

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Fifteenth Legislature

OF THE

State Of Maine

VOLUME II

FIRST REGULAR SESSION

House of Representatives
May 20, 1991 to July 10, 1991

ONE HUNDRED AND FIFTEENTH MAINE LEGISLATURE
FIRST REGULAR SESSION
51st Legislative Day
Monday, May 20, 1991

Representative Michaud of East Millinocket assumed the Chair.

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

Prayer by Father Royal J. Parent, Holy Family Parish, Lewiston.

National Anthem by the Shead Memorial High School Band, Eastport.

The Journal of Thursday, May 16, 1991, was read and approved.

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

SENATE PAPERS

Unanimous Ought Not To Pass

Report of the Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on Bill "An Act Relating to the Maine Rainy Day Fund" (S.P. 258) (L.D. 716)

Report of the Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on Bill "An Act to Provide Property Tax Relief by Providing Funds for County Jails" (EMERGENCY) (S.P. 341) (L.D. 931)

Report of the Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on Bill "An Act to Implement Meaningful Legislative Oversight of State Finances" (S.P. 475) (L.D. 1267)

Report of the Committee on Banking and Insurance reporting "Ought Not to Pass" on Bill "An Act to Institute a System of No-fault Automobile Insurance" (S.P. 529) (L.D. 1407)

Report of the Committee on Business Legislation reporting "Ought Not to Pass" on Bill "An Act to Establish Ombudsman Positions with the Board of Registration in Medicine and the Board of Osteopathic Examination and Registration" (S.P. 578) (L.D. 1532)

Report of the Committee on Energy and Natural Resources reporting "Ought Not to Pass" on Bill "An Act Prohibiting Chlorofluorocarbons in Automobile Air Conditioners" (S.P. 621) (L.D. 1625)

Report of the Committee on Human Resources reporting "Ought Not to Pass" on Bill "An Act to Create a Fund to Pay Certain Costs of Drugs Used to Treat Mental Illness" (S.P. 65) (L.D. 117)

Report of the Committee on Human Resources reporting "Ought Not to Pass" on Bill "An Act to Provide Access for Persons with Physical Disability to the State's Recreational Areas" (S.P. 568) (L.D. 1488)

Report of the Committee on State and Local Government reporting "Ought Not to Pass" on Bill "An Act to Codify the Maine Vision" (S.P. 547) (L.D. 1451)

Report of the Committee on Banking and Insurance reporting "Ought Not to Pass" on Bill "An Act Concerning Discrimination under the Maine Human Rights Act and the Workers' Compensation Act" (S.P. 525) (L.D. 1403)

Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill "An Act to Ensure National Standards of Care" (S.P. 560) (L.D. 1464)

Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill "An Act to Reduce the Filing Fee for Jury Trials" (EMERGENCY) (S.P. 631) (L.D. 1679)

Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act to Provide Property Tax Relief Benefits to an Estate through an Executor, Administrator, Personal Representative or Heir When a Taxpayer Has Died" (S.P. 616) (L.D. 1620)

Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act Concerning Exemption from Property Tax of Wetlands" (S.P. 623) (L.D. 1627)

Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act Concerning Conservation Easements" (S.P. 624) (L.D. 1628)

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 Aging, Retirement and Veterans reporting "Leave to Withdraw" on Bill "An Act to Amend the Calculation Procedure for Final Average Compensation under the Maine State Retirement Laws in Cases of Furloughs" (EMERGENCY) (S.P. 620) (L.D. 1624)

Report of the Committee on Housing and Economic Development reporting "Leave to Withdraw" on Bill "An Act to Provide That An Upper Age Limit May Not Be Imposed By the Maine State Housing Authority" (S.P. 618) (L.D. 1622)

Report of the Committee on Banking and Insurance reporting "Leave to Withdraw" on Bill "An Act to Provide for Funeral Service Life Insurance" (S.P. 655) (L.D. 1731)

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

Ought to Pass as Amended

Report of the Committee on Marine Resources reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-148) on Bill "An Act to Foster Marine Research" (S.P. 450) (L.D. 1226)

AULT of Wayne
OLIVER of Portland

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-148) as amended by Senate Amendment "A" (S-164) thereto.

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

Signed:

Representative: HANDY of Lewiston

Report was read and accepted, the bill read once. Committee Amendment "A" (S-148) was read by the Clerk.

Senate Amendment "A" (S-164) to Committee Amendment "A" (S-148) was read by the Clerk and adopted.

Committee Amendment "A" (S-148) as amended by Senate Amendment "A" (S-164) thereto was adopted and the Bill assigned for second reading Wednesday, May 22, 1991.

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-152).

Reports were read.

On motion of Representative Crowley of Stockton Springs, the House accepted the Majority "Ought to Pass" Report, the bill read once.

Committee Amendment "A" (S-152) was read by the Clerk and adopted and the Bill assigned for second reading Wednesday, May 22, 1991.

Ought to Pass as Amended

Report of the Committee on Marine Resources reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-150) on Bill "An Act to Make Revisions in the Marine Resource Laws" (S.P. 510) (L.D. 1359)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-150) as amended by Senate Amendment "A" (S-165) thereto.

Report was read and accepted, the bill read once. Committee Amendment "A" (S-150) was read by the Clerk.

Senate Amendment "A" (S-165) to Committee Amendment "A" (S-150) was read by the Clerk and adopted.

Committee Amendment "A" (S-150) as amended by Senate Amendment "A" (S-165) thereto was adopted and the Bill assigned for second reading Wednesday, May 22, 1991.

Divided Report

Later Today Assigned

Majority Report of the Committee on Banking and Insurance reporting "Ought Not to Pass" on Bill "An Act to Authorize Financial Institutions and Credit Unions to Sell Annuities" (S.P. 514) (L.D. 1375)

Signed:

Senators: THERIAULT of Aroostook
BRAWN of Knox

Representatives: RAND of Portland
HASTINGS of Fryeburg
CARLETON of Wells
GARLAND of Bangor
JOSEPH of Waterville
TRACY of Rome

Divided Report

Majority Report of the Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (S-152) on Bill "An Act to Revise the Laws Concerning Innovative Educational Grants" (S.P. 377) (L.D. 1054)

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-156) on same Bill.

Signed:

Senator: KANY of Kennebec

Representatives: MITCHELL of Vassalboro
ERWIN of Rumford
PINEAU of Jay
KETOVER of Portland

Signed:

Senators: ESTES of York
McCORMICK of Kennebec
BRAWN of Knox

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

Came from the Senate with the Majority "Ought Not to Pass" Report read and accepted.

Reports were read.

Representative Mitchell of Vassalboro moved that the House accept the Minority "Ought to Pass" Report. On further motion of the same Representative,

tabled pending her motion that the House accept the Minority "Ought to Pass" Report and later today assigned.

Divided Report

Majority Report of the Committee on Fisheries and Wildlife reporting "Ought Not to Pass" on Bill "An Act to Eliminate Sunday Allocations on the Penobscot River" (S.P. 676) (L.D. 1790)

Signed:

Senators: TWITCHELL of Oxford
SUMMERS of Cumberland

Representatives: ROTONDI of Athens
SWAZEY of Bucksport
CLARK of Millinocket
PAUL of Sanford
GREENLAW of Standish
TRACY of Rome
JACQUES of Waterville
FARREN of Cherryfield
CARROLL of Southwest Harbor
DUFFY of Bangor

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

Signed:

Senator: MATTHEWS of Kennebec

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

Reports were read.

On motion of Representative Clark of Millinocket, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

Divided Report

Later Today Assigned

Majority Report of the Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-158) on Bill "An Act to Require Establishments That Sell Alcohol to Post Health Messages Concerning the Misuse of Alcohol" (S.P. 234) (L.D. 625)

Signed:

Senator: BOST of Penobscot

Representatives: MANNING of Portland
CLARK of Brunswick
GEAN of Alfred
GOODRIDGE of Pittsfield
TREAT of Gardiner
WENTWORTH of Arundel
PENDLETON of Scarborough

DUPLESSIS of Old Town

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

Signed:

Senators: CONLEY of Cumberland
GILL of Cumberland

Representatives: SIMONDS of Cape Elizabeth
PENDEXTER of Scarborough

Came from the Senate with the Minority "Ought Not to Pass" Report read and accepted.

Reports were read.

Representative Manning of Portland moved that the House accept the Majority "Ought to Pass" Report.

On further motion of the same Representative, tabled pending his motion that the House accept the Majority "Ought to Pass" Report and later today assigned.

Non-Concurrent Matter

Bill "An Act to Amend the Laws Regarding Sunday Sales" (H.P. 1079) (L.D. 1573) on which the Minority "Ought to Pass" Report of the Committee on Business Legislation was read and accepted and the Bill passed to be engrossed as amended by House Amendment "A" (H-295) in the House on May 13, 1991.

Came from the Senate with the Majority "Ought Not to Pass" Report of the Committee on Business Legislation read and accepted in non-concurrence.

Representative Gurney of Portland moved that the House Insist and ask for a Committee of Conference.

On motion of the same Representative, tabled pending his motion that the House Insist and ask for a Committee of Conference and later today assigned.

Non-Concurrent Matter

Bill "An Act Relating to Staff of the Maine State Retirement System" (H.P. 1279) (L.D. 1849) which was referred to the Committee on Aging, Retirement and Veterans in the House on May 16, 1991.

Came from the Senate referred to the Committee on State and Local Government in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Allow the Use of Either Paper or Plastic Bags at Point of Retail Sale" (H.P. 812) (L.D. 1166) on which the Minority "Ought Not to Pass" Report of the Committee on Energy and Natural Resources was read and accepted in the House on May 7, 1991.

Came from the Senate with the Majority "Ought to Pass" as amended Report of the Committee on Energy and Natural Resources read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-204) in non-concurrence.

Representative Mitchell of Freeport moved that the House Adhere.

On motion of Representative Jacques of Waterville, tabled pending the motion of Representative Mitchell of Freeport that the House adhere and later today assigned.

COMMUNICATIONS

The following Communication: (S.P. 699)

115TH MAINE LEGISLATURE

May 14, 1991

Senator Zachary E. Matthews
Rep. Dorothy A. Rotondi
Chairpersons
Joint Standing Committee on Fisheries and Wildlife
115th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Wilmot Robinson of Millinocket for appointment and John Crabtree of Warren for reappointment to the Inland Fisheries and Wildlife Advisory Council.

Pursuant to Title 12, MRSA Section 7033-A, these nominations will require review by the Joint Standing Committee on Fisheries and Wildlife and confirmation by the Senate.

Sincerely,

s/Charles P. Pray
President of the Senate

s/John L. Martin
Speaker of the House

Came from the Senate, Read and Referred to the Committee on Fisheries and Wildlife.

Was Read and Referred to the Committee on Fisheries and Wildlife in concurrence.

The following Communication: (H.P. 1302)

DEPARTMENT OF LABOR
P.O. Box 309
Augusta, Maine 04332-0309

April 29, 1991

Senator Donald Esty, Jr., Chair
Representative Edward A. McHenry, Chair

Joint Standing Committee on Labor
115th Maine Legislature
Augusta, ME 04333

Dear Senator Esty, Representative McHenry, and Members of the Joint Standing Committee on Labor:

I am pleased to submit, in accordance with Public Law 1987, chapter 775, a report on the Strategic Training for Accelerated Reemployment (STAR) Program for the period July 1, 1990 through March 31, 1991.

As I think you will agree after reviewing the report, the STAR Program has surpassed expectations for providing an essential training program for recently unemployed Maine citizens. During the report period we have provided education and training to over 1200 Maine people and, of the 412 who terminated from the program, 82% or 338 were placed in jobs with an average wage at placement of \$6.74 per hour.

The STAR Program has been of significant assistance in aiding many of Maine's dislocated workers during the 1989/90 program year, in particular those previously employed by National Sea Products, Bar Harbor Airways, Gamm II, Maine Electronics and Great Northern Paper Company.

I hope you find this report useful and I look forward to the continued success of the STAR Program. Please do not hesitate to contact me if you have any questions.

Sincerely,

s/Charles A. Morrison
Commissioner

Was read and with accompanying report ordered placed on file and sent up for concurrence.

**PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE**

The following Bills and Resolve 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:

Appropriations and Financial Affairs

Bill "An Act to Reform the State Budget Process and Management of State Finances and Fiscal Policy" (EMERGENCY) (H.P. 1299) (L.D. 1879) (Presented by Representative CARROLL of Gray) (Cosponsored by Senator BOST of Penobscot)

Ordered Printed.
Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act to Provide Tire Disposal Alternatives and Fund Waste Management Programs" (EMERGENCY) (H.P. 1300) (L.D. 1880) (Presented by

Representative LORD of Waterboro)

Bill "An Act to Ensure Continuity in Liability for Ground Water Contamination" (EMERGENCY) (H.P. 1306) (L.D. 1888) (Presented by Representative MICHAUD of East Millinocket) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.
Sent up for Concurrence.

Legal Affairs

Bill "An Act to Repeal the Laws Allowing the State to Participate in Lotto*America" (H.P. 1304) (L.D. 1886) (Presented by Representative KETOVER of Portland) (Cosponsored by Representative ERWIN of Rumford, Representative GWADOSKY of Fairfield and Senator BUSTIN of Kennebec) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.
Sent up for Concurrence.

State and Local Government

Bill "An Act Regarding the Ministerial and Grammar School Fund of Turner" (H.P. 1297) (L.D. 1877) (Presented by Representative NUTTING of Leeds) (Cosponsored by Representative ADAMS of Portland, Senator BERUBE of Androscoggin and Representative MITCHELL of Vassalboro) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Bill "An Act to Establish the Maine Committee on Aging Within the Department of Human Services and to Establish the Office of the Long-term Care Ombudsman as an Independent Entity" (H.P. 1307) (L.D. 1889) (Presented by Representative FOSS of Yarmouth) (Cosponsored by Senator GILL of Cumberland)

Resolve, to Override a Departmental Rule Imposing Certain ASHRAE Standards on Local School Districts (EMERGENCY) (H.P. 1305) (L.D. 1887) (Presented by Representative FOSS of Yarmouth) (Cosponsored by Representative REED of Falmouth, Representative MacBRIDE of Presque Isle and Senator FOSTER of Hancock) (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 Establish the Homestead Property Tax Relief Program" (H.P. 1298) (L.D. 1878) (Presented by Representative McHENRY of Madawaska)

Ordered Printed.
Sent up for Concurrence.

Transportation

Bill "An Act to Strengthen the Inspection Laws for Buses other than School Buses" (H.P. 1303) (L.D. 1885) (Presented by Representative DAGGETT of Augusta)

Ordered Printed.
Sent up for Concurrence.

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

(At Ease to Gong)

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

ORDERS

On motion of Representative JALBERT of Lisbon, the following Joint Resolution: (H.P. 1308) (Cosponsors: Speaker MARTIN of Eagle Lake, Senator WEBSTER of Franklin and Senator CLARK of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 35)

JOINT RESOLUTION MEMORIALIZING THE CONGRESS OF THE UNITED STATES TO ELIMINATE INEQUITIES IN THE PAYMENT OF SOCIAL SECURITY BENEFITS BASED ON THE YEAR OF INITIAL ELIGIBILITY

WE, your Memorialists, the Members of the One Hundred and Fifteenth Legislature of the State of Maine, now assembled in the First Regular Session, most respectfully present and petition the Congress of the United States, as follows:

WHEREAS, the provisions set forth in 42 United States Code, Section 415 for determining the primary insurance amount of a person receiving social security were amended in 1977 by Public Law 95-216; and

WHEREAS, that amendment resulted in disparate benefits according to when a person initially becomes eligible for benefits; and

WHEREAS, persons who were born during the years 1917 to 1926, inclusive, and who are commonly referred to as "notch babies," receive lower benefits than persons who were born before that time; and

WHEREAS, the payment of benefits under the social security system is not based on need or other considerations related to welfare, but on a program of insurance based on contributions by a person and

that person's employer; and

WHEREAS, the discrimination between persons receiving benefits is totally inequitable and contrary to the principles of justice and fairness; and

WHEREAS, the Social Security Trust Fund has adequate reserves to eliminate this inequity; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully recommend and urge the Congress of the United States to enact legislation to eliminate inequities in the payment of social security benefits to persons based on the year in which they initially become eligible for such benefits; and be it further

RESOLVED: that Congress eliminate these inequities without reducing the benefits of persons who were born before 1917; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each Member of the Maine Congressional Delegation.

Was read and adopted and sent up for concurrence.

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

ORDERED, that Representative Susan D. Duplessis of Old Town be excused May 8 and 9 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Harry W. Bailey of Township 27 be excused May 13 and 14 for personal reasons.

Was read and passed.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative LAWRENCE from the Committee on **Legal Affairs** on Bill "An Act to Grandfather Mobile Home Park Lots in Existence Prior to June 30, 1989" (H.P. 1216) (L.D. 1774) reporting **"Ought Not to Pass"**

Representative LAWRENCE from the Committee on **Legal Affairs** on Bill "An Act to Ensure Fairness to Tenants" (H.P. 1220) (L.D. 1778) reporting **"Ought Not to Pass"**

Representative DiPIETRO from the Committee on **Taxation** on Bill "An Act to Increase Revenue to the State" (H.P. 960) (L.D. 1387) reporting **"Ought Not to Pass"**

Representative DiPIETRO from the Committee on **Taxation** on Bill "An Act to Fund the Elderly Tax

Deferral Program" (H.P. 1086) (L.D. 1586) reporting **"Ought Not to Pass"**

Representative DiPIETRO from the Committee on **Taxation** on Bill "An Act to Require the Reporting of Income Tax Payments by Corporations" (H.P. 1091) (L.D. 1591) reporting **"Ought Not to Pass"**

Representative DiPIETRO from the Committee on **Taxation** on Bill "An Act Concerning Proration of Real Estate Taxes" (H.P. 1097) (L.D. 1596) reporting **"Ought Not to Pass"**

Representative DiPIETRO from the Committee on **Taxation** on Bill "An Act to Authorize a Local Option Excise Tax on Gravel Mining" (H.P. 1099) (L.D. 1598) reporting **"Ought Not to Pass"**

Representative DiPIETRO from the Committee on **Taxation** on Bill "An Act to Amend the Income Tax Laws Pertaining to Children's Interest Earnings" (H.P. 1113) (L.D. 1638) reporting **"Ought Not to Pass"**

Representative DiPIETRO from the Committee on **Taxation** on Bill "An Act to Protect Forest Resources From Piecemeal Development and to Amend the Maine Tree Growth Tax Law" (H.P. 1120) (L.D. 1645) reporting **"Ought Not to Pass"**

Representative DiPIETRO from the Committee on **Taxation** on Bill "An Act to Exempt Certain Farm Structures from Taxation" (H.P. 1165) (L.D. 1706) reporting **"Ought Not to Pass"**

Representative DiPIETRO from the Committee on **Taxation** on Bill "An Act to Authorize Municipalities to Impose a Severance Tax on Gravel" (H.P. 1199) (L.D. 1755) reporting **"Ought Not to Pass"**

Representative PARADIS from the Committee on **Judiciary** on Bill "An Act to Improve the Forfeiture Provisions of the Maine Drug Laws" (H.P. 172) (L.D. 257) reporting **"Ought Not to Pass"**

Representative PARADIS from the Committee on **Judiciary** on Resolve, to Study the Structure of Law Enforcement in the State (EMERGENCY) (H.P. 1123) (L.D. 1648) reporting **"Ought Not to Pass"**

Representative STEVENS from the Committee on **Judiciary** on Bill "An Act to Adopt the English Rule, With Exceptions, for Attorney's Fees in Litigation" (H.P. 1030) (L.D. 1503) reporting **"Ought Not to Pass"**

Representative PARADIS from the Committee on **Judiciary** on Bill "An Act Concerning the Liability of Sport Shooting Range Operators" (H.P. 1009) (L.D. 1477) reporting **"Ought Not to Pass"**

Representative PARADIS from the Committee on **Judiciary** on Bill "An Act to Expand the Criminal Code Protections Against Abuse to Children" (H.P. 864) (L.D. 1244) reporting **"Ought Not to Pass"**

Representative MITCHELL from the Committee on **Banking and Insurance** on Bill "An Act Concerning Rental Vehicle Insurance" (H.P. 534) (L.D. 762)

reporting **"Ought Not to Pass"**

Representative STROUT from the Committee on **Transportation** on Bill "An Act Relating to Transportation Planning" (H.P. 789) (L.D. 1121) reporting **"Ought Not to Pass"**

Representative MANNING from the Committee on **Human Resources** on Bill "An Act to Allow Municipalities to Establish Fees for Copies of Vital Records" (H.P. 1262) (L.D. 1831) reporting **"Ought Not to Pass"**

Representative JACQUES from the Committee on **Energy and Natural Resources** on Bill "An Act to Create the Maine Local Land Trust Board" (H.P. 1250) (L.D. 1817) reporting **"Ought Not to Pass"**

Representative SHELTRA from the Committee on **Business Legislation** on Bill "An Act Concerning the Practice of Landscape Architecture" (EMERGENCY) (H.P. 1082) (L.D. 1576) reporting **"Ought Not to Pass"**

Representative SHELTRA from the Committee on **Business Legislation** on Bill "An Act Requiring Plumbers and Electricians to Demonstrate Financial Responsibility" (H.P. 1183) (L.D. 1726) 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 JACQUES from the Committee on **Energy and Natural Resources** on Bill "An Act to Amend the Maine Environmental Protection Fund Fee Schedule" (EMERGENCY) (H.P. 1275) (L.D. 1846) reporting **"Leave to Withdraw"**

Representative JACQUES from the Committee on **Energy and Natural Resources** on Bill "An Act to Allow Municipalities to Regulate Borrow Pits" (H.P. 1111) (L.D. 1636) reporting **"Leave to Withdraw"**

Representative SHELTRA from the Committee on **Business Legislation** on Bill "An Act to Regulate Suntanning Booths" (H.P. 1133) (L.D. 1658) reporting **"Leave to Withdraw"**

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

Ought to Pass Pursuant to Joint Order (H.P. 51)

Representative CHONKO from the Committee on **Appropriations and Financial Affairs** on Bill "An Act Concerning Tax Anticipation Notes for Fiscal Year 1991-92 and the Maine Rainy Day Fund" (EMERGENCY) (H.P. 1301) (L.D. 1882) reporting **"Ought to Pass"** - Pursuant to Joint Order (H.P. 51)

Report was read and accepted, the bill read once and assigned for second reading Wednesday, May 22,

1991.

