

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
55th Legislative Day
Thursday, May 30, 1991

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

Prayer by Reverend Brendon Bass, West Parish Congregational Church, Bethel.

The Journal of Tuesday, May 28, 1991, was read and approved.

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

Committee of Conference Report

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on: RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for 4-year Terms for Senators and Members of the House of Representatives (H.P. 256) (L.D. 347) (C. "A" H-89) have had the same under consideration and ask leave to report:

that they are unable to agree

(Signed) Representative MAHANY of Easton, Representative MAYO of Thomaston, and Representative ANDERSON of Woodland - of the House.

Senator CONLEY of Cumberland, President PRAY of Penobscot, and Senator COLLINS of Aroostook - of the Senate.

The Committee of Conference Report was read and accepted. Sent up for concurrence.

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

SENATE PAPERS

The following Communication:

Maine State Senate
Augusta, Maine 04333

May 28, 1991

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

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Fisheries and Wildlife:

John Crabtree of Warren for reappointment to the Inland Fisheries and Wildlife Advisory Council.

Wilmot Robinson of Millinocket for appointment to the Inland Fisheries and Wildlife Advisory Council. Wilmot Robinson is replacing William Sylvester.

Sincerely,

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

Was read and ordered placed on file.

The following Joint Resolution: (S.P. 719)

JOINT RESOLUTION MEMORIALIZING THE
CONGRESS OF THE UNITED STATES TO ENACT
THE WOMEN'S HEALTH EQUITY ACT OF 1991

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 Women's Health Equity Act of 1991 is now pending before the Congress; and

WHEREAS, the Women's Health Equity Act of 1991 incorporates 22 proposals to improve women's health care and contains provisions that address current deficiencies in women's health care in the 3 critical areas of research, services and prevention; and

WHEREAS, that legislation would provide funding for a number of initiatives designed to end discrimination in health research, expand quality care and treatment and promote the prevention of health problems; and

WHEREAS, this Legislature has long demonstrated its commitment to preventative health programs, such as cancer screening, family planning services and mandated insurance coverage for mammograms; and

WHEREAS, this Legislature supports access to reproductive health services to all individuals and the right to choose reproductive health care options; and

WHEREAS, there is a critical need in Maine for the services which would be made available by the Act, as evidenced by a cervical cancer rate that is the highest in the nation; by a teen pregnancy rate that is among the 10 highest in the nation; and by the thousands of Maine women affected by infertility, osteoporosis, breast and ovarian cancer and other diseases suffered primarily by women; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully recommend and urge the Congress of the United States to enact the Women's Health Equity Act of 1991; 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.

Came from the Senate, read and adopted.

Was read and adopted in concurrence.

Bill "An Act to Provide Compensation for Certain State Employees" (EMERGENCY) (S.P. 718) (L.D. 1908)

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 Concerning Smoking in the Workplace" (S.P. 716) (L.D. 1907)

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

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

Unanimous Ought Not To Pass

Report of the Committee on **Housing and Economic Development** reporting "**Ought Not to Pass**" on Bill "An Act to Amend and Extend the Fuel Assistance Reserve Fund" (S.P. 703) (L.D. 1874)

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

Representative McHenry of Madawaska moved that the House reconsider its action whereby Bill "An Act Concerning Smoking in the Workplace" (S.P. 716) (L.D. 1907) was referred to the Committee on **Human Resources** in concurrence.

Representative Manning of Portland requested a Division.

The SPEAKER PRO TEM: The pending question before the House is the motion of Representative McHenry of Madawaska that the House reconsider its action whereby L.D. 1907 was referred to the Committee on **Human Resources** in concurrence. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

65 having voted in the affirmative and 45 in the negative, the motion did prevail.

Subsequently, Representative McHenry of Madawaska moved that the Bill be referred to the Committee on **Labor** in non-concurrence.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: For eleven years I have been here and for eleven years these issues have been coming to my committee, the Committee on Human Resources. This bill deals with legislation that came out of the Committee on Human Resources a few years ago. The Committee on Human Resources is the area that this should be handled, not the Committee on Labor. I would hope that this legislature and this body would go along with the Committee on Human Resources to handle this as we have done in the previous years.

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

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: This bill deals with collective bargaining, grievance procedures, and I don't think it belongs in Human Resources at all. It belongs in Labor where it should be. It deals with grievance procedures and collective bargaining. If you look at the bill, that is what it deals with.

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

Representative CLARK: Mr. Speaker, Men and Women of the House: I find myself in an awkward position to get up to speak against two committees but I cosponsored the bill and would like to see this bill go to the Committee on Labor. I think the good Chairman of the Committee on Labor explained it very well in why it should go there. I ask the delegation tonight, when you do vote, vote to have it sent to the Committee on Labor because that is where I think it belongs.

On motion of Representative Gwadosky of Fairfield, tabled pending the motion of Representative McHenry of Madawaska that L.D. 1907 be referred to the Committee on **Labor** and later today assigned.

Ought to Pass as Amended

Report of the Committee on **Utilities** reporting "**Ought to Pass**" as Amended by Committee Amendment "A" (S-205) on Resolve, to Establish the Commission on Electric Utilities and Long-range Energy Production Planning (EMERGENCY) (S.P. 292) (L.D. 774)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-205) as amended by Senate Amendment "A" (S-220) thereto.

Report was read and accepted, the bill read once. Committee Amendment "A" (S-205) was read by the Clerk.

Senate Amendment "A" (S-220) to Committee Amendment "A" (S-205) was read by the Clerk and adopted.

Committee Amendment "A" (S-205) as amended by Senate Amendment "A" thereto was adopted and the Bill assigned for second reading Tuesday, June 4, 1991.

Ought to Pass

Later Today Assigned

Report of the Committee on **Aging, Retirement**

and Veterans reporting "Ought to Pass" on Bill "An Act to Amend and Clarify the Definition of Earnable Compensation in the Maine State Retirement System Laws" (S.P. 443) (L.D. 1187)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Senate Amendment "A" (S-186).

Report was read and accepted, the bill read once. Senate Amendment "A" (S-186) was read by the Clerk and adopted.

On motion of Representative Jalbert of Lisbon, the House reconsidered its action whereby Senate Amendment "A" (S-186) was adopted.

On further motion of the same Representative, tabled pending adoption of Senate Amendment "A" (S-186) and later today assigned.

Non-Concurrent Matter

Bill "An Act Regarding Public Exposure to Nonionizing Radiation" (H.P. 509) (L.D. 703) on which the Majority "Ought to Pass" as amended Report of the Committee on Human Resources was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-351) in the House on May 23, 1991.

Came from the Senate with the Minority "Ought Not to Pass" Report of the Committee on Human Resources read and accepted in non-concurrence.

Representative Manning of Portland moved that the House Insist.

Representative Pendexter of Scarborough moved that the House recede and concur.

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

A vote of the House was taken.

52 having voted in the affirmative and 63 in the negative, the motion to recede and concur did not prevail.

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

Representative PENDEXTER: Mr. Speaker, Men and Women of the House: I would just like to make a few more comments that we had stated before. I feel that this bill is unneeded legislation. This bill is not necessary. If schools want their space evaluated for EMF, all they need to do is call CMP and they will do it for them, free of charge. So, there is really no need to have a study done. I feel that it is just passing on some expenses to the ratepayers, who are you and me, and we really don't need that.

So, I would request a roll call and ask that you vote against the pending motion to Insist.

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 Portland, Representative Manning.

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: A few weeks ago, this body passed this piece of legislation. I would hope that we would continue to pass this piece of legislation.

This legislation is trying to deal with the issue of EMF, it is an issue that our committee spent a lot of time on. It is an issue that a lot of committees throughout the legislatures of this country are dealing with. It is an issue that the EPA thought was so important that they were ready to issue rules and regulations until the Bush Administration killed it.

The Representative from Scarborough said, if it was that important, CMP would do it. Well, if CMP is going to do it, who is going to pay for it? You are going to pay it anyway, so if those schools are going to have it done, they might as well have it done in a study so we will know exactly what happens out there with EMF around our children in our schools.

I would hope that this body would go along with the motion to Insist.

The SPEAKER PRO TEM: The pending question before the House is the motion of Representative Manning of Portland that the House Insist. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 87

YEA - Adams, Anthony, Boutilier, Cahill, M.; Carroll, D.; Cashman, Cathcart, Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Gean, Goodridge, Graham, Gray, Gurney, Gwadosky, Hale, Handy, Heeschen, Hogleund, Holt, Jalbert, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kontos, Larrivee, Lawrence, Lemke, Luther, Mahany, Manning, Marsh, Mayo, McHenry, McKeen, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Nadeau, Norton, O'Dea, O'Gara, Oliver, Paradis, P.; Paul, Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Powers, Rand, Richardson, Rotondi, Ruhl, Rydell, Saint Onge, Sheltra, Simonds, Simpson, Skoglund, Stevens, P.; Swazey, Tardy, Townsend, Tracy, Treat, Vigue, Wentworth.

NAY - Aikman, Aliberti, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Butland, Carleton, Carroll, J.; Clark, H.; Donnelly, Duplessis, Farnum, Farren, Foss, Garland, Gould, R. A.; Greenlaw, Hanley, Hastings, Heino, Hepburn, Hichens, Kutasi, LaPointe, Lebowitz, Libby, Lipman, Look, Lord, MacBride, Macomber, Marsano, Merrill, Morrison, Nash, Ott, Parent, Pendexter, Pendleton, Pines, Reed, G.; Reed, W.; Richards, Ricker, Salisbury, Savage, Small, Spear, Stevens, A.; Stevenson, Strout, Tamaro, Tupper, Waterman, Whitcomb.

ABSENT - Bell, Bowers, Chonko, Hichborn, Hussey, Jacques, Martin, H.; Murphy, Nutting, Paradis, J.; The Speaker.

Yes, 82; No, 58; Absent, 11; Paired, 0; Excused, 0.

82 having voted in the affirmative and 58 in the negative with 11 being absent, the motion to insist did prevail.

Non-Concurrent Matter

Bill "An Act to Prohibit the Installation of Electric Heating Systems" (H.P. 271) (L.D. 391) which was passed to be engrossed as amended by Committee Amendment "A" (H-249) in the House on May 9, 1991.

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

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Reduce Littering" (H.P. 909) (L.D. 1306) which was passed to be engrossed as amended by Committee Amendment "A" (H-255) in the House on May 9, 1991.

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

On motion of Representative Kilkelly of Wiscasset, the House voted to recede.

The same Representative offered House Amendment "A" (H-479) to Committee Amendment "A" (H-255) and moved its adoption.

House Amendment "A" (H-479) to Committee Amendment "A" (H-255) was read by the Clerk and adopted.

Committee Amendment "A" (H-255) as amended by House Amendment "A" (H-479) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-255) as amended by House Amendment "A" (H-479) thereto in non-concurrence and sent up for concurrence.

Non-Concurrent Matter

An Act to Enhance the Filing of Documents in the Registry of Deeds (H.P. 95) (L.D. 136) (H. "A" H-286 to C. "A" H-229) on which the Bill and accompanying Papers were Recommitted to the Committee on **State and Local Government** in the House on May 23, 1991.

Came from the Senate Passed to be Enacted in non-concurrence.

On motion of Representative Joseph of Waterville, the House voted to Insist.

COMMUNICATIONS

The following Communication:

STATE OF MAINE
DEPARTMENT OF TRANSPORTATION
STATE HOUSE STATION 16
AUGUSTA, MAINE 04333-0016

May 29, 1991

The Honorable John L. Martin

Speaker of the House
State House Station #2
Augusta, Maine 04333

Dear Speaker Martin:

I am pleased to submit the Department's Transportation Investment Program for fiscal years 1992-1993.

The Program is submitted in support of funding requests in the areas of the Federally supported Highways and Bridges, Collector Roads, Highway Maintenance Resurfacing, Air Transportation, Highway Mass Transportation, Ports and Marine Transportation, and Rail Transportation improvements.

State transportation revenues have decreased due to the current economic decline and federal assistance is uncertain due to the Transportation Reauthorization Act currently before Congress. In light of this situation we have attempted to develop a realistic, balanced program that addresses our most pressing state needs. This Transportation Investment Program does not do all we would like it to do, but it represents the best we can do under the current economic environment.

