge the fact that we are going to see this bill more than once and perhaps you ought to ask the people that have some facts dealing with these, Jack Dexter on one side of the chamber and other people representing the other groups that are for this bill as to how many cases per year would this really mean

in the courts? I think you will find, if you look at the facts, very few.

The reason why I signed on the Majority Report is, if you regulate business, which I basically do not like and have not voted for in the last three years, is the fact that if you put this on a list, this should be at the top because it reflects nothing more than reality. Women are a part of the work force and they should be protected just as a man should be protected in his job but we don't get pregnant, they do.

I see this as a family bill. I see it as savoring our notions of family tradition that we have grown up with and we seem to be losing day-by-day as our society crumbles from a number of things wrong in our society. I think what this does is correct something that should have been recognized long ago.

I would urge this House to accept the Majority Report.

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

Representative ANTHONY: Mr. Speaker, Men and Women of the House: I rise to also answer the good Representative from Waterville, Representative Jacques.

Passage of this bill might not guarantee the solution to the problem that he poses but it is that sort of situation that we heard stories about in our committee. It is that sort of situation that we are attempting to address in this bill. This bill is designed to make it so if a woman gets pregnant while working, she can continue to work. It is a pro-family bill and it deserves the support of all of us.

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

Representative KETOVER: Mr. Speaker, Ladies and Gentlemen of the House: I am sponsoring this piece of legislation. It came from the Human Rights Commission.

To answer Representative Paul Jacques, have you ever seen a pregnant waitress? I don't think that you probably have seen very many of them. There are very few. Many women do not get to work as a waitress because obviously they are not pleasant to look at or maybe it could be dangerous to their health to be lifting a heavy tray. They certainly can't wear those so-called sexy skirts they would like them to wear, it wouldn't look too good.

At the hearing, I heard Jasper Wyman say that women ought to have an abortion. I never thought I would be on the same side as Jasper Wyman but women ought to have an abortion before they lose their jobs because they need to maintain a job today to keep their families going. There are many single women working today who are doing jobs that they would like to think could be dangerous to their health. I don't believe that they should be discriminated against.

I would just like to tell you that I am reading here from the law. It was mentioned earlier that pregnancy discrimination might cause some complications in the present analysis. The reason lies in the little wording of the amendment stating "that women affected by pregnancy, childbirth or related medical conditions shall be treated the same for all employment related purposes including receipt of benefits under fringe benefit programs as other persons not so affected by this similar of their ability or inability to work."

Because the Human Rights Commission feel that they have had many women who have come forward, I am not saying hundreds but I am saying not one person because she is pregnant, should be discriminated against. I would hope that you would please endorse the majority of the Judiciary Committee.

The SPEAKER: The Chair recognizes the Representative from Hallowell, Representative Farnsworth.

Representative FARNSWORTH: Mr. Speaker, Men and Women of the House: What I would like to do is take a minute to just go over for people what this bill does because the bill has a very narrow purpose and it is not, I believe, anywhere near as broad as the question posed by Representative Jacques.

My own opinion about that situation is that there may well have been something in existing law to deal with that and it may have had to do with how it was presented to the Human Rights Commission when they said there was no remedy.

In any case, this bill applies to a small group of people. It applies to women who are pregnant, who are employed and who are disabled because of the pregnancy, and with an employer who has no disability policy sufficient to cover the leave needed for that particular woman. In other words, they may have no disability policy or they may have a disability policy which has already been used up. I am not sure but I think it is a fairly limited number of people who are women, who are pregnant, who are working, who are disabled and who are out of leave at a given employer's place of work. For that reason, I don't believe there is a significant impact on the employers in this state.

The second point is that what employers are asked to do here does not involve them paying any benefits, does not involve them establishing any new programs or any new insurance or anything else. It simply says they are to hold that job for the person and the person is entitled to work when the person is able to work.

The analogy was made to the committee to what we ask employers to do in times of war when we ask employers to hold jobs for people who are in the Armed Services and I thought it was rather compelling myself that — is it so much more to ask employers to hold a job for a disabled pregnant woman? It really has to do with our policy as a state about motherhood and the people that would be most adversely affected by the failure to pass this bill would be women who are pregnant and who are disabled due to that pregnancy and who will lose their jobs. Many of those women already have children and so it is children and families and the child waiting to be born that will be affected by our failure to pass this bill. I don't believe it places a major burden on employers. I do believe it is a positive thing to do in the interest of families and motherhood and all the other things that we believe in in this country and particularly in this legislature.

I would urge you to vote for this bill and accept the Majority "Ought to Pass" Report.

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 Paradis of Augusta that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 51

YEA - Adams, Aliberti, Anderson, Anthony, Ault, Bailey, R.; Barth, Bell, Bennett, Boutilier, Bowers, Butland, Cahill, M.; Carleton, Carroll, D.; Carroll, J.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Donnelly, Dore, Duffy, Duplessis, Dutremble, L.; Erwin, Farnsworth, Farnum, Farren, Foss, Garland, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gurney, Gwadosky, Hale, Handy, Heeschen, Heino, Hepburn, Hichborn, Hichens, Hogle, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kontos, Kutasi, LaPointe, Larrivee, Lawrence, Lemke, Libby, Look, Luther, MacBride, Macomber, Mahany, Manning, Marsh, Mayo, McHenry, McKeen, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Nash, Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Parent, Paul, Pendexter, Pendleton, Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Powers, Rand, Reed, G.; Richards, Richardson, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Savage, Sheltra, Simonds, Simpson, Skoglund, Small, Spear, Stevens, A.; Stevens, P.; Strout, Swazey, Tammaro, Tardy, Townsend, Tracy, Treat, Tupper, Vigue, Waterman, Wentworth, Whitcomb, The Speaker.

NAY - Aikman, Bailey, H.; Greenlaw, Hanley, Lebowitz, Marsano, Merrill, Ott, Pines, Reed, W.; Salisbury, Stevenson.

ABSENT - Hastings, Holt, Lipman, Lord, Martin, H..
Yes, 134; No, 12; Absent, 5; Paired, 0;
Excused, 0.

134 having voted in the affirmative and 12 in the negative with 5 being absent, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (H-224) was read by the Clerk and adopted and the Bill assigned for second reading Wednesday, May 8, 1991.

Divided Report

Tabled and Assigned

Majority Report of the Committee on Business Legislation reporting "Ought Not to Pass" on Bill "An Act to Amend the Laws Regarding Sunday Sales" (H.P. 1079) (L.D. 1573)

Signed:

Senators: RICH of Cumberland
BALDACCI of Penobscot

Representatives: SHELTRA of Biddeford
LIBBY of Kennebunk
BAILEY of Township 27
VIGUE of Winslow
GRAHAM of Houlton
STEVENS of Sabattus

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

Signed:

Senator: MATTHEWS of Kennebec

Representatives: KUTASI of Bridgton
REED of Dexter
CONSTANTINE of Bar Harbor
GURNEY of Portland

Reports were read.

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

Representative GURNEY: Mr Speaker, I move that the House accept the Minority "Ought to Pass" Report and further move that it be tabled one legislative day.

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

Representative SHELTRA: Mr. Speaker, Men and Women of the House: I would move against this motion and insist that we vote on it today.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative Gurney of Portland that L.D. 1573 be tabled one legislative day. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

52 having voted in the affirmative and 85 in the negative, the motion to table did not prevail.

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

Representative GURNEY: Mr. Speaker, Men and Women of the House: I hope you will support the Minority "Ought to Pass" Report.

This bill would not close the stores that are allowed to be open on Sunday but it would require them to be open only between the hours of noon and 5:00 p.m..

The referendum that was passed in 1990 passed by less than 4 percent and the small retail grocers are being hit hard. There are currently some 2,100 retail grocers in the State of Maine. It is interesting that our neighboring state of New Hampshire which has no Sunday sales restrictions has less than 1,300. This tells you the affect Sunday sales has on the independent grocers. Independent grocers are feeling the economic effects by Sunday openings by large supermarkets. Convenience stores have experienced a minimum of a 20 percent loss in their Sunday sales. Superette-type stores that are supermarkets underneath the 5,000 square foot mark are experiencing a loss of 40 percent.

One should bear in mind that Sunday was the first or second largest sales day for these stores prior to the Sunday openings. We are already beginning to see some of the independent grocers close their stores and we expect, as time goes on, this will be happening at a greater rate. We have no quarrel with the referendum vote. However, we believe the vote was to shop on Sunday and remain confident that it was not meant to put the small stores out of business.

In closing, I would ask you to speak to your small grocers in your districts, ask them if they have been affected, I am sure you will find they have.

The SPEAKER: The Chair recognizes the Representative from Houlton, Representative Graham.

Representative GRAHAM: Mr. Speaker, Men and Women of the House: Those of you who were present in the last legislature know that I opposed the Sunday opening of large stores. Since those stores have been opened, my wife now works every other weekend on Sunday so we have less time to spend together. My brother's small convenience store has been negatively affected in a small way — it is not going to put him out of business by this opening of the large stores. I even cosponsored one of the bills to limit stores to twelve to five and that is what the Minority "Ought to Pass" Report is all about, limiting the large stores to twelve to five on Sunday.

The reason that I am on the "Ought Not to Pass" Report is very simple, the people at referendum said, open the stores. I don't think it is for any of us to second-guess them on this issue. If people think it is a good idea to limit the hours on Sunday they may be open, I feel that should go to referendum as well. That is how I have come to this position. Even with all these negative effects on me personally and in my life, I just don't feel it is right for us to go against what the people said in November.

The SPEAKER: The Chair recognizes the Representative from Bridgton, Representative Kutasi.

Representative KUTASI: Mr. Speaker, Ladies and Gentlemen of the House: I just want to say what Representative Graham said, the effects of Sunday sales have had a lot of affect on the small stores and superette's that are under 5,000 square feet.

About the fact of how many sales that they lost, I asked when we had the public hearing, to Hannaford Brothers, how many people had they added on because of Sunday sales? They haven't added anybody on because of Sunday sales, all they have done is stretch their part-time people out, rescheduled a few people, and that is it. The superette's and small convenience stores have testified in front of our committee and said they have laid people off because of the losses they have had on Sunday sales. No doubt in my mind that the economy has had some effect on them also but we have had some job losses there.

When the referendum vote was taken, for five years between Thanksgiving and Christmas, our stores were open from twelve to five with over 5,000 square feet. I feel that when people were voting on that referendum felt that stores on Sunday were going to be open from twelve to five. The only stores that this is going to affect is your grocery stores. Your mall stores and the large retail stores are open from twelve to five now so it wouldn't even affect them. But your approximately 80 grocery stores in this state would be affected by this change. This would be a compromise, I feel. It would help out the small convenience stores and it would also help out the superette's that are 5,000 square feet.

For 30 years, we had a Blue Law, strategically these stores were put into places to take effect of that Blue Law. Now we are telling them, no more Blue Law, go fend for yourselves. These people are very small business people. Usually that one store sometimes supports two and three generations of families that are not on the welfare roll or unemployment roll because they lost their job. The store is supporting these families.

I feel the Mom and Pop store in this state is a dying breed. You go to New Hampshire, they only have 500 stores in the whole state of New Hampshire, yet alone they have approximately the same amount of population that we have in this state. We have 2,000

stores in this state. A lot of it probably has to do with Sunday sales. A lot of these stores have their own personalities. You all come from small communities, you know that these Mom and Pop stores all have some unique niche in your community. I support these Mom and Pop stores because of that unique niche. We have four or five in my town, one makes great pizza's the other one makes great sandwiches, the other one has great fried chicken. Sunday sales — I have talked to all of them and Sunday sales has hurt them all. This is a compromise, they don't want to close the stores down on Sundays, the people have voted, they have won by a small percentage, so let's make a compromise here and vote to support the pending motion.

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

Representative SHELTRA: Mr. Speaker, Ladies and Gentlemen of the House: Here we go again — Sunday sales. I thought the issue was dead. I can remember being on a legislative committee where we repeatedly voted against Sunday sales. However, the principal reason at that time was what affect it would have on our labor force — would the owners of these stores mandate that the people work on Sundays and would they be fired from their jobs? This was the issue.

This issue has been in front of you now for less than four months approximately and we have had no repercussions insofar as the labor force is concerned.

I have talked to many, many people concerning this issue and everyone is for Sunday sales. Take the Catholics for instance, a lot of them go to Church on Saturday now, Sunday morning is a great day for them to go shopping to the supermarkets, they enjoy this, they enjoy the time. The stores are only closed (by law) on Thanksgiving, Christmas and Easter.

Talk about your small businesses — of course, the small businesses are hurting. I am a real estate broker, I am dying because I am a small business. It is the recession that is causing this surge downward, you know it and I know it. Businesses are failing all over the state, all over the country. Don't try to blame it on the larger stores being open.

Your hardware stores are open, your lumberyards are open today on Sundays. Does this mean they would have to close? Why should we discriminate and allow one business to open and the others all be closed? It isn't fair.

I think the people have spoken, the will of the people has been expressed and we should uphold their judgment. Please vote against this bill.

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

Representative DIPIETRO: Mr. Speaker, Ladies and Gentlemen of the House: Maybe I shouldn't stand up on my feet and speak today but, after all, it is my livelihood so I felt it only fair that, if I would like to come back to Augusta next year, I should speak on my other job.

I guess the Representative from Biddeford said it isn't fair and he is right, it isn't a fair bill. I feel it is not fair. I have been in business for 20 years and for 20 years I had the opportunity of working Sundays and trying to make a dollar. Now, I still have the same people, I still have the same overhead, but my volume has dropped tremendously. I don't know — maybe I have got to take a good look at my personnel, maybe it is my people but I looked at my personnel and I said, it is amazing that in the

past we did x-dollars and now we are doing fewer dollars. So, it is definitely the supermarkets that have hurt us, there is no question.

The people are going to be able to shop at the supermarkets, we are not saying that they should close them. All we are saying is, let's go back to what used to be during the holiday season. They were open from twelve to five and that is what we are looking for, so I can't agree with my good friend from Biddeford. I think that this bill is unfair and I think that we should go back to the way it was, give the little people a break.

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

Representative LIBBY: Mr. Speaker, Ladies and Gentlemen of the House: This body has had several opportunities to create and vote on Sunday Sales laws and at each opportunity, we voted to wash our hands of the Sunday sales. In 1990, a number of our neighbors collected thousands upon thousands of signatures of Maine citizens who wanted to put Sunday sales out for public referendum. For months prior to election day, every radio and tv station and every newspaper in Maine was flooded with arguments for and against Sunday sales. Citizens-for-Choice on Sunday led one attack, Save Our Sundays led the other. Both sides spent thousands of dollars campaigning. No matter which side of the issue people were on, no one can say that they didn't understand what they were voting on. It is important for us to remember that as we consider how to vote today the vigorous Sunday sales campaign that took place prior to the Election Day 1990, it was in no way a stealth campaign issue.

In the wake of the vigorous campaign, the people of this state voted for Sunday sales. We should remember as we prepare to vote today that analysis credit our record breaking election day vote turnout to the Sunday sales issue. Please remember, as you prepare to vote, that the Sunday sale referendum was voted on by a record number of fully informed voters. I suggest that the right thing to do in amending this law would be to send it out to referendum. If there is to be an amendment to the Sunday sales law, let it be by the people who fought to include the issue on the 1990 ballot and who fought to educate our citizens about this issue.

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

Representative MCHENRY: Mr. Speaker, I wish to pose a question to Representative Libby.

Representative Libby stated that the people of Maine were well educated as to the effect of opening on Sunday. If so, what was it that the people thought when opening stores on Sunday — would the employee be required to work on Sunday? That is the question. When the people voted, did they believe that people would be required to work on Sunday?

The SPEAKER: Representative McHenry of Madawaska has posed a question through the Chair to Representative Libby of Kennebunk who may respond if he so desires.

The Chair recognizes that Representative.

Representative LIBBY: Mr. Speaker, Ladies and Gentlemen of the House: The question that was posed to the people did not include that. It was understood that they would be protected during the Sunday area but it did not state so.

Representative Sheltra of Biddeford requested a roll call vote.

The SPEAKER: A roll call has been requested.