Divided Report

Later Today Assigned

Majority Report of the Committee on **Labor** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-324) on Bill "An Act to Prevent Striking Workers from Being Permanently Replaced by Strikebreakers" (H.P. 615) (L.D. 875)

Signed:

Senators: ESTY of Cumberland
CONLEY of Cumberland

Representatives: RAND of Portland
MCKEEN of Windham
PINEAU of Jay
RUHLIN of Brewer
ST. ONGE of Greene
McHENRY of Madawaska

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

Signed:

Senator: CARPENTER of York

Representatives: LIPMAN of Augusta
AIKMAN of Poland
HASTINGS of Fryeburg

Reports were read.

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

On further motion of the same Representative, tabled pending his motion that the House accept the Majority "Ought to Pass" Report and later today assigned.

Divided Report

Later Today Assigned

Majority Report of the Committee on **Labor** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-325) on Bill "An Act to Protect Retail Sales Employees" (H.P. 352) (L.D. 482)

Signed:

Senators: ESTY of Cumberland
CONLEY of Cumberland
CARPENTER of York

Representatives: PINEAU of Jay
McHENRY of Madawaska
AIKMAN of Poland
ST. ONGE of Greene
RAND of Portland
MCKEEN of Windham
HASTINGS of Fryeburg

RUHLIN of Brewer

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

Signed:

Representative: LIPMAN of Augusta

Reports were read.

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

On further motion of the same Representative, tabled pending his motion that the House accept the Majority "Ought to Pass" Report and later today assigned.

Divided Report

Later Today Assigned

Majority Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-326) on Bill "An Act Concerning Unemployment Benefits During Lockouts" (H.P. 649) (L.D. 923)

Signed:

Senators: ESTY of Cumberland
CONLEY of Cumberland

Representatives: MCHENRY of Madawaska
PINEAU of Jay
RAND of Portland
RUHLIN of Brewer
ST. ONGE of Greene
McKEEN of Windham

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

Signed:

Senator: CARPENTER of York

Representatives: LIPMAN of Augusta
AIKMAN of Poland
HASTINGS of Fryeburg

Reports were read.

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

On further motion of the same Representative, tabled pending his motion that the House accept the Majority "Ought to Pass" Report and later today assigned.

Divided Report

Later Today Assigned

Majority Report of the Committee on State and Local Government reporting "Ought Not to Pass" on

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Increase the Availability of Legislative Participation (H.P. 740) (L.D. 1044)

Signed:

Senators: EMERSON of Penobscot
BERUBE of Androscoggin
BUSTIN of Kennebec

Representatives: NASH of Camden
LARRIVEE of Gorham
HEESCHEN of Wilton
JOSEPH of Waterville
WATERMAN of Buxton
GRAY of Sedgwick
KERR of Old Orchard Beach
ST. ONGE of Greene

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-319) on same Resolution.

Signed:

Representatives: LOOK of Jonesboro
SAVAGE of Union

Reports were read.

Representative Joseph of Waterville moved that the House accept the Majority "Ought Not to Pass" Report.

On further motion of the same Representative, tabled pending her motion that the House accept the Majority "Ought Not to Pass" Report and later today assigned.

CONSENT CALENDAR

First Day

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

(H.P. 1255) (L.D. 1823) Bill "An Act to Increase the Debt Limit of the Ogunquit Sewer District" (EMERGENCY) Committee on Utilities reporting "Ought to Pass"

(H.P. 853) (L.D. 1219) Bill "An Act Concerning Witnesses and the Integrity of the Judicial Process" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-334)

(S.P. 444) (L.D. 1188) Bill "An Act Concerning Public Representation on Professional and Occupational Boards or Commissions" Committee on Business Legislation reporting "Ought to Pass"

(S.P. 204) (L.D. 531) Bill "An Act Concerning Energy Efficiency Standards for Subsidized Housing" Committee on Housing and Economic Development reporting "Ought to Pass" as amended by Committee Amendment "A" (S-151)

(S.P. 388) (L.D. 1065) Bill "An Act Relating to

the Finalization of Divorces" Committee on **Judiciary** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-142)

(S.P. 399) (L.D. 1075) Bill "An Act to Allow the Suspension of Fines in Certain Cases" Committee on **Judiciary** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-144)

(S.P. 456) (L.D. 1232) Bill "An Act Regarding the Exclusivity of an Authorized Aquaculture Lease Site" Committee on **Marine Resources** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-149)

(S.P. 469) (L.D. 1252) Bill "An Act to Amend and Improve the Laws Relating to Education" Committee on **Education** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-153)

(S.P. 519) (L.D. 1397) Bill "An Act to Establish a Seasonal Permit for the Sale of Deer Hides" Committee on **Fisheries and Wildlife** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-146)

(S.P. 535) (L.D. 1424) Bill "An Act to Enhance the Trapping of Beaver" Committee on **Fisheries and Wildlife** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-145)

(S.P. 540) (L.D. 1438) Bill "An Act to Exempt from Right-to-know Laws Information Contained in the Personnel File of Department of Corrections Employees" Committee on **Judiciary** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-143)

(H.P. 1246) (L.D. 1813) Bill "An Act Relating to Tax Refund Anticipation Loan Disclosures" Committee on **Banking and Insurance** reporting "Ought to Pass"

(H.P. 56) (L.D. 77) Bill "An Act to Extend the Commission to Study Maine's Oil Spill Clean-up Preparedness and to Improve Marine Oil Spill Prevention, Planning and Response" (EMERGENCY) Committee on **Energy and Natural Resources** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-339)

(H.P. 870) (L.D. 1256) Bill "An Act Concerning the Packaging of Soy Milk" Committee on **Energy and Natural Resources** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-341)

(H.P. 800) (L.D. 1146) Bill "An Act to Increase the Collection of Child Support Payments" Committee on **Human Resources** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-342)

(H.P. 933) (L.D. 1353) Bill "An Act to Establish Municipal Cost Components for Services to be Rendered in Fiscal Year 1991-92" (EMERGENCY) Committee on **Taxation** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-344)

(S.P. 583) (L.D. 1536) Bill "An Act to Amend the Laws Regarding the Labeling of Seafood" Committee on **Marine Resources** reporting "Ought to Pass"

(H.P. 764) (L.D. 1098) Bill "An Act to Protect

the Rights of Independent Sales Representatives after Termination of Their Contracts" Committee on **Business Legislation** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-347)

(H.P. 1161) (L.D. 1702) Bill "An Act to Clarify the Role of the Maine Youth Center" **Joint Select Committee on Corrections** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-348)

There being no objections, the above items were ordered to appear on the Consent Calendar of Wednesday, May 22, 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:

(S.P. 357) (L.D. 959) Bill "An Act to Exempt Certain Persons from the Counselors Licensure Laws" (C. "A" S-140)

(H.P. 936) (L.D. 1356) Bill "An Act to Clarify Certain Commercial Vehicle Size and Weight Provisions"

(H.P. 765) (L.D. 1099) Bill "An Act to Create a Semipermanent Semitrailer Registration" (EMERGENCY) (C. "A" H-306)

(H.P. 457) (L.D. 648) Bill "An Act to Amend the Motor Vehicle Title Laws" (C. "A" H-307)

(H.P. 1232) (L.D. 1796) Bill "An Act to Modify the Maine Land Use Regulation Commission Requirements Relating to Deer Wintering Areas"

(H.P. 919) (L.D. 1316) Bill "An Act to Clarify Board Membership Qualifications and Make Necessary Fee Adjustments to Meet Board and Departmental Operating Expenses for the State Board of Licensure for Professional Foresters" (EMERGENCY) (C. "A" H-312)

(H.P. 912) (L.D. 1309) Bill "An Act to Provide for Changes to the Membership of the Electricians' Examining Board" (C. "A" H-313)

(H.P. 810) (L.D. 1164) Bill "An Act to Clarify the Appointment of Civil Emergency Preparedness Directors"

(H.P. 761) (L.D. 1095) Bill "An Act to Make Allocations for the Administrative Expenses of the Department of Finance, Bureau of Lottery, for the Fiscal Years Ending June 30, 1992 and June 30, 1993" (EMERGENCY)

(H.P. 738) (L.D. 1042) Bill "An Act to Make Allocations for the Administrative Expenses of the Department of Finance, Bureau of Alcoholic Beverages for the Fiscal Years Ending June 30, 1992 and June 30, 1993" (EMERGENCY)

(H.P. 1242) (L.D. 1808) Bill "An Act to Revise the Membership of the Committee to Advise the Department of Human Services on AIDS" (EMERGENCY)

(H.P. 735) (L.D. 1039) Bill "An Act to Resolve Municipal Secret Ballot Elections that Result in a Tie Vote"

(H.P. 867) (L.D. 1247) Bill "An Act to Amend Certain Provisions of the Insurance Code Involving the Powers of the Superintendent" (C. "A" H-315)

(H.P. 639) (L.D. 913) Bill "An Act to Clarify the Funding of Child Care Services and Parenting Education" (C. "A" H-317)

(H.P. 656) (L.D. 935) Bill "An Act Requiring School Districts to Make Instruction in Braille Reading and Writing Available to Blind Students" (C. "A" H-318)

(H.P. 1028) (L.D. 1501) Bill "An Act to Amend the Charter of the Presque Isle Sewer District" (C. "A" H-320)

(H.P. 1013) (L.D. 1481) Bill "An Act to Facilitate the Delivery of Family Support Services" (C. "A" H-321)

(H.P. 882) (L.D. 1273) Bill "An Act to Require the Holding of Hearings under the Maine Administrative Procedure Act" (C. "A" H-322)

(H.P. 655) (L.D. 934) Bill "An Act to Regulate the Use of Video Display Terminals" (C. "A" H-323)

(H.P. 1248) (L.D. 1815) Bill "An Act to Authorize Employees of a Participating Local District to Participate in a Qualified Alternative Pension Plan"

(H.P. 1027) (L.D. 1500) Bill "An Act to Amend Certain Laws Governing Hazardous Waste, Septage and Solid Waste Management to Include a Land Acquisition and Eminent Domain Provision for the Remediation of Hazardous Substances and to Provide for the Reimbursement of Expenditures Made for the Acquisition of Property" (C. "A" H-327)

(H.P. 914) (L.D. 1311) Resolve, Authorizing the Sale of Certain Public Lands (C. "A" H-328)

(H.P. 244) (L.D. 335) Bill "An Act to Amend the Subdivision Laws within the Jurisdiction of the Maine Land Use Regulation Commission" (C. "A" H-329)

No objections having been noted at the end of the Second Legislative Day, the Senate Paper was 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. 441) (L.D. 624) Bill "An Act to Establish a Harbor Management Fund and Deal with Abandoned Watercraft" (C. "A" H-330)

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

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

Committee Amendment "A" (H-330) was read by the Clerk.

Representative Tamaro of Baileyville offered House Amendment "A" (H-372) to Committee Amendment "A" (H-330) and moved its adoption.

House Amendment "A" (H-372) to Committee Amendment "A" (H-330) was read by the Clerk and adopted.

Committee Amendment "A" (H-330) as amended by House Amendment "A" (H-372) thereto was adopted and the Bill assigned for second reading Wednesday, May 22, 1991.

(H.P. 161) (L.D. 246) Bill "An Act Assuring Clean Waters in Maine" (C. "A" H-331)

(H.P. 1080) (L.D. 1574) Bill "An Act to Revise the Charter of the South Berwick Water District" (EMERGENCY) (C. "A" H-332)

(H.P. 1020) (L.D. 1493) Bill "An Act to Regulate Fines for Prohibited Acts Concerning the Use of Public Ways and Parking Areas Maintained by the State" (C. "A" H-333)

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.

SECOND READER

Later Today Assigned

Bill "An Act to Extend Confidentiality Status to Certain Records of Applicants for Housing, Community or Economic Development Activities" (H.P. 1271) (L.D. 1842)

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

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

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Limit Major Third-party Payor Status to Governmental Payors" (S.P. 594) (L.D. 1579)

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

Representative Manning of Portland offered House Amendment "A" (H-367) and moved its adoption. House Amendment "A" (H-367) was read by the Clerk and adopted.

The bill was passed to be engrossed as amended by

House Amendment "A" (H-367) in non-concurrence and sent up for concurrence.

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Address Budgetary Concerns of the Maine Athletic Commission and to Deregulate Certain Aspects of the Sport of Wrestling" (EMERGENCY) (H.P. 703) (L.D. 1007) (C. "A" H-314)

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

Representative Sheltra of Biddeford offered House Amendment "A" (H-338) and moved its adoption.

House Amendment "A" (H-338) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-314) as amended by House Amendment "A" (H-338) in non-concurrence and sent up for concurrence.

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Amend the Law Concerning the Maine High-Risk Insurance Organization" (H.P. 546) (L.D. 783) (C. "B" H-316)

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

On motion of Representative Erwin of Rumford, the House reconsidered its action whereby Committee Amendment "B" (H-316) was adopted.

The same Representative offered House Amendment "A" (H-366) to Committee Amendment "B" (H-316) and moved its adoption.

House Amendment "A" (H-366) to Committee Amendment "B" (H-316) was read by the Clerk.

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

Representative ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: House Amendment "A" amends by retaining the February 1st reporting date for the Maine High-Risk Insurance Organization's Annual Report. The Report has been submitted on a calendar year basis in the past and is always very late. Instead of changing the reporting date, the Board has been directed to submit its Report on February 1st for the preceding fiscal year, which is consistent with all other activities of the program.

In addition, it adds a non-lapsing clause for the General Fund appropriation required to subsidize the health insurance premiums of low-income, high-risk individuals insured under the plan. This appropriation lapsed at the end of the last biennium and had to be reappropriated by the legislature in order for the subsidy program to continue. Approximately 12 percent of enrollees or 50 people had their premium subsidized from 17 percent to 33 percent. Without this subsidy program, these people are likely to become uninsured costing far more

public dollars in the long run for uncompensated medical care.

Subsequently, House Amendment "A" (H-366) to Committee Amendment "B" (H-316) was adopted.

Committee Amendment "B" (H-316) as amended by House Amendment "A" (H-366) thereto was adopted.

The bill was passed to be engrossed as amended by Committee Amendment "B" (H-316) as amended by House Amendment "A" (H-366) thereto and sent up for concurrence.

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Amend the State Government Ethics Laws" (H.P. 733) (L.D. 1037) (C. "A" H-304)

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

SECOND READER

Later Today Assigned

Bill "An Act to Ensure that County Sheriffs Continue to Provide Rural Patrols for Small Towns in the Counties" (H.P. 813) (L.D. 1167) (C. "A" H-305)

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

On motion of Representative Nutting of Leeds, the House reconsidered its action whereby Committee Amendment "A" (H-305) was adopted.

The same Representative offered House Amendment "A" (H-375) to Committee Amendment "A" (H-305) and moved its adoption.

House Amendment "A" (H-375) to Committee Amendment "A" (H-305) was read by the Clerk.

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

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

Is there a fiscal note to this amendment?

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

The Chair recognizes the Representative from Leeds, Representative Nutting.

Representative NUTTING: Mr. Speaker, Ladies and Gentlemen of the House: There is no fiscal note to this amendment. This was an amendment that was needed to add some clarification to a unanimous committee report from the State and Local Government Committee.

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

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

It says no fiscal note on this amendment — wouldn't it be in violation of the rules?

On motion of Representative Mayo of Thomaston, tabled pending adoption of House Amendment "A"

(H-375) to Committee Amendment "A" (H-305) and later today assigned.

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Share Proportionately the Public Safety Costs for the Capitol Area" (H.P. 411) (L.D. 594) (H. "A" H-345 to C. "A" H-228)

Bill "An Act Concerning Late Support Payments" (H.P. 384) (L.D. 558) (H. "A" H-336 to C. "A" H-221)

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Extend Mandatory Participation in the E-9-1-1 Program (S.P. 246) (L.D. 655) (C. "A" S-127)

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. 114 voted in favor of the same and 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

ENACTOR

Emergency Measure

Later Today Assigned

An Act Concerning Special Waste Landfills (S.P. 472) (L.D. 1264) (S. "D" S-132 to C. "A" S-124)

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

Emergency Measure

An Act to Promote Cranberry Cultivation in Maine (H.P. 69) (L.D. 97) (H. "A" H-266 to C. "A" H-175)

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. 115 voted in favor of the same and none

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

PASSED TO BE ENACTED

Emergency Measure

An Act Concerning Purchases of Alcohol from Agency Stores (H.P. 91) (L.D. 132) (H. "A" H-294 to C. "A" H-155)

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. 108 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

ENACTOR

Emergency Measure

Later Today Assigned

An Act to Prohibit the Charging of Rent in Advance by Landlords (H.P. 370) (L.D. 524) (C. "A" H-245)

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

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

Representative LAWRENCE: Mr. Speaker, Men and Women of the House: I would just like to read into the Record that payment to educational institutions for residential homes is not considered rent for the purposes of this act or under this amendment.

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

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

The reason that I am sponsoring this motion is because I feel that this particular problem is a problem that has occurred in the sponsor's hometown of Orono and I don't feel that this particular item should be taken up here at this time. I feel that if they have a problem in Orono that Orono is the place they should solve the problem.

I have spoken to people in Portland, Lewiston, and South Portland and they all have schools there and they don't seem to be having any problem. The only place having a problem is Orono and I think the people in Orono, if they have a problem, should be able to solve it themselves.

In regard to what our good friend from Kittery has indicated that room and board is not considered rent — well, room and board to my way of thinking is a place to live and if the University of Maine can collect their rent in advance and their tuition in advance, then I think the landlord should have the

same opportunity.

I hope you will all support me on this motion.

On motion of Representative Gwadosky of Fairfield, tabled pending the motion of Representative DiPietro of South Portland that L.D. 524 and all accompanying papers be indefinitely postponed and later today assigned.