The Federally supported highway and bridge portion of the program requires \$51.25 Million in State funds which would generate \$142.8 Million in Federal Highway matching funds and an additional \$4.8 Million in Local matching funds for a total Federally supported program of \$198.85 Million. The \$51.25 Million State funds necessary to match Federal funds would come from current revenues in the amount of \$26.25 Million and the remaining \$25 Million we would suggest be included in a proposed Transportation Bond Issue.

The non-Federal funded highway and bridge portion of the program requires \$21.1 Million in State funds.

The \$19.3 Million requested for the Air, Highway Mass Transportation, Ports and Marine, and Rail portions of the program would generate \$22.5 Million in Federal matching funds and an additional \$6.8 Million in Local matching funds providing a total program of \$48.6 Million in these four program areas. We propose that \$.5 Million of the State's share of these areas be taken from the General Fund, \$2 Million from the Highway Fund to support our rail grade crossing maintenance sharing obligations and the remaining \$16.8 Million we would suggest be included in a Transportation Bond Issue.

In summary, with \$103.25 Million in State and Local funds, \$165.3 Million in Federal funding is generated making a total investment program of \$268.55 Million for capital improvements associated with highway & bridge, air, mass transportation, ports & marine and rail transportation.

We trust you will find the 1992-1993 Transportation Investment Program represents a realistic and balanced effort to maintain and improve transportation service in Maine in a manner keeping with today's economic climate.

Sincerely,

s/Dana F. Connors
Commissioner

Was read and with accompanying papers ordered placed on file.

**PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE**

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

Business Legislation

Bill "An Act to Regulate Certain Warranty Practices for Repairs to Watercraft" (H.P. 1319) (L.D. 1909) (Presented by Representative KONTOS of Windham) (Cosponsored by Senator TITCOMB of Cumberland, Senator RICH of Cumberland and Representative MELENDY of Rockland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.
Sent up for Concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Housing and Economic Development

Bill "An Act to Promote Long-term Economic Development" (EMERGENCY) (H.P. 1321) (L.D. 1912) (Presented by Representative COLES of Harpswell) (Cosponsored by President PRAY of Penobscot, Speaker MARTIN of Eagle Lake and Representative MELENDY of Rockland)

Ordered Printed.
Sent up for Concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative JOSEPH from the Committee on State and Local Government on 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) reporting "Ought Not to Pass"

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

**Refer to the Committee on State
and Local Government**

Representative NADEAU from the Committee on Taxation on Bill "An Act to Improve Records Management in Local Governments" (H.P. 994) (L.D. 1443) reporting that it be referred to the Committee on State and Local Government.

Report was read and accepted and the bill referred to the Committee on State and Local Government and sent up for concurrence.

Ought to Pass as Amended

Representative STEVENS from the Committee on Business Legislation on Bill "An Act to Require that Staff Management Companies Register with the State" (H.P. 704) (L.D. 1008) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-438)

Report was read and accepted, the bill read once. Committee Amendment "A" (H-438) was read by the Clerk and adopted and the bill assigned for second reading Tuesday, June 4, 1991.

Ought to Pass as Amended

Representative SMALL from the Committee on Transportation on Bill "An Act to Increase the Penalty for Failure to Secure a Child with a Seat Belt" (H.P. 1101) (L.D. 1600) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-456)

Report was read and accepted, the bill read once. Committee Amendment "A" (H-456) was read by the Clerk and adopted and the bill assigned for second reading Tuesday, June 4, 1991.

Ought to Pass as Amended

Representative HANLEY from the Committee on Judiciary on Bill "An Act to Prevent Financial Gain by Convicted Drug Offenders" (H.P. 969) (L.D. 1410) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-464)

Report was read and accepted, the bill read once. Committee Amendment "A" (H-464) was read by the Clerk and adopted and the bill assigned for second reading Tuesday, June 4, 1991.

Ought to Pass as Amended

Representative LAWRENCE from the Committee on Legal Affairs on Bill "An Act to Prohibit the Use of Stickers on Trespassing Motor Vehicles" (H.P. 1004) (L.D. 1472) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-451)

Report was read and accepted, the bill read once.

Committee Amendment "A" (H-451) was read by the Clerk and adopted and the bill assigned for second reading Tuesday, June 4, 1991.

Divided Report

Later Today Assigned

Majority Report of the Committee on **Legal Affairs** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-427) on Bill "An Act to Amend the State Ballot Laws" (H.P. 1014) (L.D. 1482)

Signed:

Senator: SUMMERS of Cumberland

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

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

Signed:

Senators: KANY of Kennebec
MILLS of Oxford

Representatives: HICHENS of Eliot
POULIN of Oakland
PLOURDE of Biddeford

Reports were read.

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

On motion of the same Representative, tabled pending his motion that the House accept the Majority "Ought 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:

(S.P. 196) (L.D. 505) Bill "An Act to Encourage Electric Utility Efficiency and Economical Electric Rates" Committee on **Utilities** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-203)

(S.P. 203) (L.D. 530) Bill "An Act to Amend the Fair Credit Reporting Laws" Committee on **Business Legislation** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-199)

(S.P. 329) (L.D. 885) Bill "An Act to Establish a Northern Maine Regional Juvenile Detention Facility" **Joint Select Committee on Corrections** reporting

"Ought to Pass" as amended by Committee Amendment "A" (S-201)

(S.P. 349) (L.D. 951) Resolve, Authorizing Sarah Leighton, Peter Nilsen and Linda Nilsen to Bring a Civil Action against the Town of Casco Committee on **Legal Affairs** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-200)

(S.P. 411) (L.D. 1125) Bill "An Act to Amend the Disability Provisions of the Maine State Retirement System Laws" Committee on **Aging, Retirement and Veterans** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-204)

(S.P. 596) (L.D. 1581) Bill "An Act to Improve the Administration of the Engineering Registration Laws" Committee on **Business Legislation** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-197)

(S.P. 601) (L.D. 1605) Bill "An Act to Amend the Laws Governing Warning Notices Posted by Sellers of Firearms at Trade Shows" Committee on **Business Legislation** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-198)

There being no objections, the above items were ordered to appear on the Consent Calendar of Tuesday, June 4, 1991, under the listing of Second Day.

(S.P. 613) (L.D. 1617) Bill "An Act to Encourage Waste Reduction and Recycling" Committee on **Energy and Natural Resources** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-210)

On motion of Representative Coles of Harpswell, was removed from Consent Calendar, First Day.

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

Committee Amendment "A" (S-210) was read by the Clerk and adopted and the Bill assigned for Second Reading, Tuesday, June 4, 1991.

(H.P. 846) (L.D. 1212) Bill "An Act to Amend the Laws Governing Motor Vehicles" Committee on **Transportation** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-439)

(H.P. 1109) (L.D. 1634) Bill "An Act Regarding Doe Permits" Committee on **Fisheries and Wildlife** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-440)

(H.P. 845) (L.D. 1211) Bill "An Act to Correct Certain Errors and Inconsistencies in the Law Enabling Municipal Development Districts" Committee on **Taxation** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-442)

(H.P. 1156) (L.D. 1697) Bill "An Act to Encourage Increased Investment and Employment in the State" Committee on **Taxation** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-443)

(H.P. 1192) (L.D. 1745) Bill "An Act Concerning the Maine Student Incentive Scholarship Program"

(EMERGENCY) Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-444)

(H.P. 1203) (L.D. 1759) Bill "An Act to Amend the Specific Line Budgets for School Districts" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-445)

(H.P. 1164) (L.D. 1705) Resolve, to Establish the Commission to Study the Feasibility of a Capital Cultural Center (EMERGENCY) Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-453)

(H.P. 1057) (L.D. 1546) Bill "An Act to Amend the Unfair Trade Practices Act to Allow Consumers to Recover Damages" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-447)

(H.P. 805) (L.D. 1159) Bill "An Act to Clarify and Expand Reciprocity in the Certification of Nursing Assistants and Require the State Board of Nursing to Issue Certificates for Nursing Assistants" Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-446)

(H.P. 773) (L.D. 1105) Bill "An Act to Encourage Students to Register and Vote" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-452)

(H.P. 859) (L.D. 1225) Bill "An Act Relating to Ordinary Death Benefits under the Maine State Retirement System" Committee on Aging, Retirement and Veterans reporting "Ought to Pass" as amended by Committee Amendment "A" (H-450)

(H.P. 762) (L.D. 1096) Bill "An Act to Improve Services to At-risk, Pregnant and Parenting Teens" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-449)

(H.P. 1056) (L.D. 1545) Bill "An Act to Provide Training for Long-term Care Facilities Personnel" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-448)

(H.P. 1311) (L.D. 1897) Bill "An Act to Increase the Borrowing Authority of the Jackman Water District" Committee on Utilities reporting "Ought to Pass"

(H.P. 1026) (L.D. 1499) Bill "An Act to Improve Motorcycle Driver Education" Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-457)

(H.P. 990) (L.D. 1435) Bill "An Act to Clarify Use of Motor Vehicle Auxiliary Lights and Emergency Signals" Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-458)

(H.P. 872) (L.D. 1258) Bill "An Act to Provide for Equal Opportunity within the Maine Turnpike Authority" Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment

"A" (H-459)

(H.P. 822) (L.D. 1176) Bill "An Act Regarding Vanity Plates for Automobile Dealers" Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-460)

(H.P. 1144) (L.D. 1669) Bill "An Act to Exempt Certain Medical and Juvenile Records from the Freedom of Access Law" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-463)

(H.P. 1247) (L.D. 1814) Bill "An Act to Amend the Provisions Regarding Post-judgment Interest" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-462)

(H.P. 662) (L.D. 941) Bill "An Act to Amend the State's Statute of Frauds" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-465)

(I.B. 2) (L.D. 720) Bill "An Act to Enact the Passenger Rail Service Act" Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-461)

(H.P. 981) (L.D. 1426) Bill "An Act to Expand the Conflict of Interest Laws for Officers and Employees of the Maine State Housing Authority" Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-466)

(H.P. 1268) (L.D. 1839) Bill "An Act to Extend Certain Income Tax Benefits to Individuals Participating in Operation Desert Shield or Operation Desert Storm" (EMERGENCY) Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-471)

(H.P. 1252) (L.D. 1820) Bill "An Act to Provide Accountability for Certain Purchased Services by the Bureau of Mental Health" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-474)

(H.P. 1048) (L.D. 1521) Bill "An Act to Promote Efficient Enforcement and to Correct Inconsistencies in the Manufactured Housing Laws" (EMERGENCY) Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-473)

(H.P. 1288) (L.D. 1858) Bill "An Act to Create the Board of Barbering and Cosmetology" (EMERGENCY) Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-472)

There being no objections, the above items were ordered to appear on the Consent Calendar of Tuesday, June 4, 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. 429) (L.D. 1150) Resolve, to Clear Title to Property in the Town of Oxford (EMERGENCY) (C. "A" S-188)

(S.P. 436) (L.D. 1157) Bill "An Act to Amend the Teacher Retirement Laws" (EMERGENCY) (C. "A" S-195)

(S.P. 460) (L.D. 1236) Bill "An Act Concerning Continuances Requested by Petitioners in Hearings for Operating under the Influence" (C. "A" S-194)

(S.P. 493) (L.D. 1331) Bill "An Act Regarding Sprinkler Systems in New Buildings" (C. "A" S-193)

(S.P. 524) (L.D. 1402) Bill "An Act to Provide Confidentiality of Proprietary Data Provided to State Agencies" (C. "A" S-189)

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

(S.P. 562) (L.D. 1466) Bill "An Act to Amend Certain Laws Administered by the Maine State Retirement System" (C. "A" S-196)

On motion of Representative Jalbert of Lisbon, was removed from Consent Calendar, Second Day.

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

Committee Amendment "A" (S-196) was read by the Clerk.

On motion of Representative Mayo of Thomaston, tabled pending adoption of Committee Amendment "A" (S-196) and specially assigned for Tuesday, June 4, 1991.

