

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
56th Legislative Day
Tuesday, June 4, 1991

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

Prayer by Reverend Douglas Drown, First Congregational Church, Bingham.

Pledge of Allegiance.

The Journal of Thursday, May 30, 1991, was read and approved.

SENATE PAPERS

Ought to Pass as Amended

Report of the Committee on Energy and Natural Resources reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-218) on Bill "An Act to Broaden the Availability of Loans under the Finance Authority of Maine to Improve the Environment" (S.P. 386) (L.D. 1063)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-218) as amended by Senate Amendment "A" (S-260) thereto.

Report was read and accepted, the bill read once. Committee Amendment "A" (S-218) was read by the Clerk.

Senate Amendment "A" (S-260) to Committee Amendment "A" (S-218) was read by the Clerk and adopted.

Committee Amendment "A" (S-218) as amended by Senate Amendment "A" (S-260) thereto was adopted and the Bill assigned for second reading Wednesday, June 5, 1991.

Ought to Pass as Amended

Report of the Committee on Banking and Insurance reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-215) on Bill "An Act to Revise the Laws Governing Banking Institutions" (S.P. 608) (L.D. 1612)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-215) as amended by Senate Amendment "A" (S-256) thereto.

Report was read and accepted, the bill read once. Committee Amendment "A" (S-215) was read by the Clerk.

Senate Amendment "A" (S-256) to Committee Amendment "A" (S-215) was read by the Clerk and adopted.

Committee Amendment "A" (S-215) as amended by Senate Amendment "A" (S-256) thereto was adopted and the Bill assigned for second reading Wednesday, June 5, 1991.

Divided Report

Majority Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act Relating to Mobile Home Parks" (S.P. 528) (L.D. 1406)

Signed:

Senators: MILLS of Oxford
SUMMERS of Cumberland
KANY of Kennebec

Representatives: JALBERT of Lisbon
PLOURDE of Biddeford
POULIN of Oakland
STEVENS of Sabattus
TUPPER of Orrington
BOWERS of Sherman

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-222) on same Bill.

Signed:

Representatives: LAWRENCE of Kittery
DAGGETT of Augusta
RICHARDSON of Portland
HICHENS of Eliot

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

Reports were read.

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

Representative Marsano of Belfast requested a Division.

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

Representative PLOURDE: Mr. Speaker, Men and Women of the House: I urge you to vote against the pending motion. This is a major, major shift as far as policy is concerned dealing with mobile home parks. This bill provides a right of first refusal to mobile home park owners to purchase a mobile home park (that is the renters) and the provisions relating to the Tenants' Association. This really is a big shift as far as policy as of today. I urge you to oppose the pending motion.

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

Representative DAGGETT: Mr. Speaker, Members of the House: I would just like to call your attention to some legislation that this body passed several years ago which is very similar in concept to this legislation. Several years ago, when we foresaw that federally financed housing complexes were going to have their funding come due, will be paid up and it would come on the market, we passed legislation which gave the Maine State Housing Authority first refusal. Along with that, we recommended and passed a \$3 million bond issue so that the Maine State Housing Authority would be able to help preserve low-income housing. Most of this housing financing will be expiring in 1992 so we have now positioned ourselves to be able to continue this. I think that this legislation is a similar effort to preserve

affordable housing.

What it does is that it gives the tenants of a mobile home park the right of first refusal if they have organized themselves into a tenants association in order to take advantage of the opportunity. It would help to preserve affordable housing for those people who live in those parks.

I don't see it as any divergence from any policy but rather a continuation of the policy that this body has set in the past, that being one of trying to perpetuate affordable and low-income housing for those people who have it.

I urge you to vote in favor of the Minority "Ought to Pass" Report.

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

Representative HASTINGS: Mr. Speaker, Men and Women of the House: To the committee, I would ask one question. It says here if I am to sell my mobile home park that I have to give 45 days notice to the tenants. I question that, if there is no exclusion and as a title attorney, I would tell you that from what I can see a sale would include a sale by public auction under foreclosure and, therefore, would not that conflict with the foreclosure laws where you have a sale, you must conduct it within 30 days after the offer is received? So, I don't understand how this bill would apply without being in complete derogation to a foreclosure sale by a bank of such a mobile home park. If anybody on the committee wants to answer that I would happy to hear their explanation.

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

The Chair recognizes the Representative from Kittery, Representative Lawrence.

Representative LAWRENCE: Mr. Speaker, Men and Women of the House: I think that is an excellent point raised by the Representative from Fryeburg. I am sure if he is willing to vote for the Minority "Ought to Pass" as amended Report, I would be glad to consider his friendly amendment to the Minority Report.

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

A vote of the House was taken.

33 having voted in the affirmative and 80 in the negative, the motion did not prevail.

Subsequently, the Majority "Ought Not to Pass" Report was accepted in concurrence.

Divided Report

Majority Report of the Committee on State and Local Government reporting "Ought Not to Pass" on Bill "An Act to Alter the Composition of the Commission on Governmental Ethics and Election Practices" (S.P. 711) (L.D. 1894)

Signed:

Senators: BUSTIN of Kennebec
BERUBE of Androscoggin

Representatives: LARRIVEE of Gorham
JOSEPH of Waterville
WATERMAN of Buxton
KERR of Old Orchard Beach
GRAY of Sedgwick
HEESCHEN of Wilton
KILKELLY of Wiscasset

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

Signed:

Senator: EMERSON of Penobscot

Representatives: NASH of Camden
SAVAGE of Union
LOOK of Jonesboro

Came from the Senate with the Bill and accompanying papers indefinitely postponed.

Reports were read.

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

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

Representative MARSANO: Mr. Speaker, Men and Women of the House: The bill which is before the House, which the report would reject, is a bill to place Maine in essentially the same position as the federal government is with respect to the consideration of election practices and ethics. That the bill was necessary, I understand, was a surprise to many people who thought that the commission was evenly divided between both Republicans and Democrats. If we don't take this opportunity to put our commission above reproach, we will be doing the citizens of Maine a great disservice.

I hope that you will reject the motion that is before you so that the bill can ultimately be enacted.

When the vote is taken, I request the yeas and nays.

The Chair recognizes the Representative from Paris, Representative Hanley.

Representative HANLEY: Mr. Speaker, Men and Women of the House: I would like to pose a question through the Chair. To any member signing on to the Majority Report, I would just like to understand why I should vote with the Majority "Ought Not to Pass" and continue and unbalance the ethics committee, one that is not equally distributed as far as Republican positions and Democrats, as the United States Congress has adopted and has almost every other state in the union?

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

The Chair recognizes the Representative from Waterville, Representative Joseph.

Representative JOSEPH: Mr. Speaker, Men and Women of the House: We did not feel that this piece of legislation in fact addressed the concerns of the two previous speakers. This piece of legislation simply changes the appointing authority to the floor leaders of the two major parties. The Senate will appoint two members of the commission, the floor leaders of the two major parties in the House of

Representatives shall appoint two members of the commission and those eight members of the commission that will be appointed by an affirmative vote of at least five members will elect a chair. We had no testimony from anyone that said that there was a problem with our ethics commission as it is appointed today. There was no evidence that the Chair of the Commission who happens to be a member of the Minority Party represents either the minority or majority party. We felt that the commission, as it is appointed today, as it sits today, makes judgments that come before them in an unbiased fashion and a non-partisan fashion.

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

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

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

ROLL CALL NO. 93

YEA - Adams, Aliberti, Anthony, Bell, Boutilier, Cahill, M.; Carroll, D.; Cashman, Cathcart, Chonko, Clark, H.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Dore, Erwin, Farnsworth, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gurney, Gwadosky, Handy, Heeschen, Hichborn, Høglund, Holt, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kontos, LaPointe, Larrivee, Lawrence, Lemke, Luther, Macomber, Mahany, Manning, Martin, H.; Mayo, McHenry, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Nadeau, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Powers, Rand, Richardson, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Sheltra, Simonds, Simpson, Stevens, P.; Swazey, Tamaro, Tardy, Townsend, Tracy, Treat, Vigue, Waterman, Wentworth.

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

ABSENT - Bowers, Butland, Clark, M.; Duffy, Hale, Hepburn, McKeen, Savage, Skoglund, The Speaker.

Yes, 90; No, 51; Absent, 10; Paired, 0; Excused, 0.

90 having voted in the affirmative and 51 in the negative with 10 being absent, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

Non-Concurrent Matter

An Act to Amend the Laws Relating to the Group Life Insurance Program for Members of the Maine State Retirement System (H.P. 1084) (L.D. 1578) which was passed to be enacted in the House on May 23, 1991.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-223) in non-concurrence.

The House voted to recede and concur.

COMMUNICATIONS

The following Communication: (S.P. 722)

115TH MAINE LEGISLATURE

May 29, 1991

Senator Bonnie L. Titcomb
Rep. Paul F. Jacques
Chairpersons
Joint Standing Committee on Energy and Natural Resources
115th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated James A. Sherburne of Winterport for reappointment to the Land Use Regulation Commission.

Pursuant to Title 12, MRSA Section 683, this nomination will require review by the Joint Standing Committee on Energy and Natural Resources and confirmation by the Senate.

Sincerely,

S/Charles P. Pray
President of the Senate

S/John L. Martin
Speaker of the House

Came from the Senate, Read and Referred to the Committee on Energy and Natural Resources.

Was Read and Referred to the Committee on Energy and Natural Resources in concurrence.

The following Communication: (S.P. 723)

115TH MAINE LEGISLATURE

May 29, 1991

Senator Bonnie L. Titcomb
Rep. Paul F. Jacques
Chairpersons
Joint Standing Committee on Energy and Natural Resources
115th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Charles E. Stickney, Jr. of Yarmouth for appointment and L. Philip Soucy of Fort Kent, Carol A. Tracy of Lewiston and E. Christopher Livesay of Brunswick for reappointments to the Board of Environmental Protection.

Pursuant to Title 38, MRSA Section 341-C, these nominations will require review by the Joint Standing Committee on Energy and Natural Resources and confirmation by the Senate.

Sincerely,

S/Charles P. Pray
President of the Senate

S/John L. Martin
Speaker of the House

Came from the Senate, Read and Referred to the Committee on **Energy and Natural Resources**.

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

The following Communication: (S.P. 724)

115TH MAINE LEGISLATURE

May 29, 1991

Senator Joseph C. Brannigan
Rep. Rita B. Melendy
Chairpersons
Joint Standing Committee on Housing and Economic
Development
115th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Helen S. Dudman of Ellsworth and Laura K. Emack of Stockton Springs for appointments to the Finance Authority of Maine.

Pursuant to Title 10, MRSA Section 965, these nominations will require review by the Joint Standing Committee on Housing and Economic Development and confirmation by the Senate.

Sincerely,

S/Charles P. Pray
President of the Senate

S/John L. Martin
Speaker of the House

Came from the Senate, Read and Referred to the Committee on **Housing and Economic Development**.

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

The following Communication:

115TH MAINE LEGISLATURE

May 30, 1991

Hon. Edwin H. Pert
Clerk of the House
State House Station #2
Augusta, Maine 04333

Dear Clerk Pert:

This is to notify you that pursuant to our authority under Chapter 139 of the Public Laws of 1991, we have appointed James A. Storer, of Brunswick, to the Special Commission on Governmental Restructuring. He will be replacing Jean Sampson who is unable to serve.

Sincerely,

S/Charles P. Pray
President of the Senate

S/John L. Martin
Speaker of the House

Was read and ordered placed on file.

The following Communication:

MAINE STATE LEGISLATURE
Augusta, Maine 04333

May 30, 1991

The Honorable John L. Martin
Speaker of the House
115th Legislature
State House Station 2
Augusta, Maine 04333

Dear Speaker Martin:

Pursuant to 24-A M.R.S.A., section 2751, I am pleased to provide you with a Report on Mandated Health Insurance Benefits for Breast Reconstruction.

Copies of the report are also being provided to members of the Senate and to the Governor as required by law.

Respectfully Submitted,

S/David R. Clough, Chair
Mandated Benefits
Advisory Commission

Was read and with accompanying report ordered placed on file.

The following Communication:

MAINE STATE LEGISLATURE
Augusta, Maine 04333

May 30, 1991

The Honorable John L. Martin
Speaker of the House
115th Legislature
State House Station 2
Augusta, Maine 04333

Dear Speaker Martin:

Pursuant to 24 M.R.S.A. section 2325-B, I am pleased to provide you with the Annual Report of the Mandated Benefits Advisory Commission.

Copies of the report are also being provided to members of the Senate and to the Governor as required by law.

Respectfully Submitted,

S/David R. Clough, Chair
Mandated Benefits
Advisory Commission

Was read and with accompanying report ordered placed on file.

The following Communication:

UNIVERSITY OF MAINE
105 WINSLOW HALL
ORONO, MAINE 04469-0163

May 30, 1991

The Honorable John L. Martin
Speaker of the House
Maine House of Representatives
State House
Augusta, Maine 04333

Dear Speaker Martin:

Pursuant to Public Laws of 1991, Chapter 9, Part F enclosed is the final report of the Commission to Study the State's Seed Farms.

The broad conclusions of the study are that, a) the good reputation and financial success of the Maine seed potato industry in recent years has been due in large part to the Maine Seed Potato Board and its Program Director and staff and, b) the Porter Farm facility and the Florida Testing Program are critical for the maintenance of the good reputation and future financial success of the Maine seed potato industry.

Some improvements can be made, however, in the structure and operation of the Maine Seed Potato Board to assure its continued viability and enhance efficiency. The report contains fourteen recommendations which the Commission feels deserves serious consideration. These recommendations, along with references to the supporting text, are found on pages IX-1 through IX-4. In addition, there is a large current budget deficit and the immediate need to begin setting aside a reserve for capital

improvement. The Commission has identified four options from which to derive this temporary increase in funds. These funds are found on pages VIII-1 and VIII-2.

I would be happy to meet with you, other members of the Maine Legislature, or any legislative committee(s) to discuss this report in more detail.

Sincerely yours,

S/Wallace C. Dunham
Dean

Was read and with accompanying report ordered placed on file.

The following Communication:

DEPARTMENT OF LABOR
Bureau of Labor Standards
Research & Statistics Division
State House Station #45
Augusta, Maine 04333

May 21, 1991

The Honorable
John L. Martin
Speaker of the House
State House Station #2
Augusta, ME 04333-0002

The Honorable
Charles P. Pray
President of the Senate
State House Station #3
Augusta, ME 04333-0003

Dear Speaker Martin and President Pray:

We are pleased to submit to the 115th Legislature the third Annual Report on the Status of the Maine Workers' Compensation System pursuant to Public Law 1987, Chapter 599. This document summarizes the results of data collection by the three agencies involved and is intended to present a profile of the workers' compensation system including costs, administration, adequacy, and an evaluation of the entire system.

Like its predecessor, this report is organized into three sections. The report itself, however, is a cooperative effort.

Sincerely,

S/Joseph A. Edwards
Superintendent
Dept. of Professional & Financial Regulation
Bureau of Insurance

S/James H. McGowan
Director
Dept. of Labor
Bureau of Labor Standards

S/Ralph L. Tucker
Chairman
Workers' Compensation Commission

Was read and with accompanying report ordered placed on file.

**PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE**

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

Appropriations and Financial Affairs

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$18,225,000 to Construct a State Aquarium Situated Along the Gulf of Maine" (H.P. 1322) (L.D. 1913) (Presented by Representative MICHAUD of East Millinocket) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Bill "An Act Authorizing a Bond Issue in the Amount of \$7,500,000 for the Purposes of Job Retention and Creation in Maine's Natural Resource and Other Industries" (H.P. 1324) (L.D. 1916) (Presented by Representative LEBOWITZ of Bangor) (Cosponsored by Representative STEVENSON of Unity and Representative PLOURDE of Biddeford)

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$8,500,000 to Fund Grants and Loans to Municipalities and Regional Associations for Recycling Equipment and Facilities and to Protect Ground Water Quality and Public Health through the Cleanup and Closure of Municipal and Abandoned Solid Waste Landfills" (H.P. 1325) (L.D. 1917) (Presented by Representative LORD of Waterboro) (Cosponsored by Representative MARSH of West Gardiner, Representative COLES of Harpswell and Senator TITCOMB of Cumberland)

Ordered Printed.
Sent up for Concurrence.

Energy and Natural Resources

Bill "An Act to Allow the Department of Environmental Protection to Process an Application by Ivan Davis to Rebuild a Dam on the St. George River" (H.P. 1329) (L.D. 1920) (Presented by Representative WHITCOMB of Waldo) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.
Sent up for Concurrence.

Taxation

Bill "An Act to Generate Revenue by Raising Certain Taxes" (EMERGENCY) (H.P. 1326) (L.D. 1918) (Presented by Representative MARSANO of Belfast)

Ordered Printed.
Sent up for Concurrence.