PASSED TO BE ENACTED

Emergency Measure

An Act to Establish a Home-Release Monitoring Program for Certain Inmates Sentenced to County Jails (H.P. 879) (L.D. 1270) (C. "A" H-243)

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

PASSED TO BE ENACTED

Emergency Measure

An Act Relating to the Knox County Budget Process (S.P. 290) (L.D. 772) (C. "A" S-116)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 124 voted in favor of the same and 2 against and accordingly the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act to Regulate Conflict of Interest within the Maine Science and Technology Commission (S.P. 299) (L.D. 797)

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. 122 voted in favor of the same and 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act to Require Repair of Septic Systems (H.P. 504) (L.D. 698) (C. "A" H-182 and H. "A" H-284)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 117 voted in favor of the same and 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

Resolve, to Permit Certain Uses of the State Seal (S.P. 371) (L.D. 996) (C. "A" S-128)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 128 voted in favor of the same and none against and accordingly the Resolve was finally passed, signed by the Speaker pro tem and sent to the Senate.

PASSED TO BE ENACTED

An Act to Clarify the Misbranded Food Laws (S.P. 354) (L.D. 956) (C. "A" S-123)

An Act to Clarify the Regulation of Water Districts (S.P. 426) (L.D. 1138) (C. "A" S-122)

An Act to Grant Enforcement Powers to Sewer Districts (S.P. 509) (L.D. 1358) (C. "A" S-129)

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

ENACTOR

(Reconsidered)

An Act to Transfer Responsibility for the Regulation of Home Service Contracts from the Real Estate Commission to the Bureau of Insurance (S.P. 688) (L.D. 1829)

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

On motion of Representative Chonko of Topsham, the House reconsidered its action whereby L.D. 1829 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-362) and moved its adoption.

House Amendment "A" (H-362) was read by the Clerk and adopted.

The bill was passed to be engrossed as amended by

House Amendment "A" (H-362) in non-concurrence and sent up for concurrence.

PASSED TO BE ENACTED

An Act to Amend the Financial Responsibility Laws (H.P. 16) (L.D. 19) (C. "A" H-240)

An Act to Clarify the Definition of Public Employer under the Municipal Public Employees Labor Relations Laws (H.P. 577) (L.D. 828) (C. "A" H-242)

An Act to Assist the Expansion of Municipal Sewer Systems (H.P. 781) (L.D. 1113) (C. "A" H-230 and H. "A" H-259)

An Act to Clarify the Procedures of Local Boards of Appeal (H.P. 832) (L.D. 1198) (H. "A" H-248)

An Act to Prescribe the Duties and Liabilities of Ice-skating Rink Operators and Persons Who Use Ice-skating Rinks (H.P. 1217) (L.D. 1775) (H. "A" H-285)

An Act Regarding Purchase of Service Credit by Members Who Previously Taught in Other than Public School (S.P. 158) (L.D. 370) (C. "A" S-115)

An Act to Regulate Water Utility Contingency Reserve Funds (S.P. 171) (L.D. 426) (C. "A" S-113)

An Act to Clarify the Confidentiality of Public Employee Disciplinary Records (S.P. 322) (L.D. 878) (C. "A" S-114)

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

PASSED TO BE ENACTED

An Act to Require Administrative Agencies to Create Municipal Fiscal Impact Statements When They Create Rules (S.P. 403) (L.D. 1079) (S. "A" S-130)

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

The SPEAKER: The Chair recognizes the Representative from Wilton, Representative Heesch.

Representative HEESCHEN: Mr. Speaker, Ladies and Gentlemen of the House: This is a fast track that we are operating on. I'm afraid that we have become passengers on an ill-advised journey. I am afraid that we will be passing legislation that we will later come to deeply regret.

No, I don't mean that it will be tightening or strengthening our environmental laws, there is no danger of that. The magic words uttered at the appropriate time that is sort of an incantation — property taxes, mandates, jobs — have made sure we wouldn't do anything that foolish. No, what I mean is that we will be passing ill-conceived and poorly thought out legislation such as that typified by the bill before us now, L.D. 1039, An Act to Require

Administrative Agencies to Create Municipal Fiscal Impact Statements When They Create Rules.

Because we are so afraid of these magic words that I just mentioned and so eager to at least appear to do the right thing, we are ready to bequeath the succeeding legislatures the burden of these kinds of "feel good" laws and the result of our own lack of due deliberation and evaluation. These laws promise so much more than they can deliver. They are based on faulty premises, they look at only half the story, we haven't even considered the implications of these laws. Some of these premises come down to that all evil of property taxes can be traced to the legislative mandates and rules. Another premise is that we never listen to businesses or towns here. Anybody knows that these are untrue.

Many of these impact study bills require only looking at one side, — costs, not benefits. They don't look at what about the costs if we don't take action.

This bill was reported out of committee despite the fact that the Maine Municipal Association, in its testimony, admitted that they are at least five to ten years from having appropriate and useful data. They are just starting to develop models for different sized communities. It would be five to ten years before full implementation of any kind of community data input is ready. Moreover, the University of Southern Maine is only starting to create a method of analyzing impacts at their new state and local center so we don't even have now and will not have for some time the information needed to even respond to the charge that this bill makes. This leads me to question the fiscal note. Frankly, I don't believe it. It says that there will be no problem. If it is going to take five to ten years to develop the data, if the University of Southern Maine is just getting underway a process to evaluate this, I don't think it is possible that this can be absorbed within the current budget and resources of state agencies. I believe we should do the right thing but this certainly isn't it.

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

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

Representative LOOK: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will consider carefully the motion that has been placed before you.

What we hear all across the state are the rules and regulations that come out without ever giving consideration to the results and what they mean at the local level. Please look at this, examine it, and let's have some answers before we insist that these rules and regulations be implemented. It is only fair to the taxpayers back home that this information be made available.

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

Representative JOSEPH: Mr. Speaker, Men and Women of the House: The committee contemplated and discussed this particular issue along with other "mandate bills." However, it was decided that we should vote this piece of legislation "Ought to Pass." Maine agency rules are an important form of law which every citizen in our state must obey. Maine rules are enforceable in court and carry penalties and sanctions for violations, just as our statutory law does. Everything that Representative Heesch has told you is absolutely true. We had

these discussions within the committee.

The fiscal note could not be determined at this time because agencies felt that they could not, in any way, reflect to us what the cost of deciding what the fiscal note to the municipalities would be. However, because of the statement I just made about the strength of the rules within state government, the committee felt that agencies should give second thoughts to each and every rule promulgated and the effect that they would have on the municipalities of the state.

Representative Small requested a roll call.

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: The pending question before the House is the motion of Representative Heeschen of Wilton that L.D. 1079 and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 64

YEA - Adams, Aliberti, Anthony, Farnsworth, Handy, Heeschen, Holt, Kontos, Larrivee, Luther, Mahany, McKeen, Pfeiffer, Powers, Rand, Richardson, Sheltra, Treat, Wentworth.

NAY - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bell, Bennett, Boutillier, Bowers, Butland, Cahill, M.; Carleton, Carroll, D.; Carroll, J.; Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Donnelly, Dore, Duffy, Dutremble, L.; Erwin, Farren, Foss, Garland, Gean, Goodridge, Graham, Gray, Greenlaw, Gurney, Gwadosky, Hale, Hanley, Hastings, Heino, Hepburn, Hichborn, Hogle, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kutasi, LaPointe, Lawrence, Lebowitz, Lemke, Lipman, Look, Lord, MacBride, Manning, Marsano, Marsh, Martin, H.; Mayo, McHenry, Melendy, Merrill, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nash, Norton, Nutting, Oliver, Ott, Paradis, P.; Parent, Paul, Pendexter, Pineau, Pines, Plourde, Poulin, Pouliot, Reed, G.; Reed, W.; Richards, Ricker, Rotondi, Rydell, Saint Onge, Salisbury, Savage, Simonds, Simpson, Small, Spear, Stevens, A.; Stevens, P.; Stevenson, Strout, Swazey, Tammaro, Tardy, Townsend, Tracy, Tupper, Vigue, Waterman, Whitcomb.

ABSENT - Cashman, Duplessis, Farnum, Gould, R. A.; Hichens, Libby, Macomber, Michaud, Nadeau, O'Dea, O'Gara, Paradis, J.; Pendleton, Ruhlin, Skoglund, The Speaker.

Yes, 19; No, 116; Absent, 16; Paired, 0; Excused, 0.

19 having voted in the affirmative and 116 in the negative with 16 being absent, the motion did not prevail.

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

PASSED TO BE ENACTED

An Act to Require Door-to-door Sellers of Frozen Foods to Disclose Actual Unit Prices (S.P. 430) (L.D. 1151) (C. "A" S-118)

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

ENACTOR

Tabled and Assigned

An Act Concerning the Suspension of Licenses by the Commissioner of Marine Resources (S.P. 457) (L.D. 1233)

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

On motion of Representative Mitchell of Freeport, tabled pending passage to be enacted and specially assigned for Wednesday, May 22, 1991.

PASSED TO BE ENACTED

An Act Concerning Consent to Dental Care (H.P. 60) (L.D. 88) (H. "A" H-264 to C. "A" H-170)

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

ENACTOR

(Indefinitely Postponed)

An Act to Implement the Recommendations of the Travel Information Advisory Council Concerning Informational Signs (H.P. 86) (L.D. 121) (S. "A" S-58 and H. "F" H-247 to C. "A" H-72)

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from York, Representative Ott.

Representative OTT: Mr. Speaker, Ladies and Gentlemen of the House: I move that L.D. 121 and all accompanying papers be indefinitely postponed.

I rise this evening to ask you to postpone your decision on L.D. 121 which I think is a bill, if passed, would send us down a road that would open a door to such visual pollution that I think would absolutely destroy all the good work that some of you and perhaps many of you were involved in during your legislative service to the people of the State of Maine.

Back in 1965, following the Highway Beautification Act that was passed by the federal government, the State of Maine, I think, embarked on a vigorous campaign to try to implement the guidelines that were contained in that Act to the

final enactment in 1977 of the Maine Travel Information Services Act. That Act did two things. First of all, it provided for the elimination of all general off-premise advertising and secondly, in its wisdom, provided a system of uniform signage, which we know today is the official business directional signage or directional signs, which many of us see along our highways that give a very tasteful direction to travelers and the natives as well to various business establishments.

This bill, L.D. 121, was introduced originally in committee for the purpose of addressing some concerns that was raised by the agricultural community. As it was originally presented, it called for the farmers who grew crops and sold them off the main roads at their own stands were able to, during the period from June 15th to November 1st, advertise their produce with two signs that were off-premises on private property.

With the present amendment, this exception has been expanded to the point where it is now four signs and instead of them being required to be erected on private property, the requirement, not only are they allowed to be erected on private property, but if they cannot be done so on private property, they can be erected on state right-of-ways.

It is not as if the businessman and particularly the agricultural community doesn't have the right to put off-premise signs up — under that 1977 Act, the farmers are allowed to put up six off-premise signs together with any logos that they might have. These signs, as I have indicated, are uniform, I think they are very tasteful and, in some communities, it has been said that they are better than the traditional signs that we were used to in years prior to the Billboard Act. There are communities like Palm Springs, Williamsburg, and Martha's Vineyard to name only a few which have decided that the banning of billboards and other unsightly signs have been enacted to protect the tourist trade and the businessman. The old billboards often advertised products that had nothing to do with services such as lodging or meals. They advertised liquor, cigarettes, beer and wine and other business products. I don't think that is really what we want to have for our signage in Maine. If one were to drive from here to Boston and, on the way into Logan Airport or across the Tobin Bridge, you would see signs like "Fly Delta", "Rent-a-Hertz", a sign for the Boston Globe and one sign that has the backside of a tanned woman who gives here telephone number and says, "I drink Johnny Walker Scotch." You say, "Well, aren't I exaggerating?" We are not talking about a proliferation of billboards all of a sudden being plastered all over Maine's highways, what we are talking about with this bill is to allow the farmers to put up four signs off-premises in the state right-of-ways.

I suggest to you, if we pass this bill, we are talking about more than just some signs advertising sweet corn or fresh tomatoes or berries picked this morning. To me, it will be a string that unravels all the prior legislation as all that the prior legislation has worked to achieve. If we pass this bill, why can't other businesses direct the same type of signs? The lobster pound that is down on the water would also want a sign on the state right-of-way indicating the hours of operation that he is in business or the General Store or the potter or the artists or sculptors or the bed and breakfast,

the grocery store, the charter fishing boats, the campgrounds, the golf course, the list would be endless. I suggest to you that all businesses should be given the right to play on the same level.

Right now, there is a bill that I understand is in Business Legislation which if passed out would allow the real estate industry to put off-premise signs advertising cottages or any other property they might be listing for sale and/or for lease. I don't think that passage of this type of legislation would be beneficial for the people of Maine. I do think it would be a clear signal that would invite the outdoor advertising companies to come back into Maine. It is big business in states that it is allowed and most states outside of Maine and Vermont and I believe Alaska and Hawaii it is permitted. It is a cheap way of directing advertising toward a specific market. In 1966, billed sales amounted to \$150 million, in 1983, it passed the billion mark and in 1989, it went over \$2.2 billion. The cost to advertise with billboard advertising is about \$2.00 per 1,000 viewers as opposed to \$17.00 per 1,000 viewers for prime time tv advertising.

I ask you to take a breather, this bill is nothing like the original bill that was introduced in committee. As amended, as I said, it would allow four signs in the right-of-way, but who is going to determine where the right-of-way lies? I suggest to you that most of our traveled ways are well within the state right-of-way which has almost become a portion or attached to private ownership along a traveled way. The way the amendment reads it would not only be required to be in the right-of-way but it would have to be on the edge of the right-of-way. It seems to me that you are allowing a farmer to put his sign on, basically, private property.

The latest amendment to this bill also refers to those who are allowed to place these signs off-premises by indicating that it be anybody who is a grower of fresh fruit and vegetable crops. As originally introduced, it was limited only to farms that were primarily selling their own produce raised on their own farms.

I believe that the voters of Maine have always supported visual quality and I think nothing would destroy the distinctive character of Maine faster than uncontrolled signage. To paraphrase the Executive Director of the organization known as Scenic America, "I don't want to ride across Maine to be like a drive through the yellow pages." I think passage of this bill in its present form will lead us to the first page of that directory. I ask your support for passing this motion to postpone this bill indefinitely.

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

Representative NADEAU: Mr. Speaker, Men and Women of the House: In order to try to get some historic perspective on the billboard law, I spent some time over the past couple of weeks reviewing the Legislative Records on the topic. I think it is interesting to note that "An Act Relating to Outdoor Advertising", which was passed in 1969, was actually submitted to meet the requirements of the Federal Highway Beautification Act of 1965.

Another piece of information that might be worthy of mention is that one of the key proponents at that time was the gentleman from Eagle Lake. Another strong proponent was Representative Brown from York who said, "I would call your attention to the broad

statewide support this L.D. has had, not only by the public clamoring at the hearings for some controls, but those testifying in support of this bill were four department heads, the Maine Municipal Association, the Maine Good Roads Committee, the Garden Club Federation of Maine, the Maine Federation of Women's Clubs, York County Regional Planning Commission, Maine Highway Safety Committee, Coastal Resources Action Committee, Bar Harbor Chamber of Commerce and support by letters of the Maine Audubon Society and Appalachian Club."

Apparently one of the biggest concerns had to do with reimbursement. However, I must say that Mrs. Brown, who is now the Chairwoman of the Maine Travel Information Advisory Council, very appropriately responded to the critics. If I may quote her again, "We are not discriminating against businesses that are not on the primary highways." Sure, the concerns of the farmer were addressed during that discussion but the point was to have a clear, consistent policy.

The issue was also debated in 1977 when "An Act Relating to Providing Information Services to Maine Travelers" was introduced. Whereas the early bill had received a unanimous "Ought to Pass" Report from the Natural Resources Committee, this one was given a nine to four favorable report from the Committee on Business Legislation.

In his opening remarks, the sponsor of the legislation, Representative Hewes of Auburn, mentioned how many people had contributed to the bill. He alluded to his three cosponsors, the Governor, members of state agencies, interest groups who obviously wanted to see the legislation passed and the nine members of the Business Legislation Committee. "It is called the billboard bill," he said, "for that is the shorthand term for a piece of legislation which pulls together the present state laws regarding outdoor, off-premise advertising." He went on to say, "It begins by recognizing there are two functions of off-premise signs. One of those functions is to provide a directional service to help people find businesses or services that are offered to them and the other function is to provide outdoor advertising for products." In the words of Representative Hewes, "The system works this way, any business that wants a directional sign put up for them is allowed up to four within a ten mile radius of their business. Any business which feels it needs that kind of signing or had the signs made by private sign makers in the State of Maine and bring those signs to the Department of Transportation and say, I need these signs directed at the intersection of route so and so and route so and so and the DOT will erect those signs for them."

As was stated at that time, we must always remember that Maine is a state dependent upon its tourist industry. People don't come to Maine to see advertised the same products that they saw advertised back in New Jersey, they come to Maine to see something different, they come to Maine to see Maine. Certainly nobody wants to deliberately hurt the farmer or any other small business person. However, this is a matter of consistency. This is a matter of avoiding a bad precedent. This is a matter of maintaining a good Maine law.

As Marion Fuller Brown, the lady from York who Representative Ott succeeded, wrote in a recent letter published in the Portland Press Herald, "Farmers have been helped by Maine's Travel Advisory Law passed in 1979, removing all billboards." Under

the present law for the past ten years, farmers have been allowed six directional in a highway right-of-way and ten on-premise signs directing the traveling public to their businesses. Let's not allow an emotional argument to weaken a firm and fair policy. I urge you to support the pending motion.

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

Representative STROUT: Mr. Speaker, Men and Women of the House: What you have heard for the last ten minutes is all the bad things about this bill. What I am going to try to explain to you is that this is a simple little bill that is good for the farmers of the State of Maine.

In my opinion, this has nothing to do with the billboard law. This is a bill to allow the farmers of this state to put up seasonal signs from three to four weeks, so what is the big issue? We are not trying to compete with the billboard law and we never intended to.

When they talk about four signs, eight square feet that this amendment would allow, the original chairman of the committee that worked on this last summer approved of two signs of sixteen square feet. If you take two times sixteen that gives you 32, all we are asking for is four times eight, the same thing, 32 square feet.

You have heard mentioned today the Chairman Marion Brown, that is correct, when she was here years ago she supported the billboard law. Now what she is trying to do is tear down the little signs for the farmers. Then they tell about putting these signs in the right-of-way of the roads and they are not going to be able to police it. I don't believe any farmer is going to go out and build a sign eight square feet and not know where the right-of-way is.

They say that the DOT will not police it — well let me tell you, they are doing a pretty good job right now in my area of policing it when we do put them up.

I think the reason that I got interested in this and why I have been so supportive of it is in the past you have seen signs from one foot to five feet to three feet, any size out there. What I see happening here for seasonal signs (if we can pass this bill) is to have a uniform sign.

This little note you got today from Representative Stevens says "Fresh cukes five miles ahead at Joe's Used Cars." If my used car dealer will sell my fruit for me this summer, fine, I am going to let him do it because he might pick up a little bit of money for my kids to send them on to school. I am going to encourage him to do it if he would but he won't put the sign up. He is not going to spend the money to put the sign up.

In this it says that federal funds are at risk if signs are put on federal right-of-way. Why? Because it isn't policed? Let me tell you, the DOT does a pretty good job. But, you must remember in northern and central Maine up where I live, there are a lot of those back roads that is hard to find where those people are raising those crops.

About three weeks ago, my son was down with me visiting the legislature and the good gentlelady from Orrington, Representative Tupper, asked my boy if he would explain to her where Tate's Strawberry Farm is in Corinth because she would like to go out and pick strawberries this summer, later on in June. He asked the dear lady, "Are you supporting the sign bill?" She said, "No." He said, "Find it yourself."

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

Representative KILKELLY: Mr. Speaker, Men and Women of the House: One must admire the persistence of the opponents of this bill because this bill has been dragged through more debate and more votes than most of the other amazing issues that have been before us this year.

This bill is important to farmers. One of the things that we keep hearing is, what about the view, what about the visual quality of Maine? One of the things that I am concerned about is the visual quality of Maine as well and that is a Maine that doesn't have any farms left and a Maine that doesn't have any need for agricultural signs because there won't be any agricultural products to sell so it really won't be a problem anymore and then this bill will be null and void.