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

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

The SPEAKER: The pending question before the House is the motion of Representative Gurney of Portland that the House accept the Minority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 52

YEA - Adams, Aikman, Aliberti, Anderson, Ault, Boutilier, Butland, Carroll, D.; Carroll, J.; Cashman, Clark, H.; Constantine, Cote, Daggett, DiPietro, Donnelly, Duffy, Duplessis, Dutremble, L.; Farnsworth, Farnum, Farren, Gean, Goodridge, Gurney, Gwadosky, Handy, Heino, Hichens, Joseph, Kerr, Ketterer, Kutasi, Lebowitz, Lemke, Look, Luther, MacBride, Macomber, Mahany, Manning, Marsano, Mayo, McHenry, McKeen, Melendy, Merrill, Mitchell, E.; Murphy, Nadeau, Nash, Norton, Nutting, O'Dea, Oliver, Paradis, J.; Pendexter, Pendleton, Pfeiffer, Pineau, Pines, Plourde, Poulin, Pouliot, Powers, Rand, Reed, W.; Richardson, Ricker, Saint Onge, Salisbury, Savage, Simonds, Simpson, Skoglund, Small, Spear, Stevens, P.; Strout, Tamaro, Tardy, Tracy, Treat, Tupper, Waterman, Wentworth, Whitcomb.

NAY - Anthony, Bailey, H.; Bailey, R.; Barth, Bell, Bennett, Bowers, Cahill, M.; Carleton, Cathcart, Chonko, Clark, M.; Coles, Crowley, Dore, Erwin, Foss, Garland, Gould, R. A.; Graham, Gray, Greenlaw, Hale, Hanley, Hastings, Heesch, Hepburn, Hichborn, Hogle, Hussey, Jacques, Jalbert, Ketover, Kilkelly, Kontos, LaPointe, Larrivee, Lawrence, Libby, Lipman, Lord, Marsh, Martin, H.; Michaud, Mitchell, J.; Morrison, O'Gara, Ott, Paradis, P.; Parent, Paul, Reed, G.; Richards, Rotondi, Ruhlin, Rydell, Sheltra, Stevens, A.; Stevenson, Swazey, Townsend, Vigue.

ABSENT - Holt, The Speaker.

Yes, 87; No, 62; Absent, 2; Paired, 0; Excused, 0.

87 having voted in the affirmative and 62 in the negative with 2 being absent, the Minority "Ought to Pass" Report was accepted, the Bill read once and assigned for second reading Wednesday, May 8, 1991.

Divided Report

Tabled and Assigned

Majority Report of the Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-228) on Bill "An Act to Share Proportionately the Public Safety Costs for the Capitol Area" (H.P. 411) (L.D. 594)

Signed:

Senators: BUSTIN of Kennebec
EMERSON of Penobscot

Representatives: NASH of Camden

LARRIVEE of Gorham
HEESCHEN of Wilton
GRAY of Sedgwick
JOSEPH of Waterville
KERR of Old Orchard Beach

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

Signed:

Senator: BERUBE of Androscoggin

Representatives: LOOK of Jonesboro
ST. ONGE of Greene
SAVAGE of Union
WATERMAN of Buxton

Reports were read.

Representative Joseph of Waterville moved that
the House accept the Majority "Ought to Pass" Report.

On motion of the same Representative, tabled
pending her motion that the House accept the Majority
"Ought to Pass" Report and specially assigned for
Wednesday, May 8, 1991.

Divided Report

Majority Report of the Committee on Banking and
Insurance reporting "Ought to Pass" as amended by
Committee Amendment "A" (H-240) on Bill "An Act to
Require Proof of Insurance in Order to Register an
Automobile" (H.P. 16) (L.D. 19)

Signed:

Senators: KANY of Kennebec
THERIAULT of Aroostook
BRAWN of Knox

Representatives: MITCHELL of Vassalboro
TRACY of Rome
KETOVER of Portland
HASTINGS of Fryeburg
PINEAU of Jay
JOSEPH of Waterville

Minority Report of the same Committee reporting
"Ought to Pass" as amended by Committee Amendment
"B" (H-241) on same Bill.

Signed:

Representatives: ERWIN of Rumford
RAND of Portland
CARLETON of Wells
GARLAND of Bangor

Reports were read.

Representative Mitchell of Vassalboro moved that
the House accept the Majority "Ought to Pass" Report.

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

Representative GARLAND: Mr. Speaker, Men and
Women of the House: I believe that everyone on the
Banking and Insurance Committee wants the drivers of

Maine to be responsible. The difference arises in
how to accomplish the goal of minimizing the number
of uninsured drivers on Maine's roads. This bill
moves us from a mandatory state to a compulsory state
which will not eliminate the uninsured driver.

The registration for one's car is good for an
entire year but one can purchase a three month policy
or drop coverage at any time. My gut feeling with
this compulsory insurance is that there will be less
reason for the insurance company to make their
product attractively priced. The premiums will go up
and the uninsured will still be on the road.

The SPEAKER: The Chair recognizes the
Representative from Vassalboro, Representative
Mitchell.

Representative MITCHELL: Mr. Speaker, Men and
Women of the House: This is a very simple choice of
a bill. This state has mandated that we have
automobile insurance when we drive a car. Currently,
the only way to find out about that is if you have
had an accident of if you are stopped for a traffic
infraction. Then, of course, if you don't have the
insurance, you are told to get some and you pay a
small penalty.

The bill before you says that in order to
register your car you show the same small card at the
time of registration rather than waiting for an
accident to happen.

I am so puzzled by the opposition to the bill —
we can't have it both ways. If it is the law, it is
the law. Many of you may have had constituents who
have been hit by uninsured motorists whose own
policies were not adequate to cover them. Driving a
car is also a financial responsibility. The Report
that I am suggesting that you support, the Majority
Report, says that you must show your proof of
insurance, not a special new paper but the same card
you must show if you are stopped for a traffic
infraction. That same little card, you must show
that at the time of registration so that there is
more opportunity to make sure that people are driving
with proper insurance.

Both bills remove the sunset because when we
adopted this mandatory insurance there was a sunset
on it. Everybody on the committee thought we should
keep some sort of mandatory insurance.

I would encourage your support for the Majority
"Ought to Pass" Report.

The SPEAKER: The Chair recognizes the
Representative from Rumford, Representative Erwin.

Representative ERWIN: Mr. Speaker, Ladies and
Gentlemen of the House: I am opposed to this bill
this time, just as I was when we heard a similar bill
two years ago. It wasn't to show proof of insurance
at the time of registration, it was for moving
violations and such. However, the people out there
think that we have a mandatory insurance and we
really don't. They can show that card that they
receive from the insurance company for a three month
auto insurance policy and then they can drop their
insurance but they have got their registration for
one full year. We will still have uninsured
motorists on the highways and it won't change. There
are people who can't afford the insurance and they
will drive without it. They will even drive without
the registration renewed.

The SPEAKER: The Chair recognizes the
Representative from Rome, Representative Tracy.

Representative TRACY: Mr. Speaker, Ladies and
Gentlemen of the House: This is my L.D. which I

introduced in the Banking and Insurance Committee. Over the past two terms serving on the committee, I adamantly opposed any proof of insurance.

I had a constituent, Karen Cutler, that lives in Belgrade, call me up and she had had a severe accident down in the Saco area. I explained to her the same thing that Representative Erwin from Rumford just spoke on. The more I thought of it, the more I came around to say that it is time that we have evidence of insurance when we register our automobiles. It is a very simple process. If you own a credit card, it is just a matter of going into the Bureau of Registration and showing them that card and that will verify that you have evidence of insurance. It is a very simple, non-complex issue.

Furthermore, it would be less paperwork on the Maine State Police or the local municipal police officers who stop you. They will simply look at the registration and see when you registered that automobile that you have shown evidence of insurance instead of having to write out a citation to bring you to court. Before you go to court, if you show the proof of insurance, then the case would be dropped. It is very simple.

We debated the issue at length in the committee and I asked to have the simplest form of evidence of insurance and this is it. I hope you give us your support.

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Erwin.

Representative ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question.

If a person does show proof of insurance and gets the registration and then drops their insurance, will that insurance company notify the Secretary of State that that person is now driving uninsured?

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

The Chair recognizes the Representative from Vassalboro, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, Men and Women of the House: This legislation does not require that. The same thing that happens if you are stopped for an infraction and the officer says you must get insurance and you are fined and you go out and get it, you can drop it three months later there too. That is not the issue.

Let me bring you back to the issue. This body, in its wisdom, decided that mandatory insurance was important to protect the people on the highways. We made that decision. The only question this bill raises is when you show proof that you did comply with the law. That is what the Majority Report does, it says you must have that proof at the time of the registration of your vehicle.

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Carleton.

Representative CARLETON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to explain the reason why I am opposed to the Majority Report. To me, the issue is how heavy a hammer the state is going to use against the citizens to enforce the requirement for mandatory insurance. About 90 percent of our citizens now comply with the requirement.

If this bill passes, we heard some testimony in our committee that the percentage of people who will carry the mandatory insurance might rise by two or

three percent. We also heard a lot of testimony in our committee that a lot of those who do not now carry insurance (part of the ten percent) frequently do not carry this insurance because they cannot afford it. For them, the choice is between sometimes paying for food and paying the insurance bill.

Those who do want to protect themselves against uninsured motorists can obtain uninsured motorist coverage. To me, the question that this bill presents is, how heavy a hammer are we going to throw against those people who either permanently or from time to time cannot afford that insurance? To me, it's too high a price to pay to gain two or three percentage points on compliance.

The SPEAKER: The Chair recognizes the Representative from Rumford, Representative Erwin.

Representative ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: I want to thank the good House Chair for responding to my question. I do believe that if we truly want mandatory insurance we should have them (the insurance agents or carriers) inform the Secretary of State when insurance is dropped, then it will truly be mandatory.

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

Representative STROUT: Mr. Speaker, I would like to pose a question to the Chairperson of the Committee. If I heard her correctly, what she stated was that they will only have to show the proof of insurance if they have had a traffic violation or if they have been stopped by a police officer. I hope that I am not hearing her say that before they can register a vehicle that they have got to show their little insurance card. If that is true, (and she is shaking her head that it is) I would ask you — in these economic times that you not put any more burden on those municipal agents.

Mr. Speaker, I would move that this bill and all accompanying papers be indefinitely postponed.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Nadeau.

Representative NADEAU: Mr. Speaker, Men and Women of the House: You have heard from the previous speakers the issue of cost and some people might not be able to afford it. I say that is just another smoke screen. The issue is not cost, one iota. I think it is crucial to remember that driving is a privilege. Personally, I happen to feel very strong about that because I don't have that privilege. Driving is a privilege, if you can't conduct yourself safely for yourself and for others, then you probably shouldn't be on the road. If you can't abide by the rules which I think we should enforce, then again, you should pay the consequences.

I would definitely urge you to oppose the pending motion so that we may go back to the previous motion which was made by Representative Mitchell of Vassalboro and get on with this bill.

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

Representative MARSANO: Mr. Speaker, Men and Women of the House: I want to suggest to my learned colleague from Corinth that it would be an error for us to support his motion. I hope he will forgive me when I vote against it.

There are, as you will know, two parts to this bill and this amendment. The entire committee is in favor of the sunset provision being stricken. The motion to indefinitely postpone would do the state a disservice, I think, so we ought to get back to (as

the Representative from Saco said) the main question about which of the two reports should be the choice of the House.

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

Representative HASTINGS: Mr. Speaker, Men and Women of the House: This did start out as a rather simple bill in the committee. The question really did boil down to whether or not, as long as the state had already determined that insurance was a prerequisite to drive on the road or else you were committing a violation of the criminal laws of this state, that you should have to prove at some point that you had the insurance. Right now, until this bill came to Banking and Insurance, the proof was simply if you happened to be stopped by a police officer they asked you if you had insurance. If you had it, fine. If you did not have it, then you could be subject to a fine up to \$200.

This was one window and they were finding about 90 percent compliance. Most people do carry insurance. We have said everybody shall carry insurance. We said that a long time ago.

This bill simply allows, by its Majority Report, a second window, an opportunity to check that the people carry insurance. There were people out there before that were running around getting insurance for two or three months and canceling it, we were told. This gives another opportunity or window to check to see if that individual does have insurance. If you want to have mandatory insurance, there are ways to do it.

The good Representative from Rumford suggests that we have the insurance company notify. We were told that we could do that but that does cost money. We were told it would affect the rates. This should not affect rates, it should not be a cost to the municipality or those agents because all they do is register your car and, in order to do that, you are going to have to show them your receipt of insurance. As long as you have it, they will register your car. If you don't, go home and get it and then come back and register your car.

If you want mandatory insurance, which you have voted for time and again, and I suggest the people of this state by different polls that I have seen, do want it. This is an opportunity to check to make sure that they are in fact carrying the insurance without any subjective or even objective costs to anyone.

I think that the Majority Report is rather simple in that regard. I would oppose the motion to indefinitely postpone this bill and its accompanying papers on the basis of any cost to the municipality, that is simply untrue.

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

Representative STROUT: Mr. Speaker, I wish to withdraw my motion to indefinitely postpone.

The SPEAKER: The Representative from Corinth, Representative Strout, withdraws his motion to indefinitely postpone.

The Chair recognizes the Representative from Portland, Representative Ketover.

Representative KETOVER: Mr. Speaker, Ladies and Gentlemen of the House: I concur with my good colleague on the committee, Representative Hastings. He said it very eloquently why we supported this bill. But to tell you we changed the title, it requires evidence of insurance, not proof of

insurance.

When we heard testimony from Bill Dowling from the Secretary of State's Office, last year there were 2,772 people summoned for failure to show proof of insurance, first offense. There were 242 second offenses, and 38 third offenses. So, we simply decided that the simple way to do this — and by the way, other states are doing it this way too, that you show evidence that you have an insurance card. Yes, my concern and it is still my concern, that people will not keep their insurance but, at that moment, they will have that insurance for three months or four months or whatever they have when they register their car. At least we know they have insured that car by that insurance card.

When we voted last year, and I remember correctly, you people went against the committee, it came out 12 to 1 that we did not want mandatory proof. You turned it around, this body, and went the other way. Now the majority of the committee is saying, this is what we hear the people want in this state, so now let's go one step further and let's have that little insurance card. When you register your car, you bring it in and you can get your registration — simple, clean, and it makes it a lot better. Unfortunately, you are never going to keep everybody insured and we know that. It is never going to be 100 percent but this is a good step. I would hope that you would go along with the majority of the committee.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative Mitchell of Vassalboro that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

75 having voted in the affirmative and 28 in the negative, the Majority "Ought to Pass" Report was accepted, the bill read once.

Committee Amendment "A" (H-240) was read by the Clerk and adopted and the Bill assigned for second reading Wednesday, May 8, 1991.

CONSENT CALENDAR

First Day

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

(H.P. 577) (L.D. 828) Bill "An Act to Clarify the Definition of Public Employer under the Municipal Public Employees Labor Relations Laws" Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-242)

There being no objections, the above item was ordered to appear on the Consent Calendar of Wednesday, May 8, 1991, under the listing of Second Day.

(H.P. 879) (L.D. 1270) Bill "An Act to Establish a Home-Release Monitoring Program for Certain Inmates Sentenced to County Jails" Joint Select Committee on Corrections reporting "Ought to Pass" as amended

by Committee Amendment "A" (H-243)

On motion of Representative Paradis of Augusta, was removed from Consent Calendar, First Day.

Subsequently, the Committee Report was read and adopted, the bill read once.

Committee Amendment "A" (H-243) was read by the Clerk and adopted and the bill assigned for second reading Wednesday, May 8, 1991.

