

# 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  
57th Legislative Day  
Wednesday, June 5, 1991

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

Prayer by Reverend Arthur W. Greeley, Danville Union Church, Poland.

The Journal of Tuesday, June 4, 1991, was read and approved.

SENATE PAPERS

The following Joint Resolution: (S.P. 732)

JOINT RESOLUTION EXPRESSING THE LEGISLATURE'S  
OPPOSITION TO FEDERAL LEGISLATION REQUIRING  
SUSPENSION OF LICENSES FOR INDIVIDUALS  
CONVICTED OF VIOLATIONS OF THE FEDERAL  
CONTROLLED SUBSTANCES ACT

WHEREAS, the Federal Government has enacted legislation to withhold federal aid to highways in this State unless the Legislature and the Governor consider and act upon state legislation related to the suspension or revocation of the driver's license of any person convicted of drug offenses; and

WHEREAS, the Joint Standing Committee on Legal Affairs has considered proposed legislation consistent with the federal requirement and has voted to recommend that the legislation ought not to pass; and

WHEREAS, the reasons for the negative recommendation include a belief that the granting or withholding of driving privileges is and always has been a prerogative of the states to decide for themselves, not the Federal Government; and

WHEREAS, the federal law provides that a state may avoid loss of federal highway funds if the legislature enacts a resolution expressing its opposition to such legislation and the governor conveys the governor's disapproval and the legislature's resolution to the United States Secretary of Transportation; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Fifteenth Legislature, now assembled in the First Regular Session, express our opposition to the enactment of legislation required by the Federal Government to revoke or suspend the drivers' licenses of individuals convicted of violations of the Controlled Substances Act or any drug offense or to delay the issuance or reinstatement of a driver's license for a person so convicted; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable John R. McKernan, Jr., Governor, for conveyance to the United States Secretary of Transportation.

Came from the Senate, read and adopted.

Was read and adopted in concurrence.

The following Joint Resolution: (S.P. 733)

JOINT RESOLUTION REQUESTING THE HONORABLE  
GEORGE BUSH, PRESIDENT OF THE UNITED STATES  
AND LOUIS SULLIVAN, SECRETARY OF THE DEPARTMENT  
OF HEALTH AND HUMAN SERVICES TO ENSURE THAT  
THE CENTERS FOR DISEASE CONTROL'S SURVEILLANCE  
DEFINITION OF AIDS BE REVISED AND EXPANDED

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

WHEREAS, recognition of the Acquired Immune Deficiency Syndrome, or AIDS, epidemic as a set of serious and widespread diseases has grown in recent years; and

WHEREAS, the federal Centers for Disease Control's surveillance definition of AIDS has not been revised for over 4 years; and

WHEREAS, statistics reveal that women now make up the fastest growing population of people with AIDS; and

WHEREAS, black and Hispanic women are disproportionately represented among United States female adult and adolescent AIDS cases; and

WHEREAS, it is estimated that there are 100,000 women in the United States, between the ages of 15 and 49, who are infected with the AIDS virus and as women become sick faster and die sooner than men with AIDS; and

WHEREAS, as the proportion of females with AIDS continues to rise, so does the number of pediatric cases in children infected perinatally by their mothers; and

WHEREAS, the Centers for Disease Control's surveillance definition of AIDS continues to be centered on how AIDS is manifested in men and ignores the fact that women's first AIDS-related symptoms are often gynecological and therefore there is a different disease profile for women than for men; and

WHEREAS, the Centers for Disease Control's surveillance definition of AIDS does not include a single opportunistic infection that occurs in persons infected with the Human Immunodeficiency Virus, or HIV, and that is related specifically to women; and

WHEREAS, pelvic inflammatory disease, chronic vaginal candidiasis, rapidly progressing cervical cancer and human papillomavirus are only a few of the manifestations of HIV that are specific to women; and

WHEREAS, since the Centers for Disease Control does not recognize opportunistic infections specific to women, women are not accurately represented in national statistics on AIDS; if a woman dies of an opportunistic disease, even though she is HIV

positive, her death is not registered in national statistics; and

WHEREAS, the American Medical Association has acknowledged that there are severe, life-threatening diseases specific to women that are not included in the current surveillance definition; and

WHEREAS, although early intervention is of critical importance in HIV treatment, educational programs targeted to women are particularly limited because they do not mention any of the symptoms specific to women; and

WHEREAS, women with AIDS have also been discriminated against in their ability to access treatment since researchers who investigate potential new drugs have made little or no effort to recruit women for their studies and since there are no federal guidelines to assure that subjects are representative of the entire infected population; and

WHEREAS, the Centers for Disease Control is a government agency and other government agencies, such as the AIDS Clinical Trial Group and the Social Security Administration, use the Centers' information to form policies and set agendas for research; and

WHEREAS, gynecological manifestations of HIV and other conditions common to women infected with the virus are not represented in case definitions, it is often more difficult for women than for men to qualify for federal, state and local HIV assistance; and

WHEREAS, from the beginning of the AIDS epidemic, women have been deeply involved in the disease as AIDS activists, health care workers, counselors, nurses, social workers, educators, primary caregivers, lovers, mothers and spouses; and

WHEREAS, in these roles women have provided care and support to people in all stages of HIV disease and opportunistic infections related to AIDS; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully recommend and urge the President of the United States and the Secretary of the Department of Health and Human Services to ensure that the Centers for Disease Control's surveillance definition of AIDS be revised and expanded so that opportunistic infections and indicator diseases with atypical outcomes in all immunocompromised people be added; and be it further

RESOLVED: That the Centers for Disease Control immediately institute a mechanism for review and revision of its surveillance definition on a quarterly basis to include newly discovered or developing opportunistic diseases in all affected people; and be it further

RESOLVED: That the Centers for Disease Control immediately revise its system for collecting and publishing AIDS statistics; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the Honorable George H. W.

Bush, President of the United States, to the Honorable Dr. Louis Sullivan, Secretary of the Department of Health and Human Services, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each Member of the Maine Congressional Delegation.

Came from the Senate, read and adopted.

Was read and adopted in concurrence.

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**Unanimous Ought Not To Pass**

Report of the Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 to Provide Initial Capitalization of a Public Mutual Insurance Company to Provide Workers' Compensation Insurance to Employers in this State" (S.P. 392) (L.D. 1069)

Report of the Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 to Finance the Acquisition of Public Access Lands in Northern Maine" (S.P. 231) (L.D. 585)

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

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**Ought to Pass as Amended**

Report of the Committee on Utilities reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-224) on Bill "An Act to Create a Maine 'Dig-safe' System" (S.P. 186) (L.D. 495)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-224).

Report was read and accepted, the bill read once. Committee Amendment "A" (S-224) was read by the Clerk and adopted and the Bill assigned for second reading Thursday, June 6, 1991.

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**Ought to Pass as Amended**

Report of the Committee on Judiciary reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-237) on Bill "An Act to Amend Certain Provisions of the Maine Bail Code" (S.P. 440) (L.D. 1184)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-237) as amended by Senate Amendment "A" (S-287) thereto.

Report was read and accepted, the bill read once. Committee Amendment "A" (S-237) was read by the

Clerk.

Senate Amendment "A" (S-287) to Committee Amendment "A" was read by the Clerk and adopted. Committee Amendment "A" (S-237) as amended by Senate Amendment "A" (S-287) thereto was adopted and the Bill assigned for second reading Thursday, June 6, 1991.

**Ought to Pass as Amended**

Report of the Committee on Agriculture reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-225) on Bill "An Act to Require Country of Origin Labeling on Fresh Produce and Labeling of Produce Treated with Post-harvest Treatments" (S.P. 606) (L.D. 1610)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-225).

Report was read and accepted, the bill read once. Committee Amendment "A" (S-225) was read by the Clerk and adopted and the Bill assigned for second reading Thursday, June 6, 1991.

**Ought to Pass as Amended**

Report of the Committee on Taxation reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-227) on Bill "An Act to Set Priorities in the Tax Setoff Program" (S.P. 647) (L.D. 1692)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-227).

Report was read and accepted, the bill read once. Committee Amendment "A" (S-227) was read by the Clerk and adopted and the Bill assigned for second reading Thursday, June 6, 1991.

**Divided Report**

Majority Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (S-230) on Bill "An Act to Promote Economic Development" (S.P. 515) (L.D. 1376)

Signed:

Senators: ESTY of Cumberland  
CONLEY of Cumberland

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

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

Signed:

Senator: CARPENTER of York

Representatives: LIPMAN of Augusta  
AIKMAN of Poland  
HASTINGS of Fryeburg

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-230).

Reports were read.

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

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

Representative AIKMAN: Mr. Speaker, Men and Women of the House: I would ask that when the vote is taken that you vote against the Majority Report.