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

ORDERS

On motion of Representative RUHLIN of Brewer, the following Joint Order: (H.P. 1327)

Ordered, the Senate concurring, that Bill, "An Act Concerning Salary Provisions for Automotive Industry Personnel," S.P. 491, L.D. 1329, and all its accompanying papers be recalled from the legislative files to the House.

Was read. Two-thirds vote of the members present being necessary, a total was taken. 115 having voted in favor of the same and 5 against, the Joint Order (H.P. 1327) was passed and sent up for concurrence.

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

ORDERED, that Representative Walter W. Hichens of Eliot be excused May 21, 23 and 24 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative John H. Richards of Hampden be excused May 28 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Mona Walker Hale of Sanford be excused June 3 for the duration of her illness.

Was read and passed.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative MAHANY from the Committee on Taxation on Bill "An Act to Compensate Landowners for Land Value Lost because of Wildlife Restrictions" (H.P. 1039) (L.D. 1512) reporting "Ought Not to Pass"

Representative MAHANY from the Committee on Taxation on Bill "An Act to Require the State to Compensate Municipalities for the Loss of Tax Revenue as a Result of the State Taking Real Property" (H.P. 1206) (L.D. 1762) reporting "Ought Not to Pass"

Representative MAHANY from the Committee on Taxation on Bill "An Act to Provide Tire Disposal Alternatives and Fund Waste Management Programs" (EMERGENCY) (H.P. 1300) (L.D. 1880) reporting "Ought Not to Pass"

Representative MAHANY from the Committee on Taxation on Bill "An Act to Develop and Implement a Statewide System to Collect and Dispose of Household Hazardous Products" (EMERGENCY) (H.P. 1317) (L.D. 1904) reporting "Ought Not to Pass"

Representative CARROLL from the Committee on **Appropriations and Financial Affairs** on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 for the Construction of Necessary Safe Drinking Water Facilities" (H.P. 453) (L.D. 643) reporting **"Ought Not to Pass"**

Representative CARROLL from the Committee on **Appropriations and Financial Affairs** on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$10,045,000 for the Maine Technical College System" (H.P. 481) (L.D. 675) reporting **"Ought Not to Pass"**

Representative FOSS from the Committee on **Appropriations and Financial Affairs** on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 to Finance the Acquisition of Farmland to Preserve the Land for its Natural, Open Space, Ecological and Aesthetic Value" (H.P. 767) (L.D. 1101) reporting **"Ought Not to Pass"**

Representative CARROLL from the Committee on **Appropriations and Financial Affairs** on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$20,000,000 to Provide Funds to Help Municipalities with the Costs of Capital Construction to Correct Combined Sewer Overflows" (H.P. 841) (L.D. 1207) reporting **"Ought Not to Pass"**

Representative O'GARA from the Committee on **Education** on Bill "An Act to Encourage the Preservation of Historic Tower Clocks" (H.P. 1312) (L.D. 1898) reporting **"Ought Not to Pass"**

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

Unanimous Leave to Withdraw

Representative O'DEA from the Committee on **Education** on Bill "An Act Regarding the Parents as Teachers Program" (H.P. 1286) (L.D. 1856) reporting **"Leave to Withdraw"**

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

Ought to Pass as Amended

Representative LAWRENCE from the Committee on **Legal Affairs** on Bill "An Act to Regulate Sales of Malt Liquor in Kegs" (H.P. 1142) (L.D. 1667) reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-490)

Report was read and accepted, the bill read once. Committee Amendment "A" (H-490) was read by the Clerk and adopted and the bill assigned for second reading Wednesday, June 5, 1991.

Ought to Pass as Amended

Representative LAWRENCE from the Committee on **Legal Affairs** on Bill "An Act to Clarify Certain Election Laws" (H.P. 749) (L.D. 1053) reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-497)

Report was read and accepted, the bill read once. Committee Amendment "A" (H-497) was read by the Clerk and adopted and the bill assigned for second reading Wednesday, June 5, 1991.

Ought to Pass Pursuant to Joint Order (H.P. 101)

Representative JOSEPH from the Committee on **State and Local Government** on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Oxford County for the Year 1991 (EMERGENCY) (H.P. 1328) (L.D. 1919) reporting **"Ought to Pass"** - Pursuant to Joint Order (H.P. 101)

Report was read and accepted, the Resolve read once.

Under suspension of the rules, the Resolve was read the second time, passed to be engrossed and sent up for concurrence.

Ought to Pass Pursuant to Joint Order (H.P. 101)

Representative JOSEPH from the Committee on **State and Local Government** on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Hancock County for the Year 1991 (EMERGENCY) (H.P. 1330) (L.D. 1921) reporting **"Ought to Pass"** - Pursuant to Joint Order (H.P. 101) (Representative GRAY of Sedgwick - of the House - abstained)

Report was read and accepted, the Resolve read once.

Under suspension of the rules, the Resolve was read a second time, passed to be engrossed and sent up for concurrence.

Ought to Pass Pursuant to Joint Order (H.P. 101)

Representative JOSEPH from the Committee on **State and Local Government** on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Washington County for the Year 1991 (EMERGENCY) (H.P. 1331) (L.D. 1922) reporting **"Ought to Pass"** - Pursuant to Joint Order (H.P. 101)

Report was read and accepted, the Resolve read once.

Under suspension of the rules, the Resolve was read a second time, passed to be engrossed and sent up for concurrence.

Divided Report

Majority Report of the Committee on **Legal**

Affairs reporting "Ought Not to Pass" on Bill "An Act to Reform Campaign Finance" (H.P. 1162) (L.D. 1703)

Signed:

Senators: KANY of Kennebec
MILLS of Oxford
SUMMERS of Cumberland

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

Minority Report of the same Committee reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-441) on same Bill.

Signed:

Representative: RICHARDSON of Portland

Reports were read.

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

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: I have certainly been around this chamber a long time and I am very reluctant to stand up on a 12 to 1 report. I just want to report one thing to you before this bill disappears. I have been trying for a number of years to find a happy balance, a way to reform campaign finances that political action committees didn't play such a dominant role in. Well, I have had partial success this year, I have created a bill that both Republicans and Democrats disliked to a great degree.

I will be back. I do think it is an important issue and I would like you to think about what the proposal was because I think that we, as a legislative body, are going to have to deal as responsible men and women representing our constituents with a way to reform campaign finance.

This bill would have limited the amount of political action money that you could raise for your campaigns to a third of the total, a very modest beginning. But, as I said, I was successful in not getting any support from either Republicans or Democrats. It is an important issue. It is not going away and I would urge you to think very carefully between now and the next session about a better way to do this.

The SPEAKER: The Chair recognizes the Representative from Cape Elizabeth, Representative Simonds.

Representative SIMONDS: Mr. Speaker, Men and Women of the House: I, too, was on the bill. I want to thank the good Representative from Portland, Representative Richardson, for his good vision. I am happy to be able to support that position he has taken.

I wanted to be on this bill because I knew it to be an extremely important issue with the electorate but I didn't know how important it was until I just got returns from my questionnaire which showed it to be the second most popular item after requiring insurance for cars at the time of registration. This is and will continue to be an extremely popular item. I, too, will be back following the Representative from Vassalboro as characterizing herself as Don Quixote on this issue and I am the good Samaritan and I will follow her again on the issue.

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

Representative RICHARDSON: Mr. Speaker, Men and Women of the House: I want to add one sentence regarding my voice on this. The issue really isn't focused on money and politics, that is going to be a problem that is going to stay and be around us for a long period of time. There are not a lot of easy things that one can do to deal with that problem.

The question is the linkage of money to influence through the political action committees and this bill attempted in a very small way to dampen down that linkage of influence in PAC's to money in allowing and in having the campaign expenditures of all of us in our races holding that part of it to one-third of the total of expenditure. It was a small, small attempt to deal with that one area of the linkage of influence of money and politics and I would urge you to join in rejecting the Majority "Ought Not to Pass" motion so that we can place another one before the body.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative Lawrence of Kittery 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.

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

Divided Report

Majority Report of the Committee on State and Local Government reporting **"Ought Not to Pass"** on Bill "An Act to Establish State Selective Purchasing Standards" (H.P. 1174) (L.D. 1715)

Signed:

Senators: BERUBE of Androscoggin
EMERSON of Penobscot

Representatives: SAVAGE of Union
NASH of Camden
LOOK of Jonesboro
KERR of Old Orchard Beach
WATERMAN of Buxton

Minority Report of the same Committee reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-467) on same Bill.

Signed:

Senator: BUSTIN of Kennebec

Representatives: KILKELLY of Wiscasset
 GRAY of Sedgwick
 JOSEPH of Waterville
 LARRIVEE of Gorham
 HEESCHEN of Wilton

Reports were read.

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

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

I urge you to consider supporting this piece of legislation. In 1987, this state decided that they would divest their state retirement funds from the country of South Africa. We are now asking you to prohibit all state departments, agencies, authorities and institutions from purchasing goods or entering into any contract with any person or organization that operates within the borders of, as an agent of, or with the sanction of the Republic of South Africa.

It has been found that there were no negative effects from our actions in 1987. However, this would be another economic sanction against (I hate to use the word against) dealing with a country whose human rights are not what we consider acceptable. Things in South Africa have not changed significantly. However, just two weeks ago, J.P. Morgan joined the list of banks that are severing financial ties with South Africa, Chemical Bank has just followed suit. L.L. Bean of Freeport and Hannaford Brothers of Scarborough have each written a letter in which they state they will not buy or sell products from South Africa.

We feel that this policy should be supported and that the message of economic sanctions should be continued. In fact, we should state, loud and clear, that we will not purchase from corporations and companies that do business in South Africa.

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

Representative LOOK: Mr. Speaker, Men and Women of the House: There are nine companies now that the retirement systems has investments in in South Africa. The purpose of this bill is not clear. Section two of the bill states that state purchases from anyone doing business in South Africa are prohibited, yet section six of the bill requires only that the state give preference to companies not doing business in South Africa. So, what is the real object of the bill? In either case, it is unacceptable.

The scope of the bill is so broad as to make it impossible to determine its effects. Again, it prohibits the state from purchasing goods or services from any company doing business in South Africa, yet it defines doing business in South Africa to include having any operations, leases, franchises, majority-owned subsidiaries, distribution agreements, or other similar agreements in South Africa. Given the breadth of that language, it is impossible to assess how many companies will be subject to this ban.

In recent years, we have seen a growing complexity in the corporate structure of many companies. We have seen a growing diversity to their

operations. For example, it would prohibit purchases from a company that does no actual business in South Africa, owns no subsidiaries in South Africa, but happens to own a subsidiary which in turn owns another subsidiary in South Africa. By way of illustration, take a car manufacturer that has all its production plants in the United States, it has a parts manufacturing subsidiary with plants in the United States but the parts subsidiary owns another subsidiary which makes home air conditioners in South Africa. Does it make any sense to prohibit the state from purchasing a vehicle from that company? Given the breadth of this bill, the result may be to prohibit the state from purchasing a wide array of the best products on the market and, at the same time, it may unnecessarily penalize American companies whose connections with South Africa are remote.

Ladies and gentlemen, this country has many businesses which by providing employment in South Africa are helping those people at this time. I urge you to vote against the pending motion.

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

Representative ADAMS: Mr. Speaker, Men and Women of the House: This particular bill happens to have fallen in with the avenue of some research I have recently done for another matter entirely but might be useful for us to hear now. In 1987, the State of Maine embarked, by majority vote of both Houses, supports from both sides of the aisle, on a five year plan to divest itself of all holdings in South Africa that were then invested in by the Maine State Retirement Fund. That started in 1987 with \$200 million investments. By 1991, according to the report issued just last month, was down to the last nine companies with \$18 million investments left. By 1992, it will be down to zero. It has not affected our investments in the least, our portfolio is still very healthy and in fact the public sector has joined in with the effort as has been cited in the case of L.L. Bean. The list of the companies affected already exist. The State Retirement System has it, has been using it for years, it will cause no harm to continue using the same list.

Under the bill as I understand it, exemptions are allowed for all services that the state declares essential, the state unilaterally can make up its mind on any and all bids. Secondly, if it is the only bid received, then the state does not apply the law we now are considering or if any of the bids received are within ten percent of any other bid, then it is simply negated.

Maine is not alone in this. My research indicated that the State of Michigan, the State of Rhode Island, the State of North Carolina, New York City, and Boston have already taken the same action that is now being proposed today.

The bill also contains an automatic sunset for the year 1993 to reflect the changes already happening in South Africa that we hope remain for the better.

To be sure, the item may seem far from our home but it has never proved to be far from our hearts, when Mainers have been called upon to consider what is going on in other countries and to state our opinion about it. In my first term here, I witnessed a very moving and very lengthy debate about our actions regarding Northern Ireland and I was much moved by it and found it very informative. Now and

again, the Maine Legislature does something very wise and very interesting. That debate was one of them.

I think this particular bill, given the guidepost that we have from other states and the perfect example we have of what our own state has been able to do without harm for so long would indicate that we may, with safety, adopt this standard and I would urge you in fact to follow Chairman Joseph's light and vote the "Ought to Pass" Report.

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

Representative KILKELLY: Mr. Speaker, Ladies and Gentlemen of the House: It is interesting to note that the opponents of this bill have said that it is very unclear, that there would be much difficulty in implementing a process and I would like to challenge that. I challenge it, first of all, by saying there is in fact a document called the Unified List of U.S. Companies Doing Business in South Africa. I have in my hands a third edition, a 1990 copy. The unified list includes: (1), companies with investments, licensing, franchising agreements and loans or other financial involvement in South Africa, (2) the identity of the parent company or significant shareholder. (3) the linkages of each company's subsidiary and/or affiliate with involvement in South Africa, (4) the type of involvement of each parent company for those companies with ownership in South Africa, information where available regarding the number of employees, the assets, sales or loans participation is included and last, the basic sources from which the information about a particular corporation was obtained.

It seems to me that that very clearly reflects what is in the bill. The list is already available. I think what is very important for us to do is to make a statement and either we are going to make a statement that this is an issue that is not important to us, that apartheid is something that is a non-issue because it is not happening in Maine or it is something that we can say yes, this is something that we are concerned about. But, there is a very civilized process that this state can use to make a decision about how money is spent and the civilized process we use is to say, we are not going to spend money with corporations that do business in South Africa as long as there is a system that is so repressive and so obnoxious to civilization as goes on there in apartheid.

I think the exemptions are very important to note. There is nothing here that would hog-tie the State of Maine to require it to purchase materials that were not of a product that we wanted. It would not require us to have to change an entire system that is currently in place because we could not get replacement parts. It is a very medium step but one that has great significance in its statement.

Mr. Speaker, I request a roll call.

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

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

The SPEAKER: The pending question before the House is the motion of Representative Joseph of

Waterville that the House accept the Minority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 94

YEA - Adams, Aliberti, Anthony, Bell, Boutillier, Cahill, M.; Carleton, Carroll, D.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Donnelly, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gurney, Gwadosky, Handy, Heesch, Hichborn, Hoglund, Holt, Jacques, Jalbert, Joseph, Ketover, Ketterer, Kilkelly, Kontos, Larrivee, Lawrence, Lemke, Luther, Macomber, Mahany, Manning, Martin, H.; Mayo, McHenry, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Nadeau, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Powers, Rand, Richardson, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Sheltra, Simonds, Simpson, Stevens, P.; Swazey, Tamaro, Tardy, Townsend, Tracy, Treat, Vigue, Wentworth, The Speaker.

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

ABSENT - Bowers, Butland, Hale, LaPointe, McKeen, Skoglund.

Yes, 92; No, 53; Absent, 6; Paired, 0; Excused, 0.

92 having voted in the affirmative and 53 in the negative with 6 being absent, the Minority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (H-467) was read by the Clerk and adopted and the Bill assigned for second reading Wednesday, June 5, 1991.

Divided Report

Majority Report of the Committee on State and Local Government reporting "Ought Not to Pass" on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for the Direct Popular Election of Constitutional Officers (H.P. 1045) (L.D. 1518)

Signed:

Senators:

BUSTIN of Kennebec
EMERSON of Penobscot
BERUBE of Androscoggin

Representatives:

WATERMAN of Buxton
HEESCHEN of Wilton
KILKELLY of Wiscasset
LARRIVEE of Gorham
GRAY of Sedgwick
JOSEPH of Waterville
KERR of Old Orchard Beach

Minority Report of the same Committee reporting

"Ought to Pass" as amended by Committee Amendment "A" (H-468) on same RESOLUTION.

Signed:

Representatives: NASH of Camden
LOOK of Jonesboro
SAVAGE of Union

Reports were read.