(H.P. 1084) (L.D. 1578) Bill "An Act to Amend the Laws Relating to the Group Life Insurance Program for Members of the Maine State Retirement System" Committee on **Aging, Retirement and Veterans** reporting **"Ought to Pass"**

(H.P. 370) (L.D. 524) Bill "An Act to Prohibit the Charging of Rent in Advance by Landlords" (EMERGENCY) Committee on **Legal Affairs** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-245)

(H.P. 880) (L.D. 1271) Bill "An Act to Prohibit the Breaking of Glass Products in Games of Skill" Committee on **Legal Affairs** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-246)

There being no objections, the above items were ordered to appear on the Consent Calendar of Wednesday, May 8, 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. 543) (L.D. 780) Bill "An Act to Provide Operating Funds for the Casco Bay Island Transit District" (C. "A" H-208)

(H.P. 797) (L.D. 1143) Bill "An Act to Disseminate More Rapidly Information Concerning Missing Children"

(S.P. 374) (L.D. 999) Bill "An Act to Establish the Maine Primary Care Residency Training Assistance Program" (C. "A" S-106)

(S.P. 342) (L.D. 932) Resolve, to Establish the Task Force on Local Public Employee Collective Bargaining (EMERGENCY) (C. "A" S-108)

(H.P. 1035) (L.D. 1508) Bill "An Act to Clarify the Scope of Review Obtainable by the State When the Defendant Has Appealed to the Law Court in a Criminal Case"

(H.P. 973) (L.D. 1414) Bill "An Act to Provide Certain Municipalities with an Exception to the Waste Facility Siting Laws" (C. "A" H-213)

(H.P. 439) (L.D. 622) Bill "An Act Relating to the Use of Material-separated, Refuse-derived Fuel" (EMERGENCY) (C. "A" H-214)

(H.P. 324) (L.D. 454) Bill "An Act to Extend the Eligibility Period for Reimbursement of Municipalities for Landfill Closure" (C. "A" H-215)

(H.P. 398) (L.D. 572) Bill "An Act to Amend the Natural Resources Protection Laws" (EMERGENCY) (C. "A" H-216)

(H.P. 590) (L.D. 841) Bill "An Act to Facilitate Municipal Review of Commercial Hazardous Waste License Applications and the Collection of Municipal Fees Levied on Commercial Hazardous Waste Facilities" (C. "A" H-217)

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.

(H.P. 561) (L.D. 804) Bill "An Act to Improve Energy Efficiency in Buildings" (C. "A" H-218)

On motion of Representative MacBride of Presque Isle, was removed from Consent Calendar, Second day.

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

Representative MACBRIDE: Mr. Speaker, I would like to pose a question through the Chair to anyone who serves on the committee.

I am just looking at the amendment here and I would like some information on what I am voting on before I vote. It concerns water conservation and state facilities and special fixtures that have to be purchased. It also includes energy standards in buildings and I noticed that in the amendment on page 4, it refers to multi-family structures, two dwelling units, and the ASHRAE air quality standards that we have talked about. I thought perhaps someone could explain to me just exactly what this bill does?

On motion of Representative Gwadosky of Fairfield, tabled pending acceptance of the Committee Report and later today assigned.

(H.P. 537) (L.D. 724) Bill "An Act to Require State Review of Chemical Spill Clean-up Plans" (C. "A" H-219)

(H.P. 842) (L.D. 1208) Bill "An Act to Provide that General Assistance Payments be Made in Vouchers and in Greater Compliance with General Assistance Laws" (EMERGENCY) (C. "A" H-220)

(H.P. 384) (L.D. 558) Bill "An Act Concerning Late Support Payments" (C. "A" H-221)

(H.P. 899) (L.D. 1296) Bill "An Act to Clarify Municipal Authority in Regulating Activities on Local Water Bodies Concerning Fishing or Ice Fishing" (C. "A" H-222)

(H.P. 429) (L.D. 612) Bill "An Act to Improve the Collection of Data by the State Bureau of Identification" (C. "A" H-223)

(H.P. 15) (L.D. 18) Bill "An Act Concerning the Franklin County Budget" (C. "A" H-225)

(H.P. 201) (L.D. 292) Bill "An Act to Increase Public Awareness of the Availability of Living Wills" (C. "A" H-226)

(H.P. 898) (L.D. 1295) Bill "An Act to Clarify the Time for Taking an Appeal by the State from the Juvenile Court to the Superior Court" (C. "A" H-227)

(H.P. 775) (L.D. 1107) Bill "An Act to Clarify the Appointment and Dismissal of the Warden of the Maine State Prison"

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

(H.P. 832) (L.D. 1198) Bill "An Act to Clarify the Procedures of Local Boards of Appeal"

On motion of Representative Joseph of Waterville, was removed from Consent Calendar, Second Day.

Subsequently, the Committee Report was read and accepted, the Bill read once and assigned for second reading Wednesday, May 8, 1991.

(H.P. 478) (L.D. 672) Bill "An Act to Restructure Boards of Assessment Review"

No objections having been noted at the end of the Second Legislative Day, the House Paper was Passed to be Engrossed and sent up for concurrence.

(H.P. 95) (L.D. 136) Bill "An Act to Enhance the Filing of Documents in the Registry of Deeds" (C. "A" H-229)

On motion of Representative Joseph of Waterville, was removed from Consent Calendar, Second Day.

Subsequently, the Committee Report was read and accepted, the Bill read once.

Committee Amendment "A" (H-229) was read and adopted and assigned for second reading Wednesday, May 8, 1991.

(H.P. 1007) (L.D. 1475) Bill "An Act to Amend the Mechanic Lien Laws"

No objections having been noted at the end of the Second Legislative Day, House Paper was Passed to be Engrossed and sent up for concurrence.

(H.P. 781) (L.D. 1113) Bill "An Act to Assist the Expansion of Municipal Sewer Systems" (C. "A" H-230)

On motion of Representative Tannaro of Baileyville, was removed from Consent Calendar, Second Day.

Subsequently, the Committee Report was read and accepted, the bill read once.

Committee Amendment "A" (H-230) was read by the Clerk and adopted and the bill assigned for second reading Wednesday, May 8, 1991.

(H.P. 480) (L.D. 674) Bill "An Act to Regulate the Construction of Chimneys and Fireplaces" (C. "A" H-231)

(H.P. 857) (L.D. 1223) Bill "An Act to Permit Maine School Administrative District Number 53 to Apply for State School Construction Aid for a Building to be Operated in Conjunction with Maine Central Institute" (C. "A" H-232)

(H.P. 375) (L.D. 529) Bill "An Act to Amend the Campaign Finance Reporting Laws" (C. "A" H-233)

(H.P. 433) (L.D. 616) Bill "An Act to Establish a Budget Advisory Committee in Oxford County" (C. "A" H-234)

(H.P. 203) (L.D. 294) Bill "An Act to Improve Transportation Energy Efficiency" (C. "A" H-235)

(H.P. 291) (L.D. 412) Bill "An Act to Make the Wild Blueberry the Official State Berry" (C. "A" H-236)

(H.P. 869) (L.D. 1255) Bill "An Act to Prohibit the Sale of Disease Insurance Policies that Provide Only Minimal Protection" (C. "A" H-237)

(H.P. 895) (L.D. 1292) Bill "An Act to Clarify Regulation of Private Label Credit Cards" (C. "A" H-238)

(H.P. 643) (L.D. 917) Bill "An Act to Authorize Recovery of Certain Collection Costs" (C. "A" H-239)

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

PASSED TO BE ENACTED

Emergency Measure

An Act Pertaining to Community Corrections Programs (S.P. 207) (L.D. 534) (C. "A" S-83)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the

members elected to the House being necessary, a total was taken. 123 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

ENACTOR

Emergency Measure

Later Today Assigned

An Act to Require Repair of Septic Systems (H.P. 504) (L.D. 698) (C. "A" H-182)

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

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

PASSED TO BE ENACTED

An Act to Permit Orderly Consideration of Department of Environmental Protection Applications (H.P. 1019) (L.D. 1492)

An Act to Revise Transition Services for Disabled Students (S.P. 79) (L.D. 142) (C. "A" S-85)

An Act Concerning the Judicial Review of Children in Custody of the Department of Human Services (H.P. 614) (L.D. 874) (C. "A" H-174)

An Act Regarding Deer Hunting Apparel Requirements (H.P. 900) (L.D. 1297)

An Act to Protect the Health and Safety of Nuclear Waste Site Workers (H.P. 287) (L.D. 408) (C. "A" H-180)

An Act to Exempt Certain Students from Eligibility for Unemployment Compensation Benefits (S.P. 222) (L.D. 549)

An Act to Ensure More Equitable Hunting Opportunities (H.P. 725) (L.D. 1029) (C. "A" H-172)

An Act to Amend the State Law Library System (H.P. 176) (L.D. 261) (C. "A" H-173)

An Act Regarding Transfer Stations and Recycling Facilities (H.P. 285) (L.D. 406) (C. "A" H-181)

An Act to Create a Duty of Fair Representation under the University of Maine System Labor Relations Act (S.P. 489) (L.D. 1327)

An Act to Amend the Domestic Relations Law (H.P. 194) (L.D. 285) (C. "A" H-171)

An Act Concerning Training and Certification of Code Enforcement Officers (H.P. 595) (L.D. 846) (C. "A" H-183)

Were reported by the Committee on **Engrossed**

Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

ENACTOR

Later Today Assigned

An Act Concerning Consent to Dental Care (H.P. 60) (L.D. 88) (C. "A" H-170)

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

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

PASSED TO BE ENACTED

An Act Concerning the Role of Guardians Ad Litem and Other Children's Advocates (H.P. 226) (L.D. 317) (C. "A" H-169)

An Act to Exempt Certain Activities from the Site Location of Development Laws (S.P. 62) (L.D. 114) (H. "A" H-184 to C. "A" S-64)

An Act to Ban Tree Spiking (S.P. 116) (L.D. 211) (C. "A" S-89)

An Act to Improve Consumer Access to Physical Therapy Services (S.P. 184) (L.D. 493) (C. "A" S-93)

An Act to Require Prompt Payment of Wages Due Upon Discharge for All Employees (S.P. 220) (L.D. 547) (C. "A" S-98)

An Act to Amend the Provisions Regarding Prejudgment Interest (S.P. 230) (L.D. 584)

An Act to Provide for the Recovery of Overpayments by the Maine State Retirement System (S.P. 242) (L.D. 646) (C. "A" S-97)

An Act to Reduce Duplication at the Department of Human Services (S.P. 247) (L.D. 656) (C. "A" S-103)

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

ENACTOR

Later Today Assigned

An Act to Provide an Expedited Process for the Commencement of Paternity Actions (S.P. 310) (L.D. 819) (C. "A" S-87)

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

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be enacted and

later today assigned.

PASSED TO BE ENACTED

An Act to Provide Funds to Dental Clinics (S.P. 333) (L.D. 908) (C. "A" S-91)

An Act to Revise Provisions for a New Birth Certificate after Adoption (S.P. 339) (L.D. 929)

An Act to Provide for the Payment of Late Fees by School Administrative Units and Participating Local Districts That Are Delinquent in Paying Contributions to the Maine State Retirement System (S.P. 361) (L.D. 963) (C. "A" S-102)

An Act to Increase the Probationary Period for Police Officers (S.P. 413) (L.D. 1127) (C. "A" S-99)

An Act to Repeal Certain Redundant Laws Relating to the Bureau of Air Quality Control (S.P. 425) (L.D. 1137) (C. "A" S-94)

An Act Regarding the Relaying of Shellfish (S.P. 439) (L.D. 1183) (C. "A" S-88)

An Act to Reconcile Dates Barring Claims in the Probate Code (S.P. 559) (L.D. 1463)

An Act to Amend the Reduction in Toxics in Packaging Laws (S.P. 572) (L.D. 1526) (S. "A" S-95; S. "B" S-105)

An Act to Amend the Wrongful Death Laws (H.P. 572) (L.D. 823) (H. "A" H-199)

An Act to Increase the Debt Limit of the Kingfield Water District from \$350,000 to \$2,000,000 (H.P. 828) (L.D. 1194)

An Act to Provide an Opportunity for Complainants to be Heard before the Board of Registration in Medicine (H.P. 503) (L.D. 697) (C. "A" H-177)

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

FINALLY PASSED

Resolve, Authorizing the State Tax Assessor to Convey the Interest of the State in Certain Real Estate in the Unorganized Territory (S.P. 367) (L.D. 969) (H. "A" H-198 to C. "A" S-84)

Resolve, to Name the Bridge Spanning the Little Madawaska River in Caribou the "B. Morrell Bridge" (S.P. 380) (L.D. 1057) (C. "A" S-96)

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

ORDERS OF THE DAY

UNFINISHED BUSINESS

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

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

An Act Relating to Violations Involving the Disregard of Red Flashing Lights on School Buses (H.P. 443) (L.D. 633) (S. "A" S-90 to C. "A" H-106) SET ASIDE - May 6, 1991 by Representative GWADOSKY of Fairfield.
PENDING - Passage to be Enacted.

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

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

An Act to Amend and Add to Certain Provisions of Geographic-based Information Services (H.P. 743) (L.D. 1047)
TABLED - April 30, 1991 (Till Later Today) by Representative GWADOSKY of Fairfield.
PENDING - Passage to be Enacted.

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

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

HOUSE DIVIDED REPORT - Majority (11) "Ought to Pass" as amended by Committee Amendment "A" (H-175) - Minority (2) "Ought to Pass" as amended by Committee Amendment "B" (H-176) - Committee on Agriculture on Bill "An Act to Promote Cranberry Cultivation in Maine" (EMERGENCY) (H.P. 69) (L.D. 97) TABLED - April 29, 1991 by Representative TARDY of Palmyra.
PENDING - Motion of same Representative to accept the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-175) Report.

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

Committee Amendment "A" (H-175) was read by the Clerk.

On motion of Representative Tardy of Palmyra, tabled pending adoption of Committee Amendment "A" (H-175) and later today assigned.

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

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 and S. "A" S-58 to C. "A" H-72)
 TABLED - April 29, 1991 by Representative TARDY of Palmyra.
 PENDING - Passage to be Enacted.

On motion of Representative Tardy of Palmyra, under suspension of the rules, the House reconsidered its action whereby L.D. 121 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-72) as amended by House Amendment "C" (H-102) and Senate Amendment "A" (S-58) thereto was adopted.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby House Amendment "C" (H-102) to Committee Amendment "A" (H-72) was adopted.

On further motion of the same Representative, House Amendment "C" (H-102) to Committee Amendment "A" (H-72) was indefinitely postponed.

The same Representative offered House Amendment "F" (H-247) to Committee Amendment "A" (H-72) and moved its adoption.

House Amendment "F" (H-247) to Committee Amendment "A" (H-72) was read by the Clerk and adopted.

Committee Amendment "A" (H-72) as amended by House Amendment "F" (H-247) and Senate Amendment "A" (S-58) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-72) as amended by House Amendment "F" (H-247) and Senate Amendment "A" (S-58) thereto in non-concurrence and sent up for concurrence.

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

Bill "An Act Concerning Ice Fishing" (H.P. 485) (L.D. 679)

- In House, Insisted on its former action whereby the Minority **"Ought Not to Pass"** Report of the Committee on Fisheries and Wildlife was read and accepted and asked for a Committee of Conference on April 29, 1991.

- In Senate, Adhered to its former action whereby the Majority **"Ought to Pass"** as amended Report of the Committee on Fisheries and Wildlife was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-132) in non-concurrence.

TABLED - May 1, 1991 (Till Later Today) by Representative ROTONDI of Athens.
 PENDING - Motion of same Representative to Adhere.

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

Representative Ruhlin: Mr. Speaker, I move that the House reconsider its action whereby it failed to recede and concur.

First of all, I would request a roll call when the vote is taken.

Very briefly, I would like to again mention to all of you this evening that this bill which represents the Majority Report is simply a

conservation measure to protect the trout and salmon of the State of Maine, a natural resource of ours that we are famous for throughout the world. In so doing, we will slow an existing population decline, a decline in the population of these fish that has been going on for over 30 years.

I have talked to many ice fishing people throughout the state, not just in my own area but because I happen to travel throughout a great part of the state, I have talked to people and the overwhelming majority of the fishing people that I have talked to do support a conservation measure.

There are three or four different ways to conserve that species, one would be to shorten the fishing time and one would be to reduce the bag limit. As a practicing ice fishing person, I think that this is probably the least painful of any step that we could do. In so doing, we have added a sunset so if this does not work, if this doesn't do what we want it to do, then in two years we can come back and we may have to take another step or we may find that this step is no longer necessary, but that sunset provision is in there to give this body the opportunity to revisit it in two years.

In talking to many of you in the last week, every now and then someone will say, "Why don't we let the department do it, they have that right, that authority?" Technically that is correct. I can think of no more cumbersome, no more labor intensive and expensive way to make a general law change in the State of Maine. If we were to allow the department to do it, we would be forgetting that 30 years ago, it was this legislature who voted to change a general fishing rule of the State of Maine to reduce the number of traps. They have not been reduced in those 30 years. If it is a general rule of ice fishing that there be a limit reduction, historically it has been this House that has done it and I hold that it is the House that should do it again, rather than through administrative procedures.

When you stop and think about it, if you are going to do it through the administrative procedures, just think now of a law book that presently you can put in your shirt pocket and maybe has 100 exceptions, but if we were to take those 2,000 ponds and make them all the exception, which the department could do, think of how thick that book would be, you have to have a knapsack rather than a pocket to put it in. It has been historically the province of this legislature itself to determine the general rule policy of the State of Maine. I hold that we should continue to do that. I hold that we should continue to do our best to conserve this species that is so important to us, to our quality of life.