This bill requires a hiring preference to current and certain classes of former employees as a condition of receiving a broad range of state or local government economic development assistance. This bill is a hiring mandate. It imposes potentially expensive training requirements for those existing employees who are currently unqualified for new positions. It attempts to regulate subjective employment decisions without providing any criteria while imposing a high burden of proof on employers to determine the relative qualifications of existing employees versus new applicants. It unduly interferes and regulates the private employment decisions of Maine employers. It will discourage businesses from taking advantage of economic development programs created to revitalize the economy. It will discourage existing Maine businesses from expanding in Maine and discourage out-of-state businesses from moving into Maine. Therefore, I ask you to vote against the Majority Report.

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

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: To put this bill very simply, it says that if you are going to accept tax dollars from our people and you are going to create a new position that you must hire from within your present employees or past employees who are qualified to do the job, not people who are not qualified to do the job. If you have a person who is better qualified than the previous employee or present employees for that position, you may hire that person. This is what the bill says, very simply.

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

Representative HASTINGS: Mr. Speaker, Men and Women of the House: Basically, I am opposed and went on the Minority Report of this bill, primarily because it does tell our employers in this state who they shall hire if in fact that employer gets any type of loan or grant or tax increment financing arrangement in any amount in this state. I suspect that covers anyone who has tree growth and it covers anyone who is getting any type of loan arrangement in this state. It works diametrically opposite of what we try to do in this state in promoting the growth of risk industries. It will tell them that if they are

in risk and need state help that they are going to be limited on how they can hire. In fact, there is a three year recall that, if somebody is laid off, they have to come back. It is a poor bill for the Maine business.

Because it is a poor bill for the Maine business, it is a poor bill for the employees of this state as well.

Mr. Speaker, I would ask that we have the yeas and nays when the vote is taken.

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

ROLL CALL NO. 106

YEA - Adams, Aliberti, Anthony, Bell, Boutilier, Cahill, M.; Carroll, D.; Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, 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, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kontos, LaPointe, Larrivee, Lawrence, Lemke, Luther, Macomber, Mahany, Manning, Martin, H.; Mayo, McHenry, McKeen, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Nadeau, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Plourde, Poulin, Pouliot, Powers, Rand, Richardson, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Sheltra, Simonds, Simpson, Skoglund, Stevens, P.; Swazey, Tammara, Tardy, Townsend, Tracy, Treat, Waterman, Wentworth, The Speaker.

NAY - Aikman, Anderson, Bailey, H.; Bailey, R.; Barth, Bennett, Carleton, Carroll, J.; Cote, Donnelly, Duplessis, Farnum, Farren, Foss, Garland, Greenlaw, Hanley, Hastings, Heino, Hepburn, Hichens, 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, Whitcomb.

ABSENT - Ault, Bowers, Butland, Cashman, Hale, Kutasi, Pineau, Vigue.

Yes, 92; No, 51; Absent, 8; Paired, 0; Excused, 0.

92 having voted in the affirmative and 51 in the negative with 8 being absent, the Majority "Ought to Pass" Report was accepted in concurrence, the Bill read once.

Committee Amendment "A" (S-230) was read by the Clerk and adopted and the Bill assigned for second reading Thursday, June 6, 1991.

**Divided Report**

Majority Report of the Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-240) on Resolve, to Conduct an Independent Review of the Department of Human Services (S.P. 551) (L.D. 1455)

Signed:

Senators: BERUBE of Androscoggin  
BUSTIN of Kennebec

Representatives: KILKELLY of Wiscasset  
NASH of Camden  
SAVAGE of Union  
GRAY of Sedgwick  
JOSEPH of Waterville  
HEESCHEN of Wilton  
LARRIVEE of Gorham  
LOOK of Jonesboro  
WATERMAN of Buxton

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

Signed:

Senator: EMERSON of Penobscot

Representative: KERR of Old Orchard Beach

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-240).

Reports were read.

On motion of Representative Joseph of Waterville, the Majority "Ought to Pass" Report was read and accepted, the Bill read once.

Committee Amendment "A" (S-240) was read by the Clerk and adopted and the Bill assigned for second reading Thursday, June 6, 1991.

**Divided Report**

Majority Report of the Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-251) on Bill "An Act to Ban Smoking in Laundromats" (S.P. 215) (L.D. 542)

Signed:

Representatives: MANNING of Portland  
GOODRIDGE of Pittsfield  
SIMONDS of Cape Elizabeth  
WENTWORTH of Arundel  
PENDEXTER of Scarborough  
TREAT of Gardiner  
CLARK of Brunswick

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

Signed:

Senators: BOST of Penobscot  
GILL of Cumberland

CONLEY of Cumberland

Representatives: GEAN of Alfred  
 DUPLESSIS of Old Town  
 PENDLETON of Scarborough

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

Reports were read.

The SPEAKER: The Chair recognizes the Representative from Portland, Representative Manning.  
 Representative MANNING: Mr. Speaker, Men and Women of the House: I move that the House accept the Majority "Ought to Pass" Report.

This happens to be a bill that will be banning smoking in laundromats. We are going to have four smoking bills here today and, if somebody in this House can absolutely tell me that it is a good idea for people in this state to be able to go into a laundromat to get their clothes clean and to have right next to the laundromat, right next to where you are taking out your laundry from the washer or the dryer, somebody smoking a cigar — you are there to get your clothes clean — if that is right, then I don't know what is going to pass in this House. This is a simple measure which basically says for that period of time that you are in a laundromat, you cannot smoke. It is as simple as that. I would hope that this House would go along with it.

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

Representative PENDLETON: Mr. Speaker, Men and Women of the House: I agree, tobacco smoke is not the most healthy thing, we all know that, but it seems to me, although my distinguished chair of the committee says it is a good idea to have this bill pass, I would argue that it is a bad idea. Because what we are doing is mandating a particular business, a single business, to not allow smoking. I say we should allow the business to choose for themselves. Why are we tinkering with businesses? Why not let them decide what their clients want?

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: As the Representative from Eagle Lake just stated, I am from Portland, but I would be willing to bet there are many of you people who represent small towns out there that there is only one laundromat in the whole town. In Portland, you might be able to find a place but there are other towns in this state, I would be willing to bet, that there is just one laundromat. So, what do you do? Do you go in, get your clothes cleaned and have cigarette smoke all over your clothes? I think even the smokers in this House have got to admit that that is not a good idea. If you can't stop smoking in the laundromat — I mean, it isn't as though you are going to be sitting there watching the clothes go around the washing machine, you can step outside and have a cigarette.

Remember the small towns, the small towns that you people represent and the one laundromat in that small town. That is what you ought to be looking at in this bill.

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

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

A vote of the House was taken.

46 having voted in the affirmative and 78 in the negative, the motion did not prevail.

Subsequently, The Minority "Ought Not to Pass" Report was accepted in concurrence.

**Divided Report**

Majority Report of the Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-252) on Bill "An Act to Protect Citizens from the Effects of Environmental Tobacco Smoke" (S.P. 422) (L.D. 1134)

Signed:

Representatives: MANNING of Portland  
 CLARK of Brunswick  
 GOODRIDGE of Pittsfield  
 SIMONDS of Cape Elizabeth  
 WENTWORTH of Arundel  
 PENDEXTER of Scarborough  
 TREAT of Gardiner  
 DUPLESSIS of Old Town

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

Signed:

Senators: BOST of Penobscot  
 GILL of Cumberland  
 CONLEY of Cumberland

Representatives: GEAN of Alfred  
 PENDLETON of Scarborough

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

Reports were read.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: I move that the House accept the Majority "Ought to Pass" Report.

I have to say before we get into this other argument today that it is a little sad not to have my seatmate here. For you veterans, you remember the arguments that my seatmate and I would have — I hope she does get better and if she is listening, I hope she does get back. I think we all wish her well.

This bill here — I am not quite sure, if you wouldn't buy the last one how you are going to buy this one, but let's try.

This bill will ban smoking in places where the majority of the public will be invited to come. I don't think that anybody in this room can honestly believe that smoking is good for you. Our health care costs in this state are climbing. Our health care costs across the country is climbing.

One of the issues that this legislature is dealing with right now and is a very serious issue — I think the two committees that are dealing with it

are doing a great job from what I understand, and that is Workers' Compensation. I think that is going to be a major issue dealing with Workers' Compensation and that is smoking in the workplace. If you don't think so, wait a few years.

For those of us on the committee, we have already heard individuals who are out on Workers' Compensation because of smoking, because of side-stream smoking. We have one individual right now at the Maine State Prison, a guard, out on Workers' Compensation because of second-stream smoking.

If this state wants to deal with the issues of health care, this is one of the major ways of dealing with it. Smoking is one of the major causes of what puts people in doctor's offices and in hospitals. We as a society have got to decide if we are going to continue paying our health care costs or are we going to try to put a decrease to the increase? This is one of the ways that (hopefully) down the road, we will have a control on our health care costs.