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

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

Representative BENNETT: Mr. Speaker, Friends and Colleagues of the House: This bill would refer to the people of Maine an important question of fundamental democracy, a question on which successful democratic governments rise and fall and that is the question of accountability. This bill offers an amendment to our State Constitution to call for the popular election of our Constitutional officers, the Attorney General, Secretary of State and State Treasurer. These three positions are presently, as you know, elected by the legislature meeting in Joint Convention. This has been the method of electing these positions in Maine for well over a century and a half, before Teddy Roosevelt and the Progressive Movement of the 1910's, before the Populous Movement of the 1890's, even before the founding of the Republican Party in the 1850's.

You ask, why change it? Many states used this antiquated election method for the state executive positions in the 19th Century but most abandoned this indirect method in the early 1900's when we abandoned, for instance, legislative elections of United States Senators. Maine is alone in the legislature electing the Attorney General. Forty-three states elect their Attorney General by direct popular election, 35 states elect their Secretary of State by popular election, only three states, Maine included, elect that position by the legislature. Thirty-three states choose their State Treasurer by direct popular election. These states realize these are executive, not legislative positions.

Accountability, particular in executive positions, must follow a distinct clear line back to the people. In Maine, this line, unfortunately, becomes blurred somewhere between the constitutional office holder and the legislature. This problem of accountability is exacerbated by the growing practice of candidates for these positions to contribute money, a growing amount of money, to candidates for the legislature. For example, Secretary of State Diamond's political action committee, the Committee for Good Government, contributed thousands and thousands of dollars to legislative candidates. There is literally page after page on file of amounts contributed to legislators. Just randomly opening to one page, Senator Clark, Senator Kany, Representative Dore, Representative Clark, Representative Larrivee, Representative Gould, Representative St. Onge, Senator Bost, Representative Mayo, all received sums of money — there is page after page.

Particularly interesting is that my Senator, Senator Twitchell from Norway, within one month period, received \$700 and he wasn't even opposed for

election.

This practice is particularly disturbing with the Attorney General and the Secretary of State who frequently must rule on matters pertaining to the legislature in general or to individual legislators in particular. We are fortunate that this conflict hasn't yet caused the problems that it might and that it inevitably will cause as the amounts of money these office holders give legislators increases.

Let's change this system and restore the full integrity and accountability office holders need. Please join me in voting against the current motion and accept the Minority Report.

Mr. Speaker, I request the yeas and nays.

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

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

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

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

I pose a question to the Representative who spoke previously. Maine is the only state in which the Governor appoints the Commissioner of Education and I would like a reason why we shouldn't include the Commissioner of Education on that list of folks to be elected?

The SPEAKER: Representative Kilkelly of Wiscasset has posed a question through the Chair to Representative Bennett of Norway who may respond if he so desires.

The SPEAKER: The Record will show Representative Bennett chooses not to respond to the question.

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

ROLL CALL NO. 95

YEA - Adams, Aliberti, Anthony, Bell, Boutilier, Cahill, M.; Carroll, D.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Dore, Duffy, Erwin, Farnsworth, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gurney, Gwadosky, Handy, Hastings, Heeschen, Hichborn, Hogle, Holt, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kontos, LaPointe, Larrivee, Lawrence, Lemke, Lord, Luther, Macomber, Mahany, Manning, Marsh, Martin, H.; Mayo, McHenry, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Powers, Rand, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Sheltra, Simonds, Simpson, Stevens, P.; Strout, Swazy, Tamaro, Tardy, Townsend, Tracy, Treat, Vigue, Waterman, Wentworth, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Carleton, Carroll, J.; Donnelly, Duplessis, Dutremble, L.; Farnum, Farren, Foss,

Garland, Greenlaw, Hanley, Heino, Hepburn, Hichens, Kutasi, Lebowitz, Libby, Lipman, Look, MacBride, Marsano, Merrill, Nash, Norton, Ott, Parent, Pendexter, Pendleton, Pines, Reed, G.; Reed, W.; Richards, Salisbury, Savage, Small, Stevens, A.; Stevenson, Tupper, Whitcomb.

ABSENT - Bowers, Butland, Hale, McKeen, Richardson, Skoglund, Spear.

Yes, 98; No, 46; Absent, 7; Paired, 0; Excused, 0.

98 having voted in the affirmative and 46 in the negative with 7 being absent, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

Divided Report

Majority Report of the Committee on State and Local Government reporting "Ought Not to Pass" on Bill "An Act to Require the Popular Election of the State Auditor" (H.P. 1023) (L.D. 1496)

Signed:

Senators: BUSTIN of Kennebec
EMERSON of Penobscot
BERUBE of Androscoggin

Representatives: WATERMAN of Buxton
HEESCHEN of Wilton
KILKELLY Of Wiscasset
LARRIVEE of Gorham
GRAY of Sedgwick
JOSEPH of Waterville
KERR of Old Orchard Beach

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-469) on same Bill.

Signed:

Representatives: NASH of Camden
LOOK of Jonesboro
SAVAGE of Union

Reports were read.

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

Representative Whitcomb of Waldo requested a roll call vote.

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

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

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

YEA - Adams, Aliberti, Anthony, Bell, Boutilier, Cahill, M.; Carleton, Carroll, D.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Donnelly, Dore, Duffy, Erwin, Farnsworth, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gurney, Gwadosky, Handy, Hastings, Heeschen, Hichborn, Hogle, Holt, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kontos, LaPointe, Larrivee, Lawrence, Lemke, Lord, Luther, Macomber, Mahany, Manning, Martin, H.; Mayo, McHenry, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Pineau, Pines, Plourde, Poulin, Pouliot, Powers, Rand, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Sheltra, Simonds, Simpson, Stevens, P.; Strout, Swazey, Tamaro, Tardy, Townsend, Tracy, Treat, Vigue, Waterman, Wentworth, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Carroll, J.; Duplessis, Dutremble, L.; Farnum, Farren, Foss, Garland, Greenlaw, Hanley, Heino, Hepburn, Hichens, Kutasi, Lebowitz, Libby, Lipman, Look, MacBride, Marsano, Merrill, Nash, Norton, Ott, Parent, Pendexter, Pendleton, Reed, G.; Reed, W.; Richards, Salisbury, Savage, Small, Spear, Stevens, A.; Stevenson, Tupper, Whitcomb.

ABSENT - Bowers, Butland, Hale, Marsh, McKeen, Richardson, Skoglund.

Yes, 100; No, 44; Absent, 7; Paired, 0; Excused, 0.

100 having voted in the affirmative and 44 in the negative with 7 being absent, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

Divided Report

Majority Report of the Committee on State and Local Government reporting "Ought Not to Pass" on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Reduce the Size of the Legislature (H.P. 1122) (L.D. 1647)

Signed:

Senators: EMERSON of Penobscot
BERUBE of Androscoggin
BUSTIN Of Kennebec

Representatives: WATERMAN of Buxton
HEESCHEN of Wilton
KILKELLY of Wiscasset
LARRIVEE of Gorham
GRAY of Sedgwick
JOSEPH of Waterville
KERR of Old Orchard Beach

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-470) on same RESOLUTION.

Signed:

Representatives: NASH of Camden
LOOK of Jonesboro

SAVAGE of Union

Reports were read.

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

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

Representative LIPMAN: Mr. Speaker, Ladies and Gentlemen of the House: 1991 is a birthday and a celebration in Nebraska. They are celebrating their 50th anniversary. 50 years ago this year on this date 1931, Nebraska decided to reduce the size of its legislature. It was done during the Depression. It was done to reduce costs. This bill asks you to give the people in the State of Maine the opportunity to reduce the size of our legislature. What the Resolution asks you to do is reduce the Senate from 35 to 33 and the House from 151 to 99. What this bill asks us to do is to make sure that there are three House members in each Senate district. So, we have symmetry, we have rationalism.

I believe many of you, as I have, have had the opportunity to see, by sending out surveys to your constituents, that this is what the people would like to see us do. Let's give the people and the citizens of the State of Maine the opportunity to decide if they want to reduce the size of the legislature.

I would ask, if we could, to have the yeas and nays on this Mr. Speaker.

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

Representative PENDEXTER: The constituents in my district would like very much to see the legislature reduce its size, indicated by a very strong response from my questionnaire.

I would like to read into the Record an editorial written by the Maine Sunday Telegram, dated January 6, 1991. "State government is being forced by economic pressures to tighten its belt, fire hundreds of employees and reduce services to affordable levels. That makes it an ideal time for the legislature to also seriously consider reducing the size of the Maine House of Representatives by one-third. Make no mistake, the size of the House shouldn't be determined by the vagaries of the economy, instead the decision to reduce the House size should be based on the knowledge that a smaller House would improve efficiency, reduce duplication and enhance accountability.

The Maine House of Representatives with 151 members is the sixth largest of any state in the nation and one of the largest in the English speaking world. As a general rule of thumb, a House should be about three times the size of the Senate. That means the Maine House should have about 100 members. Yet, legislators stubbornly refuse to reduce the House size arguing that a larger body somehow brings government in the democratic process closer to the people. The reverse is true. Maine's overly large House allows Representatives to hide their votes in the crowd and allows power to be concentrated in only a few hands. Unfortunately, there are precious few House members willing to voluntarily vote to abolish their job. That is really the reason why every House reduction bill is routinely defeated and why Maine taxpayers continue to be burdened with paying for more politicians that they need or demand."

I urge your support to reduce the House of the Maine Legislature.

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

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: Reducing the number of members in this House of Representatives and in the other body would only help one group of people and that is the lobbyists who affect every piece of legislation that we vote on. All you have to do is look at New Hampshire and you see a true representative form of government. The more people that you have here, the more heads that you have here, the more thinking people you have, the more representation the people have. I assure you, if anything, we want more representation and we ought to increase the House of Representatives, not make it more professional. We are professional enough as it is today.

I would hope that you would vote for the Majority "Ought Not to Pass" Report.

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

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

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

ROLL CALL NO. 97

YEA - Adams, Aliberti, Anderson, Bell, Boutilier, Cahill, M.; Carroll, D.; Cashman, Cathcart, Chonko, Clark, H.; Coles, Constantine, Cote, Crowley, Daggett, Donnelly, Dore, Duffy, Duplessis, Erwin, Farnsworth, Farnum, Farren, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gurney, Gwadosky, Handy, Heesch, Hichborn, Hichens, Hognlund, Holt, Jacques, Jalbert, Joseph, Kerr, Ketover, Ketterer, Kilkelly, LaPointe, Larrivee, Lawrence, Lemke, Lord, Luther, MacBride, Mahany, Manning, Martin, H.; Mayo, McHenry, Melendy, Michaud, Mitchell, E.; Morrison, Murphy, Nadeau, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Pineau, Pines, Poulin, Pouliot, Powers, Rand, Reed, W.; Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Simpson, Stevens, P.; Strout, Swazey, Tammaro, Tardy, Townsend, Tracy, Treat, Vigue, Waterman, Wentworth, The Speaker.

NAY - Aikman, Anthony, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Carleton, Carroll, J.; Clark, M.; DiPietro, Dutremble, L.; Foss, Garland, Greenlaw, Hanley, Hastings, Heino, Hepburn, Hussey, Kontos, Kutasi, Lebowitz, Libby, Lipman, Look, Macomber, Marsano, Marsh, Merrill, Mitchell, J.; Nash, Norton, Ott, Parent, Pendexter, Pendleton, Plourde, Reed, G.; Richards, Richardson, Salisbury, Savage, Sheltra, Simonds, Small, Spear, Stevens, A.; Stevenson, Tupper, Whitcomb.

ABSENT - Bowers, Butland, Hale, McKeen, Skoglund.
Yes, 95; No, 51; Absent, 5; Paired, 0;
Excused, 0.

95 having voted in the affirmative and 51 in the negative with 5 being absent, the Majority "Ought Not

to Pass" Report was accepted. Sent up for concurrence.

Divided Report

Tabled and Assigned

Majority Report of the Committee on **State and Local Government** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-454) on Bill "An Act to Promote Fully Informed Legislation and Rulemaking" (H.P. 913) (L.D. 1310)

Signed:

Senators: BERUBE of Androscoggin
EMERSON of Penobscot

Representatives: KERR of Old Orchard Beach
NASH of Camden
LOOK of Jonesboro
SAVAGE of Union
GRAY of Sedgwick
WATERMAN of Buxton
KILKELLY of Wiscasset

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

Signed:

Senator: BUSTIN of Kennebec

Representatives: HEESCHEN of Wilton
LARRIVEE of Gorham
JOSEPH of Waterville

Reports were read.

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

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

Divided Report

Later Today Assigned

Majority Report of the Committee on **State and Local Government** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-455) on Bill "An Act to Improve Outdoor Lighting" (H.P. 824) (L.D. 1178)

Signed:

Senators: BUSTIN of Kennebec
BERUBE of Androscoggin

Representatives: KILKELLY of Wiscasset
JOSEPH of Waterville
HEESCHEN of Wilton
GRAY of Sedgwick
LARRIVEE of Gorham

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

Signed:

Senator: EMERSON of Penobscot

Representatives: NASH of Camden
LOOK of Jonesboro
KERR of Old Orchard Beach
SAVAGE of Union
WATERMAN of Buxton

Reports were read.

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

On motion of the same Representative, tabled pending her motion that the House accept the Majority "Ought to Pass" Report and 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. 701) (L.D. 1869) Bill "An Act Concerning Acquisition of Heating Oil Assets" Committee on **Business Legislation** reporting "Ought to Pass"

(S.P. 303) (L.D. 812) Bill "An Act to Allow for a Trailer Transit License" Committee on **Transportation** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-213)

(S.P. 453) (L.D. 1229) Bill "An Act to Increase the Fees for Licensure and Registration of Physicians and Physician Assistants and to Extend the Registration Period of Osteopathic Physicians to 2 Years" Committee on **Business Legislation** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-214)

There being no objections, the above items were ordered to appear on the Consent Calendar of Wednesday, June 5, 1991, under the listing of Second Day.

(S.P. 541) (L.D. 1439) Bill "An Act Concerning Health Insurance for Retired Teachers" Committee on **Banking and Insurance** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-216)

On motion of Representative Mitchell of Vassalboro, was removed from Consent Calendar, First Day.

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

Committee Amendment "A" (S-216) was read by the Clerk.

Representative Mitchell of Vassalboro offered House Amendment "A" (H-539) to Committee Amendment

"A" (S-216) and moved its adoption.

House Amendment "A" (H-539) to Committee Amendment "A" (S-216) was read by the Clerk.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: This amendment is simply to replace some language in the original bill which makes it clear that a replaced plan or provider has no continuing responsibility to a retired teacher.

Subsequently, House Amendment "A" (H-539) to Committee Amendment "A" (S-216) was adopted.

Committee Amendment "A" (S-216) as amended by House Amendment "A" (H-539) thereto was adopted and the Bill assigned for second reading, Wednesday, June 5, 1991.

(S.P. 646) (L.D. 1691) Bill "An Act to Assist Municipalities to Design Growth Management Strategies That Are Compatible with Rural Landscapes" Committee on **Energy and Natural Resources** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-219)

(H.P. 1196) (L.D. 1749) Bill "An Act Authorizing Changes to the Budget Process in York County" Committee on **State and Local Government** reporting "Ought to Pass"

(H.P. 1077) (L.D. 1571) Bill "An Act Relating to Level I and Level II Educational Technicians" Committee on **Education** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-477)

(H.P. 1221) (L.D. 1779) Bill "An Act to Create Special Veteran Plates and Emblems" Committee on **Transportation** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-480)

(H.P. 978) (L.D. 1421) Bill "An Act to Provide for the Regulation of Massage Therapists" Committee on **Business Legislation** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-481)

(H.P. 1089) (L.D. 1589) Bill "An Act to Conform Chiropractic Licensing Laws to Other State Regulatory Board Laws" (EMERGENCY) Committee on **Business Legislation** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-484)

(H.P. 1047) (L.D. 1520) Bill "An Act to Amend the Maine State Retirement System Laws Relating to Military Service Credits" Committee on **Aging, Retirement and Veterans** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-485)

(H.P. 641) (L.D. 915) Bill "An Act to Amend the Campaign Finance Reporting Laws" Committee on **Legal Affairs** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-489)

(H.P. 1032) (L.D. 1505) Bill "An Act to Update Certain Laws Regarding Corporations, Lobbyists and Notaries" Committee on **State and Local Government** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-491)

There being no objections, the above items were ordered to appear on the Consent Calendar of Wednesday, June 5, 1991, under the listing of Second Day.

(H.P. 1073) (L.D. 1567) Bill "An Act to Provide Identification Cards for Persons 18 to 20 Years of Age" Committee on **State and Local Government** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-492)

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

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

Committee Amendment "A" (H-492) was read by the Clerk.

Representative Joseph of Waterville offered House Amendment "A" (H-546) to Committee Amendment "A" (H-492) and moved its adoption.

House Amendment "A" (H-546) to Committee Amendment "A" (H-492) was read by the Clerk.