If we are truly concerned about maintaining open space and maintaining the availability of farming as an active way of life within this state, this bill is important. It is interesting to me that, in speaking in opposition of the bill, we hear that this is wide open, that this is setting a precedent. I think it is important with this and every piece of legislation that is before us that we take a look at each piece of legislation and judge it on its merit, not what it may do in the future, not what it may lead to — is this bill worthy or is this bill not worthy? If the used car dealers and a half a dozen other people come before the legislature, either this legislature or a future legislature, requesting various exemptions from advertising laws, so be it. They have a right to do that, they have a right to have their issue discussed as it should be and then we should go on from there. We can say no, we have said no in the past to any number of groups, we can say no in the future. This bill does not lead to that.

I would like to read to you from the amendment briefly. "Signs erected by growers of fresh fruit and vegetable crops advertising those fresh fruit and vegetable crops when crops are offered for sale on premises where those crops are grown, signs may advertise only those fruits or vegetables that are available for immediate purchase." I don't really think that is opening too wide a door. Let's make sure we are not closing out on all the availability of open space and farming within this state. Please vote in opposition of indefinite postponement.

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

Representative HICHBORN: Mr. Speaker, Ladies and Gentlemen of the House: I am one of those so-called ignorant country bumpkins, I come from a farming area, one of the poorer sections of the state and I am reasonably thick-skinned and I don't let things bother me too much, I can let things slide off but my feelings are kind of hurt when I read on this paper that these signs could be put in front of historic zones, churches, cemeteries, schools, parks and homes, anywhere on a non-federal road. I don't know of a single farmer who would be so rude, so inconsiderate and so stupid as to place a sign on a cemetery or in front of somebody's home without going in and talking with them. And, who in the world would put up a sign that said strawberries or corn in a churchyard? You don't do things like that. Out in the country, we don't do that.

On number four, it says the growers wouldn't know

what was a federal or non-federal road. Maybe you folks in the city don't know but I will guarantee that 97 percent, probably 99 and maybe 100 percent of us poor farmers out in the country know whether we are living on a federal highway or a state-aid road or state road or county way or town way — we really do know. That kind of hurts my feelings to think that anyone would think that we were that unsophisticated.

I want to tell you a little story; I have a twin brother and we are just as different as black and white. He is very sophisticated and, a while ago, he decided he would go to the city and make his million there. This one stayed home on the farm. He, being in the city, condescends to invite me down once in a while and I went down there last summer to visit him for a day or two. Being from the country, I like to get up in the morning when the sun comes up. He being a city boy, he doesn't. So, I got up in the morning and the house was quiet and I thought I'd go for a walk. I walked down the street, thought I'd take a look at the sunrise but there were so many buildings I couldn't see the sun rise. Then I thought I'd go a little further and listen to the birds sing but there was so much traffic and so much roaring and noise, I couldn't hear any birds. I took a deep breath of good fresh air and I got so much smog in my lungs that I kept on coughing for half an hour. When I got back to the house I said to my brother, "I guess I will go back home." He tried to talk me into staying but I knew he would really be glad to get rid of the country brother.

I started back and thought I'd take a back road. As I rode, I came to the top of a hill, I could see the mountains and I could see a lake down below, the scenery was beautiful there. Down at the foot of the hill, I saw a little sign, it was just about two by four. When I got there, it said "Strawberries." I wasn't a bit offended because I could see a big dish of berries, I could see a big dish of cream and plenty of sugar, all the things you are not supposed to have, and it made me feel good. The sign said five miles. I took the side road and finally I came to a little table beside the road. A young man and young lady were there. I stopped and that table was loaded with berries. I said, "Those must be fresh this morning." They said, "Yes, we picked those this morning." I said, "You picked all of those? How many do you have there?" They had 120 quarts, I think they said. I said, "You picked all of those?" They said, "Mom and Dad came and helped us." I said, "You are going to make a good dollar today, what are you going to do with all this money?" The girl said, "I am going to Farmington College this Fall and I am trying to earn some money to pay for my tuition." I said to the boy, "What are you going to do?" He said, "I am only a senior in high school and I am going to try to earn some money so I can go to the University of Maine at Orono next year, I want to be an engineer." I bought five boxes of strawberries and went along.

Now, you are talking about telling those kids that they can't go out and earn a dollar. That sign wasn't half as offensive as some of the signs I saw in the city. There were no bright lights, nothing that was offensive to me. I can't imagine we would have any tourists who were offended by that sign when they saw it either.

I hope that when you vote here today that you will vote, not just for the farmers who I can assure

you will be smart enough not to put signs in cemeteries and churchyards, I hope you will think of the boys and girls who are out there earning a few dollars so they can go to school.

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

Representative HASTINGS: Mr. Speaker, Men and Women of the House: I rise today because I had on such a tie that was admired so by the good Representative from South Portland that I felt that I had to oppose a bill that came out of his committee.

This particular bill is not a farmers bill, it is not a farmers bill, although we hear that from the good Representative from Corinth and we hear that from other Representatives in support of this bill. This bill is a growers bill. It can be someone who has a garden, it can be somebody who raises a few tomatoes and buys in others. It can be somebody who puts a vegetable sign out there and buys in nearly all of the vegetables. It is not a bill that is only good for three or four weeks of the year, it is good from the 15th of June until November 1st. There is absolutely no way to monitor this. Most of all, there is absolutely no home rule provision that supersedes this should your town choose to be more responsible as to the management of its signs and its highways.

There are farmers out there today that put their signs in front of the honor roll in Fryeburg, Maine. Today, I will tell you there are people that would like very much to put signs along the roads of Fryeburg and their places of business are in New Hampshire, all within five miles. None of this is prohibited under this law. You do not have any say if this bill goes in, regardless of what your town may wish to do. Do you think that is fair? If it is so important to the farmers of northern Maine, why don't they make it north of the Penobscot River? It is a ridiculous bill to southern Maine.

Half of the sales tax in this state is derived out of the counties of York and Cumberland Counties. Are you telling them — and 30 percent of that tax comes from tourism — are you telling us that regardless of the responsibility or irresponsibility of any grower of vegetables that you would suggest this could be jeopardized? You don't think that means something to tourism to have highway signs removed from our highways? You people have to understand what is going on that has evolved as far as tourism in this state and you have to look at the effect in southern Maine as well as northern Maine. You may say in northern Maine it is not going to affect you, you don't care if somebody puts four signs out, all of which could be double-faced signs, four feet or eight feet on a side and you say you don't care about that. You tell us that every farmer will be responsible and of course they will go and get the approval of the person against which they put that sign even though it is in the right-of-way. If that is so, why didn't the people support the amendment that required that? You say farmers won't bother to put this in front of other businesses. If so, why didn't the people that support this bill today support that amendment? They want to be able to do anything, anywhere, between the time of June 15th and November 1st and there is absolutely no way that you are going to be able to monitor them in your town because this is going to be state law and the towns will not be able to enforce it in any way. They will be calling up DOT and DOT is going to be

saying, I don't work on Friday's so I can't come out and enforce the sign. The towns have looked to the state because it is a perception of our environmental responsibility. Everyone loves farmers. We want to help farmers but believe me this is not a farmers bill. It has become a bill to support every grower in the state whether they have a 20 square foot garden in their backyard and they bring in all their vegetables or whether they have 100 acres of tillage out there and sell potatoes on the roadside. People, if they wanted responsibility, they could have put it into the bill by way of amendment in limiting these signs, they chose not to. Those who support this bill want it wide open. Yes, I do not trust every farmer in this state to be responsible as some people say they will, because this is not a farmers bill, it is a growers bill and there are a lot more people out there who are irresponsible who are not farmers who can take advantage of this law than I would like to suggest exist in Maine.

Please think carefully before you support the bill, you are opening it wide open. You are not going to let your town have a second choice here. I urge you to vote for the motion because I only have this choice. Nobody wanted to support responsible amendments to this bill. That is why we are here tonight.

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

Representative STEVENS: Mr. Speaker, Men and Women of the House: I absolutely concur with Representative Hastings and others who spoke before me tonight. This is not a farmers bill.

I invite you to look at House Amendment "F." They have taken out the word "farmers" and put in the word "growers." In the original bill, it said that the farmer had to primarily sell fruits, vegetables and berries. What did they do with primarily? They took it out. What we have now are growers, growing. It can be one percent of their business, 10 percent of their business, the only requirement is that they do grow on the premises.

What I would tell a Mom and pop store if I were you, who sell fruits, vegetables and berries, who are also good citizens in Maine and also trying to earn a living — I would tell my Mom and Pop grocery store, this is what you should do, out in back of your grocery store, put in a little garden patch, maybe you could even have it in containers if you don't have enough land, pole beans or something like that, if you do that, you can put up a sign five miles from your place of business and you can say "Fresh pole beans at Joe's Supermarket." Then they will go to Joe's Supermarket for the fresh pole beans and they will buy a little milk, eggs, bread maybe, you will have them in the door. There is no limitation.

I did not say on my brochure that farmers would put them up in front of churches or schools, I said that they could, and they can. If they put one up in front of your park or your historic zone or your school and you call up DOT and say, "Gee, that sign is really bothersome to me there, I think it is too much commercialization for the area, can you get it taken down?" You know what DOT is going to say? They are going to say "No, we can't take it down."

There are people in this room who would say, I would just sneak out at night and take it down. I wouldn't do that, I wouldn't tell a client of mine to do that, I wouldn't suggest any of you do that, that property belongs to somebody else and it has a right

to be there. The law does not give you any opportunity to require that that sign be removed. What are you going to do the first time somebody goes and puts one up and it really can be a used car dealer that has got a cucumber patch out back. It does not prohibit that. I invite you to look at the language in House Amendment "F" and check for yourself.

Now, is it fair? That is what it all boils down to. Everyone likes the farmers, the worst thing you can do in this body is get up and argue against farmers. It is a thankless task, but is it fair? Is it fair that we extend to them this special privilege, not now to farmers but to growers above every other good and worthy business in Maine? These same growers who are selling their crops are going to be selling other things that other businesses sell in competition with them. They are going to be selling sandwiches or soft drinks, it is the same thing. Is it fair that they can put up a sign directing travelers to their business?

Ladies and gentlemen, the law works because it affects everybody equally. Right now as we speak, farmers can put up six signs. They can put those signs up in the public way. They can put up ten signs on premise and it is about the billboard law because this will be our first ever exemption to Maine's billboard law. I ask you, please, in the sense of fairness, to vote to indefinitely postpone this bill.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Nobleboro, Representative Spear.

Representative SPEAR: Mr. Speaker, Ladies and Gentlemen of the House: We have heard all these adjectives this evening about farmers and growers — well, I am one of those typical farmers or growers. I would like to speak from experience. People come to Maine because they like rural Maine. We have heard here tonight about the signs in the cities and they want to get away from that. I am telling you right now I do run a vegetable stand that is open from the last week in July until Labor Day. I call that a typical vegetable stand here in the State of Maine. We do have periodic seasons — strawberries can start in July and it all depends on your crop. My major crop is sweet corn so that is why my stand is open from the end of July until Labor Day. People come to Maine and they wait to see my signs go up. When they see my signs, they know that it is ready. I live in the rural country and they have to take quite a few turns to get to my stand. We live in an area off Route 1 where there are a lot of lakes, there are a lot of summer people there, and they do look for those signs. They appreciate coming to Maine and being able to come out and get some fresh produce when it is ready.

Fresh produce is different — you say we are discriminating against other things that people sell — produce is just like milk or a lot of other things, we can call it a perishable product. That is different than selling antiques or something like that, they will be there from one week to the next. When I pick sweet corn, people want to come and they want it fresh. If you don't buy it on that day, I can't sell it the next, so it is quite important that they know where and when the product is ready.

I urge you to vote against this motion and let's keep the people that are here in Maine as our tourists happy and keep our rural farms in Maine alive.

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

Representative BELL: Mr. Speaker, Ladies and Gentlemen of the House: Fresh fruits and vegetables is something that people drive out of the way for. I will give you an example. At the corner of my parking lot of the supermarket that I manage is a lady who, the minute her corn is ready, comes there every morning with a full pickup load of corn and she is selling in competition with the market. We have let her be there. She sells a truckload every day until she is out of corn and she has a sign on the side of her truck. People go out of the store and buy her corn that was picked early in the morning. The farmers that have signs along the road, once they run out of berries or whatever, they are going to take those signs down. This year with the way things are here or what we may do with taxes to these poor people — let's give them a chance to make a buck.

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

Representative WENTWORTH: Mr. Speaker, Men and Women of the House: I, too, grew up on a farm and still live on a farm where we used to sell produce. We no longer sell produce and I can guarantee you that it has nothing to do with the fact that it is illegal to put signs off the premise.

Occasionally, legislators get a noble idea such as protecting open space or farms and they try to put forth that idea in the form of a bill and frequently those bills are bad ideas. I think the fact that we have seen numerous amendments to this bill before us suggests that possibly the committee that dealt with this bill did not deal with it thoroughly enough and that the issue ought to be revisited in committee.

I would ask that you all support to indefinitely postpone this bill and all its accompanying papers so that the committee could look at this issue again and come back with, hopefully, a better recommendation on how to resolve some of the outstanding issues here.

The SPEAKER PRO TEM: The pending question before the House is the motion of the Representative from York, Representative Ott, that L.D. 121 and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Representative Strout of Corinth requested a roll call.

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 York, Representative Ott, that L.D. 121 and all its accompanying papers be indefinitely postponed.

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

Representative MAHANY: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with the Representative from Westbrook, Representative O'Gara. If he were present and voting, he would be voting yea; I would be voting nay.

The SPEAKER PRO TEM: The pending question before the House is the motion of the Representative from

York, Representative Ott, that L.D. 121 and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 65

YEA - Adams, Aikman, Anthony, Bennett, Butland, Carleton, Cathcart, Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, Dore, Dutremble, L.; Farnsworth, Foss, Garland, Goodridge, Gray, Gurney, Gwadosky, Handy, Hastings, Heeschen, Heino, Hوجلund, Joseph, Kerr, Ketover, Kontos, LaPointe, Larrivee, Lawrence, Lemke, Libby, Lipman, Luther, Marsh, Mayo, McKeen, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, O'Dea, Oliver, Ott, Paradis, P.; Paul, Pendexter, Pfeiffer, Pineau, Pouliot, Rand, Richardson, Ruhlin, Rydell, Saint Onge, Salisbury, Simonds, Simpson, Stevens, P.; Swazey, Tracy, Treat, Tupper, Vigue, Wentworth.

NAY - Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bell, Boutilier, Bowers, Cahill, M.; Carroll, D.; Carroll, J.; Chonko, Clark, H.; DiPietro, Donnelly, Duffy, Erwin, Farnum, Farren, Gean, Gould, R. A.; Graham, Greenlaw, Hale, Hanley, Hepburn, Hichborn, Holt, Hussey, Jacques, Jalbert, Ketterer, Kilkelly, Lebowitz, Look, Lord, MacBride, Macomber, Manning, Marsano, Martin, H.; McHenry, Merrill, Murphy, Nash, Norton, Nutting, Parent, Pines, Plourde, Poulin, Powers, Reed, G.; Reed, W.; Richards, Rotondi, Savage, Sheltra, Skوجلund, Small, Spear, Stevens, A.; Stevenson, Strout, Tamaro, Tardy, Townsend, Waterman, Whitcomb.

ABSENT - Aliberti, Cashman, Duplessis, Hichens, Kutasi, Paradis, J.; Pendleton, Ricker, The Speaker.

PAIRED - Mahany, O'Gara.

Yes, 71; No, 69; Absent, 9; Paired, 2; Excused, 0.

71 having voted in the affirmative and 69 in the negative with 9 being absent and 2 paired, the motion to indefinitely postpone L.D. 121 and all its accompanying papers did prevail. Sent up for concurrence.

ENACTOR

(Indefinitely Postponed)

An Act to Increase Funding to Programs Dealing with Domestic Violence (H.P. 239) (L.D. 330) (S. "C" S-121 to C. "B" H-179)

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Norway, Representative Bennett.

Representative BENNETT: Mr. Speaker, I ask whether this amendment is germane to the bill?

The SPEAKER PRO TEM: The Chair would advise the Representative that there is no amendment pending before the body. The pending question is passage to be enacted.

Representative BENNETT: Mr. Speaker, Friends and Colleagues of the House: This bill increases from \$10 to \$45 the fee for marriage. I believe that a 350 percent increase in this fee is unreasonable. By passing this bill, we will not deter would-be perpetrators of domestic violence from committing

their crimes. We all, however, are chiseling into the stone of Maine law an unfortunate thing between the happy act of marriage and some of the darker sides of family life in Maine.

I ask for the yeas and nays and please join me in voting against this bill.

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

Representative LARRIVEE: Mr. Speaker, Ladies and Gentlemen of the House: It was my intention this evening to move this bill and all its accompanying papers to be indefinitely postponed and I would like to do so.

I concur with what Representative Bennett said about the volume of this increase. It does seem to be significant. As you may or may not know, in the other body, the dedicated portion of this bill was stripped from the bill. There is no longer a dedication on this bill to accomplish the purpose which is mentioned in the title. The overriding reason then to increase this fee is now flawed and completely gone with the removal of that dedication. This increase in fees is imposed on both parties to the marriage. It can no longer be assumed that when you walk into the town hall to buy a marriage license that it is the groom who is going to whip out his wallet and pay that \$45. I think that is also a flawed suggestion that this bill makes.

Mostly my reason for opposing this bill is the fact that this is purely and simply a tax. We have taken a fee, we have increased it beyond the amount which is required to serve the purpose. We have these people hostage, ladies and gentlemen, because we require that they have this license in order to have a legal marriage and so, with one hand we have said to them you must have this license in order to be legally married in the State of Maine and, now that we have you hostage, we will charge you anything we want for this so that we may increase our revenues. I, quite frankly, don't think that is — and when I was writing my testimony, I couldn't find enough words to fit into this slot right here — I don't think that is fair, I don't think it is right, and I don't think it is sensible.

When we tax, we should say so, we should spread it around and we should not target a restricted class of people because we require that license and so I would beg your indulgence tonight and ask you to vote with me to indefinitely postpone this bill and all its papers.

Representative Bennett of Norway requested a roll call.

Representative Manning of Portland requested that the Clerk read the Committee Report.

Subsequently, the Clerk read the Committee Report in its entirety.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: In killing this piece of legislation, we not only would be killing the possibility of funding because if we all saw what is being proposed in the Governor's budget, I just wonder whether or not these domestic violence shelters will be funded to the tune that they are funded right now. In the other body, the dedication was stripped. However, I think everybody on the Appropriations Committee knows where those additional dollars should be going and I think the commitment is there to put that money to these domestic violence

shelters.

The other thing that should be brought up in this particular piece of legislation is the fact that the local communities will be getting more revenues out of the Clerks Offices. If you have read Committee Amendment "B", you will know that birth certificates, marriage licenses, death certificates will go from \$5 to \$10, which is what the Clerks of this state wanted. They told us that time and time again as they wrote to our committee, so in killing this bill, you will not only be killing monies that will be going to your local communities, but you will also be killing perhaps some of the domestic violence shelters, which will not be open if money is not found.

This bill was intended to get more money into domestic violence shelters, not what is presently in the budget. My real fear, as we go through the budget process this year, is that the process might take a look at some of these agencies that we are funding and have to cut those agencies. This additional \$277,000 certainly will be beneficial in trying to keep these agencies at least at level funding, if not more money than they really need. There are nine domestic violence shelters in the State of Maine and more are needed. The testimony that came before our committee indicated that — for instance in Aroostook County, women have to travel quite a distance to deal with the problems that they have and they are hoping to get another domestic violence shelter up in the St. John Valley. We had women throughout the whole state saying that they had real problems trying to get into domestic violence shelters.

This idea is not an idea that was dreamed up overnight. The idea came from many states that are doing the same thing. A few weeks ago some of us were at the State and Federal Assembly at the NCSL and this matter was brought up. It was endorsed by most members on the Human Resources Committee throughout most of the states in the country simply because that is one of the ways they were trying to fund some of their programs dealing with domestic violence shelters.

If you kill this, you could be killing domestic violence shelters. If you kill this, you also are killing monies that are going to go back to the communities that the Clerks wanted and are needed to help increase the caseloads that these individuals have.

I submit to the Representative from Norway who is moving to kill this bill — where are you going to find \$277,000 in the Governor's budget to make up for this? Come up in our room and hear the cries of the people out there and find out where you are going to put that money. It is not easy to say no to people but I think that we are going to have to say no to people this year and it is not going to be easy when we leave here at the end of the year to say no to people, especially those people who have been abused by either their husbands or their boyfriends or some other people. Where are they going to go? Where are those women going to go? I think that is one of the things that we need to understand when voting on this particular piece of legislation.