At this point, I would like to have the Clerk read the Committee Report.

Subsequently, the Clerk read the Report in its entirety.

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

Representative RUHLIN: Mr. Speaker, Men and Women of the House: You have heard the Majority Report, all I will say to you tonight is a vote to reconsider is a support of conservation in the State of Maine, a support of the duties (as I see them) of this body and also a support of the Majority Report.

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Greenlaw.

Representative GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: I would like to tell you, in

my opinion, this has nothing to do with conservation, this is a case of who is going to catch the fish, the little boys and their little toys or the big boys and their expensive toys? That is the whole issue tonight, it has nothing to do with who is going to kill the fish.

I am going to vote for the little boy and their little ice fishing traps.

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

Representative CLARK: Mr. Speaker, Men and Women of the House: I hope you vote the way you did the last time, it was a 96 to 40 vote. I hope you don't vote to reconsider this evening.

You talk about conservation — if this was a conservation measure, why not leave it up to the department? They have the biologists, the wardens, the knowledge and know-how. Can you imagine going home and telling your people that you voted to limit the ice fishing trap limit from five to two or three? We got a report a while ago that it was two but the bill itself deals with three as I understand it now.

If this is a good conservation measure, leave it up to the people who want to do it. Leave it up to the Department of Fisheries and Wildlife, they have biologists and people who want to do it. If we have a body of water out there that needs study or needs some research and has to have a three trap limit, leave it up to the biologists, don't put every body of water in this state under a three trap limit if we don't need it.

When you drop a line through the water, you can't identify if you are going to catch a trout, salmon, perch, pickerel or whatever it may be. We don't put a tag on that line saying "trout or salmon — we want to catch you." If there is a problem out there, leave it with the department.

I think Representative Rotondi is on a good report. I hope you follow her light and my light as you did before with the 96 to 40 vote. I hope you don't recede and concur.

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

Representative ROTONDI: Mr. Speaker, Men and Women of the House: I hope that you vote against the pending motion of Representative Ruhlin.

It is just not fair to impose a three line limit on people who are ice fishing. I believe, and three out of four of the biologists that commented on the proposed legislation, felt that the best way to regulate ice fishing was through length limits and bag limits and on a pond-by-pond and lake-by-lake basis, like I said last week.

The Department of Inland Fisheries and Wildlife has established a two line limit for ice fishing purposes through their rulemaking process on 34 bodies of water in the State of Maine. In Androscoggin County on Tompson Lake; in Aroostook County on Can Pond and Big Black River; in Cumberland County on Sebago Lake; Hancock County, Alligator Lake, Echo Lake, Hopkins Pond, Titcomb Pond and Craig Pond; in Kennebec County, Parker Pond; in Oxford County, Kimball Pond and Umbagog Lake; Penobscot County, Cold Stream Pond; Piscataquis County, Benson Pond, Greenwood Pond, Houston Pond, Onawa Lake, Shirley Pond, Spider Lake, Allagash Lake, Lobster Lake; Waldo County, St. George Lake, Swan Lake and in York County, Balch Pond, Great East Lake, Horn Pond, Milton Pond, Mousam Lake, Northeast Pond, Townhouse

Pond, Ossipee Lake and Province Lake and Spaulding Pond. There are some ponds and lakes in some counties, upper Somerset County for one and upper Piscataquis County, that there is no ice fishing on at all.

I believe that it is just legislation that we don't need and the Department of Inland Fisheries and Wildlife have been doing their job. I urge you to vote against the pending motion.

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

Representative LUTHER: Mr. Speaker, Ladies and Gentlemen of the House: When I first got here, another legislator told me that this place was like the tomb of Lazarus and nothing ever really dies. This bill, L.D. 679, is more like the Frankenstein Monster and there is always a spark of life left in it.

I, too, have spoken to many ice fishermen in my area and those who fish on lake Umbagog and I cannot find one of them who supports this idea of limiting the fish. The way this will conserve fish is that it will make it not worth going fishing. It won't be worth it to go ice fishing if you can only put out three traps. It is unfair and I hope you will sustain and vote with Representative Rotondi.

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

Representative DUFFY: Mr. Speaker, Ladies and Gentlemen of the House: So far what I have heard about this bill is to let the biologists do it. Is anyone in this room aware that we have as good fishing resources as we had ten years ago, five years ago or 15 years ago? Is there anyone in this room that believes the biologists have protected the resources for fishing?

In hunting, it was this legislature that instituted the doe permit.

The question here is, is this the right thing to do or not the right thing to do? The Sportsman's Alliance of Maine supports this bill as amended, which is simply three traps to conserve the fish that we are putting in there now. We are not trying to set limits on catching legal fish, we are trying to protect the fish that are too small, that are being wasted, that are being thrown back and, in many instances, being stocked only months before they pull them back out of the lakes.

I urge you to support the motion to reconsider.

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 Township 27, Representative Bailey.

Representative BAILEY: Mr. Speaker, Ladies and Gentlemen of the House: I was fortunate to have the opportunity this weekend to check with the sportsmen and the wardens in my area and none of the sportsmen that I checked with feel that lowering the limit of traps is going to conserve salmon. The wardens in the area feel that it would make their job easier but they don't feel it would conserve fish. The sportsmen feel that if you truly want to conserve the

salmon, what you have got to do is keep the fly fishermen out of the streams until after the eggs hatch and that would truly conserve the salmon in the area.

The SPEAKER: The pending question before the House is the motion of Representative Ruhlin of Brewer that the House reconsider its action whereby it failed to recede and concur. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 53

YEA - Aikman, Aliberti, Ault, Bennett, Boutilier, Butland, Cahill, M.; Carleton, Carroll, D.; Carroll, J.; Cathcart, Clark, M.; Coles, Cote, Crowley, DiPietro, Duffy, Dutremble, L.; Erwin, Farnsworth, Farnum, Garland, Gean, Goodridge, Gould, R. A.; Gurney, Hale, Handy, Hastings, Heesch, Hichens, Jacques, Jalbert, Joseph, Kerr, Kilkelly, Kontos, Macomber, Marsh, McKeen, Melendy, Merrill, Michaud, Mitchell, J.; Nadeau, Nutting, O'Dea, Oliver, Paul, Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Reed, W.; Richards, Richardson, Ruhlin, Savage, Sheltra, Simpson, Skoglund, Stevens, P.; Treat, Tupper.

NAY - Adams, Anderson, Anthony, Bailey, H.; Bailey, R.; Barth, Bell, Bowers, Cashman, Chonko, Clark, H.; Constantine, Daggett, Donnelly, Dore, Duplessis, Farren, Foss, Graham, Gray, Greenlaw, Gwadosky, Hanley, Heino, Hepburn, Hichborn, Hoglund, Hussey, Ketterer, Kutasi, LaPointe, Larrivee, Lawrence, Lebowitz, Lemke, Libby, Lipman, Look, Lord, Luther, MacBride, Mahany, Manning, Marsano, Martin, H.; Mayo, McHenry, Mitchell, E.; Murphy, Nash, Norton, O'Gara, Ott, Paradis, J.; Paradis, P.; Parent, Pendexter, Pendleton, Pines, Powers, Rand, Reed, G.; Ricker, Rotondi, Rydell, Saint Onge, Salisbury, Simonds, Small, Spear, Stevens, A.; Stevenson, Strout, Swazey, Tammaro, Tardy, Tracy, Waterman, Wentworth, Whitcomb.

ABSENT - Holt, Ketover, Morrison, Townsend, Vigue, The Speaker.

Yes, 65; No, 80; Absent, 6; Paired, 0; Excused, 0.

65 having voted in the affirmative and 80 in the negative with 6 being absent, the motion did not prevail.

Subsequently, the House voted to adhere.

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

An Act to Improve the Regulatory Operations of the Board of Licensing of Auctioneers (EMERGENCY) (H.P. 440) (L.D. 623) (C. "A" H-146) TABLED - May 1, 1991 (Till Later Today) by Representative GWADOSKY of Fairfield. PENDING - Passage to be Enacted.

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

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

HOUSE DIVIDED REPORT - Majority (12) "Ought to

Pass" as amended by Committee Amendment "A" (H-195) - Minority (1) "Ought Not to Pass" - Committee on State and Local Government on Bill "An Act to Codify the Rules of Maine" (H.P. 1) (L.D. 1) TABLED - May 1, 1991 (Till Later Today) by Representative GWADOSKY of Fairfield. PENDING - Motion of Representative JOSEPH of Waterville to accept the Majority "Ought to Pass" as Amended Report.

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

Committee Amendment "A" (H-195) was read by the Clerk.

Representative Coles of Harpswell offered House Amendment "A" (H-200) to Committee Amendment "A" (H-195) and moved its adoption.

House Amendment "A" (H-200) to Committee Amendment "A" (H-195) was read by the Clerk.

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

Representative JOSEPH: Mr. Speaker, Men and Women of the House: L.D. 1 was a bill to codify the rules of the State of Maine. It is the result of a Commission Report. I urge you to support this amendment.

The original hope of the commission was that eventually there would be an official publication of the rules promulgated by the state agencies and that there would be a clear marking on any other publications that it was not a certified version of the rules. The process of developing a text file upon which an official publication could be based is now several years off.

We have discussed this House Amendment and we agree that the amendment would provide the necessary protection to assure that the public would not be led to believe that publications which have not been certified by the Secretary of State have or imply that they have any kind of an official seal of approval from the state or that they are an official or certified copy of the rules. It is particularly important to avoid this inference in the case of copies of the rules which are disseminated in a loose-leaf format, since it is impossible from looking at the document to tell whether the version has been kept up-to-date.

This House Amendment explicitly states that a publication may neither state nor imply that a publication is an official copy of the rules. We feel that by including the words "state and imply" in the amendment provides adequate protection that such a publication will neither explicitly state nor through the use of symbols imply it is an official copy. We also feel that the inclusion of information on where certified copies can be obtained is a positive addition and will be helpful to the public.

Subsequently, House Amendment "A" (H-200) to Committee Amendment "A" (H-195) was adopted.

Committee Amendment "A" (H-195) as amended by House Amendment "A" (H-200) thereto was adopted and the Bill assigned for second reading, Wednesday, May 8, 1991.

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

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

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

HOUSE DIVIDED REPORT - Majority (10) "Ought to Pass" as amended by Committee Amendment "A" (H-205) - Minority (3) "Ought Not to Pass" - Committee on Energy and Natural Resources on Bill "An Act to Modify the Ban on Plastic Rings and Other Plastic Holding Devices" (EMERGENCY) (H.P. 591) (L.D. 842) TABLED - May 6, 1991 (Till Later Today) by Representative JACQUES of Waterville.
PENDING - Motion of same Representative to accept the Majority "Ought to Pass" as Amended Report.

Subsequently, the Majority "Ought to Pass" as Amended Report was accepted and the bill read once.

Committee Amendment "A" (H-205) was read by the Clerk.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Freeport, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, I move that this bill and accompanying papers be indefinitely postponed.

The SPEAKER PRO TEM: The motion is out of order.

The Chair recognizes the Representative from Freeport, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, a parliamentary inquiry? Why is the motion out of order?

The SPEAKER PRO TEM: The pending question is adoption of Committee Amendment "A."

On motion of Representative Jacques of Waterville, having voted on the prevailing side, the House voted to reconsider its action whereby the House failed to adopt the Majority "Ought to Pass" Report.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Freeport, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, Men and Women of the House: Thank you all for the opportunity to debate this bill.

This is a bill which would repeal a portion of the Solid Waste Law passed in 1989 which prohibits the sale after January 1st of this year of six-pack yokes. Six-pack yokes are the little plastic ring holders that hold six cans of beverages, beer and soft drinks together, that you buy in the supermarket. These devices are not recyclable or at least not practically recyclable, technically they are recyclable. They don't serve a lot of use. There are plenty of options available, you can put your six-packs of beer or whatever soft drinks you have in cardboard. Also, they are very damaging to the environment in that they cause a lot of problems for wildlife. Various sea birds and animals get tangled up in them and usually end up dying. Myself, I have seen some birds on the shore and at the dump in my community (before it was closed) that were tangled up in six-pack yokes. It is a really tragic sort of thing to see.

The Majority Report of the Committee would lift the ban for one year and would allow experimental six-pack yokes to be marketed in the state during the year. The experimental six-pack yoke that is

proposed is called the Easy-Open yoke. the Easy-0. Perhaps you have seen them because they are already marketing them in the state. They have some downstairs at the lunch counter under the stairs. They are the six-pack yokes that have a little nubble at each of the rings and theoretically you are supposed to pull this little nubble and it releases the can, thereby when you have released all the cans, the six-pack yoke doesn't have anything in it to catch up any wildlife. We had a couple of these in the committee at our work session and you can open it that way but it doesn't open very easily. In fact, I think it was Representative Marsh who was sitting next to me and pulled one and pulled the tab off. Since they have had them downstairs at the lunch counter, I have been going in there (I go in there every day once, sometimes twice to get something) and I look in the cooler every day. I look at these yokes and I have yet to find one yoke that was opened the way the manufacturers would have you open them, breaking the rings so that no wildlife would be entrapped in it.

I thought the law that we passed last year was a good law and I don't see any particular reason to repeal it at this time or to do an experiment. There are 50 states in the United States and if a real good alternative is developed, it could be test marketed in another state and if that test market turns out to be a good test, then we could certainly repeal the law at that time. The manufacturer of this product want us to go for another whole year, postpone it so they can experiment. If this easy-open sort of thing is any indication of what kind of experiment we are going to be put to, it is not going to work at all.

I would hope you would vote against the motion to accept the Majority Report and vote for the Minority "Ought Not to Pass" Report.

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

Representative ADAMS: Mr. Speaker, Men and Women of the House: When we were all elected last fall, I am sure you never expected that we would ever be debating plastic widgets, but we are. I ask you a moment to tell you why I, who try to speak very rarely in this hall, choose to speak upon this.

We should remember at first that, like diamonds, plastics are forever. If we are going to have them, I think we should have them at least be useful. Forty-one percent of everything that washed up upon the shores of the State of Maine and was picked up on coastal clean up day in 1989 was plastic. says the State Planning Office. Fourteen percent of everything that goes into municipal landfills in the United States is plastic, says the Council for Solid Waste Solutions, a plastic industry outfit.

They are cheap, they are light, they are everywhere, they are a symbol of our throwaway society. It might surprise you to know that the State of Maine banned plastic six-pack yokes once before. We did it in 1978 when we passed the bottle bill or at least we thought we had. There was a loophole in the law that allowed the industry to continue to produce plastic six-pack yokes, they claimed, as long as they could make them biodegradable.

Well, Maine tried to set biodegradable standards on plastic six-pack yokes which the industry fought. Maine tried to pass some standards, the industry fought that. When Maine finally did pass standards, they resisted them to the last moment. Six different

Maine Legislatures tried to ban a fundamentally useless outfit which the plastic industry fought each and every time. When finally we did adopt standards on this fundamentally useless object, ten other states quickly followed suit in a three year period using our standards for their own, all the way from Oregon to Colorado to Alaska.

When I first arrived here two years ago on my innocent pilgrimage through life, I naively wondered, why on earth hadn't the State of Maine simply banned these foolish widgets rather than go through all this that we had for at least 13 years? And, I put in a law to do away with plastic six-pack yokes, which to my amazing surprise and innocence unanimously passed, it became part of the Maine Solid Waste Law, a landmark piece of legislation for which that legislature and this state will always, I believe, be remembered. I really didn't make the world safe for democracy but I did my bit to make it a world without widgets and I was proud. In 1989, that law was passed.

Plastic makers, beer and wine wholesalers, beer and wine retailers, dealers of all variety have had two years — two full years — to read the law as you and I can and make preparation to meet that deadline which goes into effect July 1st of this year. Two years! Lo and behold, in two years, though everybody else in the State of Maine did so, they alone did not use the time to meet the law, they tried to lift the law at every single opportunity in every session of every legislature since. They have ducked, they diddled, they delayed, they ignored the Maine law and now they show up before our legislature at the last moment and say that it is too late to meet the deadline.