(S.P. 679) (L.D. 1801) Bill "An Act to Clarify the Termination of Intensive Supervision" (C. "A" S-190)

(H.P. 816) (L.D. 1170) Bill "An Act to Make Emergency Changes to the Motor Vehicle Laws" (EMERGENCY) (C. "A" H-423)

(H.P. 1087) (L.D. 1587) Bill "An Act to Require Minimum Training Standards for Construction Flaggers" (C. "A" H-424)

(H.P. 956) (L.D. 1383) Bill "An Act to Clarify the Authority of the Department of Transportation to Acquire Property for Environmental Mitigation Purposes" (C. "A" H-425)

(H.P. 874) (L.D. 1260) Resolve, to Establish the Commission to Study the Safe Operation of Truck Tractors (C. "A" H-426)

(H.P. 473) (L.D. 667) Bill "An Act to Require the Department of Environmental Protection to Seek Authority to Administer the Provisions of the Federal later Pollution Control Act" (C. "A" H-432)

(H.P. 646) (L.D. 920) Bill "An Act to Amend the Laws Relating to Submerged Land" (C. "A" H-433)

(H.P. 709) (L.D. 1014) Bill "An Act to Amend the Shoreland Zoning Laws" (C. "A" H-434)

(S.P. 500) (L.D. 1338) Bill "An Act Concerning Teacher Employment" (C. "A" S-147)

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 as Amended and sent up for concurrence.

PASSED TO BE ENGROSSED

Bill "An Act Concerning the Acquisition of Railroad Lines by the State" (EMERGENCY) (S.P. 714) (L.D. 1903)

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

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Continue Authority for Seasonal Agency Liquor Stores" (EMERGENCY) (S.P. 566) (L.D. 1486) (C. "A" S-192)

Was reported by the Committee on Bills in the Second Reading, read the second time, the Senate Paper was Passed to be Engrossed as Amended in concurrence.

SECOND READER

Tabled and Assigned

Bill "An Act to Amend Various Provisions of the Electricians' Examining Board Laws" (S.P. 503) (L.D. 1341) (C. "A" S-176)

Was 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 specially assigned for Tuesday, June 4, 1991.

PASSED TO BE ENGROSSED

Resolve, to Develop a Statewide Health Insurance Program (EMERGENCY) (H.P. 1184) (L.D. 1727) (C. "A" H-406)

Was reported by the Committee on Bills in the Second Reading, read the second time, the House Paper was Passed to be Engrossed as Amended and sent

up for concurrence.

PASSED TO BE ENACTED

Emergency Measure

An Act to Exempt from Right-to-know Laws Information Contained in the Personnel File of Department of Corrections Employees (S.P. 540) (L.D. 1438) (C. "A" S-143)

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. 116 voted in favor of the same and 3 against and accordingly the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

ENACTOR

Emergency Measure

Tabled and Assigned

An Act to Amend the Exemption of Certain Divisions from the Definition of Subdivision (H.P. 407) (L.D. 590) (C. "A" H-257)

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 specially assigned for Tuesday, June 4, 1991.

PASSED TO BE ENACTED

Emergency Measure

An Act to Clarify the Laws Relating to the Election or Appointment of Assessors (H.P. 548) (L.D. 785) (C. "A" H-297)

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. 116 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

An Act Concerning Energy Efficiency Standards for Subsidized Housing (S.P. 204) (L.D. 531) (C. "A" S-151)

An Act to Revise the Laws Concerning Innovative Educational Grants (S.P. 377) (L.D. 1054) (C. "A"

S-152)

An Act Relating to the Finalization of Divorces (S.P. 388) (L.D. 1065) (C. "A" S-142)

An Act to Allow the Suspension of Fines in Certain Cases (S.P. 399) (L.D. 1075) (C. "A" S-144)

An Act to Ensure Voter Participation in the Siting of Both Storage and Disposal of Radioactive Waste (S.P. 407) (L.D. 1083) (H. "B" H-308 to C. "A" S-100)

An Act Concerning Public Representation on Professional and Occupational Boards or Commissions (S.P. 444) (L.D. 1188)

An Act to Foster Marine Research (S.P. 450) (L.D. 1226) (S. "A" S-164 to C. "A" S-148)

An Act Regarding the Exclusivity of an Authorized Aquaculture Lease Site (S.P. 456) (L.D. 1232) (C. "A" S-149)

An Act to Amend and Improve the Laws Relating to Education (S.P. 469) (L.D. 1252) (C. "A" S-153)

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

Tabled and Assigned

An Act to Make Revisions in the Marine Resource Laws (S.P. 510) (L.D. 1359) (S. "A" S-165 to C. "A" S-150)

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 Tuesday, June 4, 1991.

PASSED TO BE ENACTED

An Act to Establish a Seasonal Permit for the Sale of Deer Hides (S.P. 519) (L.D. 1397) (C. "A" S-146)

An Act to Enhance the Trapping of Beaver (S.P. 535) (L.D. 1424) (C. "A" S-145)

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 Amend the Laws Regarding the Labeling of Seafood (S.P. 583) (L.D. 1536)

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

On motion of Representative Mitchell of Freeport, under suspension of the rules, the House reconsidered its action whereby L.D. 1536 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-487) and moved its adoption.

House Amendment "A" (H-487) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" (H-487) in non-concurrence and sent up for concurrence.

PASSED TO BE ENACTED

An Act to Limit Major Third-party Payor Status to Governmental Payors and Make Other Technical Changes in the Laws Affecting Hospital Financing (S.P. 594) (L.D. 1579) (H. "A" H-367)

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) (H. "A" H-362)

An Act to Codify the Rules of Maine (H.P. 1) (L.D. 1) (H. "A" H-200 to C. "A" H-195)

An Act to Amend the Law Concerning Family Medical Leave (H.P. 75) (L.D. 103) (S. "A" S-166 to C. "A" H-254)

An Act to Reclassify Spenser Stream (H.P. 307) (L.D. 437) (C. "A" H-301)

An Act to Clarify Provisions Relating to Pharmacies (H.P. 432) (L.D. 615) (C. "A" H-290)

An Act Relating to Violations Involving the Disregard of Red Flashing Lights on School Buses (H.P. 443) (L.D. 633) (H. "A" H-371 to C. "A" H-106)

An Act Relating to the Restoration of Drivers' Licenses (H.P. 447) (L.D. 637) (C. "A" H-281)

An Act to Improve the Disbursement of Funds for Municipal Roads (H.P. 487) (L.D. 681)

An Act to Improve the Disbursement of Wages to Municipal Employees (H.P. 538) (L.D. 775) (C. "A" H-299)

An Act to Provide Information to Persons Voting on Bonded Indebtedness Proposals (H.P. 565) (L.D. 808) (C. "A" H-298)

An Act to Increase the Availability of Sign Language Training (H.P. 661) (L.D. 940) (C. "A" H-291)

An Act Concerning the Lease or Lease-purchase of School Bus Garage and Maintenance Facilities and School Administrative Office Space (H.P. 690) (L.D.

989) (C. "A" H-292)

An Act to Improve the Level of Services Provided by the Bureau of Public Improvements on Capital Improvement Projects (H.P. 728) (L.D. 1032) (H. "A" H-310)

An Act to Amend the Laws Governing the Office of Information Services and the Information Services Policy Board (H.P. 737) (L.D. 1041) (C. "A" H-302)

An Act to Broaden the Crime of Criminal Mischief (H.P. 854) (L.D. 1220) (C. "A" H-288)

An Act Regarding Training Costs of Police Officers (H.P. 890) (L.D. 1287) (C. "A" H-303)

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

Later Today Assigned

An Act Concerning Visitation Rights of Grandparents of Minor Children in the Event of the Death of a Parent (H.P. 910) (L.D. 1307) (C. "A" H-289)

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

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

PASSED TO BE ENACTED

An Act to Include Land Surveyors in the Lien Laws (H.P. 1036) (L.D. 1509)

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.

(At Ease to Gong)

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

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

SENATE PAPER

Bill "An Act Relating to Workers' Compensation Insurance Rate Setting" (EMERGENCY) (S.P. 729) (L.D.

1914)

Came from the Senate under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed.

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

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

By unanimous consent, was ordered sent forthwith to Engrossing.

ORDERS OF THE DAY

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment on Tuesday, May 28, 1991 have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

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

An Act 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)
 TABLED - May 23, 1991 by Representative STROUT of Corinth.
 PENDING - Motion of Representative GWADOSKY of Fairfield to Reconsider Indefinite Postponement of Bill and Accompanying Papers. (Roll Call Requested)

On motion of Representative Mayo of Thomaston, retabled pending the motion of Representative Gwadosky of Fairfield to reconsider indefinite postponement of the Bill and all accompanying papers (Roll call requested) and later today assigned.

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

An Act to Modify the Ban on Plastic Rings and Other Plastic Holding Devices (EMERGENCY) (H.P. 591) (L.D. 842) (C. "A" H-205)
 TABLED - May 28, 1991 (Till Later Today) by Representative MAYO of Thomaston.
 PENDING - Passage to be Enacted.

On motion of Representative Jacques of Waterville, retabled pending passage to be enacted and specially assigned for Tuesday, June 4, 1991.

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

An Act to Allow the Use of Either Paper or

Plastic Bags at Point of Retail Sale (H.P. 812) (L.D. 1166) (C. "A" H-204)
 TABLED - May 28, 1991 (Till Later Today) by Representative MAYO of Thomaston.
 PENDING - Passage to be Enacted.

On motion of Representative Anthony of South Portland, under suspension of the rules, the House reconsidered its action whereby L.D. 1166 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-204) was adopted.

The same Representative offered House Amendment "A" (H-488) to Committee Amendment "A" (H-204) and moved its adoption.

House Amendment "A" (H-488) to Committee Amendment "A" (H-204) was read by the Clerk.

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

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: House Amendment "A" provides that a retailer can use plastic bags only if they are undertaking good faith efforts to recycle, that is to say, have a collection procedure in place either inside the store or outside the store but within 20 feet of the main entrance. And further, that they are, in fact, delivering the recycled bags to a person engaged in the recycling of plastic.

I was very concerned that this bill in the form that it passed the last time would allow anybody to have any sort of bin, collect plastic bags and theoretically they could take them out back and dump them in the trash and they would be complying with the law. This is an attempt to tighten up the bill as it was proposed to us to require that recycling be undertaken if they are going to be offering plastic bags.

Subsequently, House Amendment "A" (H-488) to Committee Amendment "A" (H-204) was adopted.

Committee Amendment "A" (H-204) as amended by House Amendment "A" (H-488) thereto was adopted.

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

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

I appreciate the fact that Representative Anthony made this bill a little better than it was before his amendment but it is still a bad bill. It is the bill that takes your choice away from you of what kind of bag you want when you go to the grocery store. As I thought about this bill over the last few days, I was wondering who the bill was going to help and I don't think it helps the people of Maine because it takes choice away from them. I don't think it helps any of the businesses in Maine because none of them make bags, these plastic bags, which they will be allowed to sell. It does help the plastic bag manufacturers who are located in the Province of New Brunswick.

The solid waste bill that we passed a few years ago was based on the principles of reduce, reuse and recycle. One of the provisions of the bill, a very simple provision, said that if you went into a store, the customer could choose between a paper bag and a plastic bag and the bag of choice and the state policy would be the paper bag. If you didn't ask, you would be given a paper bag, but if you asked, you

would be given a plastic bag. I don't see anything wrong with that law.

We had a committee hearing and some merchants came in and the merchants want to change this bill. They said that they didn't think it was proper for the customer to have the choice, that the store ought to be able to decide what kind of bags the goods that you buy are put into. I think the customer should choose and, although Representative Anthony's amendment improved this bill and makes this a better bill than it was before his amendment, it still is not a very good idea. I hope we can get rid of it tonight, once and for all. Please join me in voting to indefinitely postpone this bill.

Representative Jacques of Waterville 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 Greenville, Representative Gould.

Representative GOULD: Mr. Speaker, Ladies and Gentlemen of the House: I will be extremely brief. We have discussed this up and down, over and around, and every other way that we can. The point of this matter is that plastic is a better environmentally sound choice. You can say anything else that you want to say but that is just the fact of the matter and I ask you to continue to go along with environmentally sound choices.

The SPEAKER PRO TEM: The pending question before the House is the motion of Representative Mitchell of Freeport that this bill and all accompanying papers be indefinitely postponed.

The Chair recognizes the Representative from from Mattawamkeag, Representative Cahill.

Representative CAHILL: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with Representative Paradis of Frenchville. If she were present and voting, she would be voting nay; I would be voting yea.