Domestic violence has been hidden in the closet for a long time. Women are now trying to get away from that and these shelters are needed. If we don't do that, we are going to continually find the problems that we have had in the past where women

will stay in their homes, be beaten and perhaps killed. Granted it is a large increase but is no different than in our own fellow state next door of New Hampshire. They have a similar piece of legislation on the books.

I would hope that this House would not go along with the indefinite postponement. Think about those women, where are they going to go? If they don't have a domestic violence shelter, the next thing we will know is that the spouse will cost us somewhere in the neighborhood of maybe \$30,000 to \$40,000 in the Maine State Prison and we will probably have to visit them (some close friends of ours) at one of the local funeral homes.

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

Representative STROUT: Mr. Speaker, Ladies and Gentlemen of the House: I would ask for a roll call on this issue. I would just bring to your attention that, at the present time, municipal clerks get \$10 for issuing a marriage license. If one individual is from your community and one is from another community, we collect \$5 from each one of those people.

Under this bill, we are going to be collecting \$45 or \$22.50 from each one, we are going to get an increase of \$5. We are going to go from \$10 to \$5 for the community but we are going to have to send \$30 to the state. I would ask you to defeat this because I think what is going to happen is you are just going to put more work on the municipal clerks and the net result is there will be very little increase.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Scarborough, Representative Pendexter.

Representative PENDEXTER: Mr. Speaker, Men and Women of the House: I feel that the committee report is not germane to this bill in its present form. I don't know how one can continue to support this in the name of domestic violence when the dedication has been removed. Therefore, I would support the motion.

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 Hallowell, Representative Farnsworth.

Representative FARNSWORTH: Mr. Speaker, Ladies and Gentlemen of the House: I just wanted to comment on the relevance of this bill to a marriage license. It is too bad that the dedication has been removed but a lot of people in this House supported this bill because of some awareness of the relevance and the fact that a funding mechanism has changed and it seems to me that it doesn't remove the need for the funding. The relevance to a marriage license is that a marriage license used to be a license to beat your wife. I would just remind you that the origin of the term "rule of thumb" was that you couldn't beat your wife with anything wider than your thumb. Society is changing. What we have learned in the last several years is that there is still a residue of that old, very old, approach to society and I think the

recognition of this bill, regardless of how you vote, should be separated from that. If we are talking about funding, fine, but let's not forget that there is a relevance to a marriage license.

The SPEAKER PRO TEM: The pending question before the House is the motion of the Representative from Norway, Representative Bennett, that L.D. 330 and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 66

YEA - Aikman, Anderson, Anthony, Ault, Bailey, H.; Bailey, R.; Barth, Bell, Bennett, Bowers, Butland, Carleton, Carroll, D.; Carroll, J.; Chonko, Clark, H.; Crowley, Daggett, DiPietro, Donnelly, Dutremble, L.; Farnum, Farren, Foss, Garland, Gould, R. A.; Graham, Greenlaw, Hale, Hanley, Hastings, Heino, Hepburn, Hichborn, Hussey, Jacques, Jalbert, Kerr, Kontos, LaPointe, Larrivee, Lebowitz, Libby, Lipman, Look, Lord, MacBride, Macomber, Marsano, Marsh, Martin, H.; McHenry, Merrill, Mitchell, E.; Nadeau, O'Dea, Ott, Pendexter, Pines, Plourde, Reed, G.; Richards, Rotondi, Ruhlin, Salisbury, Savage, Sheltra, Small, Spear, Stevens, A.; Stevenson, Strout, Tamaro, Tardy, Townsend, Tupper, Waterman, Whitcomb.

NAY - Adams, Boutilier, Cahill, M.; Cathcart, Clark, M.; Coles, Constantine, Cote, Dore, Duffy, Erwin, Farnsworth, Gean, Goodridge, Gray, Gurney, Gwadosky, Handy, Heeschen, Hoglund, Holt, Joseph, Ketover, Ketterer, Kilkelly, Lawrence, Lemke, Mahany, Manning, Mayo, McKeen, Melendy, Mitchell, J.; Morrison, Murphy, Nash, Norton, Nutting, Oliver, Paradis, P.; Parent, Pfeiffer, Pineau, Pouliot, Powers, Rand, Reed, W.; Richardson, Rydell, Saint Onge, Simonds, Simpson, Skoglund, Stevens, P.; Swazey, Tracy, Treat, Vigue, Wentworth.

ABSENT - Aliberti, Cashman, Duplessis, Hichens, Kutasi, Luther, Michaud, O'Gara, Paradis, J.; Paul, Pendleton, Poulin, Ricker, The Speaker.

Yes, 78; No, 59; Absent, 14; Paired, 0; Excused, 0.

78 having voted in the affirmative and 59 in the negative with 14 being absent, L.D. 330 and all its accompanying papers were indefinitely postponed. Sent up for concurrence.

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

SENATE PAPERS

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 for Major Improvements and Renovations at State Park Facilities and the Restoration and Preservation of Historic Buildings" (S.P. 705) (L.D. 1876)

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

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

Bill "An Act to Amend the Maine Consumer Credit Code" (S.P. 708) (L.D. 1884)

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 Amend and Extend the Fuel Assistance Reserve Fund" (S.P. 703) (L.D. 1874)

Came from the Senate, referred to the Committee on **Housing and Economic Development** and Ordered Printed.

Was referred to the Committee on **Housing and Economic Development** in concurrence.

Bill "An Act to Clarify the Role of Guardians Ad Litem and Visitors in Guardianship and Conservatorship Cases" (S.P. 704) (L.D. 1875)

Bill "An Act Concerning Limitations on Actions for Penalties" (S.P. 706) (L.D. 1881)

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 Regarding Liquor Procurement by the State" (S.P. 707) (L.D. 1883)

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

Was referred to the Committee on **Legal Affairs** in concurrence.

ORDERS OF THE DAY

TABLED AND TODAY ASSIGNED

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

HOUSE DIVIDED REPORT - Majority (11) "Ought Not to Pass" - Minority (2) "Ought to Pass" as amended by Committee Amendment "A" (H-300) - Committee on **Marine Resources** on Bill "An Act to Amend the Shellfish Laws" (H.P. 815) (L.D. 1169)

TABLED - May 16, 1991 by Representative MITCHELL of Freeport.

PENDING - Motion of same Representative to accept the Majority "Ought Not to Pass" Report.

Representative Coles of Harpswell requested a Division.

The SPEAKER PRO TEM: The Chair will order a

vote. The pending question before the House is the motion of the Representative from Freeport, Representative Mitchell, that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

108 having voted in the affirmative and 11 in the negative, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

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

Bill "An Act to Amend the Voter Ratification Provisions of the Low-level Radioactive Waste Laws" (EMERGENCY) (S.P. 346) (L.D. 946) (C. "A" S-107)
TABLED - May 16, 1991 by Representative GWADOSKY of Fairfield.
PENDING - Passage to be Engrossed.

On motion of Representative Simpson of Casco, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (S-107) was adopted.

The same Representative offered House Amendment "A" (H-346) to Committee Amendment "A" (S-107) and moved its adoption.

House Amendment "A" (H-346) to Committee Amendment "A" (S-107) was read by the Clerk.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Casco, Representative Simpson.

Representative SIMPSON: Mr. Speaker, Men and Women of the House: This amendment simply removes the emergency preamble and addresses a technicality that would result from doing that, that would essentially if we left the emergency preamble in, most of the sites that were identified in March, the time would have already expired that they could have had a vote, which you voted for last week, and I do appreciate that vote.

This makes the bill (by some people's objections) a little bit better in the sense that the communities who are affected would allow the Authority to come in and present its case in 90 days before they would have the right to vote. We feel that this would take care of some of the considerations that people who have been affected by individuals who have nominated their land unbeknownst to members of the community and therefore put them in jeopardy in terms of things that they can do with their personal lives and property during the time that the Authority is considering the individual's nominated property.

At the same time, I would like to point out to members of this body, that in September, the Authority is also going to come up with a list of sites that they have identified and, therefore, it would allow those communities affected at that point 90 days to have the Authority initially screen their sites before the people could vote. It is a fairness issue.

I think this is a good bill and a good amendment. I think that most people have heard my objections to the Low-level Waste Act as Congress has enacted it so, in no way, by speaking to this amendment and urging you to pass it am I saying that that law is a good law. As I said before, the law requires the states to own this waste, take title to it in 1996. I don't think that is a good idea. I

think federal law should be changed and Congress should reconsider that whole law. In the meantime, there are towns, individuals, and I know you have met many of them, they are very concerned people and I complement all of them for their interest and involvement in this issue but I do hope that you will support this amendment. As I said, it makes the law that we passed last week a better law, I believe, and it will allow those people the right to have their voice heard and it should save the Authority money and actually expedite the search for a low-level waste site.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: I move that House Amendment "A" be indefinitely postponed.

This amendment would amend the bill which we discussed the other day which would allow the 60 percent local vote on a low-level radioactive waste site to take place before any geologic studies were done, thereby promoting uninformed decisions by the voters in our local municipalities.

The whole movement is fueled by NIMBY. To address the amendment specifically, it changes the words within 60 days to after 90 days. I suppose that it is kind of impossible to have an election before the site is designated because you would just be having elections all the time. By having it after 90 days, it certainly makes more sense than that and that is 30 more days. 90 days isn't enough time to do a geologic analysis of a site and to determine whether the site is any good or not. I don't really think that is the purpose of the bill. I think that the real meat of this amendment is the fact that it strips the emergency clause and makes the bill easier to pass in this legislature and I think that is what the sponsors really want.

The federal law requires the state to take care of its low-level radioactive waste. The state law allows every municipality to have a 60 percent vote after the studies have been done and that is ample protection for the people of the state. After the 60 percent vote, it has to go to the Board of Environmental Protection and, if you sat on my committee, you would know that that is no easy job. It then comes to the legislature and after that it goes to a full vote of the people of the state which is a lot of hurdles for any particular facility to go through. It is very important that we find the best site for this facility. They can be dangerous but they are not necessarily dangerous. There have been six built in the United States and there are going to be a lot more built. Of those six, some of them have leaked, some of them have not leaked. The ones in good geologic areas do not leak. You have to go in the ground, drill holes, and get that information before you know that.

It seems to me that this amendment is just going to put us in a situation where any town that is chosen is going to have a vote within 90 days and say, "We don't want it in our town." If you were to propose it in Freeport, I would probably go out and vote against it because I don't want radioactive waste in my town, but the fact remains that we make the waste, we are making a mess, and it is our responsibility as a state to clean it up. We have been asked to do so by the federal government and we should do it. We should not leave this waste sitting around for the next generation to clean up.

One of the things that this amendment and this bill does is it interferes with the right of a person to sell their property. There is the implication that it is somehow improper for a person in the state to talk with the Low-level Radioactive Waste Authority about selling their property to them. I think that if this bill passes and with this amendment that Representative Simpson has proposed that it will interfere with the right to sell your property.

If you will notice, there have been a number of bills on radioactive waste. One of them is going to be on tomorrow's calendar, according to the notice. If you look at the common thread that follows all of those bills, they are all kind of headed in the same direction and that direction is to put the Maine Yankee Nuclear Power Plant out of compliance with one or another federal regulations so that it can't operate. I think you are going to hear a lot about this tomorrow when we debate the next bill that is coming to this body. I, for one, as a citizen, have voted to shut the plant down three times but the people of the state have voted not to shut the plant down. I, for one, am not going to go out and second-guess the people who sent me here. If we are going to have another referendum here on Maine Yankee, let's have a referendum and let's not have something here in the legislature that does it. As I said, there are about six or seven bills, they are all kind of headed in that direction, none of them really do it, but they are all kind of aimed there, a little pot shot here or there might get the plant shut down. If that is your goal in life, I suppose you should support these bills.

As for the amendment, the amendment really does nothing except change the words within 60 to after 90 and then has the great advantage of stripping the emergency clause and by stripping the emergency clause, we all know that bills are easier to pass here in the legislature. So, I hope you will all defeat this amendment.

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

Representative GOODRIDGE: Mr. Speaker, Members of the House: I would just like to reiterate my position of last week and sort of summarize some of the remarks I made.

This bill is a simple question of home rule of local control and the local vote. The citizens of Maine deserve nothing less and, in fact, they deserve much, much more than what they are getting right now.

As I told you last week, I believe the siting process is flawed. The Radioactive Waste Authority has changed its position on several issues. They refuse to debate so that the public can hear both sides and come to their own conclusions. They have waved thousands and millions of dollars in front of desperate, struggling citizens as though the citizens can be bribed. They have ignored a number of factors such as the proximity to schools and residential areas and the existence of certain streams. And, as I said before, many mistakes have been made. A dump will not be sited by this process with the Authority not being honest and straightforward. So, let's force the Authority to do a better job. If we are serious about siting a facility in our state which is the responsible thing to do, sending it off to the unsuspecting citizens of another state is not responsible. If we are responsible about our duty,

we need an Authority which will succeed in their mission and, in the meantime, will allow these communities, which have been selected and which will not support this facility because of how the process has worked or not worked as the case may be, to get on with their lives and give them the vote that they deserve. All they are asking for is the right to vote and in so doing, you will send a message to the Authority that you want better results, that you want to be responsible by siting the facility in Maine but that you want them to be honest and stop wasting ratepayers money and to do their jobs the right way, to give the citizens of Maine some oversight of this process. They know it isn't working and they are trying to tell you that now before it is too late. I hope you will listen and I hope you will vote against the pending motion.

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

Representative POWERS: Mr. Speaker, Fellow Members of the House: I would ask you to certainly vote against this indefinite postponement. I think that the amendment to L.D. 946 was a good idea. At least it shows that the towns affected are showing good faith and allowing the vote to come after 90 days gives the Authority the chance to come in, walk over the ground, make preliminary eyes-on view of the landscape. I think that we have come quite a ways. Taking off the emergency preamble also softens the blow in that area.

I ask you people to support L.D. 946 and vote against the indefinite postponement.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: In response to Representative Goodridge's address to the House, there is nothing, nothing that any state does that is as strict as this. I challenge you to come up with one other regulatory, environmental or permitting decision in which you have to have a 60 percent local vote. In this whole country, you will not find it. This bill does not take this 60 percent vote away from the people, it just says they have to have it before they do anything instead of after.

There were remarks made about doing a responsible job. It is a very, very difficult job. It is an unpleasant job. It is a job that no one wants to do but we have to take care of our waste. I think that the Low-level Radioactive Waste Authority is doing as good a job as they can. I have disagreed with some of the actions they have taken but for the most part I admire the men and women who serve on that board because they have a tough job to do, one that is very unpopular, very unpleasant, but still has to be done.

Representative Goodridge talks about forcing the Authority to do a good job. You can't do a good job unless you do a detailed, scientific, geologic analysis of the site. That is just impossible to do in 90 days. The 60 percent thing is just incredible, it's the most difficult test that any facility would ever have.

Back in the mid-1980's, there was a law in Massachusetts which said that you could not site a solid waste landfill in the Commonwealth of Massachusetts unless you had local voter approval with a 50 percent vote. For ten years, there was not one solid waste landfill built in the Commonwealth of Massachusetts. If you remember back to the Fall of

1986, the Energy and Natural Resources had to come in here, we had to have a Special Session of the Legislature because they didn't have any space in Massachusetts to take care of their trash and there were four applications filed at the DEP within one month to build landfills in southern York County and all of it was trash from Massachusetts. Local veto power just doesn't work. We have a responsibility to take care of our waste.

Representative Powers talks about looking at the land — it is going to take a lot more than looking at it, you have to drill a lot of holes, you have to find out what is going on underneath it, you have to find which way the water is going, how much water is there, you have to know a multitude of stuff. It is not a simple thing, you don't walk across the land, you have to really analyze it and analyze it carefully. If we do a good job, we can build a nice safe site and take care of our problems and take care of our waste. We are not going to do it if we put so many roadblocks in the way that it is absolutely impossible ever, ever to site it. This bill and this amendment just make it more difficult.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Casco, Representative Simpson.

Representative SIMPSON: Mr. Speaker, Men and Women of the House: I presented this amendment as a straightforward amendment, there are no complications to it, it is pretty easily read and understood. I do resent the implication that somehow there is a boogeyman here that is trying to stop this multi-million dollar operation from doing its work.

When we had this bill (946) at the public hearing sponsored by Senator Pearson, it was sponsored way back in October to deal with the problems that many people see with the current law. The Authority testified at the public hearing that they didn't object to 946 but then later we found out that they did. I don't know how you determine who is in favor or who is opposed to it, but those who supposedly were opposed to it, these sites would be put on a suspended list and then we found out that the Authority changed its mind and they didn't like that idea either.

I have tried since L.D. 946 was presented to act in a responsible manner with the law that you know I feel is irresponsible.

Once again, I urge you to defeat this.

I request a roll call, Mr. Speaker.

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 Representative Mitchell of Freeport that House Amendment "A" (H-346) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

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YEA - Aikman, Anderson, Ault, Bailey, H.; Barth, Bennett, Boutilier, Bowers, Butland, Clark, M.; Coles, Cote, Crowley, DiPietro, Donnelly, Duffy, Erwin, Farnum, Farren, Foss, Garland, Gould, R. A.;

Greenlaw, Gurney, Hastings, Heino, Hoglund, Jacques, Jalbert, Joseph, Ketover, LaPointe, Lebowitz, Libby, Lipman, Lord, MacBride, Manning, Marsano, Marsh, Merrill, Mitchell, J.; Morrison, Nadeau, Norton, Nutting, Ott, Paradis, P.; Parent, Pendexter, Pfeiffer, Pines, Poulin, Pouliot, Reed, G.; Richards, Ruhlin, Simonds, Small, Spear, Stevenson, Swazey, Tammaro, Tupper, Waterman, Whitcomb.

NAY - Adams, Anthony, Bailey, R.; Bell, Cahill, M.; Carroll, D.; Carroll, J.; Cathcart, Clark, H.; Daggett, Dore, Dutremble, L.; Farnsworth, Gean, Goodridge, Graham, Gray, Gwadosky, Hale, Handy, Hanley, Heeschen, Hepburn, Hochborn, Holt, Hussey, Kerr, Ketterer, Kilkelly, Kontos, Larrivee, Lawrence, Lemke, Look, Luther, Macomber, Mahany, Mayo, McHenry, McKeen, Melendy, Mitchell, E.; Murphy, Nash, O'Dea, Oliver, Paul, Plourde, Powers, Rand, Reed, W.; Richardson, Rotondi, Rydell, Saint Onge, Salisbury, Savage, Sheltra, Simpson, Skoglund, Stevens, A.; Stevens, P.; Strout, Tardy, Townsend, Tracy, Treat, Vigue, Wentworth.

ABSENT - Aliberti, Carleton, Cashman, Chonko, Constantine, Duplessis, Hichens, Kutasi, Martin, H.; Michaud, O'Gara, Paradis, J.; Pendleton, Pineau, Ricker, The Speaker.

Yes, 66; No, 69; Absent, 16; Paired, 0; Excused, 0.

66 having voted in the affirmative and 69 in the negative with 16 being absent, the motion to indefinitely postpone did not prevail.

Subsequently, House Amendment "A" (H-346) to Committee Amendment "A" (S-107) was adopted.

Committee Amendment "A" (S-107) as amended by House Amendment "A" (H-346) thereto was adopted.

Representative Marsano of Belfast requested a roll call vote on passage to be engrossed.

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 Harpswell, Representative Coles.

Representative COLES: Mr. Speaker, Ladies and Gentlemen of the House: I would like to urge you to vote no on the pending motion. I want to second the words of Representative Mitchell. If we are going to generate radioactive waste, that is, if we wish to keep Maine Yankee operating, we are going to have to find a place to put it. If we put roadblocks in front of the agency which we set up, artificial roadblocks to find a safe place to put that waste, hopefully the best place, then we are not going to be able to find that place. We are going to be generating waste and the taxpayers of the State of Maine are going to own that waste and be liable for it and they are all financially responsible for it even though we have no place to put it.

The Authority is not a perfect agency. I don't know a single company or public agency that is perfect. The Authority was established to do a job by us, the legislature of the State of Maine, and we have got to let them do that job. If they do it wrong, if they do it not in accordance with the law, they will be subject to challenge in the courts and subject to challenge when the vote on the site comes

up before this body and subject to challenge in the local towns when they come up with the 60 percent vote after they have had a chance to evaluate and select a site.