These are massive companies with large wallets, not one of them comes from Maine. I am speaking of Dupont Chemical, Owen-Corning, Illinois Tool Works, all of them out-of-staters and all of them asking that we make an exception in one piece of the massive Solid Waste Law just for them, just for me, just this once, just this time. Not one Maine citizen showed up at the hearing to testify in favor of altering that part of the Maine Solid Waste Law, not one Maine citizen, only plastic makers, plastic sellers, plastic purveyors and their well-heeled hired lobbyists showed up to appeal to this legislature to change the law that had been in place two years which they never liked and weren't about to let happen if they could.

Now, what do Maine people say about this law? I was fortunate in having the good students of the Chewonki Foundation in Wiscasset go out on what turned out to be a rainy day on March 19th of this year and ask people in all the stores that they could find in downtown Wiscasset — restaurants, taverns, hardware stores, bookstores, gift shops, banks and grocery stores — to ask people what they thought about the plastic six-pack yoke coming into existence this July. They asked a simple question and they asked it including supermarket managers who participated in the event that they could remain anonymous. One hundred and sixty-nine people replied in the affirmative. They were for the ban on the fundamentally useless plastic six-pack yoke. Only three people said they were against it.

So what does the bill before us do? Well, it would make Maine the ground for an experiment that would last an entire year allowing what fundamentally boils down to be a single firm to try to devise a new

yoke that will split apart when you pull upon it to review the can and then degrade within "a reasonable period of time." Phrases like that are what legislators like us learn to drive trucks through, members of the House, what is a reasonable period of time? Do these yokes start to decay the day they are made, the day they are sold, the day you throw them away? We don't know, the law does not say.

What are they supposed to do if they decay? Unfortunately, even the manufacturer must admit it requires full bright sunlight, more than appears in this room, only the type of sunlight that would appear upon the front lawn on a bright day in order for the decay process to set in place. If they are behind one width of window pane, it won't work. If they are in the water, it won't work. If they are in the shade under a tree by the side of the road, it won't work, but the yoke will stay whole and they can tangle up wildlife and litter this landscape all the while.

At the moment — I did my own experiment thinking that a year's experiment might be too long and I did want to be able to make some report to the legislature for an excuse for standing up to speak to you today. I went down to the lady who runs the small snack bar below the stairs and takes care of our nutritional needs and asked her if she would save for me ten days worth of plastic six-pack yokes, which are all the new variety, the so-called breakaway type, the premier, the cadillac of the industry at the moment. She saved them for me. I counted them and, as of this morning, there were 179 plastic six-pack yokes of the new cadillac variety that she had collected from us in the last ten days. 179 of them. Now, not one single rack was broken. Not just one rack, I mean not one loop. That is 1,074 loops, 1,074 yanks on 1,074 yokes by probably about six state legislators.

Members of the House, I am sure you have learned more about plastic six-pack yokes than you ever wanted to know. Maine is a small place but when Mainer's make a law, they mean it. We made a law and a good one, two years ago. We meant it for ourselves and we meant it for everybody and made it very plain in the law.

You may not be aware of it but also on the date of July 1, 1991, every single large company in the State of Maine must have a recycling program in operation. Large companies mean those of over 200 employees, every single large company must have a recycling program in operation. We don't hear about that because Mainer's know when Maine makes a law, Mainer's mean it. Mainer's are stepping up to the plate, our own people are trying to meet the provisions of our own law. Only the out-of-staters who make widgets seem to be complaining.

Plastic yokes are not made in Maine, they do not profit Maine, all they do is litter Maine.

Men and women of the House, I think the value, the social value of a plastic six-pack yoke is absolutely zero. I am amazed at the subject in the way it has come back to our attention at all. In my opinion, they are unnecessary, unloved and are unneeded annoyances like death, taxes, killer bees and leisure suits. We can live very well without all of them and live pretty well at that. For that reason, I ask all members of the House to vote "no" upon the motion before us to accept the Majority "Ought to Pass" Report.

The SPEAKER PRO TEM: The Chair recognizes the

Representative from Waterville, Representative Jacques.

Representative JACQUES: Mr. Speaker, Men and Women of the House: I am sorry to say that I won't be anywhere near as amusing but I would like to get back to the subject at hand. A couple of years ago, I asked the men and women of this House to show some courage and vote for a comprehensive Solid Waste Bill that was the first in the nation. Many of you were upset with certain provisions of that but, ultimately, you took that giant step forward and you were indeed courageous.

The key word today is going to be responsible. Just so you won't think that I have lost my mind and sold my soul to the devil, it was I, little old me, that got the ban on plastic six-pack yokes put into the Solid Waste Bill. It was I, and only I, that insisted that I would not support the rest of the bill unless the rest of the committee put that provision in the Solid Waste Bill. I did so, not because of the solid waste problem, but because of a concern dealing with wildlife.

We also told — and you will hear it today — industry, (when we developed the whole package) if you can come up with something better, if you can make improvements in the solid waste field, you come back to this legislature and in the fair, equitable manner that the Maine Legislature does things, we will listen to you. Unfortunately, the plastic six-pack yoke people chose to listen to Severin Beliveau who told them that they could come back here and if they paid him he would get the ban repealed. Again, I, on the committee, insisted and fought to keep the ban in place because repealing the ban was not responsible, it didn't make sense.

This year, Representative Gwadosky presented a bill on behalf of Maine people, and there were Maine people there that testified, they happen to own a Pepsi distributorship or a Coca Cola distributorship and probably you have all gone and seen them when you needed their help for something but these are Maine people who live in Maine, who employ Maine people in their factories. I have a beer distributor that is not in my district, he is in Representative Joseph's district, but this summer when I visited their place to pick up some beer to deliver to the store that is up near my camp because they don't deliver that far, they called me over and said we would like to show you something. Along the wall they had about 15 of what I call mongrel types of beer that are packed in plastic six-pack yokes that they said they were told they would not be able to carry these types of beer if we banned the plastic six-pack yokes and that was a major part of his business, almost 40 percent of his business, and he would have to reduce his work force proportionately. His question to me was, "Are plastic six-pack yokes a solid waste problem or are they an animal welfare problem?" I insisted on it as an animal welfare, ducks, sea gulls and loons getting caught in there.

What Representative Adams didn't tell you is that a whole bag of plastic six-pack yokes is going to take very little room but, if you replace in those nice handy cardboard wraparounds, you are talking about a lot of room, whether it is incinerated or landfill. You are also talking about cutting some trees to replace those and if we are willing to make that trade, I guess that is okay. Most of the people who come into our committee want less trees cuts for stupid purposes and more trees saved for important

purposes.

Back to the story — they came forward and said that we believe we can develop a plastic six-pack yoke that will break when you remove the can. I was invited to have a sandwich with Mr. Beliveau when he presented me with a can of soda for my lunch that had one of these new six-pack yokes on it and proceeded to attempt 15 or 20 times to pull the tab and break it, which he failed to do, but what do you expect from a high paid lawyer? I asked him, "Is this the new state-of-the-art six-pack yoke you are here to sell me on?" He said, "Yes it is but it has a few bugs in it and we have to work those bugs out."

The problem was that the industry (for two years) sat on their hands and did nothing. There is one industry that provides these and you should go back home and talk to your small distributors and see what the problem is. We have a fellow named Fred Bushey who has Fred's Vending in Waterville and has a problem with replacing all those plastic six-pack yokes with cardboard when it comes to the amount of solid waste that is involved. He was very concerned about this whole thing.

Just that you won't feel that we sold our soul, the ban on solid plastic six-pack yokes stays. What we have done is allow them until next March, which is not a year, first to let them try to find a plastic six-pack yoke that breaks when you remove the can. They clearly know that if that doesn't work, then they are history, they are gone, no second chance. But, they have come back and said we believe we can do it. I am just afraid that if we say, "no, we are not going to reconsider, we are not going to give you a chance," we will always be told that we could have been responsible, provided a six-pack yoke that would protect wildlife, that could be recycled and Shaw's and Shop 'n Save are now in the process of recycling these things. Men and women of the House, I don't want any of them thrown out. I don't want any animal or bird being caught in these things. The whole idea is to be responsible, get them back into the waste stream and reuse them over and over again. They tell us they believe they can do that. I think they can, I am willing to let them prove their point.

The whole problem is, if we get rid of them, we are going to be reducing some of the products that can be sold in Maine, and that doesn't bother me much because I don't drink much Pepsi and Coke. The problem is, once you replace that plastic six-pack wrapper with cardboard, you've got another whole problem. It may not seem as nasty as plastics are, it may not get the negative connotation that plastics do, but it is still going to be 50 times the amount of mass that your constituents are going to have to pay in their property taxes, whether it be landfill or burned in the Ashby Landfill. You are going to have bills coming up here that are going to do everything they can to stop landfills in the State of Maine. Men and Women of the House, we have not stopped producing waste. We don't want to burn it, we don't want to landfill it, we are fighting the recycling of it, we cannot eat it, so you tell me what we are going to do with it. We are looking at reducing, reusing and recycling and we have given them until March 1st.

They made a pretty convincing argument when you start looking at the bulk. Now, Coors Beer, Coors Light, the silver bullet, is in a cardboard six-pack wrapper. That happens to be the brand I drink because I like it, it tastes good, and I don't have

the plastic six-pack yoke which I got banned in the first place. What I do with that cardboard wrapper is throw it in the wood stove at camp and that is where it is burned. I don't have to deal with 100 of those a weekend. I may deal with one or two depending on what kind of session we had the Friday before I go to camp.

Clearly, you are looking at one bulk method of solid waste versus another. I will admit that the cardboard isn't as nasty sounding as plastic that kills these creatures and I understand that. The majority of the committee felt that we should give this industry a chance because it was the responsible thing to do. By March 1st, if they haven't proven their point, they are history. You are asking for 11 months, not even 11 months, 10 months for them to use all the ingenuity that they have. There is one company that is involved basically and that is Illinois Tool and they are not from Maine. They are probably a bunch of big bad guys out there that is easy to jump on but the fact of the matter is that they (for the first time) have realized they have to be environmentally responsible. My feeling was, and I am only one of the signers of the Majority Report, even after the fact that I got it included in there and I pushed to include the ban was, we should give them that opportunity to say, "Yes, we tried to do it and we couldn't or yes, we tried to come up with a plastic six-pack yoke that was environmentally sound that could be recycled and here it is." If they don't, we haven't lost much because, quite frankly, we want to get those plastics out of the woods, waters and fields of the State of Maine and not get them out there where they are going to be harming animals one way or the other. I just felt and I think a majority of the committee felt that we indeed gave industry a charge.

I told you then the Solid Waste Bill was not perfect. I looked at my speeches again last night. I admitted they weren't perfect, I admitted they had some flaws. We are not looking at this as taking a step backwards, the aseptic package industry came in, they made their case, they made a poor case, we didn't accept their argument and we rejected removing the ban on aseptic packages. There have been other attempts to weaken our Solid Waste Law and the committee has listened to them and rejected the ones that we felt did not deserve merit. That is why we did it. I didn't sell my soul to the plastic yoke people. They didn't do anything special for me, but listening to what they said and listening to the Maine people who have Maine distributors of some of these products, who employ Maine people, who said that they probably would be forced to reduce their work force and lay people off, I said we have got to listen to those concerns. Mr. Freeman from the Presque Isle area who has a Pepsi distributorship up there made it very clear when I met with him what the consequences were if an alternative was not found. They were not good consequences.

So, we have got two problems that we have to deal with, what do you do with the cardboard bulk that is going to replace this? If your people back home want to pay more money to landfill it and burn it, that is your choice. The other one was, what are we going to do if they, indeed, have a negative impact on the economy of these distributors in the State of Maine and people have to be laid off? I felt that ten months of letting them do their thing wasn't (in the long run) going to hurt the environment in the State

of Maine, the fish and wildlife of the State of Maine, and probably was a responsible thing to do and I leave it up to the House to decide whether it was or it wasn't.

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

Representative PFEIFFER: Mr. Speaker, Ladies and Gentlemen of the House: It is hard to believe that anybody could add anything to Representative Adams summation of the evils of the six-pack holders but there is one item that he overlooked and that I think I must mention on behalf of my fellow senior citizens. It isn't only wildlife that needs protecting but senior citizens too. Just as many of us cannot open childproof pill bottles anymore, many of us cannot extricate a can from one of these plastic holders, another reason to ban them, in my view.

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 have been sitting here listening to fellow members of the House. I sat in committee and, time after time, I tried very hard to show industry how simple it would be to wrap six beer cans in paper but to no avail.

They have had their time in the sun with their funny little rings. If I could ever get ahold of the man that invented plastic and I could get two men strong enough to hold him, I would stuff all of the plastic between here and my house into every orifice of his body and I'd hang him out where everybody could have a good look at him. I am a hater of plastic. I drive 91 miles to this House of Representatives every day and home every night and I can tell you every piece of plastic that has been added every day. I think industry has been very irresponsible with the time that they have had. I don't want to give them another minute, not ten minutes because I don't think we need it.

If people are worried about the trees that may have to be replaced because of the cardboard that is going to wrap these six-packs of beer and soda, I ask you to look on everybody's desk, look at your own in front of you because I am appalled of what is happening right here in this legislature when you hear people talk about conserving trees. My Lord, how many trees did it take today for what paper they are delivering here constantly? Constantly. Look at the paper — how many trees? So when you say, oh, we don't want to use paper to wrap anymore beer or soda, do we need all of this collateral on our desks? I have carted it home to the point of where I have given up.

Now let's get back to the issue — industry has not proven to me that they are responsible, they keep coming back on their hands and knees begging for more time, I don't want to give them ten minutes. I don't want them to come back with anymore yokes. I think I will leave it at that. I am going to support the Minority Report. They have had it, they have until July 1st to get what they have on the shelves out of the way and that should be easy. After that time, all they need to do is take a little piece of paper and wrap around it or some masking tape. I don't buy much beer so I don't give a hoot. I don't drink Coke or Pepsi, I don't give a hoot. People that do will find something else.

In ten days, the industry will convert, I will guarantee it. Let's clean up our highways, let's clean up our ponds and rivers, we need no more plastic.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Pittsfield, Representative Goodridge.

Representative GOODRIDGE: Mr. Speaker, I would like to pose a question through the Chair to any member of the committee.

I would like to ask why the manufacturers of these plastic yokes don't do a test site in a state which doesn't have a ban instead of choosing Maine which has a ban?

The SPEAKER PRO TEM: The Representative from Pittsfield, Representative Goodridge, has posed a question through the Chair to any member of the committee who may respond if they so desire.

The Chair recognizes the Representative Casco, Representative Simpson.

Representative SIMPSON: Mr. Speaker, Men and Women of the House: To the good Representative, that was my very concern and the answer to that is, they can't. It is also the answer to the issue that was raised and I don't know if it is relevant to this debate but with the aseptic packages — they tried to get an experiment set up in our state and we didn't go along with it. The argument that was put forward was that if they have another nine months, they can come forward with a yoke that is, not only safer for wildlife but will be biodegradable, photodegradable and all kinds of other things.

They have had, as Representative Adams pointed out, 13 years to do that and we are making an exception in this bill, the Majority Report, to one company for one product. All the other companies that make a six-pack container or whatever you want to call it are being banned. We had a representative from the Dupont Company who told the committee that they had a six-pack connector that shouldn't be banned because it didn't float, it would sink to the bottom of our lakes and it was absolutely clear so that you wouldn't notice it if it was lying on the ground. The committee didn't buy that one but the committee did go along with giving this extension to Illinois Tool on their Easy-0 opener. I personally don't feel that that connector will ever be able to be perfected to a level that it will either protect wildlife or protect the environment. That is why I voted against the Majority Report and to let the ban go into effect to all plastic yokes this coming July.

My question to all of you to think about is, if they do get their exception and they come back in March and show the committee their six-pack connector and it is not photodegradable, it won't protect wildlife and the ban goes into effect July 1, 1992 — is there anything that makes the Maine Legislature unreasonable at some point down the road, a year or two, from reconsidering (when they have perfected it, if they can do that) and lifting the ban? I would say no that there isn't and that is why we should support the Minority "Ought Not to Pass" Report, put the ban into effect, be fair, we are banning all the other plastic connectors and, as far as paper goes and cardboard, we are going to hear this argument a lot from the committee. Part of the 1989 Solid Waste Law set up incentives, voluntary incentives, to recycle materials. One of the easiest materials to recycle is paper and we heard today that the only alternative to paper is to burn it, incinerate it, or

bury it in the landfills. Paper is one of the easiest things that the towns could do to meet their voluntary recycling goals of 25 and 50 percent.