The SPEAKER PRO TEM: The pending question before the House is the motion of Representative Mitchell of Freeport that L.D. 1166 and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 88

YEA - Adams, Bennett, Butland, Cathcart, Clark, M.; Constantine, Cote, Crowley, Daggett, Donnelly, Farnsworth, Farnum, Foss, Garland, Gean, Goodridge, Gray, Handy, Hanley, Heeschen, Heino, Holt, Ketterer, Kilkelly, Kontos, Larrivee, Lawrence, Lemke, Lipman, Luther, MacBride, Manning, Mayo, McKeen, Mitchell, E.; Mitchell, J.; Norton, O'Dea, O'Gara, Oliver, Paul, Pfeiffer, Powers, Rand, Richardson, Saint Onge, Salisbury, Simonds, Simpson, Stevens, P.; Stevenson, Tracy, Treat, Tupper, Vigue, Wentworth.

NAY - Aikman, Aliberti, Anderson, Anthony, Ault, Bailey, H.; Bailey, R.; Barth, Boutillier, Carleton, Carroll, D.; Carroll, J.; Cashman, Clark, H.; Coles, DiPietro, Dore, Duffy, Duplessis, Dutremble, L.; Erwin, Farren, Gould, R. A.; Graham, Greenlaw,

Gurney, Gwadosky, Hale, Hastings, Hepburn, Hichens, Hoglund, Jacques, Jalbert, Joseph, Ketover, LaPointe, Lebowitz, Libby, Look, Lord, Macomber, Mahany, Marsano, Marsh, Martin, H.; McHenry; Melendy, Michaud, Morrison, Nadeau, Nash, Ott, Paradis, P.; Parent, Pendexter, Pendleton, Pineau, Pines, Plourde, Poulin, Pouliot, Reed, G.; Reed, W.; Richards, Ricker, Rotondi, Ruhlín, Rydell, Savage, Sheltra, Small, Spear, Stevens, A.; Strout, Swazey, Tammaro, Tardy, Townsend, Waterman, Whitcomb.

ABSENT - Bell, Bowers, Chonko, Hichborn, Hussey, Kerr, Kutasi, Merrill, Murphy, Nutting, Skoglund, The Speaker.

PAIRED - Cahill, M.; Paradis, J.
Yes, 56; No, 81; Absent, 12; Paired, 2; Excused, 0.

56 having voted in the affirmative and 81 in the negative with 12 absent and 2 paired, the motion to indefinitely postpone did not prevail.

Subsequently, the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-204) as amended by House Amendment "A" (H-488) thereto in non-concurrence and sent up for concurrence.

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

ORDERS

On motion of Representative TRACY of Rome, the following Joint Order: (H.P. 1323)

Ordered, the Senate concurring, that Bill, "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, and all its accompanying papers be recalled from the Governor's desk to the House.

Was read and passed and sent up for concurrence.

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

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

An Act to Revise the Law Protecting Farmers' Rights to Farm (H.P. 920) (L.D. 1317) (C. "A" H-270) TABLED - May 28, 1991 (Till Later Today) by Representative GWADOSKY of Fairfield.
PENDING - Passage to be Enacted.

On motion of Representative Tardy of Palmyra, under suspension of the rules, the House reconsidered its action whereby L.D. 1317 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-270) was adopted.

The same Representative offered House Amendment "A" (H-503) to Committee Amendment "A" (H-270) and moved its adoption.

House Amendment "A" (H-503) to Committee Amendment "A" (H-270) thereto was read by the Clerk

and adopted.

Committee Amendment "A" (H-270) as amended by House Amendment "A" (H-503) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-270) as amended by House Amendment "A" (H-503) thereto in non-concurrence and sent up for concurrence.

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

An Act to Allow the Department of Transportation to Facilitate Traffic and Highway Improvements (H.P. 688) (L.D. 987) (C. "A" H-280)

TABLED - May 28, 1991 (Till Later Today) 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. 987 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-506) and moved its adoption.

House Amendment "A" (H-506) was read by the Clerk.

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

Representative MARSANO: Mr. Speaker, Men and Women of the House: This amendment just came across my desk. I discussed it ever so briefly with the Chairman of the Judiciary Committee. Obviously, it deals with a complete immunity situation for state employees when they are doing work which relates to the title of the bill which appears to be allowing the department to facilitate traffic in highway improvements. It seems like a fairly broad amendment.

I think the Representative from South Portland should explain to the House what the intent of the amendment is and what the bill would really do. I would appreciate such an explanation.

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

Representative MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: I would appreciate the same thing — frankly, I am not a lawyer and I am not going to talk about torts or anything.

Say you were having a development in your area, a mall or something of this sort, either DOT or DEP requires the people who are doing curb cuts and things of that nature pay for them out of their own pocket, these particular items.

What the amendment does, as I understand it and I am certainly not an attorney, is that the DOT and DEP employees who might be involved in this particular action are immuned. That is about all I can tell you.

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

Representative MARSANO: Mr. Speaker, Men and Women of the House: I feel as though an amendment that invokes the opportunity for the state to utilize sovereign immunity in matters of this sort is one of great significance. I would urge that the matter be tabled until this can be studied just a bit.

I am sympathetic to the Representative from South Portland's statement that he is not a lawyer, it is my nervousness emanating from my being a lawyer which causes me to rise with respect to this issue. I

would hope that somebody would move to table it perhaps for one legislative day.

On motion of Representative Mayo of Thomaston, tabled pending adoption of House Amendment "A" and later today assigned.

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

HOUSE DIVIDED REPORT - Majority (11) "Ought Not to Pass" - Minority (2) "Ought to Pass" - Committee on Education on Bill "An Act to Amend the Determination of the Amount of a School District Budget when the Budget Amount Proposed Fails to Pass" (H.P. 1256) (L.D. 1824)

TABLED - May 28, 1991 (Till Later Today) by Representative GWADOSKY of Fairfield.

PENDING - Motion of Representative CROWLEY of Stockton Springs to accept the Majority "Ought Not to Pass" Report.

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

Representative MARSANO: Mr. Speaker, Ladies and Gentlemen of the House: This bill is one which I filed as a result of some difficulty which exists in the school district which I live in and for which I also serve as an attorney, it has nothing to do with my being an attorney for the school district because the school district people do not really like this bill.

It is, however, a bill which I think appeals to many of the voters in my area. I want to speak about this bill because it is one with which many of you would be unfamiliar. It is a procedure which is unique in and of itself because of the way in which school districts operate and function. Many of you come from school districts which have a budget district meeting, under the statute, and you have all of your people come from all of the various towns in the district to a central place where you debate, deliberate upon, and vote in that meeting, in secret if you want, by show of hands if you want, in any fashion that you want, on a budget that is discussed and acted upon by this big town meeting (the way I think of it). I don't have any problems with going to that kind of meeting and I don't have any problems speaking at that kind of meeting if I have views that I want to share with my neighbors and associates from the towns that are trying in some way to figure out how to educate the children of the district. There are a lot of people that don't feel that way and the legislature, years ago, put into practice or put into the law a bill which allows the towns, directly or indirectly, to have a petition that would mean that the budget, as prepared by the school directors, would be submitted on a referendum. That is, in each of the towns, you would go to a voting booth and vote upon the articles that are in the school district budget meeting. This is probably a process that is equally foreign to those of you who live in municipalities where municipal officers approve the school district budget and then send it to the municipal officials who ratify or change it or whatever. In fact, there is no public or popular vote.

In the district in which I live, and I think there are two other districts or at least there are

two others that I know of — I know Representative Nash has a district in which voting is conducted in that fashion and I believe the Representative from Waldoboro, Representative Lord's district also votes that way, that have voters who go and vote in a secret ballot for the articles in the school budget, they vote yes or no. The problem with that, for me, is that there are several different possibilities that exist with respect to what it is that people want when they take the time and effort to go to that kind of meeting.

A local newspaper editor probably summed it up best when he said that mill workers who get up early in the morning and go to work in a mill and then come home at night tired from their day's labor are prepared because it is the education of their children to go out and state their preference on education at the polls. They are not prepared to go to a school district budget meeting and debate school teachers or other people that are in the educational field or other people who are not afraid to get up on their feet and speak in this big town meeting.

So, it seemed as though what we ought to do is find out what the voters really wanted and for that reason I put in an amendment that would, in its first section, Section 2a deal with the three possibilities that I see as existing — that you want to accept the budget, that you want to reject the budget because you want to spend more money on education or that you reject the budget because you want to spend less money on education. I am told that that is the reason a lot of people vote against the budget. I don't know whether that is true or not. I know that our school district budget meeting has increased money of a budget level that has been rejected at a referendum vote. I am capable of suspicioning what the vote meant just as any of you would be, but it is speculation, it isn't fact. For that reason, it seems to me we ought to be able to tell the school board directors as a result of the referendum vote what it is that we the voters want, we want the budget as it was proposed, we want to spend more money educating our children, we want to spend less money educating our children.

Then the question was, what would happen if you wanted to spend less money? One of the things that I have heard continuously is that, if the budget is turned down, the district budget meeting will nevertheless approve more money or just let the budget go. As you all know, I am sure, the school budget law provides that, if no budget is passed by the end of what used to be the classical fiscal year of June 30th, that in fact the budget as presented by the school directors became the budget. What I proposed was that, if the budget was rejected at the referendum because people wanted to spend less money than proposed, that the school directors could nevertheless go out on a second budget but only if they were prepared to see whether or not they wanted to reduce spending by at least ten percent and to give people an opportunity to go back to the voting booths because they still feel the people would prefer to vote in a secret ballot for all the reasons that I just enumerated which would have led them to the ballot box in the first place. Yet, it would retain a significant measure of effectiveness, that is the people who knew what the budget was comprised of best would have had the opportunity to adjust it by an amount equal to at least ten percent. I felt that was fair. Although, as I indicated to the

Education Committee when I presented the bill, I hoped that they would consider it in their wisdom and come up with a better figure if there was a better figure, whether it was five, fifteen or seven or six or whatever. In any event, the ten percent made sense to me and it stands in that fashion before you this afternoon.

What would happen if the budget was not approved again at a second meeting that the school district budget directors sent out to referendum or if they decided that there was not — would be a retreat to the budget of the year previous. In this particular instance, if this law was in effect and we go to the referendum vote next week, it would amount to an increase in the budget because our school district's board of directors this year has reduced the amount that they are proposing to submit. So, it is not a cure, it is not a pure answer but it gives the voters an opportunity to speak on what (to me) is one of the most critical issues that they have to face — how much money they want to spend for the benefit of their children in the educational process.

What I am concerned about and the reason I started on this long and so far fairly lonely trek was to try and create a responsibility in the body politics of the school districts that would work together to make the determinations about what was best for the educational needs of our children. I feel strongly that we need as much input from this as we can get from the citizens. It is only if the citizens work together with the school district's board of directors that they have elected by exchanging information in a fashion that is going to be meaningful to both bodies for a result that is going to be positive for education in order to be achieved.

For that reason, I felt that this bill was an attempt to do that. I was disappointed that I couldn't get more support from the Education Committee. I know that many members of the Education Committee are not really familiar with this because I don't think anybody on that committee has lived through this process. I dislike seeing the kind of print that comes out in the newspaper about cutting the budget or voting the budget down so we can do this, I don't see it as turning the budget down so you can embarrass the school directors or get a fight between the town and the gown, as they used to say in medieval days. I think it is important for people to reason together with the ballot process that the state has allowed and I really do feel that 1824, the bill that is now before you, is a much better way of doing that and, for those reasons, I would urge you to reject the pending motion and to then adopt the Minority "Ought to Pass" Report.

The SPEAKER PRO TEM: The Chair will order a vote. The pending question before the House is the motion of Representative Crowley of Stockton Springs 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.

65 having voted in the affirmative and 30 in the negative, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

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

SENATE PAPER

The following Joint Order: (S.P. 726)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, June 4, 1991, at four o'clock in the afternoon.

Came from the Senate, read and passed.

Was read and passed in concurrence.

TABLED AND TODAY ASSIGNED

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

HOUSE DIVIDED REPORT - Majority (11) "Ought to Pass" as amended by Committee Amendment "A" (H-407) - Minority (2) "Ought Not to Pass" - Committee on Judiciary on Bill "An Act to Promote the Emotional Health of Children During Periods of Stress" (H.P. 210) (L.D. 301)

TABLED - May 28, 1991 by Representative PARADIS of Augusta.

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

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

Committee Amendment "A" (H-407) was read by the Clerk.

Representative Anthony of South Portland offered House Amendment "A" (H-478) to Committee Amendment "A" (H-407) and moved its adoption.