On motion of Representative Gwadosky of Fairfield, tabled pending adoption of House Amendment "A" (H-546) to Committee Amendment "A" (H-492) and later today assigned.

(H.P. 1042) (L.D. 1515) Bill "An Act Concerning the Sale of Surplus State Property" Committee on **State and Local Government** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-493)

(H.P. 1191) (L.D. 1744) Resolve, to Clarify a Right-of-way to Raymond H. Fickett over Property of the Department of Inland Fisheries and Wildlife Committee on **State and Local Government** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-494)

(H.P. 1058) (L.D. 1547) Bill "An Act to Ensure Preservation of Burial Grounds" Committee on **Legal Affairs** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-495)

(H.P. 1154) (L.D. 1695) Bill "An Act to Allow the Officers of a Municipality the Option to Designate the State Police as That Municipality's Issuing Authority for Concealed Weapons" Committee on **Legal Affairs** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-496)

(H.P. 1166) (L.D. 1707) Bill "An Act to Amend the Maine Uniform Accounting and Auditing Practices Act for Community Agencies" Committee on **State and Local Government** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-498)

(H.P. 1043) (L.D. 1516) Bill "An Act to Clarify Statutory Provisions Relating to Asset Forfeiture" Committee on **Judiciary** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-511)

(H.P. 1138) (L.D. 1663) Bill "An Act to Preserve the Confidentiality of Communications by Interpreters for the Deaf" Committee on **Judiciary** reporting "Ought to Pass" as amended by Committee Amendment

"A" (H-510)

(H.P. 1272) (L.D. 1843) Bill "An Act to Improve Implementation of the Maine Indian Claims Settlement Laws" Committee on **Judiciary** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-509)

(H.P. 1280) (L.D. 1850) Bill "An Act to Extend the Commission to Study the Future of Maine's Courts" Committee on **Judiciary** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-508)

(H.P. 1230) (L.D. 1794) Bill "An Act to Amend the Minimum Requirements for Emergency Medical Technicians" Committee on **Business Legislation** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-512)

(H.P. 1257) (L.D. 1825) Bill "An Act to Amend the Laws Relating to the Collection of Debts by the Department of Human Services" Committee on **Human Resources** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-513)

(H.P. 876) (L.D. 1262) Bill "An Act to Enhance Access to Financing for Health Care Facilities" Committee on **Human Resources** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-514)

(H.P. 1223) (L.D. 1781) Resolve, to Help Schools Incorporate Economic and Global Education Committee on **Education** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-515)

(H.P. 986) (L.D. 1431) Bill "An Act to Require the Department of Human Services to Certify all Septic Systems on Bodies of Water Used for Drinking Water Supplies before Requiring Filtration Systems" Committee on **Energy and Natural Resources** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-516)

(H.P. 1249) (L.D. 1816) Bill "An Act to Allow Municipalities to Request Extensions under the Growth Management Laws" (EMERGENCY) Committee on **Energy and Natural Resources** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-517)

(H.P. 1126) (L.D. 1651) Bill "An Act to Promote the Beneficial Use of Solid Waste" Committee on **Energy and Natural Resources** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-518)

(H.P. 1098) (L.D. 1597) Bill "An Act Regarding the Forest Management Plan Requirements" Committee on **Energy and Natural Resources** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-519)

There being no objections, the above items were ordered to appear on the Consent Calendar of Wednesday, June 5, 1991, under the listing of Second Day.

(H.P. 1202) (L.D. 1758) RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for the Recall of State Elective Officials Committee on **State and Local Government** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-521)

On motion of Representative Marsano of Belfast, was removed from Consent Calendar, First Day.

The SPEAKER: The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker, Ladies and Gentlemen of the House: I move that L.D. 1758 and all accompanying papers be indefinitely postponed and I request the yeas and nays.

I would like to briefly talk about what this Resolve does. It comes at kind of a curious time in the debate in this House because we have just, in this House, refused to depend upon the will of the people in choosing our Constitutional Officers and we didn't feel that they were the proper ones to make that kind of choice. Yet, if you read this bill and its attached amendment, it says that the people, the people, in fact one-third of the people, will be given the right to impeach the Governor and Constitutional Officers. The Constitutional Officers have to go through a little bit more of a process but a rather curious twist in the events of this legislature tonight and I hope that this legislature will be consistent with its previous policy of not wanting to trust the opinions of the people.

It is a curious sort of proposal that we have, particularly if you read the amendment which in reference to the Chief Executive says that one-third of the voters can petition following an election if they are dissatisfied. One-third of the voters can petition and the state and county officers (under that section) would follow the Chief Executive would be out of power and the amendment says the legislature will provide procedures to facilitate the implementation of this section. So, we really don't know what the exact rules are but one-third of the people who are disenfranchised and disgusted will allow the removal of officers. We have set up a little bit more of an elaborate procedure for taking out constitutional officers, there will be a petition from the people and 51 percent of the elected membership can decide to throw these people out.

I would like to read to you how our Constitution describes this process to this point. We have the power of impeachment right now. We have a very strong power of impeachment that is, in my mind, an effort to balance the differences between the Executive and Legislative Branch to say that it cannot be for some mere disgruntled and upset people and not so clear reasons that this power of impeachment is used. In our Constitution in our little handbook on Page 11, it says, "The House shall have sole power of impeachment." On Page 12, it talks about how the Senate has the power, after the House makes such a vote, to go through the process of a trial and by two-thirds vote of that body, then impeach.

So, I hope that given the detail with which the Constitution outlines this serious process that we will not attempt to weaken that by putting forth this Resolution that allows a far smaller representation of the people to be given the power of impeachment.

The SPEAKER: The Chair recognizes the Representative from Westbrook, Representative Lemke.

Representative LEMKE: Mr. Speaker, Men and Women of the House: I would like to respond to the remarks from the Representative from Waldo. I would preface them with some general remarks about what exactly Recall is. The gentleman made the comment that it

was a curious proposal. I do think he has some misunderstanding of exactly what the proposal entails.

I have requested the Pages to distribute to all of you a relatively short question and answer sheet which addresses a number of the issues, some of which the Representative from Waldo raised.

I would first like to say that Recall is an accepted mechanism, citizen initiated, to remove individuals who they believe have abused their office before the end of that tenure of office. It is not the same as impeachment. I believe that is a major confusion that the Representative from Waldo labors under. Recall is considerably different.

There has been a great deal of talk in this chamber tonight about accountability. This is very definitely an accountability piece of legislation. It is not new, it is not terribly radical. Someone mentioned when they first saw this that whoever proposed this must be to the left of Lenin. Well, in fact, I am to the right of Theodore Roosevelt, a great Republican which I will immediately admit. Theodore Roosevelt, not only proposed in the early Twentieth Century, Recall for all state elected officials, he proposed Recall for judges and judicial decisions. That is Teddy Roosevelt and I am not doing that.

Recall is accepted presently across-the-board by 15 states and in some form or another by 36 states of the Union. The first Recall enacted was in 1903 on the municipal level and in 1908 on the state level. So, a lot of concerns that have been surfaced over the years we have an historical track record, if you will, to test whether or not this mechanism is so dangerous or destabilizing or curious as it might seem at first blush. I can assure you on the basis of considerable research into this matter, as well as checking with all of the various states that have such statutes on the books, that this is actually a moderate, practical, reasonable, method for ascertaining accountability and this bill is so drafted that it not only does that, but it also protects office holders from abuse.

One of the concerns I believe the gentleman from Waldo raised addressed this, where he said something about, we don't want something "where mere disgruntled people" can remove people from office. The fact of the matter is that, as drafted, this bill would preclude that type of thing from happening because you may vote one way or another on a particular piece of legislation or people in your district may be unhappy about this or that, as this is drafted, they cannot go through the first petition process, let alone get it to ballot. There are two types of Recall, ladies and gentlemen, in the United States, one model is the state of California which allows Recall for any reason. Petitions can be initiated, ballots can be taken on it for any reason. There is another model in the state of Washington, which is more restrictive, which safeguards against frivolous use of the Recall. This bill is patterned upon that state's provisions.

Recall must be on the basis of malfeasance, misfeasance or violation of oath in office, specifically. Now there are a few problems regarding numbers also in the statement from the gentleman from Waldo. This does not say that 35 percent of the people in any jurisdiction, if they are disgruntled, can remove someone. What it does say is that if 35 percent of the individuals who voted in the last previous election for the office involved signed

petitions calling for Recall, accompanied by a statement of 200 words or less, which must be restricted to the areas I mentioned and then, if the Secretary of State or the particular jurisdictional officer validifies those signatures, then a Recall election will be held, that you vote up or down, by a majority, not by a third, but by a majority, whether an individual will remain in office or not. At the time of that election also, it must be accompanied by a statement on the ballot of the reasons for Recall and also the individual who is the subject of that Recall will also have a statement accompanying.

There are a number of studies and I don't mean to bore you with it but I will be more than willing if you request but there are a number of studies that indicate that these are major safeguards that work against Recall being abused (1) that you have a high threshold of people who signed the petition to begin with. There is a wide variety. The state of California demands 12 percent, the state of Kansas, the highest, 40 percent. This would establish the second highest threshold in the nation. Practically all states that have this require in the range of 20 to 25 percent and there are plenty of studies that indicate that there is a direct correlation between the petition threshold and the misuse of this. It has a very high threshold in this particular bill. I want to stress, at the risk of being redundant, that the 35 percent threshold, high in itself, is not what sets up and removes an individual from office. That is a misapprehension that perhaps the gentleman from Waldo was operating under.

I have handed out this material and I think I will hold off now unless there are more specific questions. I could go through step by step how Recall works but I would like to move on to some of the other questions or concerns which seemed to have been raised by the gentleman from Waldo.

Again, I believe there is a confusion between impeachment, which is a procedure allowed under the Constitution that we participate in and Recall, which allows the citizenry as a whole to participate, so rather than downgrading democracy or participation as the implication was, the Recall would do precisely the latter. The Recall would be much more democratic (and many believe it to be) than impeachment.

A number of individuals think that the Governor of Arizona was Recalled. The fact of the matter was that he was impeached by the State Legislature of Arizona, a Recall election which had been scheduled was then called off and, interestingly enough, the Governor of Arizona wanted that Recall election because he believed that Recall was far more democratic and gave him a better chance with the public than what he considered to be the partisan usage of the impeachment process. By the way, ladies and gentlemen, a major criticism of impeachment is that it tends to be overly partisan.

I cannot let pass the statement about that we already have impeachment provisions which, by the way, do not apply to as many individuals or officers as this bill does. But to say that the present impeachment provisions are enough, recent studies or any check of our Constitution, will show you that impeachment procedures are very vaguely and ambiguously stated. The mechanism is stated but the grounds for impeachment and the procedure is not well defined in the State Constitution of Maine.

As far as application to constitutional officers — it was felt by the State and Local Government

Committee, and I agreed, that the Resolution as initially drafted, which applied to the Governor and Legislature, should apply more expansively to be fair. Given the present constitutional structure that we have and method of election, and the legislature does elect constitutional officers and it was decided to also include constitutional officers, I would stress that the threshold there is not 35 percent. I understand fully the abuse if it was 35 percent that might be possible; instead it is a majority to call a convention as we do constitutionally to then deal with that matter.

I would also add, perhaps the gentleman from Waldo added it, and I will be repetitious, this bill also includes county officials. That would mean county commissioners and what have you, so it is a bill that is intended to be as fair and as equitable as possible. It allows the principles of accountability but, at the same time, it is drafted in a way to protect officer holders from abuse.

I would make one final statement, which I suppose is self-evident, but this is not a partisan bill. This bill was voted out unanimously by all the Republicans on the State and Local Government Committee as well as Democrats and, in operation, Recall has never been Democratic with a big D or Republican with a big R, it has always been democratic with a small d.

I urge the members of the House to support L.D. 1758 and I urge you to oppose the motion to indefinitely postpone this bill.

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

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

The SPEAKER: The pending question before the House is the motion of Representative Whitcomb of Waldo that L.D. 1758 and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 98

YEA - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Carroll, J.; Donnelly, Duplessis, Farnum, Farren, Foss, Garland, Greenlaw, Hanley, Hepburn, Hichens, Kutasi, Lebowitz, Libby, Lipman, Look, Lord, MacBride, Manning, Marsano, Marsh, Merrill, Murphy, Norton, Ott, Parent, Pendexter, Pendleton, Pines, Reed, G.; Reed, W.; Richards, Ruhlin, Salisbury, Small, Stevens, A.; Stevenson, Strout, Tardy, Tupper, Whitcomb.

NAY - Adams, Aliberti, Anthony, Bell, Boutilier, Cahill, M.; Carleton, Carroll, D.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gurney, Gwadosky, Handy, Hastings, Heeschen, Heino, Hichborn, Hوجلund, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Ketterer, Kilkelly, LaPointe, Larrivee, Lawrence, Lemke, Luther, Macomber, Mahany, Martin, H.; Mayo, McHenry, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Nash, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pfeiffer,

Pineau, Plourde, Poulin, Pouliot, Powers, Rand, Richardson, Ricker, Rotondi, Rydell, Saint Onge, Savage, Sheltra, Simonds, Simpson, Spear, Stevens, P.; Swazey, Tammaro, Townsend, Tracy, Treat, Vigue, Waterman, Wentworth, The Speaker.

ABSENT - Bowers, Butland, Hale, Kerr, Kontos, McKeen, Skoglund.

Yes, 48; No, 96; Absent, 7; Paired, 0; Excused, 0.

48 having voted in the affirmative and 96 in the negative with 7 being absent, the motion did not prevail.

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

Committee Amendment "A" (H-521) was read by the Clerk and adopted and the Resolution assigned for second reading Wednesday, June 5, 1991.

(H.P. 996) (L.D. 1445) Bill "An Act Concerning Snowmobile Registration Fees" (EMERGENCY) Committee on Fisheries and Wildlife reporting "Ought to Pass" as amended by Committee Amendment "A" (H-522)

(H.P. 1186) (L.D. 1729) Bill "An Act Relating to the Maine Criminal Justice Commission" Joint Select Committee on Corrections reporting "Ought to Pass" as amended by Committee Amendment "A" (H-523)

(H.P. 1228) (L.D. 1792) Resolve, to Postpone the Adoption and Implementation of the BOCA Plumbing Code by the State (EMERGENCY) Committee on Business Legislation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-524)

(H.P. 279) (L.D. 399) Bill "An Act to Effect Cost Savings and Ensure Worker Safety by Implementing Sexual Harassment Education and Training in the Workplace" Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-527)

(H.P. 1105) (L.D. 1604) Resolve, to Create a Commission to Study the Need for a Technical College in York County (EMERGENCY) Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-528)

There being no objections, the above items were ordered to appear on the Consent Calendar of Wednesday, June 5, 1991, under the listing of Second Day.

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

CONSENT CALENDAR

Second Day

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

(S.P. 196) (L.D. 505) Bill "An Act to Encourage

Electric Utility Efficiency and Economical Electric Rates" (C. "A" S-203)

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.

(S.P. 203) (L.D. 530) Bill "An Act to Amend the Fair Credit Reporting Laws" (C. "A" S-199)

On motion of Representative Sheltra of Biddeford, was removed from the Consent Calendar, Second Day.

On motion of the same Representative, tabled pending acceptance of the Committee Report and specially assigned for Wednesday, June 5, 1991.

(S.P. 329) (L.D. 885) Bill "An Act to Establish a Northern Maine Regional Juvenile Detention Facility" (C. "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 (C. "A" S-200)

(S.P. 411) (L.D. 1125) Bill "An Act to Amend the Disability Provisions of the Maine State Retirement System Laws" (C. "A" S-204)

(S.P. 596) (L.D. 1581) Bill "An Act to Improve the Administration of the Engineering Registration Laws" (C. "A" S-197)

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. 601) (L.D. 1605) Bill "An Act to Amend the Laws Governing Warning Notices Posted by Sellers of Firearms at Trade Shows" (C. "A" S-198)

On motion of Representative Melendy of Rockland, was removed from the Consent Calendar, Second Day.

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

Representative MELENDY: Mr. Speaker, Men and Women of the House: I move that this bill and all accompanying papers be indefinitely postponed.

I realize that this is a full Committee Report; however, I do want to tell you that this bill is a chance to water down a bill that was severely watered down in the last session when we tried to address a gun safety measure. These trade shows are where people are shopping for guns and many would be first-time buyers. These are the very people who ought to be seeing the signs, preferably over and over and over again. I hope that you vote yes for the indefinite postponement.

I request a Division.