If you are interested in dealing with the health insurance problem in this state and in this country, then you ought to be looking at this bill very seriously. You can't go back to the constituents that you have and say you did something about health insurance and not recognize that one of the major reasons people enter hospitals and go to doctors is because of smoking. I don't mean because they themselves smoke. There is an enormous amount of information out there now dealing with second-stream smoking.

Currently in the EPA in Washington, there is another report that is not getting out to the public that the EPA has done saying how bad the second-stream smoke is to people who don't smoke and what will happen to that person.

This issue is an important issue if you really and seriously, for those who have come up here and tried to address the health insurance problem in this state, this is one of the ways you can deal with it because you can't look at it one way, you have to look at it globally. You have to look at it as to what is the reason people go into hospitals? What is the reason our health insurance costs have risen? One of the reasons is because of smoking. It is as plain and simple as that.

This will protect the almost 65 to 70 percent of this state who now do not smoke. I know we are going to hear about the rights of smokers, but I would remind you that the rights of smokers does not go to the point where I, as an individual who does not smoke, has to inhale the second-stream smoking.

I would hope that this House would take a hard look at this, especially if you are concerned about Workers' Compensation, on both sides of the aisle, and your concerned about health insurance on both sides of the aisle, then you ought to be taking a look at this because you can't tell Banking and Insurance to do one thing and continue to have the state allow smoking everywhere. It is just not going to work that way folks because people are going to continue to get sick. It is plain and simple. Every fact out there shows it. The only people who deny it is the tobacco companies of this country who are getting richer as people are getting poorer because they are dying.

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

Representative PENDLETON: Mr. Speaker, Men and Women of the House: The Representative from Portland brought up some very good issues and this is a very serious situation but I would remind you that this particular bill is quite far-reaching. It would infringe upon business and personal choices. It would infringe upon a persons right and I would urge you to vote against the pending motion.

I would request a roll call.

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

Representative PENDEXTER: Mr. Speaker, Men and Women of the House: The Foundation for Blood Research which is located in Scarborough did a study relative to environmental tobacco smoke exposure during infancy. Physicians from the greater Portland area participated in this study. When nicotine is metabolized in the body, a biochemical called Creatinine is released and it can be measured in the blood, saliva, and urine. The study collected information about household smoking habits from 518 mothers when they made their first well-child visit with a six to eight week old infant. A urine sample was collected from the infant, the Creatinine concentration was measured and the measurements was correlated with data provided by the mother. Of the infants who were not exposed to household tobacco smoke, the median urine Creatinine level was 1.6 u.g.'s per liter. Among infants with environmental tobacco exposure from only one household member smoking and that member not being the mother, the Creatinine level was 8.9. Among infants with exposure from mothers who were smoking but they were the only member in the household smoking so it was just one household member but it was the mother who smoked, the median level was 28. Among infants where both mother and other household members smoked, the Creatinine level was as high as 43 so we have gone from a range of 1.6 to 43, depending on how much environmental tobacco smoke was in the environment.

I believe this study clearly documents the issue on environmental tobacco smoke where in this case were non-smokers of six to eight week old infants. Finding a by-product of nicotine in diapers that increases with increased exposure should be enough to convince you all that environmental tobacco smoke does affect others in a harmful way. It is sound, public health policy to provide smoke-free environment in public places and I encourage you to support the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Penobscot Nation, Representative Attean.

Representative ATTEAN: Mr. Speaker, Men and Women of the House: I am sure it comes as no surprise that I rise today in opposition to this amendment. Many of you know that I am a smoker and, for the Record, I will say it again, I am a smoker. That does not make me a bad person, my children love me, my grandchildren adore me, even my cat tolerates me and again. I say these words in jest, not just to relax you, but hopefully to relax myself because I know what a battle I face. But make no mistake, the words that follow are deadly serious.

I couldn't agree more with Representative Pendleton from Scarborough that this is, indeed, a far-reaching, broad and sweeping piece of legislation. I will explain that further but I hope that the words I speak will, not only dismay you but



shock you and perhaps educate you. I hope my words will open your eyes and make you realize what an ill-conceived piece of legislation this is. In order to achieve a perfect world and smoke-free environment, this Committee Amendment is treading on some very, very serious rights. I will spell that one right out now flat so you will understand where I am coming from and that is freedom of religion.

I know you are wondering how I can equate freedom of religion and an anti-smoking bill. I hope that I will be able to educate you on that.

When this bill went to public hearing, I testified against the bill. I stated that I had a number of objections to the bill as originally drafted but that I would address only two of my concerns in detail. One of my concerns was the infringement of religious freedom. I spoke about the religious rituals such as burning incense, palms, sweet grass and peace pipes.

Because of who I am and the people I represent, unfortunately, the focus of the media and the committee went immediately to the peace pipe issue. If I had been thinking a little more clearly, I could have included in that list, candles, matches, wood, a few other things.

If you have the Committee Amendment in front of you and if you don't, let me read it to you. The bill defines public place. Public place means any place not open to the sky and to which the public is invited or allowed. A private residence is not a public place. The bill does exclude private homes and, in my opinion, and I will leave it to your judgment to decide whether or not that definition of public place includes a church or a temple or a synagogue.

The bill further goes on to define smoking. Smoking includes carrying or having in one's possession a lighted cigarette, cigar, pipe, or other objects giving off smoke or containing any substance giving off smoke. Again, I leave it to your judgment to decide for yourself whether or not any substance giving off smoke is incense, votive candles, birthday candles, peace pipes, sweet grass or any substance giving off smoke.

My particular objection to this bill was addressed in a further Committee Amendment. Unfortunately, the language that is contained in this bill, I term, as highly insulting to the people that I represent.

I am gratified that the committee heard my concerns and did take steps to address them; however, the result is simply unacceptable.

Please let me quote the words of Speaker Martin in a recent Kennebec Journal article, which did a story on the two Indian Representatives in the Maine House and the efforts in some other states to do the same. Speaker Martin was kind enough to say, if you want to know what an American Indian thinks, ask one. Unfortunately, I was not asked about this language and, as a result, my people are being held up to public ridicule and scorn.

The Amendment — please let me just read the language here, on Page 2, Section C, line 31 — "Smoking may be permitted in any area when undertaken as part of the religious ceremony or as part of a cultural activity by a defined group such as a Native Americans." I will speak to the term "defined group" later. What this Amendment does is lump all religious ceremonies and cultural activities together and defines the use of any substance giving off smoke

as smoking. If this bill were to pass into law, the burning of incense would now be known as smoking. The burning of candles would now be known as smoking.

You have heard the term "smoking" in various conversations as a threat to the public health. I seriously doubt whether the burning of incense or even the Native American traditional practice of smoking a peace pipe is simply smoking and a threat to the public health. I am not disputing those scientific facts, I am disputing the language of this bill.

By using the term "Native American" and holding my people up as an example and labeling their most sacred religious objects and ceremonies as simply smoking is too degrading and too demeaning. My people have faced 500 years of a forced assimilation, acculturation and termination. We don't need another onerous label such as this.

I hope that you understand simply why I am so nervous but I have very deep emotions about this, not because of the whole issue of smoking, but at the result of the language used in this bill. I find the fact that I have to get up and defend my people's religious and traditional practices in terms of anti-smoking bill is simply incomprehensible, it is ludicrous, how did we get here, what insensitivity has been displayed by words such as this? I don't feel it necessary to explain all of my people's culture and religious practices but just remember that tobacco has always been held sacred in my culture and the smoking of the peace pipe and the burning of tobacco in our ceremonies is more than just a good smoke. Tobacco has played an integral part of our history. We burn it as a method of giving thanks to the Great Spirit who gave us, not only tobacco, but everything else that sustains us.

I spoke earlier about the words "defined group." In my opinion, that language leaves wide open who or what may define what a religious and cultural group is. Who is to say that they are not Native Americans? Anyone born in this country can claim to be Native Americans. Does this Amendment give the state the right to define who a person they claim to be? Does this Amendment imply that the state will keep a list of all religions in this state or all cultural groups in the state? My people, under the terms of both federal and state law, have the only right to define what a Penobscot Indian is. The state does not have that right.

Ladies and gentlemen, as I mentioned before — yes, I am a smoker but I would hope that the words I said to you just now will not be discounted because of that fact. I would hope that you would realize just how far-reaching and broad this bill is.

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

Representative MANNING: Mr. Speaker, Men and Women of the House: The good Representative who just spoke approached me after the bill was printed and told me about what she just explained to you. I apologize to her and to the Indian Nations of this state if we have offended them. We thought we had tried to deal with their problem that she brought to us on the day of the public hearing. I also offered to come up with language that would satisfy her.