If we push this bill through right now, we are essentially saying, we want our cake and eat it too. We want the power from Maine Yankee but we don't want the waste.

There is a bill that Representative Mitchell mentioned coming up on Wednesday for debate. In fact, he and I are on opposite sides of that bill. It is kind of an interesting bill because it is going to propose that Maine Yankee shut down until such time that it makes adequate provisions for its high-level waste. If you vote against Maine Yankee shutting down for that purpose, if you have voted in the past against Maine Yankee shutting down, then you should be voting against this bill.

One of the great ironies in this is that I think at the public hearing on this bill there were people from four or five towns testifying for the bill and against the radioactive waste dump. Only one of those towns, one, had voted to shut Maine Yankee down. All the rest voted to keep it open. Those same towns are now saying they want the power but not the waste. They will say to you, well, we didn't understand at the time. Well, we had three debates on it, statewide debates. If they didn't understand it, they weren't listening. Now they are finding that the consequences of those three votes that they had are finally being visited upon them and upon the state. The consequences of keeping Maine Yankee open — I am opposed to that personally — is generating radioactive waste. If we generate radioactive waste, we must find a safe place to put it or the taxpayers of this state will be socked with one tremendous liability.

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

Representative LORD: Mr. Speaker, My Learned Colleagues: I would like to remind you once again that Maine Yankee is not the only one producing low-level waste. You have hospitals, the Navy Yard at Kittery, the laboratories that are making this waste, it has all got to be taken care of.

I urge you to vote against this bill.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bath, Representative Holt.

Representative HOLT: Mr. Speaker, Men and Women of the House: I would simply like to remind the members of this body that the 114th Legislature passed an important Resolution (unanimously) memorializing the President and the Congress of the United States to urge the revision of the Take Title Provision concerning low-level radioactive waste. As to that waste, I agree with Representative Lord that Maine Yankee is not the only producer of nuclear waste but it does produce all the Class B and C, the most dangerous waste and 99 percent of the radioactivity in all the waste.

A waste site to be safe for the hundreds and hundreds of years that will be required to keep it out of the environment, even so-called low-level waste, has not been built. We don't know if a safe one can be built nor will we ever know. This is why, time and time again, I have urged us to push Congress very hard to rescind this public law that is on the books.

I will read to you — because some of you were not here in the 114th Legislature — what this 114th

Legislature passed unanimously; "Whereas, current federal law obligates states to take Title to and be liable for damages associated with low-level radioactive waste' Whereas, low-level radioactive waste can cause untold amounts of damage to health, property and the environment and; whereas the cost of the liability for these damages could be enormous and might possibly bankrupt the state."

By the way, the committee that Representative Mitchell from Freeport is a member of and who has spoken so eloquently on has not yet resolved the problem that we put to it to deal with whether or not we can be made to take liability and what should go on about that for a waste that was produced by a private-for-profit corporation. Then this Legislature went on to say that, "Whereas, the largest portions and the most dangerous classes of low-level radioactive waste are produced by private corporations. Therefore be it Resolved that we, your memorialists, respectfully recommend and urge the President and Congress of the United States to take action to amend the provision in Public Law 99240 obligating states to take title and be held liable for low-level radioactive waste to remove a dangerous financial risk to the state and that suitable copies be presented to the suitable people on the federal level."

I do know that this Public Law 99240 was questioned as to its constitutionality at the time it was passed. It was passed without debate in 1985 just before Congress went home for Christmas vacation. I have heard that many of the legislators on the federal level didn't really know what they were passing.

When the Department of Environmental Protection got going on this problem instituting the Authority to deal with the low-level waste, I said to them, you are handing an impossible job to a group of dedicated, hard working, citizens of Maine. That is what we have seen to be happening.

What we need to do as state legislators is get together and say to the federal government, this precedent you have set is a dangerous one for everyone and, if we want to resolve the problem of the waste, then we must insist that it be done responsibly and we need the help of the federal government.

Since we do not know how to make such a dump, we should be sure that the best scientific knowledge in the world gets going on that action.

I do think that you should remember that we did pass this and even though it has been said here that this is a "shut down Maine Yankee bill", what it is really giving the people of our state is the right to say, the right to know, and the ability to understand what is taking place.

This amendment on this particular bill, in my mind, is a good one. I hope you support those who are in favor of it.

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

Representative GOODRIDGE: Mr. Speaker, Members of the House: I will be brief. I just wanted to address the argument that was put forward by Representative Coles. It is one that I have heard several times before. To be quite honest, I don't buy it. He said that, if a community has voted to keep Maine Yankee open, they, of course, should accept the waste. I would just say that in those

ROLL CALL NO. 68

communities there are different people voting now, people have died, people have become of age and able to vote and people have moved in, the communities have changed. I think that everyone would also agree that the ad campaign that was waged by Maine Yankee was certainly a tremendous one. They spent a lot of money and a lot of very effective commercials, I will give them that much credit.

Just a side note, I would like to add that a community in my district, Cornville, has a very high percentage of homes that use alternative energy sources and do not rely on Maine Yankee for their electricity at all. I do not believe that we should penalize citizens because they are only just now becoming informed about Maine Yankee and the waste and what it all entails. Therefore, I would urge you to support passage of this bill.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: I think that we can all probably agree that if we wanted to dispose of low-level radioactive waste, we probably ought to do it in the safest possible way. We have a law that is probably going to prevent that from happening.

Just imagine, if you will, the Low-level Radioactive Waste Authority identifies 20 sites, the best site is site number one, and the worst site is site number 20. Twenty sites rated in the order of their quality as far as a receiving site to this particular waste and let's say for example that site number one is in my hometown of Freeport and we have an election in Freeport and we have absolutely the best soil in the state for the disposal of low-level radioactive waste but we think it is going to interfere with our shopping downtown so we vote it down. So, the best site is gone. The second town is Cornville and they go up there and they feel strongly and they vote it down and Industry and New Vineyard votes it down and Portland votes it down and Vassalboro votes it down and Millinocket votes it down and finally we are down to town number 19 or 20 and town number 19 and 20 may have relatively pretty bad soil. It may not be what we are looking for, it is not a good place to dispose of low-level radioactive waste, but that is what we are stuck with because we have got this vote that says that 60 percent of the people in the community have to vote in favor of it. It is almost a sure, sure formula to fail. The bill before you just makes it worse. I hope you will all vote against engrossing this bill tonight.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Casco, Representative Simpson.

Representative SIMPSON: Mr. Speaker, Men and Women of the House: I hate to prolong this and I apologize for the debate at this point but this bill is about democracy and this bill is about voting. We have had a number of votes on this issue alone and I do want to point out that the discussion on L.D. 523 wasn't exactly factual. I urge you to vote in favor of this bill, give the people a right to vote, democracy never hurt anyone and voting on this issue will certainly educate people further and allow the Authority to find a better site.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is passage to be engrossed. Those in favor will vote yes; those opposed will vote no.

YEA - Adams, Anthony, Bailey, R.; Bell, Bennett, Cahill, M.; Carroll, D.; Carroll, J.; Clark, H.; Cote, Daggett, DiPietro, Dore, Dutremble, L.; Farnsworth, Gean, Goodridge, Gray, Gwadosky, Hale, Handy, Hanley, Heeschen, Hepburn, Hichborn, Holt, Hussey, Kerr, Ketover, Ketterer, Kilkelly, Kontos, Larrivee, Lawrence, Lemke, Libby, Look, Luther, Macomber, Mahany, Mayo, McHenry, McKeen, Melendy, Mitchell, E.; Murphy, Nash, O'Dea, Paul, Powers, Rand, Reed, W.; Richards, Richardson, Rotondi, Rydell, Saint Onge, Salisbury, Simpson, Skoglund, Stevens, A.; Stevens, P.; Strout, Tardy, Tracy, Treat, Vigue, Waterman, Wentworth.

NAY - Aikman, Anderson, Ault, Bailey, H.; Barth, Boutilier, Bowers, Carleton, Cathcart, Clark, M.; Coles, Crowley, Donnelly, Duffy, Erwin, Farnum, Farren, Foss, Garland, Gould, R. A.; Graham, Greenlaw, Gurney, Hastings, Heino, Hoglund, Jacques, Jalbert, Joseph, LaPointe, Lebowitz, Lipman, Lord, MacBride, Manning, Marsano, Marsh, Merrill, Mitchell, J.; Morrison, Nadeau, Norton, Nutting, Ott, Paradis, P.; Parent, Pendexter, Pfeiffer, Pineau, Pines, Plourde, Poulin, Pouliot, Reed, G.; Ruhlin, Savage, Sheltra, Simonds, Spear, Stevenson, Swazey, Tamaro, Townsend, Tupper, Whitcomb.

ABSENT - Aliberti, Butland, Cashman, Chonko, Constantine, Duplessis, Hichens, Kutasi, Martin, H.; Michaud, O'Gara, Oliver, Paradis, J.; Pendleton, Ricker, Small, The Speaker.

Yes, 69; No, 65; Absent, 17; Paired, 0; Excused, 0.

69 having voted in the affirmative and 65 in the negative with 17 being absent, the Bill was passed to be engrossed as amended by Committee Amendment "A" (S-107) as amended by House Amendment "A" (H-346) thereto in non-concurrence and sent up for concurrence.

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

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

TABLED - May 16, 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 22, 1991.

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

An Act to Change the Process of Selecting the Commissioner of Education (S.P. 51) (L.D. 81) (C. "A" S-56)

TABLED - May 16, 1991 by Representative GWADOSKY of Fairfield.

PENDING - Motion of Representative O'GARA of Westbrook to Indefinitely Postpone Bill and Papers.

On motion of Representative Crowley of Stockton

Springs, was recommitted to the Committee on Education in non-concurrence and sent up for concurrence.

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

HOUSE DIVIDED REPORT - Majority (8) "Ought Not to Pass" - Minority (5) "Ought to Pass" as amended by Committee Amendment "A" (H-277) - Committee on Legal Affairs on Bill "An Act to Impose a Limit on Campaign Contributions" (H.P. 785) (L.D. 1117) TABLED - May 16, 1991 by Representative GWADOSKY of Fairfield.
 PENDING - Motion of Representative LAWRENCE of Kittery to accept the Majority "Ought Not to Pass" Report. (Roll Call Requested)

On motion of Representative Gwadosky of Fairfield, retabled pending the motion of Representative Lawrence of Kittery that the House accept the Majority "Ought Not to Pass" Report and specially assigned for Wednesday, May 22, 1991.

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

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) TABLED - May 16, 1991 by Representative GWADOSKY of Fairfield.
 PENDING - Passage to be Enacted.

On motion of Representative Macomber of South Portland, under suspension of the rules, the House reconsidered its action whereby L.D. 633 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-106) as amended by Senate Amendment "A" (S-90) thereto was adopted.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Senate Amendment "A" (S-90) was adopted.

On further motion of the same Representative, Senate Amendment "A" (S-90) was indefinitely postponed.

The same Representative offered House Amendment "A" (H-371) to Committee Amendment "A" (H-106) and moved its adoption.

House Amendment "A" (H-371) to Committee Amendment "A" (H-106) was read by the Clerk and adopted.

Committee Amendment "A" (H-106) as amended by House Amendment "A" (H371) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-106) as amended by House Amendment "A" (H-371) thereto in non-concurrence and sent up for concurrence.

The Chair laid before the House the following

matter: Majority Report of the Committee on Banking and Insurance reporting "Ought Not to Pass" on Bill "An Act to Authorize Financial Institutions and Credit Unions to Sell Annuities" (S.P. 514) (L.D. 1375) and Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-156) on same Bill. (Came from the Senate with the Majority "Ought Not to Pass" Report read and accepted) which was tabled earlier in the day and later today assigned pending the motion of Representative Mitchell of Vassalboro that the House accept the Minority "Ought to Pass" Report.

Subsequently, the House accepted the Minority "Ought to Pass" Report, the Bill read once.

Committee Amendment "A" (S-156) was read by the Clerk and adopted and the Bill assigned for second reading Wednesday, May 22, 1991.

The Chair laid before the House the following matter: Majority Report of the Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-158) on Bill "An Act to Require Establishments That Sell Alcohol to Post Health Messages Concerning the Misuse of Alcohol" (S.P. 234) (L.D. 625) and Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill. (Came from the Senate with the Minority "Ought Not to Pass" Report read and accepted) which was tabled earlier in the day and later today assigned pending the motion of Representative Manning of Portland that the House accept the Majority "Ought to Pass" Report.

Subsequently, the House accepted the Majority "Ought to Pass" Report, the bill read once.

Committee Amendment "A" (S-158) was read by the Clerk and adopted and the bill assigned for second reading Wednesday, May 22, 1991.

The Chair laid before the House the following matter: Bill "An Act to Amend the Laws Regarding Sunday Sales" (H.P. 1079) (L.D. 1573) on which the Minority "Ought to Pass" Report of the Committee on Business Legislation was read and accepted and the Bill passed to be engrossed as amended by House Amendment "A" (H-295) in the House on May 13, 1991. (Came from the Senate with the Majority "Ought Not to Pass" Report of the Committee on Business Legislation read and accepted in non-concurrence), which was tabled earlier in the day and later today assigned pending the motion of Representative Gurney of Portland that the House Insist and ask for a Committee of Conference.

Subsequently, the House voted to Insist and ask for a Committee of Conference.

The Chair laid before the House the following matter: Bill "An Act to Allow the Use of Either Paper or Plastic Bags at Point of Retail Sale" (H.P. 812) (L.D. 1166) on which the Minority "Ought Not to Pass" Report of the Committee on Energy and Natural Resources was read and accepted in the House on May

7, 1991. (Came from the Senate with the Majority "Ought to Pass" as amended Report of the Committee on Energy and Natural Resources read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-204) in non-concurrence), which was tabled earlier in the day and later today assigned pending the motion of Representative Mitchell of Freeport that the House adhere.

Representative Jacques of Waterville moved that the House recede and concur and further 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 pending question before the House is the motion of Representative Jacques of Waterville that the House recede and concur.

The Chair recognizes the Representative from Freeport, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, Men and Women of the House: I hope you will vote against the motion to recede and concur and stick with the action you took last week and adhere to your position on this particular bill.

This is the bill that seeks to repeal the portion of the solid waste law that said when you went into a store that had paper bags and plastic bags that the store was to give you paper bags unless you asked for plastic bags. If you asked for plastic bags, then you would get plastic bags. The purpose of the bill is to make it easier. The purpose of the original bill was to encourage the recycling of paper fiber which is a priority in our solid waste bill.

Since the bill passed, most of the grocery stores in the state have started having these containers in them — at least Shaw's and Shop 'n Save does and you can take your plastic bags back there and recycle them. I guess that it is technically possible to recycle plastic bags but it is practically improbable. From talking with members of the House who know a lot more about recycling than I do, I don't think the end product is quite as good as it is if you use original plastic. Paper recycles very well, there is a lot of paper around and there is ample market for it. In my community of Freeport, we cannot recycle plastic bags locally but I can take all my paper bags up to the landfill. They take them all and throw them right in the bailer with the cardboard and it all gets sent off and it all comes back to us.

This is a wonderful law that we passed in 1989. It is working well and I don't see any reason in the world why anyone would want to change a law that is optional and is working well and recycling paper and preserving our natural resources.

I hope you will vote no, vote against the motion to recede and concur and vote yes on the motion to adhere and stick with the action that the House took last week.

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

Representative BELL: Mr. Speaker, Ladies and Gentlemen of the House: As you go to the

supermarket, you will find that the paper bags are being recycled just like the plastic bags are, not as many yet, but if you picked up some of the plastic bags, you would notice the quality is not quite as good as the new ones. Recycling has also started taking place with the paper bags.

One of the arguments they have is the plastic bag costs a hair less than the paper bag. Let me tell you that one of the lobbyist today said, "Are you still going to vote against the plastic bill?" I said, "Yes, I am. I will go down to the market with you and if you want to go right now, I will bet you \$20 that I can put more groceries in one paper bag than you can in two plastic bags." He said, "You can't." I said, "I can, I have been bagging for a long time, you come with me." He refused to go.

The way the law is now, there is no problem. When you go to the supermarket, if you want plastic bag, they will give them to you. So, why change the process?

I got a kick out of one of the pieces in the paper that said that so many more trees will have to be cut for paper bags and what not. All the time we were trying to get a bill through to change the color for the paper mills and a lot of people supported it — now the way some of this material reads, I guess you want to close the pulp mills also. I say there is nothing wrong with the law the way it is now. You can have plastic or you can have paper. I would urge you to vote against the recede and concur motion.

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

Representative GOULD: Mr. Speaker, Ladies and Gentlemen of the House: First of all, let me apologize because I am going to take a little time to explain some of the things to you that I didn't say the last time.

I am the gentleman that sent around the paper that Representative Bell was referring to. I can assure you, as a wood cutter, I am not out to close down the wood industry. So, what am I trying to do? Why am I supporting plastic versus paper? I would like to give you several reasons why I am supporting plastic versus paper. I would like to read a little bit from a study done by the Environmental Branch of the West German Government. I am quoting now from this report, "The emissions of SO₂, NO_x, CO₂ and dust are greater during the manufacture of paper carrier bags than they are during the manufacture of polyethylene bags. On the other hand, the emissions of the organic substances during the manufacture of polyethylene are higher than they are during the manufacture of paper. Altogether, the air polluting emissions caused during the manufacture of paper carrier bags are to be regarded as clearly more damaging compared with the manufacture of polyethylene bags."

To continue reading from this report, "Also the comparison of pollution of waste water turns out to be unfavorable as far as paper is concerned because the CSB and the BSB5 values are many times higher than during the production of polyethylene carrier bags."

Now, does that mean that we should stop using paper? Absolutely not. What it does mean is that we should use the material that is best suited for the job at hand and clearly that material is the polyethylene carrier bag.

Representative Bell said that you can't put as much into polyethylene bags as you can paper bags and

he is absolutely correct. Everything that I am telling you about considers 1.5 plastic bags to one paper bag. So, when we talk about the uses of plastic bags versus paper bags, we are talking about equal uses. I would like to show you the value of the amount of energy used for polyethylene carrier bags, it is measured in BTU's per 10,000 uses which means 15,000 plastic bags versus 10,000 paper bags. The BTU's needed for the manufacture of polyethylene bags is 9,700,000. The BTU's used for paper bags is 16,300,000 so clearly it takes more energy to manufacture paper bags than it does to manufacture polyethylene bags.

Here is another subject dealing with air emissions that you might be interested in. In 10,000 uses, the polyethylene sack emits 17.9 pounds of atmospheric emissions. The paper sack emits 64.2 pounds. Now, that is 17 versus 64 as far as atmospheric emissions are concerned.

What about waterborne waste — for the polyethylene sack at zero percent recycling, it is 1.8 pounds. For the paper sack at zero percent recycling, it is 31.2 pounds. Clearly, the paper sack is more environmentally damaging than the polyethylene sack.

One more area that I would like to compare the two in — let's say that all of the polyethylene and all the paper sacks are not recyclable. If anybody thinks that they are all going to be recycled, you have got another thought coming. All the paper sacks are not going to be recycled and all the polyethylene sacks are not going to be recycled. So, let's say that you send your paper sacks, 10,000 uses of them, to the landfill. How much is that going to cost you? What is the amount of dollars that it is going to cost you to ship those sacks to the landfill? It is going to cost you \$32 a ton at a \$48 tipping fee. So it is going to cost \$32 a ton to ship the paper sacks and for the same equal amount of use for the polyethylene sacks, 10,000 uses, it is going to cost you \$12. So, you can see there is quite a difference in what you are going to ask the taxpayers to pay for for the same amount of material.

One last point that I would like to make before I summarize this whole thing up. If you were going to put nothing but polyethylene sacks into your landfill or paper sacks into your landfill, the paper sacks would fill up your landfill 4.5 times faster than the polyethylene sacks. It just seems to me that it is far better to use the material that pollutes less, costs less to put into the landfill and is just as easy to recycle.

I called three major recycling places in the State of Maine. I called Zaitlin and Sons and I would like to tell you what he told me about paper sacks. He has had to hire another warehouse in Portland to take care of his cardboard and paper sacks. Cardboard and paper sacks are recycled together, he can't get rid of them. He is considering hauling them up to the MERC incinerator to burn them because he simply cannot get rid of them.