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

Representative GRAHAM: Mr. Speaker, Men and Women of the House: I am on the Business Legislation

Committee and I hate very much to stand up and speak in opposition to my very dear friend from Rockland, Representative Melendy. The bill that came to us would have required a separate notice at each vendor's table at a gun show and if you have ever been to one at your local Armory as we had in Houlton, there are quite a few vendors and that would be quite a few signs and that is really not a problem, I guess, for each of them to put a sign up. The aspect of seeing that sign over and over and over again, as Representative Melendy has suggested, we looked at it (unanimously) as the opposite happening, that people would become deadened to the signs by seeing them over and over and over again. They would just ignore them and reach past them and not pay attention.

We had several people on the committee who were very interested in making firearms safer and the handling of them and that notices be posted at every entrance in bold type on a rather large sign so when people entered, they will know that firearms are to be handled properly and some of the cautions to surround them. We thought the amendment was a very good one and would serve the purposes that Representative Melendy is seeking to achieve so I would ask you to vote against the indefinite postponement of this bill and its papers because I think it is a step in the direction that we all want to be taking.

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

Representative STEVENS: Mr. Speaker, Men and Women of the House: I also would like to have you vote against indefinite postponement because we put quite a lot of time into this and I think everybody was content with what came out of the committee.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the Representative from Rockland, Representative Melendy, that this bill 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.

7 having voted in the affirmative and 100 in the negative, the motion did not prevail.

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

Committee Amendment "A" (S-198) was read and adopted and the Bill assigned for second reading Wednesday, June 5, 1991.

(H.P. 846) (L.D. 1212) Bill "An Act to Amend the Laws Governing Motor Vehicles" (C. "A" H-439)

(H.P. 1109) (L.D. 1634) Bill "An Act Regarding Doe Permits" (C. "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" (C. "A" H-442)

(H.P. 1156) (L.D. 1697) Bill "An Act to Encourage Increased Investment and Employment in the State" (C. "A" H-443)

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

(EMERGENCY) (C. "A" H-444)

(H.P. 1203) (L.D. 1759) Bill "An Act to Amend the Specific Line Budgets for School Districts" (C. "A" H-445)

(H.P. 1164) (L.D. 1705) Resolve, to Establish the Commission to Study the Feasibility of a Capital Cultural Center (EMERGENCY) (C. "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" (C. "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" (C. "A" H-446)

(H.P. 773) (L.D. 1105) Bill "An Act to Encourage Students to Register and Vote" (C. "A" H-452)

(H.P. 859) (L.D. 1225) Bill "An Act Relating to Ordinary Death Benefits under the Maine State Retirement System" (C. "A" H-450)

(H.P. 762) (L.D. 1096) Bill "An Act to Improve Services to At-risk, Pregnant and Parenting Teens" (C. "A" H-449)

(H.P. 1056) (L.D. 1545) Bill "An Act to Provide Training for Long-term Care Facilities Personnel" (C. "A" H-448)

(H.P. 1311) (L.D. 1897) Bill "An Act to Increase the Borrowing Authority of the Jackman Water District"

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

(H.P. 1026) (L.D. 1499) Bill "An Act to Improve Motorcycle Driver Education" (C. "A" H-457)

On motion of Representative Macomber of South Portland, was removed from the Consent Calendar, Second Day.

On motion of the same Representative, tabled pending acceptance of the Committee Report and specially assigned for Thursday, June 6, 1991.

(H.P. 990) (L.D. 1435) Bill "An Act to Clarify Use of Motor Vehicle Auxiliary Lights and Emergency Signals" (C. "A" H-458)

(H.P. 872) (L.D. 1258) Bill "An Act to Provide for Equal Opportunity within the Maine Turnpike Authority" (C. "A" H-459)

(H.P. 822) (L.D. 1176) Bill "An Act Regarding Vanity Plates for Automobile Dealers" (C. "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" (C. "A" H-463)

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

(H.P. 1247) (L.D. 1814) Bill "An Act to Amend the Provisions Regarding Post-judgment Interest" (C. "A" H-462)

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

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

Committee Amendment "A" (H-462) was read.

Representative Paradis of Augusta offered House Amendment "A" (H-532) to Committee Amendment "A" (H-462) and moved its adoption.

House Amendment "A" (H-532) to Committee Amendment "A" (H-462) was read by the Clerk and adopted.

Committee Amendment "A" (H-462) as amended by House Amendment "A" (H-532) thereto was adopted and the bill assigned for second reading Wednesday, June 5, 1991.

(H.P. 662) (L.D. 941) Bill "An Act to Amend the State's Statute of Frauds" (C. "A" H-465)

(I.B. 2) (L.D. 720) Bill "An Act to Enact the Passenger Rail Service Act" (C. "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" (C. "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) (C. "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" (C. "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) (C. "A" H-473)

(H.P. 1288) (L.D. 1858) Bill "An Act to Create the Board of Barbering and Cosmetology" (EMERGENCY) (C. "A" H-472)

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

PASSED TO BE ENGROSSED

As Amended

Resolve, to Establish the Commission on Electric Utilities and Long-range Energy Production Planning (EMERGENCY) (S.P. 292) (L.D. 774) (S. "A" S-220 to C. "A" S-205)

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

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Require that Staff Management Companies Register with the State" (H.P. 704) (L.D. 1008) (C. "A" H-438)

On motion of Representative Sheltra of Biddeford, the House reconsidered its action whereby Committee Amendment "A" (H-438) was adopted.

The same Representative offered House Amendment "A" (H-543) to Committee Amendment "A" (H-438) and moved its adoption.

House Amendment "A" (H-543) to Committee Amendment "A" (H-438) was read by the Clerk.

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

Representative SHELTRA: Mr. Speaker, Ladies and Gentlemen of the House: All this does is correct a mistake that was made earlier. In the original bill, the word "may" was used and in the amendment the word "shall" is used so we are just reverting it back to the word "may."

Subsequently, House Amendment "A" (H-543) to Committee Amendment "A" (H-438) was adopted.

Committee Amendment "A" (H-438) as amended by House Amendment "A" (H-543) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-438) as amended by House Amendment "A" (H-543) thereto and sent up for concurrence.

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Increase the Penalty for Failure to Secure a Child with a Seat Belt" (H.P. 1101) (L.D. 1600) (C. "A" H-456)

Bill "An Act to Prevent Financial Gain by Convicted Drug Offenders" (H.P. 969) (L.D. 1410) (C. "A" H-464)

Bill "An Act to Prohibit the Use of Stickers on Trespassing Motor Vehicles" (H.P. 1004) (L.D. 1472) (C. "A" H-451)

Bill "An Act to Encourage Waste Reduction and Recycling" (S.P. 613) (L.D. 1617) (C. "A" S-210)

Were reported by the Committee on Bills in the Second Reading, read the second time, the Senate

Papers were Passed to be Engrossed as Amended in concurrence and the House Papers were Passed to be Engrossed as Amended and sent up for concurrence.

SECOND READER

Later Today Assigned

Bill "An Act to Promote the Emotional Health of Children During Periods of Stress" (H.P. 210) (L.D. 301) (H. "A" H-478 to C. "A" H-407)

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

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

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

It is with some difficulty that I get up today to postpone a bill with a title such as "An Act to Promote the Emotional Health of Children During Periods of Stress." I do feel, however, that there are times when we have to allow some options to take place, we have to allow people to make some decisions for themselves.

This bill would require in a pilot project in three counties that people who were filing for divorce with minor children to attend a four hour session program on dealing with their children during this particular difficult time. I would have no problem with this legislation if it were an option, if it were something that people were required to be informed that this program was, in fact, available or if it were something that the judge could order but did not have to order, it would not be a requirement of everyone. Certainly divorce is a very difficult and stressful time for children. It is a very difficult and stressful time for adults.

I think it is important, however, that we understand that there are times when things are more difficult for some people and less difficult for other people. There are circumstances such as abuse in which women in particular would find it very difficult to deal with some of the issues that would be before them if their spouse were, in fact, sitting through the same course. There are waivers that you can apply for in those situations. House Amendment "A" talks about waivers if you have gotten the information from another source, if there is a lack of transportation, lack of child care, the distance of the residence from the program site or other factors that would cause attendance to be an excessive burden on the party to the case or in other circumstances where it would not further the process of assisting the children nor to have someone be there.

Again, I would urge that if we are going to do this kind of thing that we ought to do it as an option, that we have, in some ways, gone too far in terms of the hoops that we make people go through on a daily basis in all aspects of their lives.

One of the things that has concerned me, and I am sure many of you have gotten calls, is the DEEP Program in which we bought something that was almost too good to be true, in which where someone was

picked up for driving under the influence, they go through a counseling program and "all is right with the world." It doesn't happen and we have all gotten a lot of calls on that program. My concern is that something like this can turn into a similar program, a similar thing in which folks are just feeling like "there goes the legislature one more time saying we must do this." I, for one, have a very difficult time in this situation saying to my constituents or other people in this state that you must do this. I don't have a difficult time saying to judges, "Sure, if there is a problem, if people are having a difficult time dealing with the needs of their children and people can't come to an agreement, then by all means, say that they must go through this kind of a program but don't say it to everyone."

I would urge you to support the motion to indefinitely postpone this bill.

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

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: I want to first explain that in this state as all states in the United States, divorce is totally statutory, that is to say, there is no common law of divorce, it is what we put into the statutes that sets forth how divorces shall take place.

From my point of view, the primary concern going through divorce, in the way that we set the laws, are to be the well being of the children. This bill is an effort to address that.

It has been said that we shouldn't be requiring this of people — well, let me point out that we require lots of things of people going through divorce already, we require you to come in and state in public a reason, to give formal notice, we require that you pay filing fees, we require that you list all of your property on a document and submit it as a public record in court and we require you to go through mediation. We require you to provide a copy of your tax return to the mediator and to the other party. We require a statement of income, assets, and liabilities and that is presented to the judge in order to set child support. Why do we require these things? Because we believe in this state, thank goodness, that children are our special charge when people go through divorce.

We have learned over the years that children need not to be caught in the middle, and if they are caught in the middle, they suffer an extreme amount of stress. We have learned from national studies that, unfortunately, far too many children feel caught in the middle and suffer problems later in life on account of it. By the most recent account, probably one-third of all children suffer significant problems resulting from tugging and pushing in the cross fire involved in divorce so we have developed this program. I shouldn't say that we developed it, it was developed in Cobb County, Georgia and, in fact, what happened is a group of people set up this program with lawyers, judges, mediators trying to brainstorm — how can we make divorce go better for children and particularly for some of the children that they see getting severely hurt in the divorce process? They started to look around and they came across this program in Cobb County, Georgia where over 5,000 individuals have been required to go through a similar program. What they found is that 94 percent of those who went through, not only those

who wanted to go through but those who had to go through, 94 percent found it to be beneficial. The judges down there liked it, the lawyers liked it, the battered women's shelters liked it and it made sense so we want to try it out so we developed this pilot project. Why should it be mandatory? Because those people who need this the most won't go to a voluntary program. It is an effort to see if, in fact, getting people who need this information how best to help their children through a divorce so they are not hurt by it, it is an effort to make those people go to a program unless they find it financially too burdensome and it is anticipated that 20 percent would have the fee waived or unless they get the information elsewhere or unless there is some other reason why it would simply be too burdensome for them to do and that is why the House Amendment was put on, as the good Representative from Wiscasset pointed out. It is an effort to see if this, in fact, will help here as much as it has helped in Cobb County, Georgia.

There already is a program in place on a voluntary basis and the results are very favorable but we want to try this on a mandatory basis in three southern most counties because that is where there is already in place people to teach the program, the people to organize the program and already the judges and so on are tuned into it. We want to see if it works, that is all we want to do. We put a sunset on the bill, it has been suggested that this might be like the DEEP Program — if it is like the DEEP Program and doesn't turn out to be effective, then there will be a report to the legislature and this legislature can abandon it but we want to try this out. We feel that it makes good sense in Georgia, it makes good sense in the State of Maine where it has been tried and we want to see if this will be a mandate that will be for the children, not for the parents. It will help the parents to help their children but really this is to help those kids so the statistics here will be better than they are nationwide.

I urge you to vote against this motion to indefinitely postpone this bill.

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

Representative HOLT: Mr. Speaker, Men and Women of the House: I feel particularly sorry to speak in favor of this motion to indefinitely postpone this bill and all its accompanying papers, coming to us as it does from the good Representative who spoke for it just now, Representative Anthony, and the people who are bringing this bill to us are people with whom I most frequently agree wholeheartedly in their care and concern for the people of our state.

There is an emergency on this bill. I think they feel there is some haste to get this enacted, I am not exactly sure, but of course many of us share their concerns for the emotional health of children. Now the idea behind this bill is a good one but the fact of its mandation is, to my mind, not only discriminatory, but to some extent, demeaning to divorcing families. I speak to you as one who has been a visiting nurse, has seen many, many families in distress and ran a school for ten years with my family and others in which most of the children were from divorced families, single parent children, and I know some of their problems very intimately. Have I seen this in my own family? Yes indeed, I have, in siblings of mine and I know the pain of which you

speak, people who are for this bill.

However, why is it discriminatory? As a retired nurse, I know and you know as well, that we must think of all the suffering families out there. There are families in which violence occurs daily or debilitating punishments take place daily, ignominious treatment takes place daily and emotional damage is done to children daily. In those families, there may never be a divorce and why is it, to my mind and to some extent, demeaning? Because I think we have to realize we are not offering choice here and there is no freedom here to choose in certain circumstances whether or not we shall be taught by trainers and social workers and other people how to deal with one's childrens stress, in a four hour session or not. Now help is offered to us in many ways and help offered to us that we may choose is one thing but help forced upon us is another. Rarely is forced help beneficial. The forced help situation could actually cause more stress in a divorcing family and more anxiety for children.

I believe wholeheartedly the way for states to deal with this problem is keep encouraging education in parenting, in parenting that helps nurture happy and healthy individuals and to deal with responsibilities of bearing and rearing children.

As for this bill, I feel that we might as well require passing a test and getting a license to have children in the first place. In spite of the good intentions behind this bill, I fear that its mandatory nature springs rather from a need to raise money to pay for the program than anything else. I am unable to vote for it and impelled to speak thus against it. I must say that I believe wholeheartedly we endure far too much "big brother" and "big sister knows best" in our democracies already.

When the vote is taken, I request a roll call.

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

Representative BARTH: Mr. Speaker, I request permission to pose a question through the Chair.

To someone on the committee, I noticed in the amendment that it says a fiscal note should be attached to this bill but I don't see where that is. Can anyone enlighten me?

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

The Chair will respond since I just looked at the Committee Amendment and it says that the cost will be absorbed within the judicial budget.

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

Representative DIPIETRO: Mr. Speaker, Men and Women of the House: This must be a blue ribbon day in the House today, I have been here for three years and I don't think I have ever agreed with my fellow South Portlander, Representative Anthony, but today I will support his bill. I think this is a great bill and I think this is a bill that is going to help the kids. This is for nobody else but the children. I talked to several people about this bill and I honestly and truly think that each and everyone of you should think very seriously before you vote.

Brother Cushman, I will support you.

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

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

My question is whether it is legal to charge

different amounts to people obtaining a divorce in different parts of the state?

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

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

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: In response to the question, I would say that what this bill does is it gives the court rulemaking authority. Actually courts do have the power to assess different filing fees even. We talked about that in Judiciary in regard to small claims — this does not assess a different fee to one person over another. What it does is require a person to attend the course. The course does have a fee attached to it and if the person can't afford it, then the fee could be waived.

I would go on and answer the other question that was raised and that is, this proposal is designed to be totally self-supporting. People would pay a \$30 fee for attendance or if they couldn't afford it, it could be waived either by the administrator of the program or by a judge. At the selection, you could ask either person to waive the fee. The original bill, if you look at it, specifically provides that no state funds that will be used to run this program.

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

Representative DORE: Mr. Speaker, I would like to pose a question.

Could I ask that the Clerk read the Committee Report?

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

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

Representative MARSANO: Mr. Speaker, Men and Women of the House: I want to speak on this bill this afternoon because, ever since I first saw it on the calendar, I have been apprehensive about it and I do not share the enthusiasm of Representative DiPietro nor his friend and colleague, Representative Anthony. I do speak only as a small town lawyer from Belfast who does some domestic relations work and has a great fear for what this bill could portend for people throughout the state if the idea should become accepted.

I share the views that were stated by Representative Kilkelly. I suppose that she finds me an unlikely ally and I hope it will not hurt her cause because I think this afternoon she is right and I am glad she took the time and made the effort to speak against the bill which I will also oppose and, therefore, will vote for the motion.

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

Representative FARNSWORTH: Mr. Speaker, Men and Women of the House: I speak as a small town lawyer from the city of Hallowell. I think that most people in this House are united in their concern for children, probably united in their awareness of the pain that divorce brings and the concern has to do with whether or not this is a good idea to have this program. I am extremely supportive of this program having seen a presentation by people from Georgia about how the program operated there and also having spent some time before this came to the legislature with some of the people who worked to put the program

together here.