I would hope that maybe the Majority or Assistant Majority Leader would table this so the good Representative would have time to come up with an amendment that would not offend her and the people that she represents.

The SPEAKER: The Chair recognizes the Representative from the Penobscot Nation, Representative Attean.

Representative ATTEAN: Mr. Speaker, Ladies and Gentlemen of the House: I did, indeed, approach Representative Manning. When this Amendment crossed our desks last Thursday, I took it with me into the retiring room to read it and it is, indeed, a fortunate thing that I did because when I read the language contained in this Amendment, I literally hit the roof. If you go into the retiring room, you will see the dent in the ceiling I made. It took me a while to calm down enough so that I could approach the good Representative from Portland, Representative Manning, and tell him that I consider this language highly insulting. He did, indeed, offer to prepare an amendment. As I thought about it, I decided that it was too late to prepare such an amendment, that the damage had already been done, the damage that could have been avoided had anyone using Native Americans as an example had only asked what a Native American thinks.

The committee analyst on this bill came to me a few weeks ago and asked my advice on other language contained in this bill, not the Native American issue. All of this could have been avoided. The damage has been done, it is too late for an amendment.

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

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

The SPEAKER: The pending question before the House is the motion of the Representative from Portland, Representative Manning, that the House accept the Majority "Ought to Pass" Report.

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

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

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

ROLL CALL NO. 107

YEA - Adams, Anthony, Ault, Bennett, Cathcart, Clark, M.; Duplessis, Goodridge, Handy, Hanley, Heesch, Heino, Hepburn, Holt, Lawrence, Lemke, Lipman, Manning, Marsh, Melendy, Mitchell, J.; Morrison, Nadeau, Norton, Nutting, O'Dea, Oliver, Paradis, J.; Paradis, P.; Parent, Pendexter, Pfeiffer, Pines, Richardson, Rydell, Simonds, Spear, Stevens, P.; Stevenson, Tracy, Treat, Tupper, Wentworth, Whitcomb.

NAY - Aikman, Aliberti, Anderson, Bailey, H.; Bailey, R.; Barth, Bell, Boutilier, Cahill, M.; Carleton, Carroll, D.; Carroll, J.; Chonko, Clark, H.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Donnelly, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Farnum, Farren, Foss, Garland,

Gean, Gould, R. A.; Graham, Gray, Greenlaw, Gurney, Gwadosky, Hastings, Hichborn, Hichens, Hoglund, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kontos, Kutasi, LaPointe, Larrivee, Lebowitz, Libby, Look, Lord, Luther, MacBride, Macomber, Mahany, Marsano, Martin, H.; McHenry, Merrill, Michaud, Mitchell, E.; Murphy, Nash, O'Gara, Ott, Paul, Pendleton, Plourde, Poulin, Pouliot, Powers, Rand, Reed, G.; Reed, W.; Richards, Ricker, Rotondi, Ruhlin, Saint Onge, Salisbury, Savage, Sheltra, Simpson, Skoglund, Small, Stevens, A.; Strout, Swazey, Tamaro, Tardy, Townsend, Vigue, Waterman, The Speaker.

ABSENT - Bowers, Butland, Cashman, McKeen, Pineau.

PAIRED - Hale, Mayo.

Yes, 44; No, 100; Absent, 5; Paired, 2; Excused, 0.

44 having voted in the affirmative and 100 in the negative with 5 being absent and 2 paired, the motion did not prevail.

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

Divided Report

Later Today Assigned

Majority Report of the Committee on State and Local Government reporting "Ought Not to Pass" on Bill "An Act to Create a State Municipalities Investment Pool" (S.P. 516) (L.D. 1377)

Signed:

Senators: EMERSON of Penobscot  
BERUBE of Androscoggin

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

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

Signed:

Senator: BUSTIN of Kennebec

Representatives: HEESCHEN of Wilton  
LARRIVEE of Gorham  
KILKELLY of Wiscasset

Came from the Senate with the Bill and accompanying papers recommitted to the Committee on State and Local Government.

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 Gorham, Representative Larrivee.

Representative LARRIVEE: Mr. Speaker, Ladies and Gentlemen of the House: I would not like to see the "Ought Not to Pass" Report prevail here today. I would concur with the other body that this ought to be recommitted to the Committee and if the House would give me a few moments, I will be more than glad to explain to you why I think this is extremely important.

Let me tell you briefly what the bill does. The bill allows the Maine Municipal Bond Bank to set up an investment pool for municipalities. The Maine Municipal Bond Bank has an excellent reputation of providing service to municipalities and this would be certainly a service to municipalities. It is a fund that would assure that the investment pool meet all the statutory requirements for investments, which you know is important for your municipalities as they invest their tax anticipation money.

This is a service that can be used or not used at the discretion of the municipality. The reason, in committee, that people brought to the committee for not passing this is that, if we draw money out of the bank, then the banks are going to begin to charge fees to towns for their checks and for their checking accounts. I think the banks have already done an excellent job of doing that. I also trust the municipal people to do their own math. If that investment pool is going to bring them in enough money, so it doesn't matter whether the banks are charging them fees or not, they are going to go ahead and invest their money where they can get the best return.

This is an excellent proposition and I think we should go along with it. Therefore Mr. Speaker, I move that we recede and concur with the other body.

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

Representative JOSEPH: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to vote for the "Ought Not to Pass" Report because I believe that recommitment of this bill would not be the right thing to do.

Yes, I will agree with the previous speaker who said that the concept is a good idea; however, I do not believe (at this time) that this is a good idea and neither do those of the signers of the "Ought Not to Pass" Report.

The creation of a municipal investment pool is an idea which some people say is an idea whose time has come for the State of Maine. Yes, twenty-five states do do it. Yes, it has been argued that higher rates of return and liquidity, available to only multi-million dollar investors, would be available to the Maine Municipal Treasurers. However, in the testimony that was brought before our committee from a leading bank in the State of Maine, who does currently provide lending services to cities and towns and school districts and other municipal entities, suggest that there would be a loss of deposits in Maine for those municipalities to currently compete for. It is the feeling, at this time, that there would be a loss of securities. Currently, the existing bank statutes here in the State of Maine protect the funds, the FDIC Insurance protects the municipalities and their monies. However, if they were borrowing from a national pool of funds, some of that protection may not be available.

Also, most municipal treasurers in Maine perform their duties with diligence and seek to earn the

highest interest available in the market place. However, if we are investing in a pool, there is no safeguard or no guarantee that that money would be hiring the highest rates so it was determined that, in some cases, municipalities would not earn the highest rate of interest. We feel, at this time, that this bill should not pass. However, at another time, we believe that a new piece of legislation could be submitted that would be acceptable to the majority of this committee.

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

Representative LARRIVEE: Mr. Speaker, Men and Women of the House: I will speak very briefly. If you are not getting the highest rate in this investment fund, you can move your money, there is no commitment here for a year or six months or for any amount of time. A municipality is going to do just exactly that, they are going to look at the numbers.

As far as whether the investments stays in Maine or not, I would ask any of you to look at the investments, not the real estate loans, but the investments of the banks with which the towns currently invest in. I will tell you that those are not being invested in the State of Maine anymore than any others are.

Mr. Speaker, I move that we recommit this bill to the Committee on State and Local Government.

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

Representative KILKELLY: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to support Representative Larrivee's motion to recommit this bill to the committee. I would urge you to think as you decide how you are going to vote on this to understand that these are difficult times, these are difficult times for towns, these are difficult times for the state, these are difficult times for our economy. All options ought to be available and all this bill does is to provide an additional option. Your voting to recommit this bill to the committee keeps that door open so the committee can, again, discuss the issue, can look at it more in depth and, hopefully, come back with something that more people on the committee will be able to accept.

I think we have an obligation to the municipalities that we represent to provide them with every option that we can so they can maximize their investments and get the best return for their money and make choices that are in their best interest. Again, I urge you to vote to recommit this bill to the committee.

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

Representative LOOK: Mr. Speaker, Men and Women of the House: I hope you will support the Majority Report on this bill. We debated this and most of the municipalities in this state have done business with their local banks and in many practices the banks bid on the accounts of the municipalities. That way, they can get a better interest rate and they can make the decisions who they want to be dealing with. It has worked well over the years and I hope you will support the "Ought Not to Pass" position.

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

Representative HEESCHEN: Mr. Speaker, Members of the House: Just to follow up on what the Representative from Jonesboro was saying that towns

have managed very well and they can choose where to invest their money. I would point out that the availability of the Maine Municipal Bond Bank would increase the options available to them.

Some of the debate in committee focused on what I think is a mistaken idea that this is a mandate that communities had to follow. It is most definitely not a mandate, it is purely and simply another option, one which communities may find very profitable.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative Larrivee of Gorham that L.D. 1377 be recommitted to the Committee on State and Local Government. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

56 having voted in the affirmative and 60 in the negative, the motion did not prevail.