I called Maine Beverage, they cannot get rid of their paper sacks or their cardboard sacks. However, they are getting rid of all of their plastic sacks. They are selling them through a packaging outfit in New Brunswick. What are they getting for the plastic that they are recycling in New Brunswick? They are getting from \$180 a ton to \$300 a ton, plus they are getting the freight paid and they are getting the duty paid for those polyethylene bags going to New

Brunswick.

Sam Zaitlin told me that what he pays to municipalities for the paper sacks is up to \$20 a ton. By the way, paper itself, newspaper, Sam won't even touch because he can't get rid of it anymore.

I asked all three if this was a glitch due to the recession in the recycling market. I was told that three out of the last five years had been extremely poor for paper. So, I guess in summarizing — I will try not to take any more of your time — it would just seem to me that if we have a substance that is recyclable, that is cheaper to landfill, that is cheaper to incinerate, that is cheaper to produce, that is less polluting in both the atmosphere and in the water, and uses less energy, that is the material that we should use.

I would ask you to vote for the use of plastic bags. Remember one thing, this gives the choice to the store as to whether they want to use plastic, paper or both. This does not say that they can use just one or the other, it says they have their choice, plastic, paper or both. I urge you to give them that choice.

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

Representative WENTWORTH: Mr. Speaker, Men and Women of the House: I am going to respectfully disagree with everything that the former Representative who just spoke, said.

First, I would like to start with a simple fact and that is that West Germany happens to be (as a nation) one of the largest producers of plastic material in the industrialized world. They don't have any trees left to cut and process and make into paper products. Consequently, I think that their studies would probably reflect a propensity to support the industries which they have in their country.

Secondly, as to those studies, I would question when they were done and actually who did them. Were they studies that were contracted out to be done by some private firm that possibly had an interest in promoting one material versus another? Maybe those questions can't be answered tonight, maybe they can, and maybe the answers won't tell us anything but I don't think we should just accept information that is provided in reports like this without at least analyzing it with a little common sense.

As for the claim about Zaitlin's and Maine Beverage, it is ironic that the two of those companies do have a number of business agreements and work together on a number of different marketing strategies and market development projects. I spoke to one of Zaitlin's major competitors in southern Maine, William Goodman and Sons, and I was told by their project manager that they absolutely love to have kraft paper in their recycling stream, they have absolutely no problem marketing it in this state and they probably would take all the paper that is in Zaitlin's warehouse and sell it and make a profit. I don't know why Zaitlin's is having such trouble. There are places right here in the State of Maine that are end-market, such as Kyes Fibre, where they reuse the high-grade kraft fiber that makes up these paper bags.

In all this analysis of the impact of plastic versus paper, I heard absolutely no discussion of what the impact is of the refining of crude oil, the actual drilling for it — what was handed out to us earlier by Representative Gould was a sheet by the

National Audubon Society that made some claims about the destruction of harvesting timber in terms of its impact on ecosystems. There is absolutely no analysis of what the destruction is to ecosystems in areas where we are drilling for oil. One of the places that is being proposed by President Bush and others to start further exploration of oil is the Alaskan National Wildlife Refuge. The National Audubon Society has been clearly opposed to drilling for oil exploration in that area of Alaska and yet they are willing to come out in this out-of-context brief and say that paper bag production is environmentally damaging.

I have had a lot of experience trying to market paper bags and plastic bags in southern Maine through the recycling program that I run. I have said this before on the floor of this House and I will say it again, I have had absolutely no trouble marketing the kraft paper bags. I have spoken to brokers all the way from Portland up to the Hampden area and I spoke to seven different brokers on Thursday last week anticipating that there would be an argument that the markets don't exist. Out of those seven that I spoke to, six of them said they had absolutely no problem accepting paper bags in with their corrugated and that any business or municipality that currently recycles corrugated with them could easily throw their paper bags right in. They did not accept plastic bags and the plastic bag market, I know from experience, is much more difficult to get access to in Maine. Most of the plastic bags that are collected in Maine go to New Brunswick. There is absolutely no economic gain in this state for taking them out of state to have them reprocessed.

Lastly, on an environmental note, I would just point out that right now 40 percent of the waste generated in this state is being incinerated and that number will climb as landfills close down across this state. The argument that biodegradability, when you bury a plastic bag versus burying a paper bag, is less advantageous with a paper bag is irrelevant when we are incinerating. Incineration of plastics is one of the greatest producers of dioxins. Probably if you calculated the dioxins produced in that process — I am not sure on this — but it must be close to equal to the dioxins produced in the production of kraft paper. I would ask you to think about that.

The law currently is working well. Overall, it has reduced our consumption of these bags, whether it be paper or plastic. People are using the reusable canvas bags or string bags or they are taking back their bags. The law is working great. I would urge you not to recede and concur and to go along with the motion to adhere.

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

Representative GOULD: Mr. Speaker, Men and Women of the House: I would just like to answer a couple of the questions that Representative Wentworth asked.

The three reports that I referred to by the West German's was in 1987. The Franklin Report that I quoted from was in 1990 and the Audubon Report that I quoted from was in 1990. I never did find anywhere in there where it mentioned in any of those reports (and I read all three of them) that it mentioned dioxin came from the burning or incineration of plastic bags.

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

Representative LORD: Mr. Speaker, My Learned

Colleagues: After we had the debate last week, I made three different calls. If you think I am giving you a line, I would be glad to give you the telephone numbers of these people so you can verify my statements.

First of all, I called the Regional Waste System in Portland, I talked with a Carol Eisenburg, who is the environmental expert there. I said to her — we are in a recycling program and they take our newspapers, and if we are going to meet our 40 percent vote down the line, why aren't you taking our paper and cardboard? She said, the market is very soft, we cannot get a market for it. That is one.

I then called up Northeast Plastics in Lisbon Falls and I talked to a Melody Myers. Right now, they are recycling 2,000 pounds of plastic per hour which is mostly heavy milk jugs and the detergent bottles and items of that sort. However, their goal is to recycle 160,000 pounds a week on two shifts and if they achieve this goal, they will be recycling over 8 million pounds of plastic a year.

I then called Hannaford Brothers and talked to a Ted Brown. In 1990, Hannaford Brothers, Shop 'n Save recycled 6,300,000 pounds of bags. For your information, I had John Joyce weigh 1,000 paper bags the size they use in the shopping centers, they weigh 121 pounds. 1,000 plastic bags the same size weighs 22 pounds. It takes one truck load of plastic bags to equal five or six truckloads of paper bags and most of your paper bags that are used in the store are manufactured in the south and the west, so you not only have the weight, you have the distance of trucking costs.

Shop 'n Save stores all over this state and especially in other states are running between 60 and 65 percent plastic and 30 to 40 percent paper. Shop 'n Save sell their plastic to P.C.L. Plastics. The plant is in Eastern New Brunswick. They bring down a load of plastic bags and ship back up a load of plastic bags to recycle.

One plastic bag can be recycled between five and ten times depending on the quality of the plastic but after it starts to break down, then they have to manufacture it into another product.

I didn't talk with Harry Brown at Maine Beverage but he told me that the Portland Beverage Company is sending all the plastic to Canada and they are looking for more. There is also another company, Key Packaging in Salem, New Hampshire who is taking plastic bags.

The reason we had the bill the way it is and the reason we made it the way it was to start with, at the time we did that, we didn't know of any plastic recycling programs around. That is why we wanted to push paper. Now that we have recycling programs for plastic and it is working out and as Representative Gould said, it is a case of anybody having either or both. I think that you will find that smaller stores, the Mom and Pop stores, the only way they can save money is to go out and buy a large quantity of paper to get the discount. I think if you ask Representative Murphy, she was a storekeeper, she will tell you the same thing. I believe that is the reason why Representative Pouliot had this bill in so if a smaller store wants to use plastic or wants to use paper, they can do it. If they want to use both they can do it but we are not forcing them to take both.

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

Representative ADAMS: Mr. Speaker, Men and Women of the House: I joined the parade on this lovely evening to ask you, members of the House, to vote against the motion that is on the floor to recede and concur. That is, I am asking you not to pass the motion that is now on the floor. I am asking you to do what we did before, by a thumping margin last week, which was not to vote to pass this bill, that is, we voted not to let the cat out of the bag but to keep it in one and preferably a paper bag at that.

There is no law now on the books that prevents the use of either plastic or paper at the discretion of the store owner. It simply says that, unless the customer asks for plastic, he shall be given paper. We carefully wrote the law two years ago (it was my bill and I was present at every work session) to allow older folks (for example) who wanted a handle on the plastic bag could, indeed, have that handle and could have that bag should they ask. That law has been on the books quietly, effectively, and well at work for almost a year and a half now. It is at work right now while we are speaking and others are eating. Families have been fed, the groceries have come home, our arms haven't been empty and the law has worked very well.

We have had a report cited from the nation of West Germany about their results with plastic and paper bags. I would like to read from the American Report and, indeed, a Maine report, the same report I read to you less than a week ago. After one year of study under the law as I have just described it, it turns out with 75 to 80 percent of all Maine retailers participating in the survey that the Maine Solid Waste Management Agency was able to determine that plastic bag use declined by at least 267 million individual bags in 1990. Paper bag use increased by 254 million bags. The Maine Solid Waste Agency estimates that each paper bag used by a Mainer replaced 1.5 plastic bags used for all those grocery purposes.

Secondly, one individual outfit, Hannaford Brothers, under this law started collecting their own plastic, collected 62 tons of it, an excellent figure last year. The Maine Merchants Association themselves, not inclined necessarily to be friendly to the law, found that upon average the price between paper and plastic was a wash. In fact, the difference was less than 5/10's of 1 cent.

Lastly, a survey conducted by the Chewonki Foundation in five mid-coast towns just last year found of all the people that knew about the law and noticed the change at all, 78 percent of them thought it was a good idea, liked the law on the books and asked that it continue. In a sense, each of those 267 million paper bags collected was a vote, a citizen, not an industry, told us what they liked and took what they wanted. None of them are here tonight telling us it was a bad idea or that the law isn't working now.

The good Representative from Greenville proposes that the bill before us tonight would in fact give the choice back to the store. Well, that is exactly the problem with it. When the choice was laid in the hands of the consumer, the consumer decided what they wanted and overwhelming voted for paper and took it home.

I would remind you, men and women of the House, as we wind toward the weary hour of nine-thirty or ten o'clock tonight, that the average useful life of a sack used to carry groceries from the store to your

car, the car to your home, according to the grocery industry itself, is three to seven minutes. Yet, a plastic bag, if used for that, may exist on this earth for a possible lifetime of up to 350 years. That is as long, roughly, from the Mayflower to the McKernan administration. If Miles Standish had stepped ashore at Plymouth with his lunch in a plastic bag all those years ago, he could still hand the lunch and the bag off to Governor McKernan today and the only one that I think might be a little worse for the wear might be Miles. That is how long plastic lasts.

The little choices we make in life do matter. I know it is not going to make the earth shake if we take home our twinkies in a paper bag. The moon is not going to spin if you put your popsicles in a plastic bag but it does make a difference in the big picture of what we do in the only picture we know, which is our small part of life. Our own Maine State Waste Agency realizes that and has written one of the most valuable impacts of Section 1605, that's the law now on the books, is the education benefit to our society. Through its implication in our grocery stores and our merchandise stores, our bag rule has had an immediate impact on the lives of a large percentage of Maine citizens. These are useful reminders to consumers that it is the decisions we each make everyday that causes the waste stream to constantly grow or to shrink in magnitude.

Men and women of the House, the law we have on the books now is very popular, the figures prove it is working well. I have seen no proof presented either here or in the work sessions or in the hearing that we should undo it all for a doubt. I say we keep it and I say we have been in the bag long enough on this one, I say our vote of last week, thumping and indecisive, should be repeated tonight and I say please vote no against the motion now on the floor to recede and concur.

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 recede and concur. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 69

YEA - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Boutilier, Bowers, Carleton, Carroll, D.; Carroll, J.; Clark, H.; Coles, DiPietro, Dore, Duffy, Dutremble, L.; Erwin, Farnum, Farren, Gould, R. A.; Greenlaw, Gurney, Gwadosky, Hale, Hastings, Hichborn, Hoglund, Hussey, Jacques, Joseph, Ketover, LaPointe, Lebowitz, Libby, Look, Lord, Marsano, Marsh, McHenry, Melendy, Merrill, Michaud, Morrison, Murphy, Nash, Ott, Parent, Paul, Pineau, Pines, Plourde, Poulin, Pouliot, Reed, G.; Reed, W.; Richards, Rotondi, Ruhlin, Rydell, Savage, Small, Spear, Stevens, A.; Stevenson, Swazey, Tamaro, Tardy, Townsend, Waterman, Whitcomb.

NAY - Adams, Anthony, Bell, Bennett, Butland, Cahill, M.; Cathcart, Clark, M.; Crowley, Daggett, Donnelly, Farnsworth, Foss, Garland, Gean, Goodridge, Graham, Gray, Handy, Hanley, Heeschen, Heino, Hepburn, Holt, Kerr, Ketterer, Kilkelly, Kontos, Larrivee, Lawrence, Lemke, Lipman, Luther, MacBride, Manning, Mayo, McKeen, Mitchell, E.; Mitchell, J.; Nadeau, Norton, Nutting, O'Dea, Pendexter, Pfeiffer, Powers, Rand, Richardson, Saint Onge, Simonds, Simpson, Skoglund, Stevens, P.; Strout, Tracy, Treat,

Tupper, Wentworth.

ABSENT - Aliberti, Cashman, Chonko, Constantine, Cote, Duplessis, Hichens, Jalbert, Kutasi, Macomber, Mahany, Martin, H.; O'Gara, Oliver, Paradis, J.; Paradis, P.; Pendleton, Ricker, Salisbury, Sheltra, Vigue, The Speaker.

Yes, 71; No, 58; Absent, 22; Paired, 0; Excused, 0.

71 having voted in the affirmative and 58 in the negative with 22 being absent, the motion to recede and concur did prevail.

The Chair laid before the House the following matter: Majority Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-324) on Bill "An Act to Prevent Striking Workers from Being Permanently Replaced by Strikebreakers" (H.P. 615) (L.D. 875) and Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill, which was tabled earlier in the day and later today assigned pending acceptance of the Majority "Ought to Pass" Report.

Representative Whitcomb of Waldo 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 Augusta, Representative Lipman.

Representative LIPMAN: Mr. Speaker, Ladies and Gentlemen of the House: I rise in regard to L.D. 875 and ask that you vote against this bill. The reason is very simple, we do have compassion for the people who are being replaced by the strikebreakers, however this law is preempted by the National Labor Relations Act. There are two bills in Congress that are approaching and discussing this very same issue. In 1989, the Supreme Court of the State of Maine was confronted by a similar law to the one that is before you when we tried to have the 45 day cooling off period. The Supreme Court said it is illegal for us to pass a law in view of the National Labor Relations Act. On that basis, I urge you to vote against the Majority "Ought to Pass" Report.

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

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: In 1989, the Maine Supreme Court did rule, but the Governor chose to send to the Maine Supreme Court a bill that we all knew could not pass the test. This bill has a good chance of passing that test and we want a referendum on this bill. Apparently this Governor does not want to pass any type of bill that will help the working men and women and will prohibit permanent replacement of Maine workers. So, I urge you to vote in support of this motion.

The SPEAKER PRO TEM: The pending question before the House is the motion of Representative McHenry of Madawaska that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those

opposed will vote no.

ROLL CALL NO. 70

YEA - Adams, Anthony, Bell, Boutilier, Cahill, M.; Carroll, D.; Cathcart, Clark, H.; Clark, M.; Coles, Cote, Daggett, DiPietro, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gurney, Gwadosky, Hale, Handy, Heesch, Hichborn, Hognlund, Holt, Hussey, Jacques, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kontos, LaPointe, Larrivee, Lawrence, Lemke, Luther, Manning, Mayo, McHenry, McKeen, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Nadeau, Nutting, O'Dea, Paul, Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Powers, Rand, Richardson, Rotondi, Ruhlin, Rydell, Saint Onge, Simonds, Simpson, Skoglund, Stevens, P.; Swazey, Tamaro, Tardy, Townsend, Tracy, Treat, Waterman, Wentworth.

NAY - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Bowers, Butland, Carleton, Carroll, J.; Donnelly, Farnum, Farren, Foss, Garland, Greenlaw, Hanley, Hastings, Heino, Hepburn, Lebowitz, Libby, Lipman, Look, Lord, MacBride, Marsano, Marsh, Merrill, Murphy, Nash, Norton, Ott, Parent, Pendexter, Pines, Reed, G.; Reed, W.; Richards, Savage, Small, Spear, Stevens, A.; Stevenson, Strout, Tupper, Whitcomb.

ABSENT - Aliberti, Cashman, Chonko, Constantine, Crowley, Duplessis, Hichens, Jalbert, Kutasi, Macomber, Mahany, Martin, H.; Morrison, O'Gara, Oliver, Paradis, J.; Paradis, P.; Pendleton, Ricker, Salisbury, Sheltra, Vigue, The Speaker.

Yes, 80; No, 48; Absent, 23; Paired, 0; Excused, 0.

80 having voted in the affirmative and 48 in the negative with 23 being absent, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (H-324) was read by the Clerk and adopted and the Bill assigned for second reading Wednesday, May 22, 1991.

The Chair laid before the House the following matter: Majority Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-325) on Bill "An Act to Protect Retail Sales Employees" (H.P. 352) (L.D. 482) and Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill, which was tabled earlier in the day and later today assigned pending the motion of Representative McHenry of Madawaska that the House accept the Majority "Ought to Pass" Report.

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

Committee Amendment "A" (H-325) was read by the Clerk and adopted and the bill assigned for second reading Wednesday, May 22, 1991.

The Chair laid before the House the following matter: Majority Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-326) on Bill "An Act Concerning Unemployment Benefits During Lockouts" (H.P. 649) (L.D. 923) and Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill, which

was tabled earlier in the day and later today assigned pending the motion of Representative McHenry of Madawaska that the House accept the Majority "Ought to Pass" Report.

Representative Whitcomb of Waldo 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 Fryeburg, Representative Hastings.

Representative HASTINGS: Mr. Speaker, Men and Women of the House: Philosophically, there are many reasons for voting one way or another on this particular bill. However, let me just give you one reason why, in my opinion, the Minority Report should be accepted and that is what is going on in this state today. I would request you not to adopt the Majority Report. Right now, we are just trying to improve a perception of business. We have businesses that are telling us for one reason or another they are leaving and frankly, regardless of your philosophy on this bill, this is perceived as an antibusiness bill. I don't think it is terribly important in this particular day and age on this item because everyone is fighting for jobs. I think it is important to adopt, if you will, the Minority Report. Therefore, I would urge you not to adopt the Majority Report.

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

Representative PINEAU: Mr. Speaker, Men and Women of the House: I, unlike the good Representative from Fryeburg, Representative Hastings, do want the Majority Report passed and I want your endorsement on it. Simply because this is a bad time for business, that doesn't constitute this as a bad business bill. What this constitutes is a work force that wants to work but cannot work because they have been locked out. They show up at the gate, the gate is closed. This happens usually in time when contracts are being negotiated and have come to an impasse. It boils down to a philosophical difference. I know I refuse to let the current business situation warrant what is right or wrong in my mind, that still prevails. I hope members of the House too.

I know the hour is late and time is running on, I just ask for your support for this bill to give those people, as many other states do have, the right for unemployment benefits when they are locked out of their place of employment.

The SPEAKER PRO TEM: The pending question before the House is the motion of Representative McHenry of Madawaska that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 71

YEA - Adams, Anthony, Bell, Boutilier, Cahill, M.; Carroll, D.; Cathcart, Clark, H.; Clark, M.; Coles, Cote, Daggett, DiPietro, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Gean, Goodridge,

Gould, R. A.; Graham, Gray, Gurney, Gwadosky, Hale, Handy, Heeschen, Hichborn, Hoglund, Holt, Hussey, Jacques, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kontos, LaPointe, Larrivee, Lawrence, Lemke, Luther, Manning, Mayo, McHenry, McKee, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Nutting, O'Dea, Paul, Pfeiffer, Pineau, Plourde, Pouliot, Powers, Rand, Richardson, Rotondi, Ruhlin, Rydell, Saint Onge, Simonds, Simpson, Skoglund, Stevens, P.; Strout, Swazey, Tannaro, Townsend, Tracy, Treat, Waterman, Wentworth.