I just wanted to point out that I understand people's fears about this, but I really believe from my own experience personally with friends and with my law practice, that people who are going through a divorce have all they can handle to deal with their own feelings and cope with the practical changes that that brings. The reason that 100 percent of the people who attended the voluntary program said that they found the program helpful and 98 percent said they would recommend it to somebody else was because people are hungry for help in coping with the feelings of their children, the problems that their children are going through and this program provides one thing for them and that is information. It is not mandating what you do with your children or what decisions you make, it just gives information about what the children are going through and about various methods and resources for dealing with those problems.

The reason that I think it is totally appropriate for us to consider requiring people to do this is the consequences for society are documented and established in that children going through divorce have very predictable difficulties, no matter what the family circumstances are. Those consequences often translate into drug problems, into truancy, into all kinds of other difficulties. For a few hours of providing helpful information to people at a time when they really need it, I think it is well worth it as a preventive measure and that is the reason I feel very strongly in favor of this bill. I think that the sunset would afford us the protection if, in fact, the worst fears of people who are concerned about it come to pass.

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

Representative GEAN: Mr. Speaker, Men and Women of the House: I would like to agree with the majority of the attorneys in this body, with one lone exception in admitting that this is a tremendous idea. It is something that is needed, yet the vehicle presented here is absolutely the wrong way to approach it.

I would like for you to join with me in trying to kill this bill as presently presented. What it does primarily, as pointed out by Representative Holt, is discriminate against poor people. The way it does that is by requiring that they pay a \$30 fee to get into this information sharing program. The majority of people who will participate in this, I would most honestly bet with you, will be low-income people. Others will figure out how to meet most of the waiver requirements. Those people do not have \$30 to pay.

The fact that it has been identified as being very successful on a voluntary basis makes good sense, that people who choose to participate in anything usually do well. They do not do nearly as well when they are forced to do it at a time in their life when the last thing they want to do is have to do what somebody else is telling them to do. The only way to get the waiver, if you are a low-income person, is to prove that you are poor, not prove that you are capable, not prove that you care about your children, but to prove by all of our economic standards, that you failed in this society. You have to prove that you are poor and that is a terrible thing. Please join me in killing this bill.

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

Representative DORE: Mr. Speaker, Men and Women

of the House: With all due respect to the good Representative from Alfred, Representative Gean, I would like to point out that if we don't have a mandatory program with high attendance, we don't have the necessary funds to subsidize those people who need the program and don't have the dollars to participate.

I was one of a very few Representatives who went to see the Cobb County presentation. We were all, you may remember, invited by Representative Anthony last Spring. When we get out of here, it is very hard to make time to do additional legislative duties and I understand that. It is overwhelmingly supported in Cobb County, Georgia. It has a nine to three Committee Report. It isn't going to require additional state dollars. It is good for children and the reports that I have read and in listening to the presentation and the materials I picked up there, indicate that it increases the cooperation, the child support payments, the participation in the child's life in a non-hostile and consistent manner on the part of the non-custodial parent. It teaches people how to cooperate around the kids.

We all go door-to-door every year, so you know what I know, 50 percent divorce rate isn't 50 percent everywhere except in my district. Mine is one of the counties in the pilot and I am really pleased that mine is one of the counties in the pilot and I am not at all worried about people being uncomfortable about participation in the program. I think it is going to cost them fewer attorney dollars and it is going to mean a smoother transition for the children. With a 50 percent divorce rate, which is the reality that we live with, if we can do something to make life a little easier for the children, then that is what we should be doing here.

Somebody expressed a concern about the legislature telling people who were getting a divorce that you must attend a course. By the way, this is not group therapy, this is a course, a four hour course. Somebody expressed a concern about the legislature telling people who were getting a divorce that they must attend something. Well, it won't be our role if we allow the pilot program to exist, it is judges. Judges do a lot of "you musting" around the time of a divorce. Here is one "you must" that has nothing to do with money or assets or property, here is a "you must" that has to do with take care of how kids experience this very traumatic process.

I hope that you will vote against the indefinite postponement and vote to support this piece of legislation.

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

Representative KETOVER: Mr. Speaker, Ladies and Gentlemen of the House: I rise in hope that maybe somebody will table this piece of legislation. I hear mixed feelings in this body. I hear, yes, they are in favor of the intent of this piece of legislation, yet we don't like maybe some of the parts of this legislation.

Ladies and gentlemen, I got calls from some constituents and I don't know if any of you have been through a divorce but it is hell. What it is like for an adult is not very pleasant, but what it is like for a child is far worse. Nothing can be worse than being torn apart by two parents dealing with adversarial problems, hatred, anger — all those horrible things that one goes through with a divorce. When you are young, you don't understand

those problems. What this does — it has only four hours attached to it, I wish it was longer to be honest. Thirty dollars, yes, that is a concern for people who are low-income but that can also be waived. If that is the problem, then I think we should table this bill to find out if there is another way that we can pass this piece of legislation.

You know we always hear, "the walking wounded" — that is the child, that is the child who is walking around with hidden problems that we do not know about when a divorce is going on. I would hope that you would pass this in the best interest of the child, because this is something that we need to do.

We do not have a family court system in the State of Maine. I wish we had that. I have tried for years. I would hope that this would be a little bit of a start to help mend some of those problems for these young people.

What I hope you would do is table this and let's try to work something out.

On motion of Representative Mayo of Thomaston, tabled pending the motion of Representative Kilkelly of Wiscasset that L.D. 301 and all accompanying papers be indefinitely postponed and later today assigned. (Roll Call requested)

PASSED TO BE ENGROSSED

As Amended

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) (S. "A" S-186)

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

ENACTOR

Emergency Measure

Tabled Unassigned

An Act to Ensure Adequate Resources for Energy Assistance Programs for Low-income Households (S.P. 319) (L.D. 857) (C."A" S-174)

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

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

Representative CLARK: Mr. Speaker, I request that someone from the right hand corner have this tabled Unassigned.

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Include Radiology in the Medical Liability Demonstration Project (S.P. 495) (L.D. 1333) (C. "A" S-177)

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Increase the Collection of Child Support Payments (H.P. 800) (L.D. 1146) (C. "A" H-342)

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Establish Municipal Cost Components for Services to be Rendered in Fiscal Year 1991-92 (H.P. 933) (L.D. 1353) (C. "A" H-344)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 115 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act Concerning Tax Anticipation Notes for Fiscal Year 1991-92 and the Maine Rainy Day Fund (H.P. 1301) (L.D. 1882) (H. "A" H-377)

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Allow Relicensing of an Existing Biomedical Waste Facility (S.P. 15) (L.D. 3) (C. "A" S-162)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 122 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Amend the Severance Pay Laws (S.P. 84) (L.D. 157) (C. "A" S-159)

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

Representative Marsano of Belfast requested a roll call vote on enactment.

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

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

The SPEAKER: The Chair recognizes the Representative from Poland, Representative Aikman.

Representative AIKMAN: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will vote against this bill. This bill rewrites the Maine Severance Pay Law and changes well established legislative intent by requiring the previous employer incur the severance pay obligation of a prior owner.

On March 27th, the Maine Law Court decision which ruled that Maine Severance Pay Statute does not apply to employers who have owned a company for less than three years. This provided acquiring companies with a three year window of opportunity to attempt to revitalize a company without the threat of expensive severance pay obligation.

Since 1975, employers have been obligated to pay severance pay to employees with three or more years of employment with that employer. This law intentionally and expressively exempts from severance pay obligation purchases of troubled businesses as a direct incentive to stimulate those types of acquisitions. There would be little, if any, incentive for anyone to purchase the assets of a troubled company knowing that all severance pay and obligations would be transferred to the new entity.

This bill will discourage anyone from attempting to purchase and revitalize troubled Maine businesses. I urge you to vote against this enactment of this bill. It will send the wrong message to the business community and especially during tough economic times like these.

The SPEAKER: A roll call has been ordered. The pending question is passage to be enacted. Those in

favor of that motion will vote yes; those opposed will vote no.

ROLL CALL NO. 99

YEA - Adams, Aliberti, Anthony, Bell, Cahill, M.; Carroll, D.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Crowley, Daggett, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gurney, Gwadosky, Handy, Heeschen, Hichborn, Hogle, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Ketterer, Kilkelly, Kontos, LaPointe, Lawrence, Lemke, Luther, Macomber, Mahany, Manning, Martin, H.; Mayo, McHenry, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Nadeau, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Powers, Rand, Richardson, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Sheltra, Simonds, Simpson, Stevens, P.; Swazey, Tamaro, Townsend, Tracy, Treat, Waterman, Wentworth, The Speaker.

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

ABSENT - Bailey, H.; Boutilier, Bowers, Butland, Hale, Hichens, Kerr, Larrivee, McKeen, Morrison, Skoglund.

Yes, 86; No, 54; Absent, 11; Paired, 0; Excused, 0.

86 having voted in the affirmative and 54 in the negative with 11 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act Regarding Survivor Benefits in the Event of Divorce and Remarriage (S.P. 396) (L.D. 1072) (C. "A" S-161)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 122 voted in favor of the same and 4 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

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

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

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Address Budgetary Concerns of the Maine Athletic Commission and to Deregulate Certain Aspects of the Sport of Wrestling (H.P. 703) (L.D. 1007) (C. "A" H-314 and H. "A" H-338)

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

PASSED TO BE ENACTED

Emergency Measure

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

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 115 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

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

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 114 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENGROSSED

Emergency Measure

An Act to Clarify Board Membership Qualifications

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

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

On motion of Representative Sheltra of Biddeford, under suspension of the rules, the House reconsidered its action whereby L.D. 1316 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-312) was adopted.

The same Representative offered House Amendment "A" (H-376) to Committee Amendment "A" (H-312) and moved its adoption.

House Amendment "A" (H-376) to Committee Amendment "A" (H-312) was read by the Clerk and adopted.

Committee Amendment "A" (H-312) as amended by House Amendment "A" (H-376) thereto was adopted.

The Bill passed to be engrossed as amended by Committee Amendment "A" (H-312) as amended by House Amendment "A" (H-376) thereto in non-concurrence and sent up for concurrence.

PASSED TO BE ENACTED

Emergency Measure

An Act to Amend the Charter of the Gray Water District (H.P. 976) (L.D. 1419) (H. "A" H-419 to C. "A" H-260)

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

PASSED TO BE ENACTED

Emergency Measure

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

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 109 voted in favor of the same and 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

ENACTOR

Emergency Measure

Later Today Assigned

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

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

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

FINALLY PASSED

Emergency Measure

Resolve, to Create the Commission to Study a Long-term Disability Program for the Maine State Retirement System Members (S.P. 288) (L.D. 770) (C. "A" S-171)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 108 voted in favor of the same and 1 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

FINALLY PASSED

Emergency Measure

Resolve, Concerning Reauthorization of the \$12,000,000 Bond Issue for Sewer Treatment Facilities (S.P. 586) (L.D. 1539)

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. 101 voted in favor of the same and 14 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

ENACTOR

Emergency Measure

(Reconsidered)

Resolve, to Establish a Commission to Investigate Census Data Irregularities (H.P. 1310) (L.D. 1892)

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

On motion of Representative Mayo of Thomaston, under suspension of the rules, the House reconsidered its action whereby L.D. 1892 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-544) and moved its adoption.

House Amendment "A" (H-544) was read by the Clerk and adopted.

The bill was passed to be engrossed as amended by House Amendment "A" (H-544) in non-concurrence and sent up for concurrence.

PASSED TO BE ENACTED

An Act to Provide Funds for Women with Substance Abuse Problems (S.P. 40) (L.D. 64) (C. "A" S-182)

An Act to Permit Earlier Repayment of Contributions to the Maine State Retirement System (S.P. 359) (L.D. 961) (S. "A" S-209)

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

PASSED TO BE ENACTED

An Act Concerning the Sales and Use Tax on Aircraft Parts (S.P. 375) (L.D. 1009) (C. "A" S-160)

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

Representative Foss of Yarmouth requested a roll call vote.

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

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

The SPEAKER: The pending question before the House is passage to be enacted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 100

YEA - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Bell, Boutilier, Cahill, M.; Carroll, J.; Cashman, Cathcart, Clark, H.; Constantine, Cote, Crowley, DiPietro, Donnelly, Duffy, Duplessis, Dutremble, L.; Erwin, Farnum, Garland, Gean, Gould, R. A.; Graham, Gurney, Hepburn, Hichborn, Holt, Hussey, Jacques, Jalbert, Ketover, Kilkelly, Kontos, Kutasi, LaPointe, Lebowitz, Lemke, Lord, MacBride, Macomber, Mahany, Manning, Marsh, Martin, H.; Melendy, Merrill, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nash, Norton, O'Dea, O'Gara, Ott, Paradis, J.; Parent, Paul, Pendexter, Pines, Plourde, Poulin, Pouliot, Reed, W.; Richards, Ricker, Ruhlin, Savage, Sheltra, Simonds, Simpson, Spear, Stevens, A.; Stevens, P.; Stevenson, Strout, Tamaro, Tardy, Townsend, Tupper, Vigue, Waterman, Whitcomb.

NAY - Adams, Aliberti, Anthony, Barth, Bennett, Carleton, Carroll, D.; Chonko, Clark, M.; Coles, Dore, Farren, Foss, Goodridge, Gray, Greenlaw, Gwadosky, Handy, Hanley, Hastings, Heesch, Heino, Hoglund, Ketterer, Larrivee, Lawrence, Lipman, Look, Luther, Marsano, Mayo, McHenry, Nadeau, Oliver,

Paradis, P.; Pendleton, Pfeiffer, Pineau, Powers, Rand, Reed, G.; Rotondi, Rydell, Saint Onge, Salisbury, Small, Swazey, Tracy, Treat.

ABSENT - Bowers, Butland, Daggett, Farnsworth, Hale, Hichens, Joseph, Kerr, Libby, McKeen, Nutting, Richardson, Skoglund, Wentworth, The Speaker.

Yes, 87; No, 49; Absent, 15; Paired, 0; Excused, 0.

87 having voted in the affirmative and 49 in the negative with 14 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act Regarding Taking Scallops in the Swan's Island Cable Area (S.P. 437) (L.D. 1181) (C. "A" S-183)

An Act Concerning the Suspension of Licenses by the Commissioner of Marine Resources (S.P. 457) (L.D. 1233) (H. "A" H-422)

An Act to Amend the Motor Vehicle Dealer Manufacturer Laws (S.P. 459) (L.D. 1235) (C. "A" S-175)

An Act Regarding the Regulation of Customer Premise Wire and Interexchange Carrier Selection (S.P. 492) (L.D. 1330) (C. "A" S-184)

An Act to Enhance Social Services and Therapeutic Patient Activities in Nursing Homes (S.P. 494) (L.D. 1332) (C. "A" S-181)

An Act Relating to Retirement Service Credits for Former Workers' Compensation Commissioners Who Became Judges before December 1, 1984 (S.P. 553) (L.D. 1457) (S. "A" S-208)

An Act to Make Miscellaneous Changes to the Maine Revised Statutes, Title 34-A (S.P. 569) (L.D. 1489) (C. "A" S-169)

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

An Act to Establish a Grading System for Maple Syrup Produced in the State (S.P. 663) (L.D. 1739) (C. A" S-185)

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

ENACTOR

(Reconsidered)

An Act to Relocate Maine Emergency Medical Services from the Department of Human Services to the Department of Public Safety Pursuant to the Maine Sunset Act (S.P. 709) (L.D. 1890)

Was reported by the Committee on Engrossed

Bills as truly and strictly engrossed.

On motion of Representative Erwin of Rumford, under suspension of the rules, the House reconsidered its action whereby L.D. 1890 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-540) and moved its adoption.

House Amendment "A" (H-540) was read by the Clerk and adopted.

The bill was passed to be engrossed as amended by House Amendment "A" (H-540) in non-concurrence and sent up for concurrence.

ENACTOR

Tabled and Assigned

An Act Concerning the Franklin County Budget (H.P. 15) (L.D. 18) (S. "A" S-212 to C. "A" H-225)

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 Wednesday, June 5, 1991.

PASSED TO BE ENACTED

An Act to Amend the Penalties for Habitual Offenders and Operating After Suspension (H.P. 71) (L.D. 99) (C. "A" H-279)

An Act to Protect Retail Sales Employees (H.P. 352) (L.D. 482) (C. "A" H-325)

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

ENACTOR

(Reconsidered)

An Act to Establish a Harbor Management Fund and Deal with Abandoned Watercraft (H.P. 441) (L.D. 624) (H. "A" H-372 to C. "A" H-330)

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

On motion of Representative Jacques of Waterville, under suspension of the rules, the House reconsidered its action whereby L.D. 624 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-330) was adopted.

The same Representative offered House Amendment "B" (H-505) to Committee Amendment "A" (H-330) and moved its adoption.