On motion of Representative Gwadosky of Fairfield, tabled pending the motion of Representative Joseph of Waterville that the House accept the Majority "Ought Not to Pass" Report and later today assigned.

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**Divided Report**

Majority Report of the Committee on State and Local Government reporting "Ought Not to Pass" on Resolve, to Implement the Final Report of the Commission on Maine's Future (S.P. 546) (L.D. 1450)

Signed:

Senators: EMERSON of Penobscot  
BERUBE of Androscoggin

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

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-283) on same Resolve.

Signed:

Senator: BUSTIN of Kennebec

Representatives: HEESCHEN of Wilton

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

Reports were read.

On motion of Representative Joseph of Waterville, the Majority "Ought Not to Pass" Report was accepted in concurrence.

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**Divided Report**

Majority Report of the Committee on State and Local Government reporting "Ought Not to Pass" on Bill "An Act to Provide Interest on Community Agency Accounts" (S.P. 575) (L.D. 1529)

Signed:

Senators: EMERSON of Penobscot  
BERUBE of Androscoggin

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

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-272) on same Bill.

Signed:

Senator: BUSTIN of Kennebec

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

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

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.

This bill standardizes late fees to be paid by a state agency at 15 percent per annum on all accounts due community agencies. We feel that the state should be paying its bills on time and we urge you to pass 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: I would urge you to also accept the "Ought to Pass" Report. I think that it is important that we understand the difficulty that agencies and individuals that are providing services to state government find themselves in when payments are not received for 90 days or more.

We, as a grantor, expect that those agencies are going to maintain their fiscal responsibility and maintain their cash flow and it is very difficult for them to do that when a check is more than 90 days late. For many of you that may have received calls over the last 12 months about checks that were 90 days, 120 days or even 150 days late, you understand the difficulty that that presents for people that are providing services to the state.

What this bill does is two things, one, it does provide an interest payment for those amounts that are in arrears more than 90 days. It also provides a significant incentive to the various departments of state government to pay their bills on time as best they can. Obviously, there can be times when an

invoice hasn't come in properly and we have dealt with that in the Committee Amendment because the Committee Amendment says, when a proper invoice of a community agency is not paid within 90 days, so that part is covered. If the agency is at fault, then certainly the state should not have to pay interest but when the state is at fault and has not made a payment for over 90 days, then from that date of 90 days on, there ought to be interest paid.

I would urge you to support the "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: As I read this bill, it seems to me there are three things, one, there is no fiscal note attached to it and it seems to me that has to be a factor in these times.

Number two, it charges 15 percent. That is not interest, that is a penalty.

Number three, many of the agencies that are making the invoices are in fact grant recipients of the state, they exist solely because the state has allowed them to exist with their grant money. I don't think that the receiver of grant money should be entitled to sit there and charge the state penalties if it can't get up its money timely.

I think this is a bill which needs a lot more review.

I would like to ask any committee member who would be willing to respond as to why it does not have a fiscal note?

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 Wiscasset, Representative Kilkelly.

Representative KILKELLY: Mr. Speaker, Ladies and Gentlemen of the House: I think it is interesting when we talk about the fact that these agencies are there at the pleasure of the state and should not be unhappy of the fact that bills are not paid within 90 days. Those folks are also signing contracts to provide services to the people of this state and no one is allowing them to wait 90 days to provide a day care service or 90 days to provide respite care service or 90 days to provide a hot meal service or any of the other services that are provided. So, I think as long as we are expecting services, we need not think that they are just there on a whim, they are there to provide a very needed service.

In terms of the fiscal note, certainly if bills were paid within the 90 days, there would be no need for a fiscal note. On the amendment it does suggest that there is a fiscal note necessary and that the amount of the additional General Fund appropriation required cannot be determined at this time, that is on filing number S-272, the Committee Amendment to this bill.

The SPEAKER: The Chair recognizes the Representative from Old Orchard Beach, Representative Kerr.

Representative KERR: Mr. Speaker, Men and Women of the House: This bill might be a good bill if the times were different. We, as a state, cannot afford to pay our bills now, never mind on time and, on top of that, with interest.

I urge you to support the Majority "Ought Not to Pass" simply because we cannot afford it.

The SPEAKER: The Chair recognizes the

Representative from Brunswick, Representative Clark.

Representative CLARK: Mr. Speaker, Men and Women of the House: I rise today as a former executive director of one of these small community agencies. For three years, up until last December, I headed an agency — an agency whose total budget was about \$100,000. That agency did receive about \$65,000 of that money from the state.

Let me tell you what it was like to run that agency. At the end of each fiscal year, if I had any money left over because I had budgeted carefully, I had to turn it back in. I had to turn it back in the day my grant manager said, you have too much money, turn it back in.

Then what I had to do, ladies and gentlemen, was go to a local bank, establish a line of credit and get a loan every August because I did not have my grant check and I had not been allowed to carry over enough money to pay my payroll, my one staff person, her August payroll. That interest, not only did I have to pay, but I had to raise private money to pay it. When you and I owe the state money through income tax or other means, we don't have a 90 day grace period, it is due the day they tell us it is due and we keep paying a fine until it gets paid. I am sorry, we can say the state has tight fiscal times but the state didn't pay their bills on time when there wasn't tight fiscal times. Agencies are also feeling the pinch. Agencies are having to go out and float a loan and pay the interest on that loan because we are being irresponsible in our bill paying.

I urge you to accept the Minority "Ought to Pass" Report.

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

Representative LOOK: Mr. Speaker, Men and Women of the House: The gentleman from Fryeburg, Representative Hastings, and the gentleman from Old Orchard, Representative Kerr, are absolutely right, this has a sizable fiscal impact on the State of Maine. Dealing with any government agency is time consuming. I don't care what it is and this is exactly what happens. Shuffling paper work takes time and because of the fiscal impact on the state coffers is the reason that I did not support this measure. I do understand that the community agencies do have to wait for their money. I do not condone an excessive length of time to wait but they operate on a promise, they go out and secure contracts on a promise, whether that is good business or not, I question it. But, at this time, this fiscal impact is going to exceed a great amount of money.

The SPEAKER: The Chair will order a vote. 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.

A vote of the House was taken.

Representative Joseph of Waterville 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 Minority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 108

YEA - Adams, Anthony, Bell, Bennett, Boutilier, Cahill, M.; Carroll, D.; Cathcart, Clark, H.; Clark, M.; Constantine, Cote, Daggett, Dore, Erwin, Farnsworth, Gean, Goodridge, Graham, Gwadosky, Handy, Heeschen, Hichborn, Hogle, Holt, Jacques, Jalbert, Joseph, Ketover, Ketterer, Kilkelly, Kontos, Larrivee, Lawrence, Lemke, Mahany, Manning, Martin, H.; Mayo, McHenry, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Poulin, Rand, Richardson, Rotondi, Ruhlin, Rydell, Saint Onge, Sheltra, Simonds, Simpson, Skoglund, Stevens, P.; Swazey, Tardy, Townsend, Treat, Wentworth, The Speaker.

NAY - Aikman, Aliberti, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Carleton, Carroll, J.; Chonko, Crowley, Donnelly, Duffy, Dutremble, L.; Farnum, Farren, Foss, Garland, Gould, R. A.; Gray, Greenlaw, Gurney, Hanley, Hastings, Heino, Hepburn, Hichens, Hussey, Kerr, Kutasi, LaPointe, Lebowitz, Libby, Lipman, Look, Lord, Luther, MacBride, Marsano, Marsh, Merrill, Murphy, Nash, Norton, Parent, Pendexter, Pendleton, Pines, Plourde, Pouliot, Powers, Reed, G.; Reed, W.; Richards, Ricker, Salisbury, Savage, Small, Spear, Stevens, A.; Stevenson, Strout, Tammaro, Tracy, Tupper, Vigue, Waterman, Whitcomb.

ABSENT - Bowers, Butland, Cashman, Coles, DiPietro, Duplessis, Hale, Macomber, McKeen, Nadeau, Ott, Pineau.  
Yes, 71; No, 68; Absent, 12; Paired, 0; Excused, 0.

71 having voted in the affirmative and 68 in the negative with 12 being absent, the Minority "Ought to Pass" Report was accepted in non-concurrence, the Bill read once.

Committee Amendment "A" (S-272) was read by the Clerk and adopted and the Bill assigned for second reading Thursday, June 6, 1991.

**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" (S-241) on Bill "An Act Regarding Investment of State Funds in Corporations Doing Business in Northern Ireland" (S.P. 446) (L.D. 1190)

Signed:

Senators: BUSTIN of Kennebec  
EMERSON of Penobscot  
BERUBE of Androscoggin

Representatives: LOOK of Jonesboro  
NASH of Camden  
SAVAGE of Union  
WATERMAN of Buxton

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (S-242) on same Bill.