House Amendment "A" (H-478) to Committee Amendment "A" (H-407) was read by the Clerk.

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

Representative KILKELLY: Mr. Speaker, Men and Women of the House: I have some very serious concerns about this particular piece of legislation. My concern in part is that, once again, we are making distinctions between folks that are divorced and folks that are not divorced and we are treating people very differently. I would ask that we reconsider our action. I request a roll call please when it comes to adoption.

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 less than one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was not ordered.

Representative Gwadosky of Fairfield requested a division.

The SPEAKER PRO TEM: The Chair will order a vote. The pending question before the House is adoption of House Amendment "A" (H-478) to Committee Amendment "A" (H-407). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

58 having voted in the affirmative and 45 in the

negative, House Amendment "A" (H-478) to Committee Amendment "A" (H-407) was adopted.

Committee Amendment "A" (H-407) as amended by House Amendment "A" (H-478) thereto was adopted and the Bill assigned for second reading Tuesday, June 4, 1991.

The Chair laid before the House the second 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 28, 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 Mayo of Thomaston, retabled pending the motion of Representative Lawrence of Kittery that the House accept the Majority "Ought Not to Pass" Report (roll call requested) and later today assigned.

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

Bill "An Act to Establish a Fund to Promote Lobster Marketing" (H.P. 818) (L.D. 1172) (C. "A" H-364)

TABLED - May 28, 1991 by Representative MAYO of Thomaston.

PENDING - Passage to be Engrossed.

On motion of Representative Mitchell of Freeport, retabled pending passage to be engrossed and specially assigned for Tuesday, June 4, 1991.

The Chair laid before the House the fourth 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 28, 1991 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

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

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

Bill "An Act to Authorize Financial Institutions and Credit Unions to Sell Annuities" (S.P. 514) (L.D. 1375) (C. "A" S-156)

TABLED - May 28, 1991 by Representative MAYO of

Thomaston.

PENDING - Motion of Representative RAND of Portland to Indefinitely Postpone House Amendment "A" (H-437).

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

Representative ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: I would hope that you would not vote to indefinitely postpone.

Since our debate last week, I received one letter from an insurance agent. In that letter, I was accused of being angry at all insurance companies. That is a very strong statement and it is totally false. I am not angry at any insurance company. We need insurance companies. No one can afford to be without insurance. My husband, the former Senator from Oxford County, has been insured with the same company for 36 years. We have had this same agent for homeowners and auto insurance for many, many years and we consider that agent a very close friend. As a matter of fact, he has not even contacted me on this Legislative Document 1375. I have my life insurance with the same company that I have had for the last 40 years.

To single out one piece of legislation amongst approximately 2,000 pieces which are before us during this session and making a decision regarding a legislator's stand on that issue does not mean that that legislator does not have concerns for constituents.

I take my responsibility as a legislator very seriously. I have been privileged to serve my district for the past 11 years and I do not take contacts from my constituents lightly. My willingness to serve on three very busy committees should speak for itself.

On the issue before us, I am a cosponsor and I feel very strongly that consumers should have a choice when it comes time to convert IRA's to annuities. I want to be able to continue to do business with my bank when I have to make a decision to convert my IRA's into an annuity. I hope you will vote against the pending motion.

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

Representative KETOVER: Mr. Speaker, Ladies and Gentlemen of the House: I, too, would like to respond to some of the arguments given by the opponents who do not want banks to sell annuities.

I think this is a consumer bill. Testimony was presented at the public hearing and work sessions which showed states who authorize bank sales of annuities sold these products at lower prices. The Government Accounting Office study supported this conclusion. Even the Consumer Federation of America, no friend of banking, supports bank entry into the insurance and annuities.

Why do these reports and groups favor bank sales of annuities? Because it helps the consumer.

Many consumers have long-term relationships with their banks, build their IRA's with banks and want these same banks to provide their retirement and financial services. For many consumers, these financial services include annuities and they want to buy those annuities from their banks that they have already dealt with. It is more convenient for them. It may be a better deal for some consumers and, if Maine citizens want to the choice to buy an annuity from a bank, this legislature should not prevent them from having that choice.

I also want to clarify that many of Maine's community banks and many of Maine's credit unions do want this product to offer their consumers and customers. If anything, customer relationships for local community banks and credit unions are even stronger and the customer's faith in their bank or credit union is greater than for the large bank. I have been told that bankers, from more than a dozen banks with assets under \$200 million, including banks as small as \$40 million, have been present during some part of the debate on this bill to support bank sales of annuities. These small institutions do not want to lose customers, they have served because Maine laws prevent the banks from offering annuities.

Remember, that as the population of Maine's age and people reach retirement age, cash in their IRA's, sell their homes or take their retirement fund, annuities will increase in popularity and demand. Banks and credit unions want to continue to serve these customers.

Finally, ladies and gentlemen, opponents have said repeatedly, don't hurt the local insurance agent. You know, it really interests me that when I heard many of you say, "Oh, those big insurance companies, oh, they are such bad guys and oh, how I want to get the insurance company and boy, aren't they the big profit makers and boy, aren't the banks really bad and don't we always think that they are out to make big bucks."

It is interesting, I heard someone say that this was a David and Goliath and that the little agent was the little David. Ladies and gentlemen, no one wants to hurt the insurance agent. My own agent came up and spoke to me and I am, in no way, trying to hurt him. He will certainly be able to make a very good living and so will all of us as consumers. Give the consumer a choice of how to deal with this. Let them buy from their banks and give the people of Maine the benefits that result from increased competition.

I think I also mentioned to you about the people from the northern part - I come from the southern part of the state and I have a lot of banks and a lot of insurance companies. As a matter of fact, go downtown Portland, what do you see? You see banks and insurance companies. Of course, you see a lot of law offices too. But, people from the north don't have that great choice, they do have to travel a long way to be able to find anyone who can sell them annuities. I would hope that this state will allow banks to sell annuities as has 36 other states sold annuities. By the way, they are doing very well. Why shouldn't Maine be a part of that prosperous community? I would hope that you would certainly go along with the motion and support us.

On motion of Representative Mayo of Thomaston, tabled pending the motion of Representative Rand of Portland that House Amendment "A" be indefinitely postponed and later today assigned.

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

PASSED TO BE ENACTED

Emergency Measure

An Act Relating to Workers' Compensation Insurance Rate Setting (S.P. 729) (L.D. 1914)

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

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: I think it is imperative that people have a brief explanation of what is before us. What we have before us is an extension, buying some time before the Workers' Compensation rates come out so that we can crank into those rates whatever savings that I am convinced that this legislative body is going to come up with. It would be more disruptive for business to have one rate come out now and have to go back and look at it after the package has passed. This simply extends the time through September to give ample time for all the briefs to be presented and it is retroactive back to July 1 so that it fairly represents whatever the costs should be. That is all this does, it buys us some time so that we can deal with the rate setting process in an orderly fashion and not disrupt Maine businesses.

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.

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

The Chair laid before the House the following matter: Bill "An Act to Authorize Financial Institutions and Credit Unions to Sell Annuities" (S.P. 514) (L.D. 1375) (C. "A" S-156) which was tabled earlier in the day and later today assigned pending the motion of Representative RAND of Portland to Indefinitely Postpone House Amendment "A" (H-437).

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

Representative CASHMAN: Mr. Speaker, Men and Women of the House: I have discussed the proposed amendment with my good friend and seatmate, Representative Mitchell, and I think that it is in fact an honest attempt to try to improve on the situation that we discussed on the floor of this House last week when I stood and talked about the term deposit relationship and the fact that many banks will require that type of deposit relationship before they will give you a loan.

The amendment says that it adds the words "or sell annuities" to some already existing language in law that prohibits financial institutions from doing those types of things. I think that is all very well intended. Remember that they are already prohibited from doing most of those types of things, but they happen anyway. In the real world, they happen. You may not get a letter saying they are turning the loan down because you don't have a deposit relationship here but oftentimes that is the reason because the question is usually asked, if not always asked. I think that the amendment is a good honest attempt to try to address that situation. I don't think that it does. I intend to vote to indefinitely postpone the

amendment and the bill.

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

Representative RAND: Mr. Speaker, Men and Women of the House: We have visited and revisited this whole issue several times and I am getting real warm feelings towards the whole bill and all of its accompanying papers. I really feel that it is time that we put this subject to rest. I hope you vote to indefinitely postpone House Amendment "A" so we can go on to indefinitely postpone this entire matter.

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

Representative HASTINGS: Mr. Speaker, Men and Women of the House: I am sure you want me to be brief — that is your subtle message. However, I would caution you on this particular amendment. If you know the financial world out there at all, you will understand that this amendment simply says "state-chartered banks and credit unions may sell annuities." However, what is a state bank out there? What you want to know is that almost every bank that has been taken over by these large conglomerates outside by holding companies such as Fleet Bank, such as Key Bank, all of the major banks in this state are state-chartered banks. They are held by holding companies within the state.

Moreover, if you pass this amendment under the present ruling which is being stayed by a court action, you would be allowing the national banks to also sell because they act, not under state rules but under national rules, and the national rules say that if the state allows it, then the national bank can do it.

There are only seven states that actually sell annuities. We hear of large numbers but everything that I have tried to find out hones in that there are only seven states. This is being debated in Congress right now. This whole issue, in my opinion, without reiterating the debate that we have had throughout on the basic issue of banks or other financial institutions selling annuities, remains the same. We are in unsettled waters and it is not the time to extend to any institution and, primarily by this amendment virtually all institutions in the State of Maine, to sell annuities.

I would urge you to vote for the pending motion to indefinitely postpone the amendment.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Eastport, Representative Townsend.

Representative TOWNSEND: Mr. Speaker, Men and Women of the House: We have had it kicked around here a number of times that the large conglomerate banks want this bill and I am sure they do. It has also been hinted and insinuated that small community Maine-owned banks do not — false. Our small community-owned banks do want this. Bar Harbor Banking and Trust contacted me with a letter and I would like to read just a small excerpt. I will be very brief. "As a small community bank, we, too, are concerned with the state of banking in Maine and the nation. We are concerned about our continued ability to remain profitable and serve the small communities in our territory. To date, no commercial bank has been rescued by the use of public funds. All of the so-called bail out money has come from the Bank Insurance Fund or from the FDIC Insurance Fund. We have been contributing to this fund since its inception. This year, our contribution to the fund will be well over \$300,000 and is double what it was

in 1989. The cost of this insurance increase must be borne by either the depositors by receiving lower rates or by loan customers paying higher rates. We had hoped that one alternative might be fee income, one source of which would be annuities. We do feel that as a small community bank, we would be able to serve those customers who are not now profitable for the local insurance agent. We are also concerned about our ability to compete against the larger banks now serving Maine. I appreciate that yours is a very difficult decision when faced with the pleas of the small insurance agents. These insurance agents are our customers also and we do not want to lose them as customers or members of our business community. However, we do feel that we can compete with them in a healthy manner and improve the quality, price and availability of annuity products." Here is the key to me, "available to the consumer."

I am the consumer, I do not want insurance companies deciding for me where I am going to buy my annuity. I want to decide. I, indeed, do have the intelligence to make that decision for myself. Let's open up the competition on these products in the State of Maine and let's be done with this issue and let the banks sell annuities.

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

Representative ALIBERTI: Mr. Speaker, Men and Women of the House: For the past seven years, I feel like the proctologist, he starts at the bottom and stays there.

I would like very much to give you an impartial feeling about my concerns. I have here a repetition of two or three telephone messages urging me to vote against 1375. I also feel that it would be against my judgment to do so. I have been a member of a credit union for over 45 years. No one can deny the personal service that you get from a credit union. No one can deny that their record of success is the highest in the State of Maine and could well be in the United States, could well be — I can't say for sure because I don't know that.

I cannot buy an annuity. I am over 70 years of age, no one would allow me to buy an annuity. So, why am I up here asking you and urging you to support the establishment and against this indefinite postponement? You have to appreciate success. The amounts of money involved in the credit union are not exorbitant, that is why they succeed. So, even if you allowed them to offer you annuities, it would be in limited amounts. It would continue to guarantee their success.

I am extremely torn by this issue. Why? Because I am talking about a small banking institute, the credit union. I have a great deal of feeling for the independent agent that is continuously urging me to vote against this bill, the independent agent. Notice I didn't mention the banks because I do not have that kind of feeling for the banks. But, how do I separate and say, when you vote, you are going to vote for the credit union but forget about the banks.