Please support the Minority Report and vote against the Majority Report. I ask for a roll call.

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

Representative CARLETON: Mr. Speaker, I move the previous question.

Subsequently, Representative Carleton of Wells withdrew his motion.

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

Representative LORD: Mr. Speaker, Ladies and Gentlemen of the House: Having voted on the Majority Report, I think it would be well if I made a few remarks.

First of all, I want you to know that the industry did make an attempt to have a yoke that would separate. We saw a yoke down there that had a tab on it and, if my hands were as rugged as they were when I was milking cows, probably I could have pulled the tab off but you couldn't pull it off. I did find if you twisted it, it did break.

We did tell the industry that we wanted a yoke that, when you pulled the can off, it would break. That was one of our very pointed points that we made to them.

Another thing, when we passed this bill last year, plastic was not in the recycling channel at all. Plastic now is being recycled and, as Representative Jacques said, the volume of paper versus plastic is no comparison whatsoever. I believe by going ahead and passing this, it is going to relieve the pressures on the landfills. We have all been told how fast the landfills are filling up and we need the space so you are going to save on the landfills, you are going to weight on tipping fees. All the towns are bellyaching and hollering about the cost of tipping fees and the cost of transported all our waste down to the burners and it is going to save money that way. I think you have to consider somewhat the idea or the possibility of some of these people in these beverage stores losing their jobs. We have told them definite that when March comes up, that is it. If they haven't come up with something by then that we feel is the best product that will do the job we want, they are out of business.

I would urge you to pass the Majority Report.

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

Representative LUTHER: Mr. Speaker, Ladies and Gentlemen of the House: This seems like strange logic to me. If there is an experiment, let them go and produce a yoke that works and then bring it back. Why are we going to turn this around, which is a very good bill, and give them to March until they either produce one that works or we get ducks that know how to break them. I support the Minority Report.

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

Representative KILKELLY: Mr. Speaker, Men and Women of the House: It is amazing to me that we are debating the issue of six-pack yokes when, in fact, the aseptic packaging request was turned down. At least in the aseptic packaging, there are good contents like milks and other wonderful nutritional things.

The Report from the Cleaning North America's Beaches 1989 cleanup results and No. 19 — the people go out, do the beach clean up and they document all the different pieces of debris that they find and plastic pieces take up the largest percentage of all the debris that they found. In the State of Maine, there was 137 pounds of debris found in every mile of coast that was cleaned up. Nationwide, plastic six-pack rings ranked 19th in the percentage of debris that was found. There were 35,090 plastic six-pack rings that were found in beach cleanup, three hours one afternoon in 1989. 498 of those were found in Maine.

I also would like to pose a question through the Chair.

It is my understanding that much of the cardboard that is used in packaging is, in fact, recycled cardboard so there is a positive aspect of that as well, that we don't always have to destroy it after use but it can be recycled and turned back into those kinds of containers. If there is someone that could address that, I would appreciate it.

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

The Chair recognizes the Representative from Waterville, Representative Jacques.

Representative JACQUES: Mr Speaker, Ladies and Gentlemen of the House: Recycled cardboard is something that is being done. The town of Pittsfield started 11 years ago and they used to get money for it. Unfortunately right now they have to pay to have somebody come get it, which is becoming a substantial cost to them but I guess they can say they are recycling it. That is a problem.

While I am on my feet, somebody asked the question and I would just like to address it. The way that the Majority Report stands, next March the ban goes on any plastic six-pack yoke unless the committee and the legislature take positive action contrary to that. This is not something that is going to continue to go on, the ban goes into effect statewide. One of the reasons that they couldn't do this experiment out-of-state is that I insisted, if I went along with allowing it to be done, I wanted to see it be done, watch it be done, see it in my local grocery stores and see how my people reacted to it, and see how well they work.

I said to them and I will say to you, the original prototype put forth is impractical, it won't work, I don't care how much education they put into it, it just will not work.

There was a woman named Mrs. Gordon who had written to Tim Glidden and sent a copy to myself, who was hired by them who feels that plastic six-pack yokes can be made environmentally responsible, she is now working for that company and they are pursuing other directions. I clearly believe the one they have now will not work, but the language says that they can try that and any other easy open snap type of plastic six-pack yoke for that trial period in the State of Maine. Once again, next March 1st, unless the legislature takes positive action contrary, there will be no plastic six-pack yokes in the State of Maine allowed.....period.

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

Representative COLES: Mr. Speaker, Ladies and Gentlemen of the House: So many of my friends are

looking at me with daggers in their eyes, I feel I have to say something about the way I voted.

This bill is fairly simple in what it does. It postpones the ban for one year. It postpones that ban only for the flexible yokes, not for those rigid containers that surround the top of the bottles.

I voted for it for several reasons, the main one being that I think there's going to be a lot of products taken off the market this summer and fall and maybe longer. I think there may be a reaction against that so when those forces of reaction come to us to try to repeal that ban, I want to be in a position to say that we have bent over backwards to give the industry a chance to do everything they can do.

I personally don't believe they are going to solve their problems, even if they could all but breakaway outer rings, they are not going to solve the problems of the finger holes or the carrying straps nor are they going to solve the problem of the fact that these large pieces of plastic will degrade and the small pieces of plastic which will be eaten by wildlife — I don't think there is any way they can solve that problem. So for my money, what this bill today does is it simply postpones the ban for one year to demonstrate that we are not acting in an arbitrary or irrational fashion.

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

Representative TREAT: Mr. Speaker, Men and Women of the House: I just rise to urge you to vote against the pending motion. I would just like to make a point that hasn't been made so far.

My point is, even if the new technology works perfectly and these nice little yokes break into lots of bits, that those bits will still be swallowed by wildlife and that will kill the wildlife. It is not just a question of yokes choking wildlife. There is a great deal of reports that have come out on the increased incidence of plastic in marine environment, which has ended by being swallowed by marine life.

I would just like to read briefly from one such report. Representative Adams has several, which I will not bore you with, but this particular one is about plastics in the oceans as being more than a litter problem. It was done under contract with the U.S. Government and it states, "Along with the increasing reports of plastic debris in marine environment, there appears to be an increase in the documentation of plastic ingestion by marine animals. Certain animals may ingest plastic non-selectively while feeding on other organisms in the water columns." It goes on to say, "Basically, the floating items actually resemble authentic food items. For sea birds, small plastic pellets and fragments may resemble planktonic organisms, fish eggs, eyes of squid or of fish." Basically plastic tends to mimic a lot of the food that marine life feeds on. Even if this bill sets up a pilot project that works exactly as the proponents of the legislation and the industry people think it will work and should work, it is still a bad bill, it will still kill wildlife and still should be voted down by this body.

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

Representative WENTWORTH: Mr. Speaker, Men and Women of the House: I would ask you when you vote tonight on this bill to consider one thing that hasn't been mentioned here so far today and that is

the cost environmentally and economically to make these two types of six-pack holders. When we are talking about cardboard or paper to enclose these six-packs with, we are talking about something that can be made from a renewable resource. The six-pack yokes that are in question in this ban are made from petroleum and I would ask you to consider what the true cost of petroleum is in environmental terms and economic terms. We fought a war partially over the issue of petroleum recently, we have seen tremendous devastation in Alaska from oil spills and other parts of the country, Rhode Island and California, and I don't think we can continue to support the use of plastics that pose a great threat to our environment.

I would ask you to vote against the pending motion and support the Minority "Ought Not to Pass" Report.

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

Representative HOGLUND: Mr. Speaker, Ladies and Gentlemen of the House: I know that it is late and I am just going to add a few little things to the fuel here.

Listen, this bill is credibility to the Energy and Natural Resources Committee. When we sat down and did that Solid Waste Bill, it was long, hard, many hours, weekend type of situation that we had to work to put the Solid Waste Bill in. We, as a committee, did not agree on all the issues, especially the plastic rings but we all gave a little and those who gave on the plastic rings all worked together and promised we would come back, if we need to come back, and work with industry. Industry was told to come back, they did and tried to repeal it. The committee rejected it, we told them to come back again and they came back with this plastic thing that is biodegradable and photodegradable. You pull up the top and it does open but you still have to get underneath and it still opens up. We are not accepting that so we told them to go out "one more time" because we are tired of doing this and you know good legislation comes sometimes by going over it, over it and over it and amending it and amending it.

The credibility of the Energy and Natural Resources Committee depends on how you feel about them too as people in a body to be trusted to give them one more time, just one more time, to go out and have them come back in March. If they don't have anything that is feasible, biodegradable or whatever, to the Committee on Energy and Natural Resources Committee, then we never, never have to deal with it again. We can throw it out forever and that is the statement we made.

I think whether you are a Democrat or Republican, this is one time the committee has stood together and it has been very hard even though we have a Minority Report, it is also people not understanding what we had gone through. For the environmentalists to stand here and talk about all the cost, think of it in the long run, we can give them a chance, work with industry because we are in a bad state, we have economical problems so what we need to do is give the business "one more time" and if they don't do it, then do away with it. In the meantime, we will settle what the environmentalists would like, such as Representative Treat and Representative Wentworth. They were very good in what they said but I think we need to, as a legislature, work with the people also.

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

Marsh.

Representative MARSH: Mr. Speaker, Ladies and Gentlemen of the House: I guess I feel like Representative Coles when I say I've got to stand up because of the daggers that are coming my way.

I know that there are a lot of people here who are going to be disappointed by my vote. I probably am the only person here who was paid by the citizens of the State of Maine to respond to calls where I personally have taken wildlife out of entanglement in these six-pack yokes.

As a freshman here in the House, I voted for the most comprehensive Solid Waste legislation in the nation. In my second term, I am very proud to have been named to the Energy and Natural Resources Committee. It is a good way to end my service to the State of Maine.

As I have sat on that committee this winter, I have seen one after another end-runs trying to be made around the process and I feel very strongly about the legislation that this committee has passed. I feel very strongly and I wish I could put it in such eloquent words as Representative Hoglund has just said — she is absolutely right, we have got to stand tough as a legislature in order to make this legislation stand the test of time. I hope that you will vote with her and others tonight when you cast your vote.

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

Representative NUTTING: Mr. Speaker, Ladies and Gentlemen of the House: I will try to be brief. It just bothers me that they have had two years to supposedly develop a new plastic ring. I am of the opinion that that is plenty of time and I am of the opinion that they just can't do it.

I think I want to close with the statement that, if they had spent a fraction of the time developing recycled cardboard wrappers that they have spent fighting this issue, we would all be a lot better off and we would have more market for our cardboard than we do have now.

I am going to be voting against the pending motion. I urge you to do the same.

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 of the Representative from Waterville, Representative Jacques, that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 54

YEA - Aikman, Aliberti, Anderson, Bailey, R.; Bell, Boutilier, Carleton, Carroll, J.; Cashman, Clark, H.; Coles, Cote, DiPietro, Donnelly, Duffy, Duplessis, Dutremble, L.; Erwin, Farnum, Farren, Gould, R. A.; Graham, Greenlaw, Gwadosky, Hichborn, Hoglund, Hussey, Jacques, Joseph, Kerr, Kutasi, Lebowitz, Look, Lord, MacBride, Macomber, Marsano, Marsh, McHenry, Melendy, Merrill, Morrison, Murphy, Nadeau, Ott, Paradis, J.; Paradis, P.; Parent, Paul,

Pineau, Plourde, Poulin, Pouliot, Reed, G.; Reed, W.; Richards, Ricker, Rotondi, Ruhlin, Saint Onge, Savage, Sheltra, Stevens, A.; Stevenson, Strout, Swazey, Tamaro, Tardy, Townsend, Tupper, Vigue, Whitcomb, The Speaker.

NAY - Adams, Anthony, Ault, Bailey, H.; Barth, Bennett, Bowers, Butland, Cahill, M.; Carroll, D.; Cathcart, Chonko, Clark, M.; Constantine, Crowley, Daggett, Dore, Farnsworth, Foss, Garland, Gean, Goodridge, Gray, Gurney, Hale, Handy, Hanley, Hastings, Heeschen, Heino, Hepburn, Ketterer, Kilkelly, Kontos, LaPointe, Larrivee, Lawrence, Lemke, Libby, Lipman, Luther, Mahany, Manning, Martin, H.; Mayo, McKeen, Mitchell, E.; Mitchell, J.; Nash, Norton, Nutting, O'Dea, O'Gara, Oliver, Pendexter, Pendleton, Pfeiffer, Pines, Powers, Rand, Richardson, Rydell, Salisbury, Simonds, Simpson, Skoglund, Small, Stevens, P.; Tracy, Treat, Waterman, Wentworth.

ABSENT - Hichens, Holt, Jalbert, Ketover, Michaud, Spear.

Yes, 73; No, 72; Absent, 6; Paired, 0; Excused, 0.

73 having voted in the affirmative and 72 in the negative with 6 being absent, the Majority "Ought to Pass" Report was accepted, the bill read once.

Committee Amendment "A" (H-205) was read by the Clerk and adopted and the bill assigned for second reading Wednesday, May 8, 1991.

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

HOUSE DIVIDED REPORT - Majority (10) "Ought to Pass" as amended by Committee Amendment "A" (H-204) - Minority (3) "Ought Not to Pass" - Committee on Energy and Natural Resources on Bill "An Act to Allow the Use of Either Paper or Plastic Bags at Point of Retail Sale" (H.P. 812) (L.D. 1166)

TABLED - May 6, 1991 (Till Later Today) by Representative JACQUES of Waterville.

PENDING - Motion of same Representative to accept the Majority "Ought to Pass" as Amended Report.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Freeport, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, Men and Women of the House: I hope that you won't vote to accept the Majority "Ought to Pass" Report but will vote for the Minority "Ought Not to Pass" Report.

This bill, likewise, repeals part of the Solid Waste Bill which was passed in 1989. It repeals the part of the bill that dealt with paper and plastic bags. There was a very, I thought, quite non-controversial part of the Solid Waste Bill which said that when you go to a retail store that the retailers were to put your product that you purchase in a paper bag unless you ask for plastic. If you ask for plastic, they will be able to give you plastic. I thought myself that that was a wonderful law and I notice that when I go to Shop 'n Save some people like plastic and they ask for the plastic bags because it is easier for a lot of older people to carry plastic bags. On rainy days people like plastic bags but, nonetheless, the number of people who use paper bags increased dramatically and I think that is good because paper bags can be recycled and I don't know whether plastic bags can be recycled or

not.

I want to tell you the story about plastic bags and paper bags in my life and how we deal with them. When I am not in the legislature I work at L.L. Bean's and I think you all have heard of it. It is a very big company, I don't have a very important job there, my job is to get the merchandise that comes in on a truck once a day and take it to the sales floor and display it. At L.L. Bean's, all the clothing is taken out its bag and is displayed just as it comes. It is not put in a bag or anything — sort of a display strategy of the store or whatever — every shirt, every pair of pants, every garment that comes into that store comes in in a plastic bag. There are thousands of bags and at Christmas, the store gets between 25,000 and 30,000 units a day. Most of it is clothing and there is a lot of bags so our job is to rip the bag apart, take the garment out of the bag and then take it down to the floor where it is sold. Well, all these bags make a lot of trash and, at L.L. Bean's before we bought a trash compactor, we filled about ten to twelve bins of trash of plastic, almost all plastic every single shift, three shifts a day, so about 20 to 24 bins of plastic bag waste went out of that store every single day. They are the same sized bins you see around here in the late afternoon down at the end of the tunnel. Those large bins hold 8 bushels so that is a lot of plastic bags.

The company tried to recycle these bags. One thing they have to pay to have them incinerated at R.W.S. and that is expensive to have them hauled and everything so they asked the employees to start pulling the paper labels off the bags so they could be recycled. We all did that for a couple of weeks and productivity fell to nothing and they got all this plastic out there and we thought it was all great plastic that could be recycled but the person who was going to buy it said they couldn't take this recycled plastic because it had printing on it and that would contaminate the batch of new plastic so they had to go and take all the work we had done and our productivity went to pieces so they took all the plastic bags we had saved, tons and tons of plastic bags, and sent them R.W.S., the Incinerator in Portland and burned them. Then we tried again and the same thing happened the second time so, despite the fact that we produce all these plastic bags, there is no market for them.

I get paper bags usually when I go to the supermarket and in Freeport we have a recycling program. I take one paper bag and put all the other paper bags into that paper bag and when the bag is full, I take them off to the recycling center and they take them. I think they recycle it into cardboard so paper can be recycled. Technically plastic can be recycled but there are so many practical difficulties with recycling plastic bags that it is not done.