Signed:

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

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

Reports were read.

On motion of Representative Joseph of Waterville, tabled pending acceptance of either report and later today assigned.

**Recalled from Engrossing Department pursuant to Joint Order S.P. 725**

**Non-Concurrent Matter**

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

- In House, passed to be engrossed as amended by Committee Amendment "A" (H-313) on May 20, 1991.

- In Senate, passed to be engrossed as amended by Committee Amendment "A" (H-313) on May 23, 1991, in concurrence.

- Recalled from Engrossing Department pursuant to Joint Order (S.P. 725)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-313) and Senate Amendment "A" (S-258) in non-concurrence.

The House voted to recede and concur.

**Non-Concurrent Matter**

Bill "An Act to Reduce Littering" (H.P. 909) (L.D. 1306) which was passed to be engrossed as amended by Committee Amendment "A" (H-255) as amended by House Amendment "A" (H-479) thereto in the House on May 30, 1991.

Came from the Senate with that Body having insisted on its former action whereby the Bill and accompanying papers were indefinitely postponed in non-concurrence.

The House voted to Adhere.

**Non-Concurrent Matter**

An Act to Transfer Responsibility for the Regulation of Home Service Contracts from the Real Estate Commission to the Bureau of Insurance (S.P. 688) (L.D. 1829) (H. "A" H-362) which was passed to

be enacted in the House on May 30, 1991.

Came from the Senate with the Bill and accompanying papers recommitted to the Committee on **Business Legislation** in non-concurrence.

The House voted to recede and concur.

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**Non-Concurrent Matter**

Bill "An Act to Protect the Public Health by Strengthening Maine's Radiation Protection Program" (H.P. 557) (L.D. 800) which was passed to be engrossed as amended by Committee Amendment "A" (H-350) in the House on May 23, 1991.

Came from the Senate with the Bill and accompanying papers recommitted to the Committee on **Human Resources** in non-concurrence.

The House voted to recede and concur.

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**Non-Concurrent Matter**

Bill "An Act to Clarify the Status of Employee Benefit Excess Insurance" (H.P. 814) (L.D. 1168) which was passed to be engrossed as amended by Committee Amendment "A" (H-355) in the House on May 23, 1991.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-355) as amended by Senate Amendment "A" (S-285) thereto in non-concurrence.

The House voted to recede and concur.

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**COMMUNICATIONS**

The following Communication: (S.P. 727)

115TH MAINE LEGISLATURE

May 30, 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 the Honorable James McBreairty of Caribou for appointment and John F. Gibbons, M.D. of Cape Elizabeth for reappointment to the Low-Level Radioactive Waste Authority.

Pursuant to Title 38, MRSA Section 1512, 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.

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The following Communication: (S.P. 728)

115TH MAINE LEGISLATURE

May 30, 1991

Senator Gerard P. Conley, Jr.  
Representative Peter J. Manning  
Chairpersons  
Joint Standing Committee on Human Resources  
115th Legislature  
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Richard B. Dalbeck of Cape Elizabeth for appointment to the Health Care Finance Commission.

Pursuant to Title 22, MRSA Section 383, this nomination will require review by the Joint Standing Committee on Human 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 **Human Resources**.

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

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The following Communication: (S.P. 731)

115TH MAINE LEGISLATURE

May 30, 1991

Senator Jeffery N. Mills  
Rep. Mark W. Lawrence  
Chairpersons  
Joint Standing Committee on Legal Affairs  
115th Legislature

Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Robert R. Cooper, Jr. of Falmouth for appointment to the Maine State Lottery Commission.

Pursuant to Title 8, MRSA Section 373, this nomination will require review by the Joint Standing Committee on Legal Affairs 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 **Legal Affairs**.

Was Read and Referred to the Committee on **Legal Affairs** in concurrence.

**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:

**Housing and Economic Development**

Bill "An Act Concerning the Low-income Home Energy Assistance Program" (EMERGENCY) (H.P. 1333) (L.D. 1924) (Presented by Representative CHONKO of Topsham) (Cosponsored by Representative CARROLL of Gray and Representative RYDELL of Brunswick) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.  
Sent up for Concurrence.

**Legal Affairs**

Bill "An Act Concerning Security Deposits" (H.P. 1332) (H.P. 1923) (Presented by Representative O'DEA of Orono) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

(The Committee on Reference of Bills had suggested the Committee on **Legal Affairs**.)

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

Representative DIPIETRO: Mr. Speaker, I would like to pose a question. This bill looks like an amendment to a bill that the House has already disposed of. Could you possibly tell me if this document is a legal document, should we be

considering it?

The SPEAKER: The Chair would advise the Representative the matter is still pending in the Senate and, therefore, it is properly within the rules.

Subsequently, was referred to the Committee on **Legal Affairs**, ordered printed and sent up for concurrence.

**Utilities**

Bill "An Act to Amend the Berwick Sewer District Charter" (H.P. 1339) (L.D. 1931) (Presented by Representative MURPHY of Berwick) (Cosponsored by Senator CARPENTER of York) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.  
Sent up for Concurrence.

By unanimous consent, all reference matters acted upon were ordered sent forthwith to the Senate.

**ORDERS**

On motion of Representative SMALL of Bath, the following Joint Resolution: (H.P. 1338) (Cosponsors: Senator CAHILL of Sagadahoc, Representative HOLT of Bath, and Representative COLES of Harpswell)

**JOINT RESOLUTION RECOGNIZING THE 100TH ANNIVERSARY  
OF THE BATH HIGH SCHOOL ALUMNI ASSOCIATION**

WHEREAS, Morse High School in Bath, Maine has a longstanding reputation for excellence in secondary education; and

WHEREAS, Morse High School is recognized throughout Maine for its leadership role in academics, athletics and other extracurricular activities; and

WHEREAS, the Bath High School Alumni Association is celebrating its 100th anniversary this June; and

WHEREAS, the alumni association is believed to be among the largest and most active in the United States; and

WHEREAS, Morse High School alumni have distinguished themselves in medicine, law, education, government and many other areas of interest in addition to ranking among the world's finest shipbuilders; and

WHEREAS, the alumni association has provided hundreds of thousands of dollars in scholarship aid to graduates and hundreds of memorable gifts to the school over the decades; and

WHEREAS, the Bath High School Alumni Association is believed to be the oldest in the United States



that holds one large high school reunion each year; now, therefore, be it

**RESOLVED:** That We, the Members of the One Hundred and Fifteenth Legislature, now assembled in the First Regular Session, recognize the 100th anniversary of the Bath High School Alumni Association and join in the celebration of its century of service to the graduates of Morse High School and to the school; and be it further

**RESOLVED:** That suitable copies of this joint resolution, duly authenticated by the Secretary of State, be sent forthwith to the officers of the Bath High School Alumni Association.

Was read and adopted and sent up for concurrence.

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**SPECIAL SENTIMENT CALENDAR**

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

Recognizing:

Dawn Kearns, a recipient of the 1991 Bob Clark Memorial Award presented by the Union Street Alternative School in Brunswick; (HLS 455) by Representative CLARK of Brunswick. (Cosponsors: Senator CLARK of Cumberland, Representative RYDELL of Brunswick, Representative PFEIFFER of Brunswick)

On motion of Representative Clark of Brunswick, was removed from the Special Sentiment Calendar.

Was read and passed. Sent up for concurrence.

Recognizing:

Kevin McCartney, a recipient of the 1991 Bob Clark Memorial Award presented by the Union Street Alternative School in Brunswick; (HLS 456) by Representative CLARK of Brunswick. (Cosponsors: Senator CLARK of Cumberland, Representative RYDELL of Brunswick, Representative PFEIFFER of Brunswick)

On motion of Representative Clark of Brunswick, was removed from the Special Sentiment Calendar.

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

Representative CLARK: Mr. Speaker, Ladies and Gentlemen of the House: I am proud that the Brunswick School District has established an alternative education program, in fact they were one of the early ones in this state, a program that specifically acknowledges and supports students, who by their own admission, hear a different drummer and are having trouble in traditional high schools.

My son was a student at Union Street School for a little over a year. When he died three years ago, we established a Bob Clark Memorial Award to honor one or more graduating seniors who exemplified the spirit of the school and of the programs that they represent.

I am pleased today to introduce you to the two recipients of this year's award. Dawn Kearns has

been a student in the alternate education program in Brunswick for two years. As part of their curriculum, all students are expected to work or do voluntary service and Dawn has done both. She has worked both at Bath and Regional hospitals and at the Broadway Deli. In addition, because of her interest in art, she has painted a wall mural for the alternative education program and has volunteered to help the Art teacher at Longfellow Elementary School. She has also been president of production for Junior Achievement. Her teachers claim that she is consistent, soft spoken, thoughtful and respected by her peers and adults.