I do think we are missing the point here. We are denying success, the very success of our financial structure when we say to that family sensitive entrepreneur and enterprise, the credit union, that you cannot continue to expand your fine services to the community.

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

Representative RAND: Mr. Speaker, Men and Women

of the House: Once again, I must reiterate that this is not a consumer bill. Just stop and think, how many consumers who are not independent insurance agents or in the banking business have contacted you and begged you to please pass this amendment and bill? I would guess that no one has received a call from the average citizen out there. This is not a consumer availability bill. Annuities are available from Fort Kent to Kittery.

Also something that Representative Hastings has mentioned, this whole subject is being looked at on a congressional level. The U.S. House Banking Subcommittee just voted to close the loophole which would allow national banks to sell all lines of insurance nationwide from offices set up in small towns. In addition, the subcommittee voted to include other amendments to its banking reform package backed by insurance groups. One amendment limits affiliations between banking and insurance operations. The subcommittee, by a voice vote, adopted an amendment that would allow banks and insurers to affiliate in a far more limited way than has been proposed by the Treasury Department. The amendment would bar financial services, holding companies, from having insurance affiliation and it goes on. My point being that Congress is looking at this large movement of money which I spoke about before over a period of five years time and estimated \$50 billion nationwide from one mega-industry into another, both not in the best of financial shape in some instances.

I would just urge you to vote for indefinite postponement, this is not a consumer bill, stick with the vote we had before.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: In deference to my good friends on both sides of this issue, I would like to summarize what I think the bill does with a touch of humor.

In addition to helping out Representative Adams keep track of a number of bottle yolks that did not break apart that would threaten Arnold Schwarzenegger's seagulls, Dale (downstairs in the snack shop) is wearing a sign around her neck saying, "Please let snack bars sell annuities." I thought about that for a while and I thought that is really what the issue is. We are talking about a product and we are talking about where you buy it and maybe she could sell annuities because the annuities we are talking about being sold are underwritten by insurance companies so, indeed, it is a matter of choice. It is the same product, it doesn't matter whether you buy it at a bank or insurance company, there is no risk. That is all the issue is and I hope you will think about it, vote as you choose, but at least know what the issue is and that is what the amendment does.

It does limit it to Maine snack bars and to Maine banks and credit unions. I do believe that gives the banking superintendent all the powers he needs.

If people like Representative Cashman were to report the banks who are coercing them with tie-in loans, we could do something about it.

I hope that you would vote against the motion to indefinitely postpone. I promise this is the end for me.

The SPEAKER PRO TEM: The Chair recognizes the

Representative from Portland, Representative Ketover.

Representative KETOVER: Mr. Speaker, Men and Women of the House: I just want to respond to a couple of things.

One, the consumer desires competitively priced products in all aspects of financial services. I am reading this to you because this is kind of important. "Banks can save consumers money by selling insurance more efficiently through their existing branch networks and by direct marketing. No clear example existed than in Connecticut, Massachusetts and in New York where banks have sold insurance products for years. Consumer reports has renewed the cost structure on a number of occasions and indicates that substantial cost savings exist. The Consumer Federation of America in testimony before Congress has indicated that competition could lower insurance costs nationwide and drive the insurance industry to provide more comparison shopping."

That is what it is all about ladies and gentlemen, we are talking about state-chartered banks and state credit unions. That is all we are talking about here. Let's give it a try. It is not going to hurt the State of Maine. I think it is going to help the consumer.

Representative Paul of Sanford 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 Waterville, Representative Joseph.

Representative JOSEPH: Mr. Speaker, Men and Women of the House: I hesitate to rise tonight because it has been a long day that all of us have spent. I think it is very important that we separate the two industries here. I hear a melding of these two industries and a mixing of the information.

First of all, if this amendment is enacted, in essence, you are enacting the bill. In the State of Maine, there are 36 commercial savings, savings and loan banks that are state-chartered and there are 19 federally-chartered institutions in this state. Yes, the majority of the banks would be allowed when, in fact, you have heard testimony tonight that Congress is rethinking their position about letting federally-chartered institutions in small communities sell annuities.

The National Bank Act has considered this question whether or not banks should sell insurance products for years and years, almost a century ago. In 1956, it reconsidered its action. In 1970, it reconsidered its action and in 1982, it reconsidered its action and continues to say that banks should do what they do best, insurance agents should do what they do best. I urge to indefinitely postpone the amendment and then the bill.

The SPEAKER PRO TEM: The pending question before the House is the motion of Representative Rand of Portland that House Amendment "A" (H-437) be indefinitely postponed.

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

Representative DORE: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with the Representative from Frenchville, Representative Paradis. If she were present and voting, she would be voting yea; I would be voting nay.

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

Representative MAYO: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with the Representative from St. George, Representative Skoglund. 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 Representative Rand of Portland that House Amendment "A" (H-437) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 89

YEA - Adams, Aikman, Anderson, Ault, Bailey, R.; Barth, Boutilier, Butland, Carleton, Cashman, Cathcart, Clark, M.; Cote, Daggett, DiPietro, Donnelly, Duplessis, Dutremble, L.; Farnsworth, Farnum, Farren, Foss, Garland, Gean, Goodridge, Graham, Greenlaw, Gurney, Hale, Handy, Hastings, Heesch, Hoglund, Holt, Jacques, Joseph, Kontos, LaPointe, Larrivee, Lawrence, Lebowitz, Lipman, Luther, MacBride, Macomber, Mahany, Manning, Marsh, Martin, H.; McHenry, McKeen, Merrill, Murphy, O'Dea, O'Gara, Parent, Paul, Pendexter, Pendleton, Pines, Plourde, Rand, Reed, G.; Richardson, Salisbury, Savage, Sheltra, Simonds, Simpson, Stevens, A.; Stevenson, Strout, Tammaro, Tardy, Tracy, Treat, Tupper, Vigue, Waterman, Wentworth, Whitcomb.

NAY - Aliberti, Anthony, Bailey, H.; Bennett, Cahill, M.; Carroll, D.; Carroll, J.; Clark, H.; Coles, Constantine, Crowley, Duffy, Erwin, Gould, R. A.; Gray, Gwadosky, Hanley, Heino, Hepburn, Hichens, Jalbert, Ketover, Ketterer, Kilkelly, Lemke, Libby, Look, Lord, Marsano, Melendy, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Nash, Nutting, Oliver, Ott, Paradis, P.; Pfeiffer, Pineau, Poulin, Pouliot, Powers, Reed, W.; Richards, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Spear, Stevens, P.; Swazey, Townsend.

ABSENT - Bell, Bowers, Chonko, Hichborn, Hussey, Kerr, Kutasi, Michaud, Norton, Small, The Speaker.

PAIRED - Dore, Mayo, Paradis, J.; Skoglund.
Yes, 81; No, 55; Absent, 11; Paired, 4;
Excused, 0.

81 having voted in the affirmative and 55 in the negative with 11 being absent and 4 paired, the motion did prevail.

The SPEAKER PRO TEM: The pending question now before the House the motion of Representative Rand of Portland that L.D. 1375 and all accompanying papers be indefinitely postponed.

Representative Rand of Portland 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 now before the House the motion of Representative Rand of Portland that L.D. 1375 and all accompanying papers be indefinitely postponed.

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

Representative DORE: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with the Representative from Frenchville, Representative Paradis. If she were present and voting, she would be voting yea; I would be voting nay.

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

Representative MAYO: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with the Representative from St. George, Representative Skoglund. If he were present and voting, he would be voting yea; I would be voting nay.

The SPEAKER PRO TEM: The pending question now before the House the motion of Representative Rand of Portland that L.D. 1375 and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 90

YE - Adams, Aikman, Anderson, Anthony, Ault, Bailey, R.; Barth, Bennett, Boutilier, Butland, Carleton, Cashman, Cathcart, Clark, M.; Cote, Daggett, DiPietro, Donnelly, Duplessis, Dutremble, L.; Farnsworth, Farnum, Farren, Foss, Garland, Gean, Goodridge, Gould, R. A.; Graham, Greenlaw, Gurney, Hale, Handy, Hanley, Hastings, Heeschen, Hepburn, Hoglund, Holt, Jacques, Joseph, Kontos, LaPointe, Lawrence, Lebowitz, Lipman, Luther, MacBride, Macomber, Mahany, Manning, Marsh, Martin, H.; McHenry, McKeen, Merrill, Murphy, O'Dea, O'Gara, Parent, Paul, Pendexter, Pendleton, Pines, Plourde, Rand, Reed, G.; Richardson, Salisbury, Savage, Sheltra, Simonds, Simpson, Stevens, A.; Stevenson, Strout, Tammaro, Tardy, Tracy, Treat, Tupper, Vigue, Waterman, Wentworth, Whitcomb.

NAY - Aliberti, Bailey, H.; Cahill, M.; Carroll, D.; Carroll, J.; Clark, H.; Coles, Constantine, Crowley, Duffy, Erwin, Gray, Gwadosky, Heino, Hichens, Jalbert, Ketover, Ketterer, Kilkelly, Larrivee, Lemke, Libby, Look, Lord, Marsano, Melendy, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Nash, Nutting, Oliver, Ott, Paradis, P.; Pfeiffer, Pineau, Poulin, Pouliot, Powers, Reed, W.; Richards, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Small, Spear, Stevens, P.; Swazey, Townsend.

ABSENT - Bell, Bowers, Chonko, Hichborn, Hussey, Kerr, Kutasi, Michaud, Norton, The Speaker.

PAIRED - Dore, Mayo, Paradis, J.; Skoglund.

Yes, 85; No, 52; Absent, 10; Paired, 4; Excused, 0.

85 having voted in the affirmative and 52 in the negative with 10 being absent and 4 being absent, L.D. 1375 and all 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

The following Joint Order: (S.P. 725)

ORDERED, the House concurring, that Bill, "An Act to Provide for Changes to the Membership of the Electricians' Examining Board," H.P. 912, L.D. 1309, and all its accompanying papers, be recalled from Engrossing to the Senate.

Came from the Senate, read and passed.

Was read and passed in concurrence.

Resolve, to Establish the Alternative Living Community Program (EMERGENCY) (S.P. 720) (L.D. 1910)

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

Was referred to the Committee on Human Resources in concurrence.

Reported Pursuant to Public Law

Report of the Systems Assessment Commission, pursuant to Public Law 1989, chapter 501, Part BB, section 8 ask leave to submit its findings and to report that the accompanying Bill "An Act to More Clearly Define the Role and Responsibilities of the Department of Mental Health and Mental Retardation" (EMERGENCY) (S.P. 721) (L.D. 1911) be referred to the Joint Standing Committee on Human Resources for public hearing and printed pursuant to Joint Rule 18.

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

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

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

SENATE PAPER

Bill "An Act to Reorganize the Management and Regulatory Functions of State Government Pertaining to Natural Resources" (EMERGENCY) (S.P. 730) (L.D. 1915)

Came from the Senate, referred to the Committee on State and Local Government and Ordered Printed.

Representative Mitchell of Freeport moved that L.D. 1915 be referred to the Committee on Energy and Natural Resources in non-concurrence.

On further motion of the same Representative, tabled pending his motion that L.D. 1915 be referred to the Committee on Energy and Natural Resources and specially assigned Tuesday, June 4, 1991.

The Chair laid before the House the following matter: Bill "An Act Concerning Smoking in the Workplace" (S.P. 716) (L.D. 1907) which was tabled earlier pending the motion of Representative McHenry of Madawaska that L.D. 1907 be referred to the Committee on Labor.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: I don't want to debate this too long. As I said earlier, every piece of legislation dealing with this particular subject including issues dealing with negotiations have come out of the Committee on Human Resources, not the Committee on Labor. The Committee on Human Resources has dealt with every piece of legislation dealing with the workplace and it should be heard in the Committee on Human Resources and not the Committee on Labor.

I would hope that we would defeat this so we could go on to have this referred to the Committee on Human Resources.

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

Representative RUHLIN: Mr. Speaker, Ladies and Gentlemen of the House: I usually agree very much with the astute gentleman from Portland, the Chair of the Human Resources Committee. All those items that refer to smoking usually and properly go before that committee. However, I would like to point out that in this particular bill it refers to collective bargaining, it refers to the department as the Department of Labor, it refers to the Commissioner of Labor and it refers to employers, it refers to bargaining positions and it mentions establishing a Joint Commission of Labor and Management, it sets up a grievance procedure — these are all labor terms, this is a labor bill and that is where it belongs on the Committee on Labor.