The Majority "Ought to Pass" Report says that in order to encourage recycling that they repealed the ban so they can put your goods in any kind of a bag you want but if they give you plastic bags, they have to have a little receptical in the store so you can bring your plastic bags back. I think that that is just crazy because they are just going to bring the plastic bags back and when they get a container full of plastic bags, if their experience is anything like the experience that I had when I was at work, all the plastic bags that are in that thing are just going to go to the incinerator and be burned up because if you

think about it, there are very few plastic bags that you buy that don't have some kind of printing on it.

I didn't think the original law was particularly offensive, I thought it was a real reasonable approach to get us to use more paper bags which can be recycled. We have a recycling process in effect and it doesn't seem to me that it is worth throwing out this fairly good law that we passed two years ago. The law seems to be working fairly well. Just so we can have this recycling of plastic bags and theoretically you can do it but, as I said, there is a lot of practical problems with recycling plastic so I hope you will vote against the "Ought to Pass" Report and vote for the "Ought Not to Pass" Report and kill this bill.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: It is too bad that we are debating at length some of these issues, we have some bills downstairs that will completely gut environmental laws and regulations in the State of Maine and I hope that they get as much attention as these issues have tonight.

We supported the Majority Report because, quite frankly, under the old system, you could have both bags and they were supposed to give you paper unless you asked for plastic. The stores that I have been to they said, "Do you mind plastic?" People say no and they take it.

What the bill would do is say that you could provide just plastic bags if you had a place on-site that would re-collect those plastic bags for the purpose of recycling. Representative Rydell told me when she was in Scandinavia they would use the same bag four, five or six times, (plastic bag) clean it out and use it back and forth. That is one of the things that you can do with the plastic bags here in the State of Maine.

The unfortunate thing with paper bags, if they get dirty, they get stained, wrinkled, they don't become something that is reused but become trash again. Once again, it is going to end up in the landfill — there is no real market for recycled paper bags that are dirty. It sounds nice but there just isn't a market for it. What do you do with it? You either incinerate it and make ash but nobody wants any ash landfills and, once again, you have some bills coming up and you will have to make the decision whether you want a landfill them or not. So some of the small retailers came in and said they would like to be able to offer the plastic bags if they were bags that could be collected and recycled. The Majority Report says that if you can do that, then you can offer the plastic bags. If they can't be recycled, then you can't offer them. Plain and simple. It's up to you.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Greenville, Representative Gould.

Representative GOULD: Mr. Speaker, Ladies and Gentlemen of the House: By the way, I work for a very small company up in Greenville known as Dick Gould, I cut wood, so you would think that I would be in favor of paper bags since I am involved in paper but I would like to show you my briefcase. If you would all turn around, I want you to see my briefcase, I carry this every day, I am not joking. If you watch me walking up to my house on 18 Laurel Street, you will see me carrying my briefcase every

day. Now, I couldn't possibly carry a paper bag because it would bother my arms. This plastic bag I recycle every day, use it every day, week after week.

One other point I would like to bring out to you. I hadn't realized when I served on this committee that I was helping pass such perfection in legislation. I am totally amazed how perfect this piece of legislation that we turned out has become in three years. I didn't think it was that perfect when we passed it and I don't think it is that perfect now and this is fixing one of the imperfections. How many of you realize how many truckloads of paper it takes to bring up the same amount that you could put in a truckload of plastic bags? We had heard from three to six truckloads of paper bags to equal one truckload of plastic bags. Now, I don't know how you look at things but I looked at it this way — I know how many gallons of diesel fuel that six trucks burn. You are talking 1200, 1400, to 1600 gallons for six truckloads versus 200 gallons and one truckload. Are you going to tell me that 1200 to 1400 gallons of fuel going up into the atmosphere isn't polluting? Of course it is so this is one reason why I think plastic is perhaps better than paper.

One other point I will make and then I will sit down. Paper goes into the landfills, most of it. Paper, if it happens to leak, that landfill paper is toxic, plastic is not toxic. By the way, they do recycle plastic bags. We had two people, one from New Brunswick where they recycle plastic bags and one from New Hampshire where they recycle plastic bags and they are looking for more plastic bags. So, for a change, let's admit that we don't always pass perfect legislation, let's pass a more environmentally sound piece of legislation and vote for the Majority "Ought to Pass" Report.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Woodland, Representative Anderson.

Representative ANDERSON: Mr. Speaker, Ladies and Gentlemen of the House: Plastic bags are being recycled in St. Stephen, New Brunswick. Used plastic bags are being hauled in, made into pellets, brought back and put into plastic bags. That is one issue.

As far as the fuel being used, a petroleum product to manufacture plastic bags, one thing I would like to find out is, when you go and cut a tree, the fuel used from the time the skidder starts yarding that tree to the limber, the chipper, the truck that hauls it in and the fuel that is used in the paper producing of this paper bag, I would be surprised that it probably takes more fuel to produce a paper bag than it does a plastic bag. I guess I have made my point.

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.

To any member of the House and particularly the Energy Committee, I am curious if there was consideration of a mandatory recycling of these bags or is it only that they collect them with the intent to recycle? May they, in fact, have a box there and end up burning them rather than recycling them?

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 Casco, Representative Simpson.

Representative SIMPSON: Mr. Speaker, Ladies and Gentlemen of the House: I would like to answer that question and give you my reason for voting against this bill. That was what I opposed. We mandated that they offer a bin to bring back your plastic bags if they wanted to offer just plastic. We did not mandate and there is no way to enforce that, once the plastic is brought back, what is going to happen to it after that? We are not checking, we are not controlling it, we are just assuming that it is going to end up at the place in St. Stephen or in New Hampshire which are, again, not a technology that has thoroughly been proven to us.

The paper though, as I said on the six-packs of beer and soda and that type of thing, there are markets for that, there are ways to recycle that. We have a law now that is a permissive law, it is a voluntary law, it is not a mandate. This is a mandate in that they have to have a recycling bin but they don't have to prove to the state or to anyone that they are not just taking it from the bin to the a landfill or an incinerator. That is why I posed that it is another attempt, although it be a legitimate one, to try and deal with our solid waste problem but it is not one that has been proven beyond any reasonable doubt to work and that is why I oppose and I hope you do too.

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

Representative WENTWORTH: Mr. Speaker, Men and Women of the House: I rise on this occasion as a person who has been involved in municipal recycling for a number of years now. I have a great deal of experience with trying to market different recyclable materials. I will say, though plastic is a recyclable material, compared to the kraft paper used for paper bags, it is much more difficult to market. I have had absolutely no problem in my town and the neighboring towns where I work in marketing the kraft paper that paper bags are made out of. I have had significant problems with trying to market the low density polyethylene plastic that makes up plastic bags.

It is fine to say that they can be recycled in Canada, getting them to Canada in a cost effective way, is near impossible right now in this state. Though it is being done by Shop 'n Save and done well, they have a great number of stores in which they are collecting the plastic and they have a great infrastructure set up. They are not the only supermarkets in the state, they are not the only store that are going to be dealing with these plastic bags and I would argue that those it is easy to set up a bin to claim that you are going to recycle plastic bags, practically speaking it is much more difficult to actually do the recycling. Recycling is not merely putting it in a bin so that it will be taken to some end market. Recycling is making sure that it goes the full circle and comes back as a new product. Given the difficulties of marketing plastic in this state right now, I would argue that most of the plastic that might end up in those bins in a store, under this proposed law, would be able to allow plastic bags to be taken and they will not end up being recycled.

Representative Jacques mentioned that there were a couple of bills coming out which would totally gut the environmental law in this state — I would argue that this bill and the bill that we previously act upon are skinning the law instead of gutting it.

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

Representative LORD: Mr. Speaker, Ladies and Gentlemen of the House: As one who voted for the Majority Report, I should report my feelings. When we were talking about plastic versus paper last year, we did not have a recycling program. My waste in my town goes to R.W.S. and all the towns involved with R.W.S. are working the recycling program.

In our town now, we have a dumpster that holds plastic, newspapers, white glass and tin. The other day when I went down to put my newspapers in and my plastic jugs that I have to buy milk in now, I had a plastic bag and the fellow down there said, "Put your plastic bag in there, it can be recycled." That plastic is being used and recycled right here in the State of Maine. You have seen the advertisement of Shop 'n Save and Shop 'n Save has a recycling program which they advertise very heavily. I don't believe Shop 'n Save would advertise a program of that sort or being going all the way because somebody would find out and you know what would happen then. Their advertising would go to pieces and their credibility would go to pieces.

It doesn't say that any store can't have both paper and plastic. My wife goes shopping now, she puts her groceries in the paper bag and when she wants something that might get wet, she puts it in the plastic bag. It is easier to handle. A little while ago she brought home a bag and I went to lift it up from the top and there was a jug of milk in it, you know what happened to jug of milk, it went right down through the bottom. I think the women like these plastic bags. Sometimes I like them myself. I think when you go to a small pharmacy, a plastic bag is a lot better than a great big paper bag.

We are giving them a preference. We are not saying they should use plastic and they should use paper — they are given a preference. If the stores find it better to use one or the other, we are giving them a preference. We aren't gutting this program at all. I think it is a good program and I think we should give them that preference.

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

Representative ADAMS: Mr. Speaker, Men and Women of the House: Two years ago in my Freshman naivety, I also introduced the paper bag bill, which is the item now before us on the floor. I did so because it seemed to me that if we could find a way to reduce any common thing going in any large volume into every waste stream in the state, it would be a good thing for the solid waste problem. I did not know, of course, that we would be working when we got here on the solid waste package. I did not intend that it become part of it but, to my good fortune and I believe to the good fortune of the consumers of this state, it did. Before I ever knew about it, these were the themes that had been created for the purpose of our solid waste law, (1) reduce, (2) reuse, (3) recycle, and in that order and because that is the order of things that were chosen by this legislature I would like to refer back to the previous speaker who referred to this as "an imperfect law." The existing law now on the books, the one I put in two years ago, says that, when you go to a retail store, you are given a paper bag. If you request a plastic one, they will give it to you. This would allow the elderly who need the handles that come on plastic bags to have those bags and those handles and that is

fine. It also gave us an exact barometer of consumer choice in the matter since you could ask for what you wanted, rather than have to take what you got with no questions asked under the old way.

Interestingly enough, we have results that show exactly what people thought of that. The Maine Solid Waste Management Agency was directed to do a study of paper versus plastic bags because it was such an interesting idea. On the first of March they made a report about what they found after one year's experiment with that law on the books that I just described to you. This is what they found with 75 to 80 percent of all Maine retailers responding to them, they found that plastic bag use in Maine, given the option that I have just told you, decreased by 267 million plastic bags in 1990. Paper bag use increased by at least 254 million bags, an overall loss as far as they could tell of all kinds of bags, all bags that weren't used, there were about 60 million.

In addition to that, in 88 Maine chain stores, they collected 62 tons of plastic, does not say recycled, they collected 62 tons of plastic. As a result of the law now on the books, Maine's two largest chain stores that sell groceries also began a five cent credit on each paper bag you bring back to use.

A survey conducted by students of the Chewonki Institution in Wiscasset, again concluded by interviewing people in Wiscasset and nearby coastal towns, that 78 percent of the public liked the law as it was written and as it was working.

Further, the Maine Solid Waste Management Program concludes also that the price differential between paper and plastic, when all other things were considered in the purchase, was about less than half a cent.

All those things put together meant that, in 1990 when the law that now we are living under went into effect, Maine grocers used (overall) 25 percent plastic and 75 percent paper because people had their say and this is what people said.

One of the great results of the program, according to the Maine Solid Waste Agency is that these actions were useful reminders, every day to every citizen, that the little decisions we all make in everyday living, can either increase or shrink the waste stream amazingly.

Given the figures that 267 million fewer plastic bags were used in 1990 I ask you, who do you suspect was quick to come to Energy and Natural Resources Committee and say, "This is a bad law?" Well, it was our friends again from the plastic manufacturers, plastic providers and plastic sales.

The bill that now stands before us repeals all that I have just read to you. It says if you go into a store now, the law existing will be repealed and the store will give you whatever bag it wants. I ask you, which bag do you think you are going to get when you have no more choice about it?

Secondly, it requires that there be a conspicuous bin somewhere on the premises for the purpose of recycling. You know what that means — that could be an orange bin on the edge of the parking lot and, indeed, be within the limits of this law.

Three, it does not require any kind of recycling. It simply says that bags will be collected for the purpose of recycling. They could write anything on that orange bin at the edge of the parking lot that they want. I could be collecting

them for the purpose of sending them to the moon and be absolutely within the limits of the law as it is now proposed and before us.

I stepped into the hallway after the committee passed this bill and encountered one of the lobbyists for it retreating down the hall slapping his legs, shouting to his fellow lobbyists, "Full of loopholes, boys, full of loopholes." A little disturbing to me in my naivety had put in the law two years ago and thought given a test that came back with positive results might be a law that would stand. Two years ago, I dug up industry figures that indicated that the average useful life of a bag of either kind used to carry groceries from the store to your car, from your car to your home, was three to seven minutes; yet that plastic bag, if that is what you use, may exist in the environment for up to 350 years after three to seven minutes of use.

There are, in fact, two paper bag manufacturers in the State of Maine. Both of them are in Aroostook County and both make vented sacks for potatoes and both of them, when I spoke to them, were under great fire because they could hardly keep up with the Canadian competitors who make plastic bags, ship them into the county in great style, and would have been happy to have anything added to the law that could have helped them which my law, unfortunately, could not.

People being people, paper being paper, plastic being plastic and people are going to do with either one of them what they are going to do. If people are going to throw a bag out of the window onto the ground and drive away, I would rather that that bag be paper, it will decay without trouble. If people are going to throw it out of the boat into the water, I would rather that that bag be paper, it will decay without trouble. If people are going to throw either one into the landfills, neither one is going to decay in 350 years. It is simply the nature of landfills and that we know.

If the existing law we have created for the Maine Solid Waste Agency to enforce requires us to reduce, reuse and recycle, I submit to you that we have the proof in our hands that the law now on the books does all three. In fact, it did it so well that the plastic manufacturers hate it and they are the ones who brought the bill back to us yet again, including the president of the plastic company in New Hampshire who personally drove all the way to Portland, Maine and tried to lobby me very hard to make one exception just for his company, his company alone, so that he could have the edge upon all other people in getting into the recycling market.

The problem with all laws that we pass, for the good of us all, is that there is always someone who will say, yes it is a good law, but not for me. It should apply to every product but not mine. When you add up enough of "me" and you add up enough of "mine", then ladies and gentlemen, all of "ours" is soon gone.

We have a law on the books that works, it works well. I have to ask you how many times has anybody come up to you when we go home on the weekend and say, "Boy, Representative, the budget is a shambles, the education funding is a disaster, property taxes are a pain but my problem is I can't get ahold of enough plastic bags." I don't think you will find anyone saying that to you.

On the law that we have on the books today, with the results that I have just read to you, the public

has spoken, the jury is in, and the main verdict was, great. I urge you to keep this law the way it is. It touches everyone of us everyday and in that respect is one of the most perfect examples for every citizen in the state about how the Maine Solid Waste Law should be working.

I urge you to vote no on the pending Resolution and to accept the Majority "Ought to Pass" Report.

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

Representative BELL: Mr. Speaker, Ladies and Gentlemen of the House: My trade was the grocery supermarket business and I packed groceries for 43 years. Even when I was managing, I liked to be right up there with the public.

A few years back before we passed this law, I had a company from Canada come down and they wanted to run a test on plastic bags. I ran a three months test, they donated the bags. In the supermarket, we found the plastic bags on a volume supermarket is a poor item as far as normally packing groceries because as you pack the stuff, it rolls. Anybody that buys groceries by volume would know that. Our store did over \$100,000 a week so it was a volume store, not a little corner store.

After three months of the testing, we checked with customers, I checked with all my cashiers, all my packers, and it was about 9 out of 10 that said they wanted the paper bags.

Now the plastic bags are ideal at Thanksgiving for turkeys. That will fit in that little sucker just as beautiful and you can lug that off — it's just beautiful. When you are packing groceries and, if you have ever packed groceries, once you pack them, once is enough, and you get them into the car. Paper bags are still the main thing used in markets. As plastic has increased, right now comparing paper and plastic bag use on a percentage basis in 1989, Maine grocers used 52 percent plastic and 48 percent paper. In 1990, Maine grocers used 25 plastic and 75 percent paper. They found out the same thing I tested a few years ago.