Kevin McCartney has also been a student at Union Street School for two and a half years. He worked at Arby's off and on for three years, was elected vice-president of marketing for Junior Achievement and received the Junior Achievement Leadership Award and was chosen to address the Junior Achievement advisors at the appreciation banquet. He is described by his teachers as a quiet, steady worker. People listen to what he has to say, he is capable and even-tempered.

Both of these young people have participated in Outward Bound as well as Junior Achievement and I am proud to say both are making plans for post-secondary education.

Subsequently, was passed and sent up for concurrence.

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**REPORTS OF COMMITTEES**

**Unanimous Ought Not to Pass**

Representative NADEAU from the Committee on Taxation on Bill "An Act to Improve the Property Tax Circuit Breaker Program" (H.P. 1008) (L.D. 1476) reporting "**Ought Not to Pass**"

Representative CASHMAN from the Committee on Taxation on Bill "An Act to Require that a New Tax Assessment Manual Be Developed" (H.P. 1005) (L.D. 1473) reporting "**Ought Not to Pass**"

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

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

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

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**Ought to Pass as Amended**

Representative LAWRENCE from the Committee on Legal Affairs on Bill "An Act to Amend the Liquor Laws" (H.P. 1264) (L.D. 1833) reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-545)

Report was read and accepted, the bill read once.

Committee Amendment "A" (H-545) was read by the Clerk and adopted and the bill assigned for second reading Thursday, June 6, 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 Piscataquis County for the Year 1991 (EMERGENCY) (H.P. 1334) (L.D. 1927) 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 given its second reading without reference to the Committee on **Bills in the Second Reading**.

On motion of Representative Merrill of Dover-Foxcroft, tabled pending passage to be engrossed and specially assigned for Thursday, June 6, 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 Franklin County for the Year 1991 (EMERGENCY) (H.P. 1335) (L.D. 1928) 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 given its second reading without reference to the Committee on **Bills in the Second Reading**.

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

**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 Sagadahoc County for the Year 1991 (EMERGENCY) (H.P. 1336) (L.D. 1929) 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 Knox County for the Year 1991 (EMERGENCY) (H.P. 1337) (L.D. 1930) 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.

**Divided Report**

Majority Report of the Committee on **Legal Affairs** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-482) on Resolve, to Authorize the County of Franklin to Acquire a Certain Parcel of Land in Coburn Gore (H.P. 774) (L.D. 1106)

Signed:

Senators: KANY of Kennebec  
SUMMERS of Cumberland

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

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

Signed:

Senator: MILLS of Oxford

Reports were read.

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

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

Representative JALBERT: Mr. Speaker, Men and Women of the House: I would just like to remind all of the veteran members here that this is the famous Coburn Gore dump, so they all feel better about it.

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

Committee Amendment "A" (H-482) was read by the Clerk and adopted and the Bill assigned for second reading Thursday, June 6, 1991.

**Divided Report**

Majority Report of the Committee on **Human Resources** reporting "**Ought Not to Pass**" on Bill

"An Act to Exempt Substance Abuse and Psychiatric Patients from the Prohibition against Smoking in Hospitals" (H.P. 333) (L.D. 463)

Signed:

Senators: GILL of Cumberland  
CONLEY of Cumberland

Representatives: MANNING of Portland  
GOODRIDGE of Pittsfield  
SIMONDS of Cape Elizabeth  
TREAT of Gardiner  
WENTWORTH of Arundel  
PENDEXTER of Scarborough

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-483) on same Bill.

Signed:

Senator: BOST of Penobscot

Representatives: CLARK of Brunswick  
GEAN of Alfred  
PENDLETON of Scarborough  
DUPLESSIS of Old Town

Reports were read.

Representative Manning of Portland moved that the House accept the Majority "Ought Not to Pass" Report.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: The reason the majority of the people went against this particular piece of legislation, both the Hospital Association and others will talk to you today, will tell you that this process has worked well. The Hospital Association came in and opposed this piece of legislation. The medical profession feels what is out there now is working well in the community hospitals and we ought not to be fooling around with what has worked well.

I must remind you that the current statute says, "A physician can allow a smoker to smoke", he has to write it down in the chart but this physician, under current law, can allow that to happen.

This original piece of legislation was endorsed by the hospitals, they wanted this piece of legislation. Quite frankly, as I told them, at a symposium that they had two years ago when they asked me to speak about it, they wanted the blame to come on us versus the blame to go on the hospitals but the hospitals wanted this piece of legislation, they wanted it bad. They wanted smoking to stop in hospitals.

It has worked well. Frankly, I have only heard of one incident or one area in the state that it is not working as well as perhaps it should. I am sure we will hear about that but in the rest of the hospitals it has worked well.

I think, as we did a few weeks ago, dealing with the podiatry bill, we should allow the hospitals to work their problems out and not pass this law and override what the hospitals truly want to have.

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

Representative DUPLESSIS: Mr. Speaker, Men and Women of the House: When a patient goes into the hospital for mental health services and that patient smokes, currently they have to receive permission from their doctor to smoke. The physician has to write an order, "patient may smoke." With this bill, the physician will have to write "patient may not smoke" if the physician feels that for a period of time the patient is not stable enough to leave the unit to go to the designated smoking area, if that area is off the unit. This relieves the doctor from the responsibility of writing such an order which as health care providers, she or he may not wish to write.

I would also like to refer to what was said about the medical profession. The medical profession was not there to testify for this bill, the Maine State Nurses Association was there to testify on behalf of this bill as patient advocates.

Most hospitals have designated smoking areas. Some of them on the unit, some off the unit and, as we learned through work session, one hospital has no smoking areas inside the facility at all.

I am a non-smoker and do not frequent places which allow smoking. But, I am also a nurse who works with people who require mental health services and see that these people have major issues to deal with. It is inhumane for them to be required to deal with nicotine withdrawal at the same time they have to deal with, for instance, a recent suicide attempt.

All this bill does is require hospitals, who choose to provide services for those people with mental illness and/or those people with substance abuse problems, to fully meet their needs.

I urge you to vote against the pending motion.

Mr. Speaker, I request the yeas and nays.

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

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

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

Representative SIMONDS: Mr. Speaker, Men and Women of the House: There has been credible testimony from members of the medical profession who object to this change. We heard (in the committee) testimony from Dr. Jacobsohn, senior psychiatric consultant, Department of Mental Health and Mental Retardation, "It does not help in the treatment of psychiatric patients to provide special concessions and allowances."

I called the Chief of Medicine at the Maine Medical Center, Dr. Robert Hillman, and asked his opinion on this bill and he said, "Please do not change the present law. We do not allow and have not provided special designated places in the Maine Medical Center for psychiatric patients, that policy was installed by the former director of psychiatry, it is working extremely well. They have made fine progress and they strongly object to any current changes in the present law. Leave it to the hospitals and the medical staff to determine what works best for their patients."

The SPEAKER PRO TEM: The Chair recognizes the

Representative Dore.

Representative DORE: Mr. Speaker, Men and Women of the House: I am a prime sponsor of this piece of legislation and I am going to tell you a little bit of the history of it.

I have jokingly referred to this piece of legislation as the St. Mary's Hospital Bill and that is because we passed a law a few years ago that enabled hospitals to go non-smoking. In this process of passing that law, we also made an exception for patients at AMHI and BMHI. That is, we recognized that psychiatric patients in Maine at state-run hospitals should have a place to go and smoke. As AMHI and BMHI becomes less the place people go when they have a psychiatric illness and community hospitals become where we temporarily institutionalize people with a mental illness and because also I made an allowance for people with substance abuse problems who find that they must go into a hospital for treatments for their substance abuse problems, we have effectively banned those patients who are going through some of the major traumas in their life, from tobacco.

At St. Mary's Hospital in Lewiston, the law we passed enabled them to designate as their smoking area outdoors and psychiatric and substance abuse patients from those two wards go outdoors four times a day to smoke. Sounds like it should work doesn't it? Sounds like they should be able to not have to deal with their addiction to nicotine at the same time when they are undergoing other major life stresses? Well, it doesn't work, ladies and gentlemen, and it doesn't work because, at that hospital, you cannot leave if you are in the psychiatric ward or the substance abuse ward for the first 72 hours. That is also part of their regulation and part of the agreement you make when you check into those wards that you will be under observation for the first 72 hours and will not be able to leave. That means you are going to go through tobacco withdrawal during your first 72 hours.

I have spent some time in the psychiatric ward, not the substance abuse ward, visiting patients and I can tell you that that is a recurring complaint that while they are in the hospital they must endure 72 hours of non-smoking.