House Amendment "B" (H-505) to Committee

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

Committee Amendment "A" (H-330) as amended by House Amendment "A" (H-372) and House Amendment "B" (H-505) thereto was adopted.

The Bill passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" (H-372) and House Amendment "B" (H-505) thereto in non-concurrence and sent up for concurrence.

PASSED TO BE ENACTED

An Act Concerning Unemployment Benefits During Lockouts (H.P. 649) (L.D. 923) (C. "A" H-326)

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

Representative Marsano of Belfast requested a roll call vote.

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

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

The SPEAKER: The pending question before the House is passage to be enacted. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 101

YEA - Adams, Aliberti, Anthony, Bell, Boutilier, Cahill, M.; Carroll, D.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gurney, Gwadosky, Handy, Heesch, Hichborn, Hoglund, Holt, Hussey, Jacques, Jalbert, Ketover, Ketterer, Kilkelly, Kontos, LaPointe, Larrivee, Lawrence, Lemke, Luther, Macomber, Mahany, Manning, Mayo, McHenry, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Powers, Rand, Richardson, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Sheltra, Simonds, Simpson, Stevens, P.; Strout, Swazey, Tamaro, Townsend, Tracy, Treat, Waterman, Wentworth, The Speaker.

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

ABSENT - Bowers, Butland, Hale, Hichens, Joseph, Kerr, Martin, H.; McKeen, Skoglund.

Yes, 91; No, 51; Absent, 9; Paired, 0; Excused, 0.

91 having voted in the affirmative and 51 in the negative with 9 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the

Senate.

PASSED TO BE ENACTED

An Act to Protect the Rights of Independent Sales Representatives after Termination of Their Contracts (H.P. 764) (L.D. 1098) (C. "A" H-347)

An Act to Implement the Recommendations of the Maine Commission on Legal Needs (H.P. 837) (L.D. 1203) (S. "A" S-217 to C. "A" H-287)

An Act Concerning Witnesses and the Integrity of the Judicial Process (H.P. 853) (L.D. 1219) (C. "A" H-334)

An Act Concerning the Packing of Soymilk and Flavored Milk (H.P. 870) (L.D. 1256) (C. "A" H-341)

An Act to Clarify the Role of the Maine Youth Center (H.P. 1161) (L.D. 1702) (C. "A" H-348)

An Act Relating to Tax Refund Anticipation Loan Disclosures (H.P. 1246) (L.D. 1813)

An Act to Amend the Unclaimed Property Act (S.P. 117) (L.D. 216) (C. "A" S-155)

An Act to Ensure Community Participation in Substance Abuse Programs and Planning (S.P. 237) (L.D. 628) (C. "A" S-154)

An Act Relating to the Jail Operations Surcharge Fund (S.P. 612) (L.D. 1616) (C. "A" S-136)

An Act Concerning Overboard Discharge Inspection Fees (H.P. 299) (L.D. 420) (C. "A" H-256 and H. "A" H-418)

An Act to Amend the Law Concerning the Maine High-Risk Insurance Organization (H.P. 546) (L.D. 783) (H. "A" H-366 to C. "B" H-316)

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

An Act to Incorporate Braille Reading and Writing in a Blind Student's Individual Education Plan (H.P. 656) (L.D. 935) (C. "A" H-318)

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

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

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

ENACTOR

Later Today Assigned

An Act to Clarify the Tax Status of Nonprofit Nursing and Boarding Homes (S.P. 433) (L.D. 1154) (C. "A" S-168)

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 Wednesday, June 5, 1991.

PASSED TO BE ENACTED

An Act to Provide Confidentiality for the Records of Individuals Who Receive Funds from a Community Development Program Created Pursuant to the Maine Revised Statutes, Title 30-A, Chapter 205 (S.P. 527) (L.D. 1405) (C. "A" S-157)

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

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

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

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

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

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

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

An Act to Amend and Add to Certain Provisions of Geographic-based Information Services (H.P. 743) (L.D. 1047) (S. "A" S-191)

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

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

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

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

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

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

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

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

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

FINALLY PASSED

Resolve, to Create the Commission to Study the History, Status, Impact and Role of Independent Higher Education in Maine (S.P. 548) (L.D. 1452) (C. "A" S-180)

Resolve, Authorizing the Conveyance of a Utility Easement to the City of Belfast (S.P. 659) (L.D. 1735) (C. "A" S-173)

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

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

ORDERS OF THE DAY

UNFINISHED BUSINESS

The following matters, in the consideration of which the House was engaged at the time of adjournment Thursday, May 30, 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 30, 1991 (Till Later Today) by Representative MAYO of Thomaston.
 PENDING - Motion of Representative GWADOSKY of Fairfield to Reconsider Indefinite Postponement of Bill and Accompanying Papers. (Roll Call Requested)

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

Representative OTT: Mr. Speaker, Men and Women of the House: When this motion was presented, I opposed it, not because I was against the customary practice which is normally afforded this type of

motion but rather because nothing new was being offered. There is still nothing new to be offered and I rise again this evening just to remind this body that there was a considerable amount of debate on this particular motion. So, I think there is a substantial feeling that ebbs and flows through this body on whether we should grant this right to reconsider. I ask all of you to carefully consider your vote and ask that you defeat this motion to reconsider.

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

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

The SPEAKER: The pending question before the House is the motion of Representative Gwadosky of Fairfield that the House reconsider its action whereby L.D. 121 and all accompanying papers were indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 102

YEA - Aliberti, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bell, Bennett, Boutilier, Cahill, M.; Carroll, D.; Carroll, J.; Cashman, Chonko, Clark, H.; DiPietro, Donnelly, Dore, Duffy, Duplessis, Erwin, Farnum, Farren, Gean, Goodridge, Gould, R. A.; Gwadosky, Hanley, Hepburn, Hichborn, Hoglund, Holt, Hussey, Jacques, Jalbert, Ketterer, Kilkelly, Kontos, Larrivee, Lebowitz, Look, Lord, MacBride, Macomber, Mahany, Manning, Marsano, Mayo, McHenry, Merrill, Mitchell, E.; Murphy, Nadeau, Nash, Nutting, Parent, Pendexter, Pineau, Pines, Plourde, Poulin, Pouliot, Powers, Reed, W.; Richards, Ricker, Rotondi, Ruhlin, Salisbury, Savage, Sheltra, Simpson, Small, Spear, Stevens, A.; Strout, Tannaro, Tardy, Townsend, Tracy, Waterman, Whitcomb.

NAY - Adams, Aikman, Anthony, Carleton, Cathcart, Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, Dutremble, L.; Farnsworth, Foss, Garland, Graham, Gray, Greenlaw, Gurney, Handy, Hastings, Heesch, Heino, Ketover, Kutasi, LaPointe, Lawrence, Lemke, Libby, Lipman, Luther, Marsh, Melendy, Michaud, Mitchell, J.; Morrison, Norton, O'Dea, O'Gara, Oliver, Ott, Paradis, J.; Paradis, P.; Paul, Pendleton, Pfeiffer, Rand, Reed, G.; Richardson, Rydell, Saint Onge, Simonds, Stevens, P.; Stevenson, Swazey, Treat, Tupper, Vigue, Wentworth, The Speaker.

ABSENT - Bowers, Butland, Hale, Hichens, Joseph, Kerr, Martin, H.; McKeen, Skoglund.

Yes, 82; No, 60; Absent, 9; Paired, 0; Excused, 0.

82 having voted in the affirmative and 60 in the negative with 9 being absent, the motion to reconsider did prevail.

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

Representative NADEAU: Mr. Speaker, Men and Women of the House: Now that we have reconsidered and we are back to the original motion, I would quickly point out to the House that there is precedent being set and that there is already legislation. L.D. 994 - if your desk is like mine, I don't really expect you to have it in front of you

— what this bill does is that it requires that an applicant for an official business directional sign furnish and erect a sign at the applicant's expense. The bill also includes real estate signs, alerting the traveler to the sale or lease of real property on those signs that may be erected and maintained without a license or permit. Now, that is one bill.

A couple of weeks ago, we all heard the gentleman from Biddeford say, if we pass this amendment, I guarantee you, I, (meaning he) will have a bill in here in two years regarding Fun Town on Route 1 in Saco. Now, you have got one that you have and one potential. That is two and we haven't even got into the next session yet.

I ask you, is this the kind of precedent that you want to get into? I have got nothing against farmers or any other faction for that matter. However, when we are talking about the Representative from Eagle Lake back in '69, when we were Marion Fuller Brown back then, when we were talking about Lorraine Chonko, and when we were talking about Harland Goodwin, when we were talking about Steve Shute — are we referring to a law that they spent years to try to put together and now we are going to can it in 20 minutes or less? I urge you to stay with the integrity of the billboard law.

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

Representative LARRIVEE: Mr. Speaker, Men and Women of the House: My friend, the Representative from York, indicated that there is no new information. Well, I have got some new information that has come from farmers in my town. They have been calling me asking me to support this bill about signs. So, I took the time to sit down and talk to one of them and I took the bill in its current form. We discussed some of the different areas. When I got done the discussion, the farmer had changed his mind and no longer thought we ought to pass this bill. A couple of the points that I mentioned to him that he was unaware of is that his fellow farmer who has a maple syrup business will not be able to put his sign out because the time lines do not allow for the appropriate time for maple syrup.

Secondly, I pointed out to him that by his property a neighbor of his a half mile up the road could put a sign on the corner of his property that says there is better corn a half mile from where you are without asking permission to put that sign up. Once those two items — we discussed those at length and he said, "Oh, I never realized that was what the effect this bill was going to be."

So, I continue to ask your support to keep our billboard law intact.

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

Representative LUTHER: Mr. Speaker, Ladies and Gentlemen of the House: I was asked to support this bill in order to support farmers when they want to sell their fresh produce. We have all seen those 8 foot by 8 foot signs that say, "Fresh Corn." This is a bill that brings back billboards, it has nothing to do with farmers and I urge us to defeat this bill.

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

Representative OTT: Mr. Speaker, Men and Women of the House: A couple of Sunday's ago, I was sent an article from the travel section of the Miami Herald in which there was a feature article by Christopher Corbett who, in referencing the

development of Route 1, talked about the string of carnival collection of fast food outlets, fly-by-night franchises, food outlets, discount clothing stores, cozy cabins, lobster pounds, flea markets and 1001 pitchmen hawking everything from old lobster pots to live bait to lawn ornaments, genuine antiques and oil paintings of Madonna. There is also 101 different ways that you can eat fried clams. He also pointed out though that parts of Route 1 meander across mile upon winding mile of fields rolling down to the tidal rivers and mud flats, the weathered and white-washed clapboard homes of the true Yankee's.

I think the question is whether or not we want to start again toward a tacky sign proliferation that we have seen up to the enactment of the Travelers Services Act or whether we want to bend our way towards those white-washed sheltered clapboard homes of true Yankee's.

In looking and I won't bore you with statistics on the billboard development since the 1965 Federal Beautification Act but basically that Act has had so many loopholes impounded upon it that one U.S. Senator quoted it as being "the Billboard Protection Act." We have got this Travelers Services Act, it was a good law when it was enacted and I think we should recognize the efforts that were made of those of you who helped to bring that billboard regulation sign into being.

We also heard a couple of weeks ago from Representative Wentworth who, if I am quoting him correctly, alluded to the fact that he thought "there were so many amendments to this bill that it basically needed to be revisited by committee." I agree. If I counted correctly, there were some ten proposed amendments that were offered for this legislation, three of which were adopted. It seems that the proponents, the Travelers Advisory Council, who initially introduced this legislation, have now become the opponents. So, I think it has been twisted and turned to the point where it is really on a bad track.

Years ago, I remember taking flying lessons and an instructor who pounded in my head each and every day that I was up in the air, "never, never, never try to make a good landing out of a bad approach." If you are coming in too high or too low or too fast or too slow, they used to say, put the throttle to the fire wall and go around again. A bad approach will never result in a good landing.

I think this legislation is on a bad approach. I don't think it is going to result in good law. I ask you to go around again on this and vote to indefinitely postpone this legislation.

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

Representative DUFFY: Mr. Speaker, Ladies and Gentlemen of the House: I really do believe we have been debating and voting hard on a very minute problem. I don't know if any of you, over Memorial Day weekend, rode around anywhere, but I did. I rode from Bangor to Sullivan and all I saw was real estate signs at the end of roads and yard sale signs tacked everywhere between here and 35 to 40 miles towards the coast. I saw real estate signs of all shapes and forms. They were on the ends of roads to show that there was a house for sale a mile and a half this way, and two miles that way, there was a house for sale. It wouldn't be so bad if they just put the house for sale on top but you have the logo, the diagram and the name of the real estate agency, their

phone number and everything else on this sign.

On the yard sale signs, they are all over the place, they are up and down and nobody is enforcing those. Why should the real estate and everybody else have a little bit of edge over a few farmers who want to sell produce over a couple of months a year? I think it is ridiculous, I think we are running around with our eyes blinded. I don't believe that we have opened them to see that this is a very small thing to help out the farmers. If we are not going to help out the farmers, then let's get a law in there that is going to clean it all up so we will be on a level playing ground with everybody else that is putting signs out there. When you talk about an eight foot square sign, you are talking about something that is two by four. I saw real estate signs out there that were four by four and four by eight. Now, we sit here and say we can't let those little farmers do this, they will ruin the countryside. It is already out there, you ought to make a decision whether or not we are going to take care of them or give the farmers a little break because they don't have the money to put up the fancy signs like realtors and yard sale signs when poor people want to sell stuff they have had around the house.

I think it is time we put it to bed. I urge you to vote this bill through.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Vigue.

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: I stand to address you on this one piece of legislation. I have two points to make and they both deal with signs that are upcoming. If this bill passes, we have (right now) in the Business Legislation Committee a bill that will be passed dealing with real estate and there is another one right behind it that has a four-sided sign that will be impossible to keep away if we allow this to pass. What we are doing is opening up a new problem. There is no way that we can allow just the farmers. We will allow lobster people, real estate people and they will allow these four-sided signs that are pretty fancy.

I urge you to keep the state the way it has been, nice and clean, and not allow it to be cluttered up once again.

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

Representative MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: Everyone says they don't intend to rise on this particular occasion but Representative Ott sort of startled me when he suggested sending this back to the committee. It happened to be my committee and I certainly don't want to see it back there.

I think a lot of people have forgotten this bill originally came out of the Transportation Committee. Representative Strout and Representative Tardy have taken a lot of the credit or a lot of the blame, whichever one you want to call it, but it actually came out as a unanimous report out of the Committee on Transportation.

I have heard the gentleman from Saco refer to Marion Fuller Brown, the gentleman from Eagle Lake and the things that they did years ago and I am sure they were very fine things. I would just like to make sure that we all understand what we are voting on. We are talking about four signs, eight square feet, just about the size of your desk top here.

Four signs, two by four, within five miles of the product. We are not talking about doing away with the billboard law. We are not talking about anything else except that.

I did get a kick out of Representative Ott when he started talking about Route 1. I saw an article and I am sure many of you did too in the last week or so — Rand McNally put out a report and suggested that Route 1 was probably one of the most scenic routes in New England. I just wonder if they have gone through Saco on Route 1.

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

Representative HICHBORN: Mr. Speaker, Men and Women of the House: I don't know who you folks are listening to but I have been listening to some of my constituents and I have heard from several of them this past weekend. I had one fellow call up, he was a little bit angry. He said, "Can't you fellows down there in Augusta tell the difference between a little directional sign and a billboard?" I said, "We have different opinions of what a billboard is and what a sign is." He said, "Why don't they want us to put out a sign that says 'corn'?" I said, "They are afraid it will affect the aesthetics of the state, it will be detracting from the beauty of the scenery and tourists won't come and leave their dollars here." He said, "What about these thousands of signs that the politicians paste all over the State of Maine, oftentimes in the most inappropriate places — all the time from April to November every two years?" I said, "There is a special law that says they can do that during certain months of the year." Did I get an ear full then. He didn't think it was quite right for you and me to have a special privilege to benefit our own ego to get something for ourselves when he is out there trying to earn a dollar to pay his bills. I didn't have any answer for that. I hope you have.

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

Representative STEVENS: Mr. Speaker, Men and Women of the House: I thank you for your courtesy and your long suffering patience on this issue. I promise to be brief.

Representative Duffy says, why don't we do something about those illegal real estate signs and yard sale signs and everything else signs? We did, ladies and gentlemen, it is in Title 23, Section 1901. If you have a sign that is in violation in your district or if somebody else has one they want to complain about, I suggest you call DOT, say there is an illegal billboard up, I would like you to remove it. There is a remedy for that, I refer you to our present law.