NAY - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Bowers, Butland, Carleton, Carroll, J.; Donnelly, Farnum, Farren, Foss, Garland, Greenlaw, Hanley, Hastings, Heino, Hepburn, Lebowitz, Libby, Lipman, Look, Lord, MacBride, Marsano, Marsh, Merrill, Murphy, Nash, Norton, Ott, Parent, Pendexter, Pines, Reed, G.; Reed, W.; Richards, Salisbury, Savage, Small, Spear, Stevens, A.; Stevenson, Tardy, Tupper, Whitcomb.

ABSENT - Aliberti, Cashman, Chonko, Constantine, Crowley, Duplessis, Hichens, Jalbert, Kutasi, Macomber, Mahany, Martin, H.; O'Gara, Oliver, Paradis, J.; Paradis, P.; Pendleton, Poulin, Ricker, Sheltra, Vigue, The Speaker.

Yes, 80; No, 49; Absent, 22; Paired, 0; Excused, 0.

80 having voted in the affirmative and 49 in the negative with 22 being absent, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (H-326) was read by the Clerk and adopted and the bill assigned for second reading Wednesday, May 22, 1991.

The Chair laid before the House the following matter: Majority Report of the Committee on State and Local Government reporting "Ought Not to Pass" on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Increase the Availability of Legislative Participation (H.P. 740) (L.D. 1044) and Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-319) on same Resolution, which was tabled earlier in the day and later today assigned pending acceptance of the Majority "Ought to Pass" Report.

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

Representative HANLEY: Mr. Speaker, Men and Women of the House: I campaigned on the issue of term limitation in 1988 and again in 1990. Every year since I was first elected as a State Representative in 1986 I have mailed a district wide questionnaire and have always received a strong response. In the past three years, I have asked my constituents how they feel about term limitation. They have consistently favored term limitation by a 59 percent margin.

Critics of term limitation tell me they have faith in our political process, that we can vote people out of office with a simple flick of a lever. Critics who see that as a simple matter wonder why I continue to tilt the Augusta windmill. The issue of term limitation goes beyond political parties and ideologies and goes directly to the question of whether or not we can sustain our democratic form of government. A limit on State Legislative terms reflects my Jeffersonian instincts to open up legislative service to more common citizens and fewer

career politicians. Our founding fathers never intended for congressional service to become a career, neither did members of Maine's first legislatures. Much of the public has lost interest in elections, voter apathy is a continuing problem and today we consider 50 percent a good election day turnout. That is an embarrassment, especially when you consider that, in some countries, there are people dying for the right to vote.

As I campaigned for the past three elections, some voters in my district told me they were not going to vote because they felt their vote didn't matter. They said that people in power are going to stay in power.

In last Fall's election, Oklahoma, California and Colorado passed initiatives to limit the terms of their state legislators. The citizens of Maine are denied the opportunity to amend the state Constitution by popular initiative. The only game in town for Maine residents is a Constitutional Amendment proposed by the State Legislature which would then be sent to public referendum. L.D. 1044, the bill before you this evening, would limit Maine State Legislators to five consecutive terms or ten years. There is no reason to lose talented public servants under term limitations. This Constitutional Amendment would not prevent legislators from running for other public office. A state Representative would not be prevented from running for State Senate. A state Senator would not be prevented from running for the House of Representatives. After a two year sabbatical, a legislator could again run for the office of his or her choice. They could also share their knowledge and experience at the local or county level.

Term limitation would eliminate the option of a life-time, self-interested career. Legislators entering into the political process would do so with their eyes wide open, knowing that they are limited to five consecutive terms, if they are fortunate enough to be reelected that often. After that, they would have to use their skills in another public office or in the private sector.

I didn't jump on the term limitation band wagon to ride the recent wave of public support for it. I have championed this cause since my second term in the legislature after I became acutely aware of the distrust and cynicism citizens feel towards legislators and politicians.

George Washington, our first President, refused to serve a third term as President of the United States, more than 150 years before the 22nd Amendment to the Constitution limited terms of U.S. Presidents. What did Washington know that we didn't? He knew that a truly representative form of government would only prosper and survive if infused regularly with fresh ideas and idealisms of its people.

Men and women of the House, I would appreciate it if you would vote against the Majority "Ought Not to Pass" Report so you can accept the Minority "Ought to Pass" Report. It is important that you remember that under Maine's Constitution, Article IV, Section 15 and 18, the people of the State of Maine are limited in proposing and voting on Constitutional Amendments. Any Constitutional Amendment must go through the Legislature. Whether or not they want to support this, it is in our hands to allow the choice. All I am asking you tonight to do is allow the people of the State of Maine to have a choice,

whether or not they want to limit state legislators to five consecutive terms.

Mr. Speaker, I request a roll call.

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 Waterville, Representative Jacques.

Representative JACQUES: Mr. Speaker, Men and Women of the House: I was beginning to think that this session would go by and I wouldn't have my opportunity to disagree with the good Representative from South Paris, Representative Hanley, to and behold here is one and I have my chance.

I have never voted for four year terms for the legislature and I always opposed that for one reason. I think that two years time gives your people back home a chance to evaluate you, see if you have done a good job, see if you have represented their interests instead of your own special interest groups or whatever the case may be. I have always supported maintaining two year terms.

You know, we have something that was started around here a few years back that I find very interesting and that is Welcome Back Day. I have to point out that when we had Welcome Back Day this year they started with the current legislature and they went down the line. I would like to point out to the members of the House that there were three members that had over 14 years of service in this body, one was the good Representative from Topsham, Representative Chonko, Representative Strout from Corinth and Speaker Martin from Eagle Lake. Then you drop down to three of us that are in our 13th year in the Maine Legislature, the beginning of our seventh term. From there you drop down to 11 years and the number wasn't that great, then you drop down to members starting their seventh and fifth term in this legislature and they, indeed, made up a major part of this legislature.

Since I have been here, and this is my seventh term, we have had anywhere from a one-third to one-half turnover in this body. In my opinion, the only people that would truly benefit from having a lot of new people here would be the lobbyists because they won't have the people around that remember when something was brought forth for special interests other than those people you and I took our oath to represent. I don't say that to cast aspersions on new legislators because we all went through the same thing. You had a lobbyist that looked good and sounded good, came up as a freshman or sophomore and he gave you a line, a long line, a lot of it probably would have been better spent spreading it in your garden somewhere but it was a long line and it sounded good to you and you went along with it. Quite frankly, it was the veteran legislators, the Luman Mahany's, the guys that had been around here a while, the Eddie Kelleher's that came forward and said, wait a minute kid, this is what this really does, this is how it is going to affect your people back home and I think you should know about it. When you sat down and thought about it, you ended up

voting the other way and I was very appreciative of the fact that I had a few of those people that had been here awhile to point out the error of my ways.

The good Representative said that people are disillusioned in the way you vote. Well, I will say it is not because of the people they vote for or against, quite frankly, but as a perfect example the other day we had an issue that the people voted in referendum in one of the largest turnout and it dealt with Sunday sales. There were some things in that Sunday sales referendum that I didn't like but this legislature didn't have the guts to pass the original bill that was brought forward that had some of those protectional clauses in there that would have helped the people that we are trying to help now. So, we passed the buck because we didn't have the guts to pass it. We sent it to referendum and we said we will live by what the people decide they want to do because we are such a strong and bold body with backbone at times and, lo and behold, the people voted. I will agree it wasn't by a big majority but it was still a majority. What did we do? This year we came in with a bill to undo that. The only comment I got about it was, how come we pass something with a referendum because you didn't want to do it in the first place and then, once we pass it, you turn around and vote to change it different than when we passed it? Now, if you want to deal with voter disillusionment, start paying attention to what your people tell you. If you don't want them to tell you something you don't want to hear then vote for it yourself in here. Show a little guts.

Term limitations are a joke, they don't serve anyone, they look good and they make you feel good. This session of the legislature will go down in history as a session where we did things that looked good and make you feel good but really didn't accomplish a heck of a lot. This is just one of those bills.

I, too, sent out questionnaires and every two years one of the questions I ask is, do you believe I should run for reelection? The people get ahold of me and say, yes, we do because you have been there a while, you are getting the experience, you are getting the knowledge and you are getting the tenure and we like having that. So, they say to me, yes, you should run. I run, somebody can run against me if they want to, they do, they get beat and I come back here. When the people back home decide they want to change that around, somebody will run, I'll get beat, they will be here, I'll be home. End of story.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Skowhegan, Representative Hepburn.

Representative HEPBURN: Mr. Speaker, Ladies and Gentlemen of the House: I just want to speak in favor here of a concept that is already embodied in our constitution both at the state and federal levels and that is the concept of term limitation. It is very much with us in terms of the Chief Executive of this state and of the nation. We have seen fit to limit the Chief Executive to two terms, a total of eight years. Since our entire concept of government from its formation was one of balance between the various branches of government, it seems certainly appropriate that the legislature should also be limited in its number of terms.

One of the interesting arguments which has, surprisingly been used by opponents of this measure, was that of lobbyist in terms of having more power

with a legislature that had more citizen participation. Personally, I have never observed that to be true and feel quite the opposite. If you look in the halls — I think we have all been freshmen at one point, some of us are freshman right now — who do the lobbyists go to? Do they go to the freshmen and start talking to them all the time, the first month of the session, the second month of the session, even the first year of the session? No, they hang around with the veterans. There tends to be, at least in my case, the longer I have been here, the more they seem to talk to me. Maybe some of you folks are different but I think I see more independents among freshman legislators in terms of how they vote on roll calls than I see among veterans. I think that is a breath of fresh air into this body and into the whole system. I think it speaks very highly for term limitation. I hope you will oppose the motion and vote for the "Ought to Pass" Report.

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

Representative HANLEY: Mr. Speaker, Men and Women of the House: I always appreciate the opportunity to differ with my colleague from Waterville, Representative Jacques.

I just want to take two seconds of your time and reiterate a point that should not be lost to anyone in their seat and voting tonight. The fact is that people out there, our constituents, want a chance to vote on this.

I have an agenda from the Small Business Advocacy Committee from their May 2nd meeting at Auburn Manufacturing. These are small business people from all around Androscoggin County, Cumberland County, and Oxford County. They met and fourth on their list was limiting terms for legislators. They wanted to start a referendum to limit the terms of legislators. They felt that the process had gotten out of hand and they didn't have control of it anymore. They had me come and speak to them and I told them that no, they would not have an opportunity to start a referendum because that is not the way things work in Maine. The only game in town is to go through the legislature. The National Federation of Independent Businessmen had a poll done statewide and nationwide. Their results showed 70 percent respondents were in favor of term limitation, that is 70 percent from the NFIB. I polled my caucus this afternoon for those who had asked this question on their questionnaire and, of the four of us that had put the question on, all the response was overwhelming. That is from the western part of the state, the northern part of the state, the central and eastern part of the state.

Men and women of the House, this is not a "bury your head in the sand" issue, the people want a chance to vote on this, let's give them that chance.

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

Representative WENTWORTH: Mr. Speaker, Men and Women of the House: I am one of those freshmen Representatives and I have listened to a lot of debate here for the last four months. In listening to that, I have become much more of a fan to term limitations. I really think we ought of limit terms such as "to be quite honest", "quite frankly", or "I will be brief" — those are the only term limitations that will be constructive to this process.

The SPEAKER PRO TEM: A roll call has been

ordered. The pending question before the House is the motion of Representative Joseph of Waterville that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 72

YEA - Adams, Anthony, Bell, Boutilier, Cahill, M.; Carroll, D.; Cathcart, Clark, H.; Clark, M.; Coles, Cote, Daggett, DiPietro, Donnelly, Duffy, Dutremble, L.; Erwin, Farnsworth, Farnum, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gurney, Gwadosky, Hale, Handy, Heeschen, Hichborn, Hoglund, Holt, Hussey, Jacques, Joseph, Kerr, Ketover, Ketterer, Kilkelly, LaPointe, Larrivee, Lawrence, Lemke, MacBride, Manning, Mayo, McHenry, McKeen, Melendy, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Norton, O'Dea, Paul, Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Powers, Rand, Richardson, Rotondi, Ruhlin, Rydell, Saint Onge, Simonds, Simpson, Skoglund, Small, Stevens, P.; Strout, Swazey, Tamaro, Tardy, Townsend, Tracy, Treat, Waterman, Wentworth.

NAY - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Bowers, Butland, Carleton, Carroll, J.; Farren, Foss, Garland, Greenlaw, Hanley, Hastings, Heino, Hepburn, Lebowitz, Libby, Lipman, Look, Luther, Marsano, Marsh, Merrill, Nash, Ott, Pendexter, Pines, Reed, G.; Reed, W.; Richards, Salisbury, Savage, Spear, Stevens, A.; Stevenson, Tupper, Whitcomb.

ABSENT - Aliberti, Cashman, Chonko, Constantine, Crowley, Dore, Duplessis, Hichens, Jalbert, Kontos, Kutasi, Lord, Macomber, Mahany, Martin, H.; Michaud, Nutting, O'Gara, Oliver, Paradis, J.; Paradis, P.; Parent, Pendleton, Ricker, Sheltra, Vigue, The Speaker.

Yes, 83; No, 41; Absent, 27; Paired, 0; Excused, 0.

83 having voted in the affirmative and 41 in the negative with 27 being absent, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

The Chair laid before the House the following matter: Bill "An Act to Extend Confidentiality Status to Certain Records of Applicants for Housing, Community or Economic Development Activities" (H.P. 1271) (L.D. 1842) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

On motion of Representative Gwadosky of Fairfield, retabled pending passage to be engrossed and specially assigned for Wednesday, May 22, 1991.

The Chair laid before the House the following matter: Bill "An Act to Ensure that County Sheriffs Continue to Provide Rural Patrols for Small Towns in the Counties" (H.P. 813) (L.D. 1167) (C. "A" H-305) which was tabled earlier in the day and later today assigned pending adoption of House Amendment "A" (H-375) to Committee Amendment "A" (H-305).

The SPEAKER PRO TEM: The Chair would rule that there is no fiscal note needed on the amendment.

On motion of Representative Mayo of Thomaston, retabled pending adoption of House Amendment "A" (H-375) to Committee Amendment "A" (H-305) and specially assigned for Wednesday, May 22, 1991.

The Chair laid before the House the following matter: An Act Concerning Special Waste Landfills (S.P. 472) (L.D. 1264) (S. "D" S-132 to C. "A" S-124) which was tabled earlier in the day and later today assigned pending passage to be enacted.

The SPEAKER PRO TEM: This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 118 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

The Chair laid before the House the following matter: An Act to Prohibit the Charging of Rent in Advance by Landlords (H.P. 370) (L.D. 524) (C. "A" H-245) which was tabled earlier in the day and later today assigned pending the motion of Representative DiPietro of South Portland that L.D. 524 and all accompanying papers be indefinitely postponed.

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

Representative O'DEA: Mr. Speaker, Men and Women of the House: This bill has what you might call an overly complicated title. Its real purpose is to clarify a loophole in an existing law.

I would like to read for you the existing law, if you will indulge me, it is one sentence long. This deals with rents in advance and security deposits. The law reads, "No lesser of a dwelling intended for human habitation shall require a security deposit equivalent to more than the rent for two months." Very straightforward. However, in the town of Orono, we have a problem with some less than scrupulous landlords charging people six months rent in advance. They maintain that since it is not a security deposit but rather rent in advance that it is permissible under the law.

Committee Amendment "A" which was accepted unanimously by the Joint Standing Committee on Legal Affairs says, among other things, that — let me read to you the full extent of the proposed changes in Committee Amendment "A." "Rent collected for a rental period other than the rental period beginning immediately after collection of rent is part of the security deposit." So, the purposes of this definition is that a rental period may not exceed one month. It simply makes clear that the collection of advance rent is limited by the current law limiting security deposits to two months rent. All this Committee Amendment does is clarify the existing law to help deal with a few scoff laws in places like Orono. I understand the situation is also going on in Portland and it is a real problem. This body has spoken about the issues of affordable housing and to set apart one group of people and one group of landlords to have a separate rule and that is not appropriate.

My good friend, Representative DiPietro, said he thought this was a local problem. However, the

council in Orono has said that it is not a local problem. I spoke with the Attorney General about this, he said that the issue was addressed in law, the question of rent and security deposits, and as such, it is not appropriate for a town to either strengthen or weaken the existing statute. It requires an act of this body to close this loophole. Every single member of this body has people who reside in the town of Orono, who go to the University of Maine, and I would suggest to you that if you would like to prevent them from being gouged by some of these less than scrupulous landlords who have made their opinions known on this legislation to several members of this body, then I would hope that you would support this unanimous Committee Report.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Sabattus, Representative Stevens.

Representative STEVENS: Mr. Speaker, Men and Women of the House: When this original bill came in it, also included the colleges. I believe they were exempt from the bill, so I go along with Representative DiPietro's motion of indefinite postponement.

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

Representative DIPIETRO: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to bore you, the hour is late but I just wish you would support me. I ask for a roll call.

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

Representative O'DEA: Mr. Speaker, Men and Women of the House: The issue of the university was raised. If you will notice, the amendment says nothing about the University of Maine.

The existing law, if you listened when I read it, you would understand it says nothing about the University of Maine. Common sense prevails here. It has been going on for years and years and it is understood widely from one end of the state to the other that the University of Maine and other colleges are not included in this. This deals with landlords and tenants. It is very clear. All this does is close an existing loophole for unscrupulous landlords who are charging, in many cases, your children and your grandchildren, rent in advance and it should not be permitted under the current law. It goes beyond what was ever intended by the legislature when they passed the initial statute. I would urge you to vote against this motion.

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 PRO TEM: The pending question before the House is the motion of Representative DiPietro of South Portland that L.D. 524 and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 73

YEA - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Boutilier, Bowers, Butland,

Carleton, Carroll, J.; Cote, Daggett, DiPietro, Donnelly, Dutremble, L.; Farren, Foss, Garland, Gean, Gould, R. A.; Gray, Greenlaw, Gurney, Hanley, Hastings, Heino, Hepburn, Hussey, Jacques, Kerr, Ketover, Ketterer, LaPointe, Lebowitz, Lemke, Libby, Lipman, Look, Lord, MacBride, Manning, Marsano, Marsh, Merrill, Morrison, Murphy, Nash, Norton, Ott, Paul, Pendexter, Pines, Pouliot, Reed, G.; Reed, W.; Rotondi, Salisbury, Savage, Simonds, Skoglund, Small, Spear, Stevens, A.; Stevenson, Strout, Swazey, Tammaro, Tardy, Tracy, Tupper, Waterman, Whitcomb.

NAY - Adams, Anthony, Bell, Cahill, M.; Carroll, D.; Cathcart, Clark, H.; Clark, M.; Coles, Duffy, Erwin, Farnsworth, Goodridge, Graham, Gwadosky, Hale, Handy, Heeschen, Hichborn, Hoglund, Holt, Joseph, Kilkelly, Kontos, Larrivee, Lawrence, Luther, Mayo, McHenry, McKeen, Melendy, Mitchell, E.; Mitchell, J.; Nadeau, Nutting, O'Dea, Pfeiffer, Pineau, Plourde, Poulin, Powers, Rand, Richards, Richardson, Ruhlin, Rydell, Saint Onge, Simpson, Stevens, P.; Townsend, Treat, Wentworth.

ABSENT - Aliberti, Cashman, Chonko, Constantine, Crowley, Dore, Duplessis, Farnum, Hichens, Jalbert, Kutasi, Macomber, Mahany, Martin, H.; Michaud, O'Gara, Oliver, Paradis, J.; Paradis, P.; Parent, Pendleton, Ricker, Sheltra, Vigue, The Speaker.

Yes, 74; No, 52; Absent, 25; Paired, 0; Excused, 0.

74 having voted in the affirmative and 52 in the negative with 25 being absent, the motion to indefinitely postpone did prevail. Sent up for concurrence.

(Off Record Remarks)

Representative Cote of Auburn was granted unanimous consent to address the House.

Representative COTE: Mr. Speaker, Men and Women of the House: My vote was not recorded on L.D. 1166 - short circuit with my green light. I wish to be recorded as voting yea.

On motion of Representative Cahill of Mattawamkeag,

Adjourned at 10:10 p.m. until Wednesday, May 22, 1991, at five o'clock in the afternoon.