The amount of change in bag usage varied from store to store. One chain was using more than 60 percent plastic prior to the 1605 law and now uses only 12 percent plastic. The law that we have on the books is a good law, it works well in the stores. You give a customer a paper bag and a nice old lady would like a plastic bag because she is walking or wants to get it comfortably to the car, it is perfect. The law the way it is, I would urge everyone to vote no the pending motion on the floor.

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

A vote of the House was taken.

Representative Pouliot of Lewiston requested a roll call vote.

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 Chair recognizes the Representative from Lewiston, Representative Pouliot.

Representative POULIOT: Mr. Speaker, Ladies and Gentlemen of the House: This happens to be my bill and I think I can read the scoreboard the way the lights were on. Before the bill goes down, I would just like to say one thing. I would like to thank the committee for doing the work that it did because I think the committee looked at the bill the way they should be looking at it. I have something here, I just want to read a very short paragraph. I won't read you all the notes that I have but I would like to have you know that in January of 1990 Hannaford Brothers Company initiated the first plastic and paper bag recycling program in the country in all of its stores in the northeast. I would like to tell you what we are doing about plastic bag recycling. Last year, our Maine customers recycled over 3.5 million plastic bags through our recycling bins. Think about it, 3.5 million plastic bags. That is over four 30 yard compacted containers diverted from the landfills or incinerators.

I don't happen to sit on that committee but I know when I go back into my community, I have the same problems that you all have, the landfills. You all hear about the landfills. Here is your opportunity to do something about a landfill.

They also have a report in here that they were doing a survey on brown paper bags that were being returned — almost less than 50 percent. I ask you, if it is less than 50 percent coming back for recycling, where is the other 50 percent going? It's going in your landfill taking up all that room.

I ask you to really reconsider and think about what this committee has done. I don't have all the answers. I, like you, have put in a bill for constituents back home. I ask you to think about how this committee has really worked, what they are trying to do, what they are trying to put together for you and I and for the consumers of the State of Maine. It is to make sure that we have an extra three, four or five years on the landfills. I am not saying 20 or 30 years, I am a realist. If you can get three of four years that will give the time for us to find a way to solve the problems with our landfills. I urge you to support the Majority Report.

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

Representative MELENDY: Mr. Speaker, Men and Women of the House: I want to tell you why I am voting yes on this. I had numerous calls from small business people last year when we passed the bill requiring them to have both types of bags. I don't know if you have ever been a small business owner or not but I have and the cost of being able to move these products out, the cost of the bags — you are not really making money on that and you have to have them. I had more of them call me and really were telling me how expensive it was for them to be able to have to buy both kinds when plastic was so much cheaper for them. So for small businesses, I am voting yes.

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

Representative WENTWORTH: Mr. Speaker, Ladies and Gentlemen of the House: There were some comments just made recently about recycling of plastic versus recycling of paper. I will reiterate for those who were not here to hear my comments earlier. I run a recycling program in a municipality and I cannot get

rid of plastic bags, they go into our landfill. I have no problem getting rid of the paper bags. They are much easier to recycle, there are many markets in this state and I have a lot of choices when it comes to trying to get rid of those paper bags from my community where we recycle them. I don't have those choices with plastic bags. The cost, when you are at the grocery store, may be cheaper for you to get the plastic bag because it is a half a cent cheaper to produce but when it comes to the landfill, the savings are gone.

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

Representative ADAMS: Mr. Speaker, Men and Women of the House: Referring to a comment made by a previous speaker, I would point out that the present law now on the books that I am asking you to preserve does not require that Mom and Pop stores carry both plastic and paper bags. In fact that very idea that every Mom and Pop store in the State of Maine must carry both plastic and paper bags was a law that the industry that makes plastic tried to force upon us last session and this session. I oppose any law that would require Mom and Pop stores to carry both plastic and paper bags and no such law is now on the books.

I would like to pay a complement to my friend, the good Representative from Lewiston, Representative Pouliot, who has repeated the very fine recycling figures that do appear in the Maine Solid Waste Management Report which I read to you before. If you want to see those very fine recycling figures continue, if you want to see them increase and do the very thing that both the good Representative from Lewiston and I wish to have done, then you must keep the law on the books as it is because it is that law now on the books that I am asking you to preserve that made those programs possible and, indeed, brought the manufacturers and the stores to the table to do them where they had always refused to before. I ask you to vote as you did before, against the "Ought to Pass" Report.

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

Representative BELL: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. Just one thing that I want to bring up and that is the fact that it was mentioned Hannaford Brothers has a recycling program for plastic bags and they should be commended for it. It says here that they have collected (in 1990) 62 tons of plastic bags. The rest of the outlets in this state don't have a program, they are going into the landfill.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is the motion of Representative Jacques of Waterville that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 55

YEA - Aikman, Aliberti, Anderson, Ault, Bailey, R.; Bowers, Carroll, D.; Chonko, Coles, DiPietro, Dore, Duffy, Duplessis, Farnum, Farren, Gould, R. A.; Gurney, Hichborn, Hogle, Jacques, Joseph, Lebowitz, Look, Lord, Macomber, Marsano, Marsh, Martin, H.; McHenry, Melendy, Merrill, Murphy, Nash, Ott, Parent, Pineau, Pouliot, Reed, W.; Richards, Ricker, Rotondi, Ruhlin, Rydell, Sheltra, Strout, Swazey, Tamaro,

Tardy, Townsend, Vigue, Whitcomb.

NAY - Adams, Anthony, Bailey, H.; Barth, Bell, Bennett, Boutilier, Butland, Cahill, M.; Carleton, Carroll, J.; Cashman, Cathcart, Clark, H.; Clark, M.; Constantine, Crowley, Daggett, Donnelly, Dutremble, L.; Farnsworth, Foss, Garland, Gean, Goodridge, Graham, Gray, Handy, Hanley, Hastings, Heeschen, Heino, Hepburn, Hussey, Kerr, Ketterer, Kilkelly, Kontos, Kutasi, Larrivee, Lawrence, Lemke, Libby, Lipman, Luther, MacBride, Mahany, Manning, McKeen, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, P.; Paul, Pendexter, Pendleton, Pfeiffer, Pines, Plourde, Poulin, Powers, Rand, Reed, G.; Richardson, Saint Onge, Salisbury, Savage, Simonds, Simpson, Skoglund, Small, Stevens, A.; Stevens, P.; Stevenson, Tracy, Treat, Tupper, Waterman, Wentworth.

ABSENT - Cote, Erwin, Greenlaw, Gwadosky, Hale, Hichens, Holt, Jalbert, Ketover, LaPointe, Mayo, Michaud, Paradis, J.; Spear, The Speaker.

Yes, 51; No, 85; Absent, 15; Paired, 0; Excused, 0.

51 having voted in the affirmative and 85 in the negative with 15 being absent, the motion did not prevail.

Subsequently the Minority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

At this point, Speaker Martin resumed the Chair.

The House was called to order by the Speaker.

(At Ease)
(8:15 p.m. to 9:30p.m.)

The House was called to order by the Speaker.

By unanimous consent, all matters requiring Senate concurrence except those held were ordered sent forthwith to the Senate.

At this point, the rules were suspended for the purpose of removing jackets for the remainder of today's session.

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

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

Bill "An Act to Deappropriate Certain Expenditures and to Make Technical Corrections for the Fiscal Year Ending June 30, 1991" (EMERGENCY) (H.P. 1259) (L.D. 1827) (Presented by Representative FOSS of Yarmouth) (Cosponsored by Representative CHONKO of Topsham, Senator PEARSON of Penobscot and

Senator FOSTER of Hancock)

(The Committee on Reference of Bills had suggested the Committee on Appropriations and Financial Affairs.)

Under suspension of the rules and without reference to a Committee, the bill was read twice, passed to be engrossed and sent up for concurrence.

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

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

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

SENATE PAPER

Bill "An Act to Modify the Language Governing the Special Commission on Governmental Restructuring" (EMERGENCY) (S.P. 669) (L.D. 1767)

Came from the Senate under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed as amended by Senate Amendment "A" (S-120).

(The Committee on Reference of Bills had suggested reference to the Committee on State and Local Government.)

Under suspension of the rules and without reference to a Committee, the bill was read once.

Senate Amendment "A" (S-120) was read by the Clerk and adopted.

Under further suspension of the rules, the bill given its second reading and passed to be engrossed as amended in concurrence.

The Chair laid before the House the following matter: An Act Concerning Consent to Dental Care (H.P. 60) (L.D. 88) (C. "A" H-170) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Paradis of Augusta, under suspension of the rules, the House reconsidered its action whereby L.D. 88 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-170) was adopted.

The same Representative offered House Amendment "A" (H-264) to Committee Amendment "A" (H-170) and moved its adoption.

House Amendment "A" (H-264) to Committee Amendment "A" (H-170) was read by the Clerk.

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

Representative MARSANO: Mr. Speaker, may I ask a question through the Chair?

I would like to know what the intent of the phrase "health care provider" in House Amendment "A"

to Committee Amendment "A" is, please?

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

The Chair recognizes the Representative from Augusta, Representative Paradis.

Representative PARADIS: Mr. Speaker, Men and Women of the House: This amendment was presented on behalf of the Council to the Speaker. Mr. Hull, in reviewing the legislation which was the unanimous committee report from the Committee on Judiciary on Representative Mary Small's bill, the council thought and the committee unanimously agreed that leaving out "health care providers" was a serious omission to the bill and that including it was very cogent. My understanding of "health care provider" would include those other than dentists or dental technicians. I hope that answers the question of my good friend from Belfast that it is not in a sense a substantive change to the bill, it is an addition, but an important addition to the bill to make it better.

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

Representative ANTHONY: Mr. Speaker, Men and Women of the House: To further answer the gentleman — I believe that other "health care providers" is used elsewhere in the same statute and it is to conform the language in what we have added here to other portions of the statute. I relates really to other people working for the dentists or whatever so that it includes both the paraprofessionals and the professional person. It is not a substantive change, it is a technical language change.

Subsequently, House Amendment "A" (H-264) to Committee Amendment "A" (H-170) was adopted.

Committee Amendment "A" (H-170) as amended by House Amendment "A" (H-264) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-170) as amended by House Amendment "A" (H-264) thereto in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter: An Act to Improve the Regulatory Operations of the Board of Licensing of Auctioneers (EMERGENCY) (H.P. 440) (L.D. 623) (C. "A" H-146) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Sheltra of Biddeford, under suspension of the rules, the House reconsidered its action whereby L.D. 623 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-146) was adopted.

The same Representative offered House Amendment "A" (H-262) to Committee Amendment "A" (H-146) and moved its adoption.

House Amendment "A" (H-262) to Committee Amendment "A" (H-146) was read by the Clerk and adopted.

Committee Amendment "A" (H-146) as amended by House Amendment "A" (H-262) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-146) as amended by House

Amendment "A" (H-262) thereto in non-concurrence and sent up for concurrence.

TABLED AND TODAY ASSIGNED

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

SENATE DIVIDED REPORT - Majority (11) "Ought Not to Pass" - Minority (2) "Ought to Pass" as amended by Committee Amendment "A" (S-107) - Committee on **Energy and Natural Resources** on Bill "An Act to Amend the Voter Ratification Provisions of the Low-level Radioactive Waste Laws" (EMERGENCY) (S.P. 346) (L.D. 946)

- In Senate, Majority "Ought Not to Pass" Report read and accepted.

TABLED - May 6, 1991 by Representative JACQUES of Waterville.

PENDING - Acceptance of Either Report.

On motion of Representative Gwadosky of Fairfield, retabled pending acceptance of either report and specially assigned for Wednesday, May 8, 1991.

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

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Protect the Assets of State Retirement Plans (S.P. 122) (L.D. 224) (C. "A" S-82)

TABLED - May 6, 1991 by Representative GWADOSKY of Fairfield.

PENDING - Final Passage.

On motion of Representative Gwadosky of Fairfield, retabled pending final passage and specially assigned for Wednesday, May 8, 1991.

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

An Act Concerning Purchases of Alcohol from Agency Stores (EMERGENCY) (H.P. 91) (L.D. 132) (C. "A" H-155)

TABLED - May 6, 1991 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

On motion of Representative Gwadosky of Fairfield, retabled pending passage to be enacted and specially assigned for Wednesday, May 8, 1991.

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

An Act to Reduce Marine Pollution (EMERGENCY) (H.P. 594) (L.D. 845) (C. "A" H-162)

TABLED - May 6, 1991 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

On motion of Representative Mitchell of Freeport, under suspension of the rules, the House reconsidered its action whereby L.D. 845 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-162) was adopted.

The same Representative offered House Amendment "A" (H-263) to Committee Amendment "A" (H-162) and moved its adoption.

House Amendment "A" (H-263) to Committee Amendment "A" (H-162) was read by the Clerk and adopted.

Committee Amendment "A" (H-162) as amended by House Amendment "A" (H-263) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-162) and amended by House Amendment "A" (H-263) in non-concurrence and sent up for concurrence.

BILLS HELD

Bill "An Act to Adopt a New Article for the Uniform Commercial Code" (S.P. 680) (L.D. 1802) (Came from the Senate, referred to the Committee on **Judiciary** and Ordered Printed) (The Committee on Reference of Bills had suggested reference to the Committee on **Banking and Insurance**.)

On motion of Representative Paradis of Augusta, having voted on the prevailing side, the House reconsidered its action whereby L.D. 1802 was referred to the Committee on **Banking and Insurance** in non-concurrence.

On further motion of the same Representative, L.D. 1802 was referred to the Committee on **Judiciary** in concurrence.

(H.P. 384) (L.D. 558) Bill "An Act Concerning Late Support Payments" (C. "A" H-221)

On motion of Representative Manning of Portland, having voted on the prevailing side, the House reconsidered its action whereby L.D. 558 was passed to be engrossed.

Report was read and accepted, the bill read once. Committee Amendment "A" (H-221) was read by the Clerk.

On motion of Representative Manning of Portland, tabled pending adoption of Committee Amendment "A" (H-221) and specially assigned for Wednesday, May 8, 1991.

The Chair laid before the House the following matter: (H.P. 561) (L.D. 804) Bill "An Act to Improve Energy Efficiency in Buildings" (C. "A" H-218) which was tabled earlier in the day and later today assigned pending acceptance of the committee report.

On motion of Representative MacBride of Presque Isle, retabled pending acceptance of the committee

report and specially assigned for Wednesday, May 8,
1991.

(At Ease) (12:10 a.m.)

The House was called to order by the Speaker.

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Deappropriate Certain Expenditures and to Make Technical Corrections for the Fiscal Year Ending June 30, 1991 (H.P. 1259) (L.D. 1827)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 102 voted in favor of the same and 45 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

(Off Record Remarks)

On motion of Representative Anthony of South Portland,
Adjourned at 12:24 a.m. to 4:00 p.m. in memory of Phyllis J. Roberts of Buxton.

**ONE HUNDRED AND FIFTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
47th Legislative Day
Wednesday, May 8, 1991**

The House met according to adjournment and was called to order by the Speaker.
Prayer by Reverend Lewis H. Beckford, Washington Avenue United Methodist Church, Portland.
The Journal of Tuesday, May 7, 1991, was read and approved.

SENATE PAPERS

The following Communication:

Maine State Senate
Augusta, Maine 04333

May 7, 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, upon the recommendation of the Joint Standing Committee on Fisheries and Wildlife:

Gary Cobb of North New Portland for appointment to the Inland Fisheries and Wildlife Advisory Council. Gary Cobb is replacing Carroll York.

Sincerely,

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

Was read and ordered placed on file.

The following Communication:

Maine State Senate
Augusta, Maine 04333

May 7, 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, upon the recommendation of the Joint Standing Committee on Housing and Economic Development:

Rebecca A. Flechtner of Old Town for appointment to the Maine State Housing Authority. Rebecca A. Flechtner is replacing Gloria Tardiff.

George B. Terrien of Portland for appointment to the Maine State Housing Authority. George B. Terrien is replacing David Friedman.

Sincerely,

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

Was read and ordered placed on file.

Bill "An Act to Provide for the Orderly Transfer of Contracts from Union Schools to Separate School Systems upon Dissolution" (S.P. 682) (L.D. 1810)

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

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

Bill "An Act to Discourage Motor Vehicle Theft" (S.P. 684) (L.D. 1812)

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