I would hope you would go along with the motion to refer to the Committee on Labor.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: If it was such a labor bill, why didn't, first of all, labor bring the bill in earlier and second, why didn't labor (I didn't say anybody else) present the same identical amendment to us three or four weeks ago? The identical bill was presented to our committee in reference to a bill that will be coming out within the next week, the identical bill because we looked at it and did not go along with it and it is now coming in here under a labor bill and going to the Committee on Labor, word for word, it is the same bill. The committee, unanimously, turned that bill down.

I would hope that this bill would then come back to the Committee on Human Resources where we heard it before as an amendment, identical bill.

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

Representative PENDEXTER: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to add to what Representative Manning has said in that environmental tobacco smoke is a public health issue and public health issues belong in the Human Resources Committee.

I would like to pose a question to the Chair.

Would it be in order to make a motion to indefinitely postpone this bill?

The SPEAKER PRO TEM: The Chair would answer in the affirmative.

Representative PENDEXTER: Mr. Speaker, I move that we indefinitely postpone this bill.

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

Representative CLARK: Mr. Speaker, Ladies and Gentlemen of the House: I hope you don't vote this evening to indefinitely postpone this bill. I am sorry that it is here a little late, we had a problem back in our workplace in Millinocket and I can't understand why it is here as late it is. There are major problems, particularly in a Georgia-Pacific plant in Millinocket.

I can understand what the good Representative is going through chairing his committee but I am asking as cosponsor of the bill, that if we are going to keep this bill, please send it to the Committee on Labor. I think that is where it belongs. I have always supported the bills that go to the other committee but it has been told to you this evening why we want that bill put into the Labor Committee and I hope when you vote that you don't vote to indefinitely postpone the bill because we really need it. We have a problem in my area. The reason why it is so late, we have been working on this for some time, we still have a major problem and I hope we can put this bill in the Committee on Labor where it belongs.

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

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to vote against the pending motion. Even though I don't agree with the provisions in this bill personally, I think it is inappropriate for this legislature, at this time, to start killing bills on reference. We have a lot of work left to do, this bill should be sent to a committee and be given its proper hearing like every other bill in this session. If we start doing things like this, we are going to deteriorate very rapidly around here so I urge you to vote against the pending motion. I request a Division.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: I echo the Representative from Thomaston's remarks that, as much as I would have in past years would have said to go along with indefinitely postpone, I think this bill should have its hearing even though it did have another hearing and it should have its hearing in Human Resources. I would hope that you would not go along with indefinite postponement so that we could then move that this bill referred to the Committee on Human Resources.

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

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

To anyone in the House and particularly to Representative Manning — did I understand him to say that this identical bill verbatim had a public hearing and had been voted out of his committee a short time ago, had come to the House floor in about a week?

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

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

The Chair recognizes the Representative from Portland, Representative Manning.

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: The bill, as an amendment, was presented by the AFL-CIO to another bill dealing with workplace. The bill, I think it is L.D. 1134, is making its way through the Revisor's Office and is on its way here. I would suspect that it will be here for debate sometime within the next week and, therefore, we have already seen this. I think we should take a look at this again in Human Resources.

There was no mention of a problem in the mills in Millinocket; however, I understand there is no problem in the mill in East Millinocket. East Millinocket has no problem but yet Millinocket has a problem and the same company owns it.

The SPEAKER PRO TEM: The Chair will order a vote. The pending question before the House is the motion of Representative Pendexter of Scarborough that L.D. 1907 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.

21 having voted in the affirmative and 90 in the negative, the motion did not prevail.

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

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: The last thing I want is another bill but I have to fight for what is right and what belongs to my committee. I realize that the good Chairman of the Human Resources Committee has probably dealt with the same issue but I also deal with issues — you know, Workers' Compensation deals with a lot of health issues and I would love to send them all over to Human Resources but we can't do that. These issues that we are talking about are labor issues and they should be dealt with in the Labor Committee.

The SPEAKER PRO TEM: The Chair will order a vote. The pending question before the House is the motion of the Representative from Madawaska, Representative McHenry, that L.D. 1907 be referred to the Committee on Labor. Those in favor will vote yes; those opposed will be voting no.

A vote of the House was taken.

Representative McHenry of Madawaska 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 Chair will order a vote. The pending question before the House is the motion of the Representative from Madawaska, Representative McHenry, that L.D. 1907 be referred to the Committee on Labor. Those in favor will vote yes; those opposed will be voting no.

ROLL CALL NO. 91

YEA - Aliberti, Anderson, Bailey, H.; Boutilier, Cahill, M.; Clark, H.; Cote, Crowley, DiPietro, Dore,

Duffy, Dutremble, L.; Erwin, Farnum, Farren, Foss, Gould, R. A.; Graham, Gray, Gurney, Hale, Hoglund, Holt, Jacques, Jalbert, Joseph, Ketover, Ketterer, Kontos, LaPointe, Libby, Lipman, Luther, Macomber, Mahany, Martin, H.; McHenry, McKeen, Michaud, Murphy, Paradis, P.; Paul, Pineau, Plourde, Rand, Reed, G.; Reed, W.; Rotondi, Ruhlin, Saint Onge, Sheltra, Simpson, Small, Strout, Swazey, Tamaro, Townsend, Waterman, Whitcomb.

NAY - Adams, Aikman, Anthony, Ault, Bailey, R.; Barth, Bennett, Butland, Carleton, Carroll, D.; Carroll, J.; Cathcart, Clark, M.; Coles, Constantine, Daggett, Donnelly, Duplessis, Farnsworth, Garland, Gean, Goodridge, Greenlaw, Handy, Hanley, Hastings, Heeschen, Heino, Hepburn, Hichens, Kilkelly, Larrivee, Lawrence, Lebowitz, Lemke, Look, Lord, MacBride, Manning, Marsano, Marsh, Mayo, Melendy, Merrill, Mitchell, E.; Mitchell, J.; Nadeau, Nash, Norton, Nutting, O'Gara, Oliver, Ott, Pendexter, Pendleton, Pines, Poulin, Powers, Richards, Richardson, Rydell, Salisbury, Savage, Simonds, Spear, Stevens, A.; Stevens, P.; Stevenson, Tardy, Tracy, Treat, Tupper, Vigue, Wentworth.

ABSENT - Bell, Bowers, Cashman, Chonko, Gwadosky, Hichborn, Hussey, Kerr, Kutasi, Morrison, O'Dea, Paradis, J.; Parent, Pfeiffer, Pouliot, Ricker, Skoglund, The Speaker.

Yes, 59; No, 74; Absent, 18; Paired, 0; Excused, 0.

59 having voted in the affirmative and 74 in the negative with 18 being absent, the motion did not prevail.

Subsequently, L.D. 1907 was referred to the Committee on Human Resources in concurrence.

The Chair laid before the House the following matter: Bill "An Act to Amend and Clarify the Definition of Earnable Compensation in the Maine State Retirement System Laws" (S.P. 443) (L.D. 1187) (Came from the Senate, with the report read and accepted and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-186) which was tabled earlier in the day and later today assigned pending the motion of Representative Jalbert of Lisbon to reconsider adoption of Senate Amendment "A".

Subsequently, Representative Jalbert of Lisbon withdrew his motion to reconsider adoption of Senate Amendment "A" (S-186) and the Bill was assigned for second reading Tuesday, June 4, 1991.

The Chair laid before the House the following matter: Majority Report of the Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-427) on Bill "An Act to Amend the State Ballot Laws" (H.P. 1014) (L.D. 1482) 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 Lawrence of Kittery that the House accept the Majority "Ought to Pass" Report.

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

Representative HANDY: Mr. Speaker, Members of the House: I move that L.D. 1482 and all accompanying papers be indefinitely postponed.

The Bill before you this evening changes the rules in the middle of the game. This bill makes an adjustment for those individuals who would like to create a third political party in the State of Maine and makes that process a whole lot different and a whole lot easier than either the Democratic party or the Republican party in this state has had to do.

The current election laws sets out a prescribed process whereby a political party may be established in the State of Maine. In fact, the same criteria exists for the continuance of any political party in the State of Maine, in this case the Democratic Party or Republican Party.

What this bill before you would do is allow those of us who are members of the Republican or Democratic Party who process our nomination petitions so we can appear on our respective party's primary ballot to have the signatures of those who are unenrolled or unaffiliated with a political party sign those petitions. I find that a direct assault on our two party system. If the Democratic and Republican parties can go through the process as prescribed by law to establish themselves as viable political parties in this state, it seems to me that the Libertarian Party or any other group who choose to organize as a political party can do the same. Changing the rules in the middle of the game is not only an abrogation, I think, of the process that has been set forth in the statutes for all political parties to organize, but what it does is it discourages people from getting involved in a two party process, discourages people from getting involved in either of the political parties.

I think if there is one thing that we can do it is, leave the status quo, let the process remain as it is, not change the rules in the middle of the game and allow those who want to form a political party to go through the same hoops that we have gone through.

I hope you support the motion to indefinitely postpone this bill.

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

Representative GOULD: Mr. Speaker, Ladies and Gentlemen of the House: The reason I am getting up to speak on this particular bill is that it just so happens that I am the sponsor of it. I sponsored this for some people in the Libertarian Party. I was asked, why? Are you planning on becoming a member of the Libertarian Party? The answer is no, of course not. I have been a Democrat, my father was a Democrat, his father was a Democrat, we go all the way back — I don't know how far but it is a long way, probably further than I can count.

I am not afraid of anybody running against me. If I can't beat a Libertarian, then I shouldn't be here. If I can't beat a Republican, then I shouldn't be here. So, why bother to bring a bill like this out? This bill was more encompassing than the compromise that came out. The reason that I thought we ought to bring it is that in a democracy the whole idea of democracy is to get people to participate, it isn't to limit it to two parties, it is to increase it to get as many people and as many parties involved, to get as many ideas involved as we can. The whole idea behind democracy is participation, get as many people as you possibly can. That is the reason I sponsored it.

Is this going to be the downfall of the Democratic Party? Is this going to be the downfall of the Republican Party? Well, if this bill causes

either of our parties to fall, then I think maybe they should fall. If we aren't strong enough to face up to anybody who challenges us — I don't know.

I urge you to vote against indefinite postponement.

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

Representative DAGGETT: Mr. Speaker, Members of the House: I would just like to speak briefly about the bill. I think this is a great bill for people who have, to allow those who have not, an opportunity.

As Representative Gould said, this was part of a much larger and very encompassing bill that dealt with a lot of election laws. In fact, it was kind of a surprise to me to find out just how restrictive Maine's ballot laws are. Unless you are one of the major parties, it is very, very difficult to become a recognized party because there are a number of hoops, there are a number of requirements for a party to go through to become a recognized party. That means that it is very difficult to get an opportunity to have your name on the ballot with the party that you belong to, listed by your name, and to run as that recognized party.

I think those of us who feel that access is important, feel that people should have an opportunity to run for office under the philosophical banner which they feel comfortable with, I think those of us who feel that way will vote against indefinite postponement and let this bill go through.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: To coin the phrase of my good friend from Corinth, Representative Strout, "This is no big deal." As you noticed on the list, I am down at the bottom. I wasn't that hot on the bill, that is probably why they have got me down to the bottom of the list because I am just about lukewarm. But, when we had the hearing, this young lady came and I wasn't sold on the bill but she had such sorrowful eyes, I felt sorry. She kept talking.

Notice it says Committee Amendment "A", I was not going to support it until we had the Committee Amendment. What the Committee Amendment says, both the Democrat and Republican Parties will determine whether or not anybody who wants to circulate papers for the Libertarian Party can go get names of people who are Democrats and Republicans. So either party decides that is it. Like I said, it is no big deal. If you want it, that is all right, but you will never get any other party if you don't give them a chance to go out and get some names.

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

Representative PLOURDE: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to support the pending motion. Unfortunately, my little message will be brief because the good Representative from Lewiston already stole my thunder, alias known as the hammer, and I hope you go along with us of hammering it out.

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

Representative MACBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: I didn't really get to see this bill until this afternoon, then I really was concerned about it. I wonder if this bill really isn't going to be one step to doing away with our

primary system that we have today. I also wonder if it isn't going to be a step toward weakening our political parties.