There is a reason why politicians can put their signs up. I told you before, I will say it again, it was the Appeals Court that did it to us. Originally, we excluded political signs. There were two cases, First Circuit, that you cannot limit political free speech by prohibiting political billboards. I would be very willing to outlaw political billboards. We could try it again. I will put the amendment on myself. If you want to do it a couple of more years in court, great, I would certainly support the effort.

Signs do not have to be two by four. I invite you to look at the bill, they can be eight square feet.

I made some little signs that I put up, some of you commented on, a lot of you saw. A sign can be eight feet tall. That is two feet taller than

Representative Macomber. It can be eight feet tall and one foot wide. Now, you just visualize that in front of your Church, in front of your cemetery, in front of your historic zone.

One of the publications last week said, if they put this on private property, they have to have permission. Well, isn't that something! They have to have permission on private property. Does that surprise you? I hope not. But, they don't have to have permission to put it in the public way as long as it is a state highway.

If Representative Duffy thinks we have problems now with litter, with pollution of these signs, I invite him to see what it is going to be like when you do this because Joe's Used Cars, if they have a little corn patch out back, are going to be able to compete with Jack's Farm Stand who also sells corn and they can put the sign up and they have every right to say, you can buy this corn at Joe's Used Cars. That is not prohibited by the law. The farmers are going to have competition they never dreamed of because people are going to want to put up a few signs. If I were Joe's Used Car, I would plant a corn patch out back.

I ask you to maintain our billboard law. It may be said it is not a billboard but I tell you which section of the law it amends, it amends the billboard section, Title 23. Please, stand by your vote. Let's indefinitely postpone this bill. It cannot be cured, it has so many flaws — we could send it back — it has been amended four times already plus countless other amendments, it cannot be cured. I invite you to hold with our vote of the other night and indefinitely postpone this bill.

Representative Tracy of Rome requested a roll call vote.

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

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

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

Representative KILKELLY: Mr. Speaker, Ladies and Gentlemen of the House: The previous speaker mentioned that this bill had been amended four times and used that as a reason to kill the bill. I would suggest to you that part of the reason the bill has been amended four times is that people have worked very, very diligently to try to find a bill that was appropriate and something that people could accept within this chamber and the other body.

We have talked now about perishable items. On the one hand, perishable items is something that makes it very limited. If Joe's Used Car wants to put up a sign for the corn, then he darn well better have the corn there available and ready for sale, which is going to limit the amount of time that Joe's Used Car is going to be able to put up the sign with the corn that is available and probably make it much more of a nuisance than it would be beneficial.

There has been concern about maple syrup, in fact that maple syrup does not fall within the guidelines of the time that is available. It is also not considered a perishable product by most.

I have heard concerns from the people that deal with honey, that honey is not included and why isn't it included? Well, the story that I read in a magazine a while ago talked about a jar of honey that had been found in a tomb, it was 4,000 years old. It was still sealed, they determined it was edible. I don't think that is very perishable.

I think it is important that we understand that the reason for the amendments has been to try to make this bill something that will work for farmers and something that other people can deal with. If we are serious about maintaining farming in this state, if we are serious about allowing people an opportunity to make a living from agriculture within this state, then this is one small step that we can take.

It is interesting to note that we keep hearing references to other bills that this bill will spawn. Over and over again, we hear how many other people will come in and demand and we will have to accept. We don't have to accept anything. We haven't accepted things in the past and we won't accept things in the future. It is important that each item be discussed on its merit and voted on its merit and not voted on what it might or might not be related to.

I would urge you to oppose indefinite postponement of this bill.

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

Representative HASTINGS: Mr. Speaker, Men and Women of the House: I, again, rise on this bill only because the bill, as before us, is not a farmers bill, it never has been a farmers bill since this amendment went on. It is a growers bill and that is what is in the language, growers. Those aren't farmers. They can be anybody that has a garden in this entire state.

This bill - I disagree that they have tried to work diligently to reach a compromise. That is not true at all, they want it all or nothing.

I urge you to vote for the motion to indefinitely postpone the bill.

The SPEAKER: The pending question before the House is the indefinite postponement of L.D. 121 and all accompanying papers. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 103

YEA - Adams, Aikman, Aliberti, Anthony, Carleton, Cathcart, Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, Farnsworth, Foss, Garland, Graham, Gray, Gurney, Gwadosky, Handy, Hastings, Heeschen, Heino, Hoglund, Ketover, Kontos, Kutasi, LaPointe, Larrivee, Lawrence, Lemke, Libby, Lipman, Luther, Marsh, Martin, H.; Mayo, Melendy, Michaud, Mitchell, J.; Morrison, Nadeau, O'Dea, O'Gara, Oliver, Ott, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Rand, Reed, G.; Richardson, Rydell, Saint Onge, Simonds, Simpson, Stevens, P.; Swazey, Tracy, Treat, Tupper, Vigue, Wentworth, The Speaker.

NAY - Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bell, Bennett, Boutilier, Cahill, M.; Carroll, D.; Carroll, J.; Cashman, Chonko, Clark, H.; DiPietro, Donnelly, Dore, Duffy, Duplessis, Dutremble, L.; Erwin, Farnum, Farren, Gean, Goodridge, Gould, R. A.; Greenlaw, Hanley, Hepburn, Hichborn, Holt, Hussey, Jacques, Jalbert, Ketterer, Kilkelly, Lebowitz, Look, Lord, MacBride, Macomber, Mahany, Manning, Marsano, McHenry, Merrill, Mitchell, E.; Murphy, Nash, Norton, Nutting, Parent, Pendexter,

Pendleton, Pineau, Pines, Plourde, Poulin, Pouliot, Powers, Reed, W.; Richards, Ricker, Rotondi, Ruhlin, Salisbury, Savage, Sheltra, Small, Spear, Stevens, A.; Stevenson, Strout, Tammaro, Tardy, Townsend, Waterman, Whitcomb.

ABSENT - Bowers, Butland, Hale, Hichens, Joseph, Kerr, McKeen, Skoglund.

Yes, 65; No, 78; Absent, 8; Paired, 0; Excused, 0.

65 having voted in the affirmative and 78 in the negative with 8 being absent, the motion to indefinitely postpone did not prevail.

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

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

Bill "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 30, 1991 (Till Later Today) by Representative MAYO of Thomaston.
PENDING - Adoption of House Amendment "A" (H-506)

Subsequently, House Amendment "A" (H-506) was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-280) and House Amendment "A" (H-506) in non-concurrence and sent up for concurrence.

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

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 30, 1991 (Till Later Today) by Representative MAYO of Thomaston.
PENDING - Motion of Representative LAWRENCE of Kittery to accept the Majority "Ought Not to Pass" Report. (Roll Call Requested)

On motion of Representative Gwadosky of Fairfield, retabled pending the motion of Representative Lawrence of Kittery that the House accept the Majority "Ought Not to Pass" Report (roll call requested) and specially assigned for Wednesday, June 5, 1991.

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

An Act to Clarify the Appointment and Dismissal of the Warden of the Maine State Prison (H.P. 775) (L.D. 1107) TABLED - May 30, 1991 (Till Later Today) by Representative GWADOSKY of Fairfield.
PENDING - Passage to be Enacted.

Subsequently, the Bill was passed to be enacted,

signed by the Speaker and sent to the Senate.

TABLED AND TODAY ASSIGNED

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

Bill "An Act to Amend Certain Laws Administered by the Maine State Retirement System" (S.P. 562) (L.D. 1466)
 TABLED - May 30, 1991 by Representative MAYO of Thomaston.
 PENDING - Adoption of Committee Amendment "A" (S-196)

Subsequently, Committee Amendment "A" (S-196) was adopted.

Under suspension of the rules, the Bill was read a second time.

Representative Jalbert of Lisbon offered House Amendment "A" (H-533) and moved its adoption.

House Amendment "A" (H-533) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-196) and House Amendment "A" (H-533) in non-concurrence and sent up for concurrence.

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

Bill "An Act to Amend Various Provisions of the Electricians' Examining Board Laws" (S.P. 503) (L.D. 1341) (C. "A" S-176)
 TABLED - May 30, 1991 by Representative GWADOSKY of Fairfield.
 PENDING - Passage to be Engrossed.

On motion of Representative Gwadosky of Fairfield, retabled pending passage to be engrossed and specially assigned for Wednesday, June 5, 1991.

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

An Act to Amend the Exemption of Certain Divisions from the Definition of Subdivision (EMERGENCY) (H.P. 407) (L.D. 590) (C. "A" H-257)
 TABLED - May 30, 1991 by Representative GWADOSKY of Fairfield.
 PENDING - Passage to be Enacted.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 110 voted in favor of the same and 6 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

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)
 TABLED - May 30, 1991 by Representative MITCHELL of Freeport.
 PENDING - Passage to be Enacted.

On motion of Representative Mitchell of Freeport, under suspension of the rules, the House reconsidered its action whereby L.D. 1359 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" (S-150) as amended by Senate Amendment "A" (S-165) thereto was adopted.

The same Representative offered House Amendment "A" (H-507) to Committee Amendment "A" (S-150) and moved its adoption.

Subsequently, Representative Mitchell of Freeport withdrew House Amendment "A" (H-507) to Committee Amendment "A" (S-150).

Committee Amendment "A" (S-150) as amended by Senate Amendment "A" (S-165) thereto was adopted.

Representative Mitchell of Freeport offered House Amendment "A" (H-507) and moved its adoption.

House Amendment "A" (H-507) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-150) as amended by Senate Amendment "A" (S-165) thereto and House Amendment "A" (H-507) in non-concurrence and sent up for concurrence.

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

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 30, 1991 by Representative JACQUES of Waterville.
 PENDING - Passage to be Enacted.

Representative Jacques of Waterville requested a roll call vote on enactment.

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

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

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: I hope you will vote against enactment of this bill tonight. This is the plastic rings bill, the little plastic rings that hold your six-packs of soft drinks or beer together. These rings are not a very good idea. For one thing, they entangle and harm a lot of wildlife. They are not a particularly good alternative to cardboard, which is recyclable and degradable, especially easily degradable in sea water.

We had an enormous amount of debate on this when it was first here. I guess tonight is the final

night where we have got to decide whether we are going to pass it or not. I hope you don't change the action you took a couple of weeks ago now and will hold tight and vote not to enact this bill today. Vote no, please.

The SPEAKER: The pending question before the House is passage to be enacted. Those in favor will vote yes; those opposed will vote no.

The Chair recognizes the Representative from Thomaston, Representative Mayo.

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

The SPEAKER: The pending question before the House is passage to be enacted. This being an emergency measure, a two-thirds vote is necessary. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 104

YEA - Aikman, Aliberti, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bell, Boutillier, Cahill, M.; Carleton, Carroll, J.; Cashman, Chonko, Clark, H.; Coles, Cote, DiPietro, Donnelly, Dore, Duffy, Duplessis, Dutremble, L.; Erwin, Farnum, Farren, Gould, R. A.; Graham, Greenlaw, Gurney, Hepburn, Hichborn, Hoglund, Hussey, Jacques, Jalbert, Ketover, Kutasi, LaPointe, Lebowitz, Libby, Look, Lord, MacBride, Macomber, Mahany, Marsano, Marsh, Martin, H.; McHenry, Melendy, Merrill, Michaud, Morrison, Murphy, Nadeau, Nash, O'Dea, Ott, Paradis, J.; Paradis, P.; Parent, Paul, Pendexter, Pendleton, Pineau, Pines, Plourde, Poulin, Pouliot, Rand, Reed, G.; Reed, W.; Richards, Ricker, Rotondi, Ruhlin, Rydell, Salisbury, Savage, Sheltra, Small, Spear, Stevens, A.; Stevenson, Strout, Swazey, Tamaro, Tardy, Townsend, Vigue, Waterman, Whitcomb, The Speaker.

NAY - Adams, Anthony, Bennett, Carroll, D.; Cathcart, Clark, M.; Constantine, Daggett, Farnsworth, Foss, Garland, Gean, Goodridge, Gray, Gwadosky, Handy, Hanley, Hastings, Heeschen, Heino, Holt, Ketterer, Kilkelly, Kontos, Larrivee, Lawrence, Lemke, Lipman, Luther, Manning, Mitchell, E.; Mitchell, J.; Norton, Nutting, O'Gara, Oliver, Powers, Richardson, Saint Onge, Simonds, Simpson, Stevens, P.; Tracy, Treat, Tupper, Wentworth.

ABSENT - Bowers, Butland, Crowley, Hale, Hichens, Kerr, McKeen, Pfeiffer, Skoglund.

PAIRED - Joseph, Mayo.

Yes, 94; No, 46; Absent, 9; Paired, 2; Excused, 0.

94 having voted in the affirmative and 46 in the negative with 9 being absent and 2 having paired, the bill failed of enactment. Sent up for concurrence.

The Chair laid before the House the sixth 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 30, 1991 by Representative MITCHELL of Freeport.

PENDING - Passage to be Engrossed.

On motion of Representative Mitchell of Freeport, retabled pending passage to be engrossed and specially assigned for Wednesday, June 5, 1991.

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

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

- In Senate, Referred to the Committee on State and Local Government.

TABLED - May 30, 1991 by Representative MITCHELL of Freeport.

PENDING - Motion of same Representative to refer to the Committee on Energy and Natural Resources in non-concurrence.

On motion of Representative Gwadosky of Fairfield, retabled pending the motion of Representative Mitchell of Freeport to refer to the Committee on Energy and Natural Resources in non-concurrence and later today assigned.

BILL RECALLED FROM GOVERNOR

(Pursuant to Joint Order - House Paper 1323)

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

- In House, Passed to be Enacted on May 20, 1991.

- In Senate, Passed to be Enacted on May 22, 1991.

On motion of Representative Tracy of Rome, under suspension of the rules, the House reconsidered its action whereby L.D. 1775 was passed to be engrossed.

The same Representative offered House Amendment "B" (H-526) and moved its adoption.

House Amendment "B" (H-526) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" (H-285) and House Amendment "B" (H-526) in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter: Bill "An Act to Promote the Emotional Health of Children During Periods of Stress" (H.P. 210) (L.D. 301) (H. "A" H-478 to C. "A" H-407) which was tabled earlier in the day and later today assigned pending the motion of Representative Kilkelly of Wiscasset that the bill and all accompanying papers be indefinitely postponed. (roll call requested)

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

A vote of the House was taken and more than

one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is the motion of Representative Kilkelly of Wiscasset that L.D. 301 and all accompanying papers be indefinitely postponed.

The Chair recognizes the Representative from Orono, Representative Cathcart.

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

The SPEAKER: The pending question before the House is the motion of Representative Kilkelly of Wiscasset that the L.D. 301 and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 105

YEA - Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bell, Bennett, Boutilier, Carroll, J.; Chonko, Clark, M.; Coles, Constantine, Dutremble, L.; Erwin, Farren, Foss, Garland, Gean, Goodridge, Gould, R. A.; Graham, Gray, Greenlaw, Gurney, Heeschen, Heino, Hepburn, Holt, Hussey, Jacques, Kilkelly, Kontos, Lebowitz, Libby, Lipman, Look, Lord, Luther, MacBride, Marsano, Martin, H.; Merrill, Michaud, Nash, Norton, O'Dea, Parent, Pendleton, Pines, Poulin, Reed, G.; Rotondi, Ruhlin, Rydell, Saint Onge, Salisbury, Savage, Spear, Stevens, A.; Stevens, P.; Stevenson, Strout, Tamaro, Tardy, Townsend, Tracy, Tupper, Waterman, Whitcomb.

NAY - Adams, Aikman, Aliberti, Anthony, Cahill, M.; Carroll, D.; Clark, H.; Cote, Daggett, DiPietro, Donnelly, Dore, Duffy, Duplessis, Farnsworth, Farnum, Gwadosky, Handy, Hanley, Hastings, Hichborn, Hoglund, Ketover, Ketterer, Kutasi, LaPointe, Larrivee, Lawrence, Lemke, Macomber, Mahany, Manning, Marsh, Mayo, McHenry, Melendy, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Nutting, O'Gara, Oliver, Ott, Paradis, J.; Paradis, P.; Paul, Pendexter, Pfeiffer, Pineau, Plourde, Pouliot, Powers, Rand, Reed, W.; Richards, Richardson, Ricker, Sheltra, Simonds, Simpson, Small, Swazey, Treat, Vigue, Wentworth.

ABSENT - Bowers, Butland, Carleton, Cashman, Crowley, Hale, Hichens, Jalbert, Kerr, McKeen, Skoglund, The Speaker.

PAIRED - Cathcart, Joseph.

Yes, 70; No, 67; Absent, 12; Paired, 2; Excused, 0.

70 having voted in the affirmative and 67 in the negative with 12 being absent and 2 having paired, the motion to indefinitely postpone did prevail.

Sent up for concurrence.

(Off Record Remarks)

On motion of Representative Nadeau of Saco,
Adjourned at 8:26 p.m. to Wednesday, June 5,
1991, at nine o'clock in the morning.