In the Statement of Fact in this bill, it does say, "This bill also permits political parties to choose their candidate at a state convention rather than having a primary election as required by current law." If that is the case, then would people bother to go to the polls for a primary election?

Furthermore, does that mean that the Republicans, perhaps, will decide to select their candidate at a primary election and the Democrats will decide not to? It does seem as if all parties should be operating under the same rules.

I really am concerned about the changes in this bill and hope you will vote to indefinitely postpone it.

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

Representative RICHARDSON: Mr. Speaker, Men and Women of the House: I think it is important to clarify a bit because there is a misunderstanding about what the bill does.

The bill as it was presented and as you found it in your books has been completely substituted, completely eliminated. The convention provision is all gone. We were not in the business of supporting a state establishment of a third party, that is not what we dealt with. What we dealt with was a convincing case that there was a Catch 22 in Maine laws that fundamentally denied, because of the nature of party identification of registration, access to the ballot to people who wanted to be identified with a particular party on the ballot in the September election. So, we suggested in this bill, and that is what the amendment does, is that those political parties in this state — it could be Democrats, Republicans, Libertarians or any other party who would choose once they are a state party (Libertarians are a legal third party in this state now) to allow unenrolled voters, not party voters of another party, but unenrolled voters, to sign their petitions, thereby allowing those candidates to gain access to the ballot for competitive state races with that designation on it.

Part of the attempt here is to foreclose a legal challenge, in my view, that goes to the heart of this Catch 22 in our state laws. Frankly, I think that threatens the framework of our election laws in this state. I think it is only fair to allow it and I would be for it for that reason. I also think it is important in this area to give that access in a democracy to foreclose a much broader attack on our bills and the provisions that the Representative just referred to are, in fact, gone from the bill. It is a small substitute piece of fair play and I hope you will defeat indefinite postponement and gone on to pass the bill.

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

Representative HICHENS: Mr. Speaker, Men and Women of the House: It isn't very often that I oppose the good gentleman from Lisbon, but in this case, I cannot agree that this is a small deal. I think this could turn out to be a big deal. I think it would erode our primary system by letting unenrolled voters sign petitions for the primaries. Someone has said earlier this evening that we are restricting people from the right to vote. There is

no restriction, all they have to do is join one party or the other or the Libertarian party if they want to, they have that right to vote, and we will have our primary secure the way it should be.

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

Representative HASTINGS: Mr. Speaker, Men and Women of the House: I wasn't going to rise but I became entranced with the bill because I am its cosponsor actually.

Secondly, I thought that by joining the bill, contrary to what the good Representative Gould had to say, I thought probably it would hurt the Democratic Party and that is why I joined with him to go on it.

Seriously, I think that this bill simply opens the door to allow people to vote a choice. We heard a great deal tonight about choice. We heard it on another long and involved argument so I won't get into that. It seems to me that people out there ought to be able to express what they want at the polls and we as the representatives of our communities ought to be able to take the results that the election calls for. It is difficult to vote in the primaries for certain individuals, on certain parties that is, therefore this bill — I commend the committee for the work that it did in rewriting the bill, it is much better in my opinion as it came out now than what I sponsored, probably that is to protect the Democratic Party and the Republican Party — nevertheless, I think it is a good bill (and I hate to use that phrase) but I think you should consider to vote against the indefinite postponement, let the bill run its course.

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

Representative CLARK: Mr. Speaker, Ladies and Gentlemen of the House: I rise tonight to urge you to vote against the pending motion. I also rise tonight as one of three members of this body who ran against members of the Libertarian Party in the last election. Did I wish she hadn't run? Would my life have been simpler if she hadn't run? Absolutely. Am I glad she ran? Absolutely, because when that election was over, I could stand before the voters of my district and say, you had a choice and you chose to send me to Augusta. I believe that we ought to make it possible for people to provide choices to our constituents at the polls to get on the ballot, that is why if we defeat this motion, I will be supporting this legislation.

Representative Luther of Mexico requested a roll call vote.

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

Representative HANDY: Mr. Speaker, Members of the House: The issue isn't so much fair play for the Libertarian Party or some other party, whatever its name may be, the issue that I am talking to is the issue of fair play for those of us who have gone through the process by a certain set of rules, a certain set of rules that we had to affirm every primary season, every year there is a primary, we have to affirm and go by those rules.

The unfairness in this bill basically is that this bill discourages people from enrolling in a political party and because of that, they will be able to sign, not one petition, not two petitions, three, four or five petitions or six petitions. I mean, are we talking about the Democratic Primary? Are we talking about the Republican Primary? Are we

talking about the Libertarian Party Primary? I think we have to get real and think about exactly what we are doing.

Representative MacBride is right, this opens up the door to getting rid of the two party system or a multi-party system. It opens it up to really no system because we have opened the door very wide and it doesn't cause anybody to make a philosophical commitment to a certain set of standards and beliefs.

I would hope you support the motion to indefinitely postpone this very, very poorly crafted piece of legislation.

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

Representative LAWRENCE: Mr. Speaker, Men and Women of the House: I rise only to correct an inaccuracy made by the last speaker the first time he spoke. The Democratic and Republican Parties were not organized under the same rules and the same laws we are facing today. This law that we are attempting to amend now was created after the Democratic and Republican Parties were created and they place a restriction on the ability of a third party to organize. I disagree with the previous speakers who have spoken so well that I think we ought to put all players on an even playing field in all fairness to the democratic process.

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

Representative JALBERT: Mr. Speaker, Men and Women of the House: Mention has been made of the fact that we are trying to break up the Democrat and Republican Party. If you look at the report from the Committee on the "Ought to Pass" part of it, there is the Senator from Cumberland, Senator Summers, a Republican; the Representative from Kittery, Representative Lawrence, a Democrat; Representative Daggett of Augusta, a Democrat; Representative Richardson of Portland, a Democrat; Representative Bowers of Sherman, a Republican; Representative Stevens of Sabattus, a Republican; Representative Jalbert of Lisbon, a Democrat; Representative Tupper of Orrington, a Republican. Now, if you look at the "Ought Not to Pass", it is the Senator from Kennebec, Senator Kany, Senator Mills of Oxford, Representative Hichens of Eliot, Representative Poulin of Oakland, a Democrat and Representative Hichens, a Republican and Representative Plourde of Biddeford. So, it is not down party lines.

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

Representative DAGGETT: Mr. Speaker, Members of the House: I would just like to speak for a minute about the issue of changing from the way we are doing things now to a different way. There seems to be a lot of concern that passage of this bill will be the demise of the Democratic and Republican Parties, of the two party system. In other states where ballot access is very free and there are numbers of parties that periodically field candidates for different offices, it has not proven to be the demise of the two party system.

I would suggest that the fears that are held here regarding our two party system are as unfounded as when the creation of the word processor gave people concern about the demise of the pencil.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Sanford, Representative Paul.

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

My question is directed to the Chair of the Legal Affairs Committee. I would like to know if anyone from the Secretary of State's Office, Elections Division, appeared before your committee on this bill and what was the testimony (basically) given for or against?

The SPEAKER PRO TEM: Representative Paul of Sanford has posed a question through the Chair to Representative Lawrence of Kittery who may respond if he so desires.

The Chair recognizes that Representative.

Representative LAWRENCE: Mr. Speaker, Men and Women of the House: You are straining my memory on remembering exactly what the Secretary of State's Office said. There is a big difference between the bill as it was proposed and the amendment. They had a lot of difficulties with the bill. They had only technical difficulty with the amendment. To the best of my recollection, the Secretary of State did not take a position on this. The only technicality we had to work out was when the party had to notify the Secretary of State that they would be allowing unenrolled voters to sign their nomination papers and I believe that was their only concern and that was worked out successfully.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bethel, Representative Barth.

Representative BARTH: Mr. Speaker, Ladies and Gentlemen of the House: Currently, I believe both parties are minorities statewide in enrollment approximately across the state by one-third Republican, one-third Democrat and one-third unenrolled. The Libertarian Party has been now recognized as a party. For example, it seems to me if we take one of us running or a person running for the House, you need 25 signatures, not very many, and you should be able to convince 25 people, be they Republicans, Democrats or unenrolled, if they believe in you, to sign a simple registration card, naming themselves as, for example, the Libertarian Party and then allowing them to sign your nomination papers which would then get you on the ballot. So, I don't see any real need for this and I would support the indefinite postponement.

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

Representative NADEAU: Mr. Speaker, Men and Women of the House: Very briefly, a little bit of history. I am sitting in seat 78, as some of you might know what I am leading to, there was a gentleman who sat here a few years back and he would have said, "This is a bad, bad bill." I will simply rephrase that, it's a bad bill.

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

Representative PLOURDE: Mr. Speaker, Men and Women of the House: I just want to add one very important point. This bill discourages political parties to vote, simple as that. What it is simply saying is that, if you want to get on the ballot, in this case the Libertarian was able to get enough votes in the last Gubernatorial Election, that they now qualify as a political party. What this bill simply does is allow unenrolled members to sign signatures for a third party or a fourth party. Again, I repeat, I firmly believe this discourages political party enrollment.

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 Handy of Lewiston that L.D. 1482 and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 92

YEA - Adams, Aikman, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Boutilier, Butland, Cahill, M.; Carleton, Carroll, D.; Clark, H.; Coles, Constantine, Cote, Crowley, Donnelly, Dore, Duffy, Duplessis, Erwin, Farnum, Foss, Graham, Greenlaw, Gurney, Hale, Handy, Heeschen, Heino, Hepburn, Hichens, Hoglund, Holt, Jacques, Joseph, Ketover, Ketterer, Kilkelly, LaPointe, Larrivee, Lebowitz, Libby, Look, Lord, Luther, MacBride, Macomber, Manning, Marsano, Mayo, McKeen, Melendy, Merrill, Michaud, Mitchell, E.; Murphy, Nadeau, Nash, Norton, O'Dea, Paradis, P.; Paul, Pendexter, Pendleton, Pfeiffer, Pines, Plourde, Poulin, Rand, Reed, G.; Reed, W.; Richards, Rotondi, Ruhlin, Rydell, Salisbury, Savage, Simonds, Simpson, Small, Spear, Stevens, P.; Stevenson, Strout, Swazey, Tardy, Townsend, Vigue, Waterman, Wentworth, Whitcomb.

NAY - Aliberti, Anderson, Anthony, Cathcart, Clark, M.; Daggett, Farnsworth, Farren, Garland, Gean, Goodridge, Gould, R. A.; Gray, Hanley, Hastings, Jalbert, Kontos, Lawrence, Lemke, Lipman, Mahany, Marsh, McHenry, Mitchell, J.; Morrison, Nutting, O'Gara, Oliver, Ott, Pineau, Powers, Richardson, Saint Onge, Stevens, A.; Tammaro, Tracy, Treat, Tupper.

ABSENT - Bell, Bowers, Carroll, J.; Cashman, Chonko, DiPietro, Dutremble, L.; Gwadosky, Hichborn, Hussey, Kerr, Kutasi, Martin, H.; Paradis, J.; Parent, Pouliot, Ricker, Sheltra, Skoglund, The Speaker.

Yes, 93; No, 38; Absent, 20; Paired, 0; Excused, 0.

93 having voted in the affirmative and 38 in the negative with 20 being absent, L.D. 1482 and all accompanying papers were indefinitely postponed. Sent up for concurrence.

The Chair laid before the House the following matter: An Act Concerning Visitation Rights of Grandparents of Minor Children in the Event of the Death of a Parent (H.P. 910) (L.D. 1307) (C. "A" H-289) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Paradis of Augusta, under suspension of the rules, the House reconsidered its action whereby L.D. 1307 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-289) was adopted.

The same Representative offered House Amendment "A" (H-502) to Committee Amendment "A" (H-289) and moved its adoption.

House Amendment "A" (H-502) to Committee Amendment "A" (H-289) was read by the Clerk and adopted.

Committee Amendment "A" (H-289) as amended by House Amendment "A" (H-502) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-289) as amended by House Amendment "A" (H-502) thereto in non-concurrence and sent up for concurrence.

(Off Record Remarks)

On motion of Representative Donnelly of Presque Isle,

Adjourned at 8:11 p.m. to Tuesday, June 4, 1991, at four o'clock in the afternoon pursuant to Joint Order (S.P. 726).