I brought the bill to the committee because I think it is mean to deny them this privilege. Remember this is self-admission, we ask people to voluntarily note you are in trouble here, you are experiencing major life stress, perhaps a psychotic episode, perhaps a bout of alcoholism and you need to voluntarily admit yourself to your hospital that has a psychiatric or substance abuse ward for treatment. It makes patients resist self-admission. It is another added burden for why they don't want to go to the hospital. I don't want to go to the hospital, I don't want to give up smoking. I am giving up control of all the other aspects of my life and I don't want to give that up. That is what happens so we wait for those patients. Family members wait for those patients to become sicker, to become more ill, so that they can be persuaded to check into the psychiatric ward or the substance abuse ward. I will tell you right here and now that I don't know a lot about substance abuse but my imagination tells me, if you are having DT's from alcohol withdrawal or whatever you have from cocaine withdrawal, you don't need an addition to that to have to give up smoking at that time.

I do know something about psychiatric patients with long-term mental illness. This is what I know, they voluntarily take drugs, medication that shortens their life span, that can make them incontinent, that affect their short and long-term memory, that affect their right to drive, that affect their ability to work, that may prohibit them from taking any alcoholic drinks because of the way the drug mixes with the alcohol. It affects their eating and sex drive, it affects just about every other aspect of their life and they voluntarily take these medications and look for the right combinations in these highly toxic medications because it is preferable to psychotic episodes and that is what is true of people with long-term mental illnesses. All of the things that patients voluntarily and knowingly put into their bodies in order to avoid a psychotic episode or devastating depression or suicide tendency — all the side effects of these drugs that they volunteer for — and we passed a law two years ago in this body because we were concerned about the effects of ambient smoke on them — please talk to a few psychiatric patients, ambient smoke is the last on their list of medical concerns.

I can't tell you that I have done a survey and most people with long-term mental illness smoke definitively, but I can tell you most people I have met who recurringly show up at St. Mary's on 3-A do smoke. Many psychiatric patients smoke, many substance abuse patients smoke, sometimes they smoke because it is the last thing in their life that they have left that they have control over. Sometimes they smoke because they have addictive personalities.

This is an undue burden that we inadvertently placed upon them. I am a little chagrined to say inadvertently because we did know two years ago that we shouldn't place this burden on the patients at AMHI and BMHI and we made provisions for them. I have two psychiatrists complain to me that this is an undue burden on their patients and the patients resist going in for treatment when they should because of this burden. I have had many social workers within that and other hospitals say to me that this is absurd.

I would like to point out that the psychiatric ward in the Brunswick hospital, the name of which I do not recall, does allow for a smoking room. St. Mary's has a problem, they do not, and I did try to work it out with them administratively but the interest of the hospital as a whole will dominate over the interests of the patients in two wards, the psychiatric and substance abuse ward. I think that if we are going to control so many aspects of lives of people with these major illnesses that this ought to be one area where we give a little. I think it is mean if we don't and that is why I put in this piece of legislation.

I hope that you will reject the Majority Report so we can go on to pass the Minority Report.

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

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

The question is this — does this bill require hospitals to establish designated smoking areas within the hospital even if the hospital doesn't want to or does it simply remove the prohibition and allow that decision to be made by medical personnel?

The SPEAKER PRO TEM: Representative Coles of Harpswell has posed a question through the Chair to

any member who may respond if they so desire.

The Chair recognizes the Representative from Auburn, Representative Dore.

Representative DORE: Mr. Speaker, Ladies and Gentlemen of the House: As it was originally designed, this bill said psychiatric and substance abuse patients shall be given a designated smoking area within the hospital. If you were in for a mental illness or substance abuse problem or psychiatric disorder, you would be provided with a place to smoke.

The bill was amended to try to accommodate the committee and in the process of the amendment (you can look at it, H-483) and it was in response to the Maine Hospital Association, I may add — the Maine Hospital Association drafted this amendment, this is limited to only those hospitals that have psychiatric and substance abuse wards. If your little community hospital occasionally has a psychiatric patient or a patient is in to dry out from alcoholism, that hospital will not have to provide a smoking room. If the patient is a resident of a ward that is treating psychiatric or substance abuse, then the patient must have access to and be permitted to smoke in a designated smoking area. It has to be enclosed and adequately ventilated. There isn't even a credible argument that harm is done to others. Please remember when you look at this legislation that many of the patients in these wards have many other medical and social problems and ambient smoke is the least of their problems and the least of their concerns.

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

Representative MANNING: As I indicated earlier, between 65 and 70 percent of the people in this state, no longer smoke. I guess the only people that go into the wards that we are talking about are smokers. I think that is crazy and we all know that is crazy. If somebody is allergic to smoking, they might also have a real problem with this. It is only one hospital that is having a problem with this and that happens to be St. Mary's. I would hope that St. Mary's would try to address that one problem.

You heard from another Representative that the Maine Medical Center, which is probably one of the largest in the state, is not having a problem with it. They probably serve more mentally ill patients in this state except for Bangor and Augusta and they are not having a problem with it.

I remind this House what we tried to do a couple of weeks ago and that is mandate on the hospitals. If there is a problem at St. Mary's, then St. Mary's ought to fix it, not pass a law that those individuals who don't smoke — remember 65 to 70 percent of the population does not smoke, those individuals will also be going inside. If somebody needs to have a cigarette and it is carte blanche, what about the person sitting next to them who is trying to deal with their problems? How do you think they would feel? I think we ought to leave it up to the doctors of the state who can, under current law, allow that individual to smoke. If St. Mary's has a problem, then St. Mary's ought to fix it, not blanket this for every hospital.

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

Representative MELENDY: Mr. Speaker, Men and Women of the House: My husband is a psychiatric social worker and the Assistant Director of the

Mental Health Center in Rockland, so I am very concerned with the patients and what they need. I will tell you what I just did, I got on the telephone and I called my hospital. My hospital has set up a system where eight times a day they take the clients out in a little area outside and that is part of their treatment. The thing that they said was really helpful is the fact that many of these people would never try to quit on their own and when they have an opportunity to break a little bit and the fact that they are allowed to smoke only eight times a day, in many cases, some of these same patients asked for some additional help to help them quit smoking.

I really believe that the people who work in these wards are very, very concerned with the people that they serve. I think they find a way to take care of them and those that need to smoke are allowed to smoke and they find a way for them to do it legitimately. I think if it is a way to help them get off from it completely, it is doing them an extra benefit.

I would support the Majority "Ought Not to Pass" and I hope you would also.

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

Representative CLARK: Mr. Speaker, Men and Women of the House: I would urge you to reject the pending motion so we can go on to accept the Minority Report on this bill.

I want to remind you of something you heard earlier and that is that this body has decided that patients at AMHI and BMHI ought to be allowed to smoke, that that ought to be an exception to the hospital smoking laws. We made that decision based on the fact that these people are not asking for treatment of their nicotine addiction even if they admit they have a nicotine addiction, they are in a hospital for another reason and a reason that often demands all of their attention. The withdrawal from nicotine ought not to be complicating that treatment process.

This bill merely says that those patients who are being treated in private hospitals rather than in our state institutions have the same opportunities and privileges.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: That is correct. Two years ago or last year, we addressed the problem, but it is not like it used to be at AMHI and Bangor. You go through there now and you can see. What do I mean by that? There is not a cloud like it used to be for some of us who have been going over there for years. They are allowed to smoke in a room that is off every single ward over there. Some of them can go over to that if they have permission. Others must go over with a mental health worker. It isn't carte blanche over there. The same thing happens in Bangor, they are not allowed to smoke on the wards anymore and, believe me it is cleaner, it smells better. For years, the smoke over there was just hanging right there day after day after day. They now have to go off the ward and it is an enclosed room and they can smoke there and the smoke is ventilated outside but it is not carte blanche at AMHI nor at Bangor.

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

Representative LIPMAN: Mr. Speaker, Ladies and Gentlemen of the House: When I arrived today, in no

way did I intend to speak on this bill. Listening to this debate has really upset me to the point where something that I wasn't going to get involved in, I am now going to say something.

First of all, I have supported all of the no smoking bills. I voted, albeit in the minority, but I am opposed to smoking. I don't smoke and I have seen in my own family the effects of what happens when you smoke.

However, this is a different issue, an entirely different issue. When you hear the fact that St. Mary's has a problem and we shouldn't pass a bill because St. Mary's has a problem — well, we passed bills, which were good bills, which were accomplishing something but unfortunately, as a result of the good bills that we passed, we have created a situation at St. Mary's which is really unworkable and unfair to people who are trying to resolve a problem they have and cure another disease that they have.

I would urge you, for the purposes of what is happening at St. Mary's, to vote against the Majority "Ought Not to Pass" and allow the Minority "Ought to Pass" bill to go through.

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

Representative DORE: Mr. Speaker, Men and Women of the House: I am sorry to rise again and I will try to be brief.

I would like to respond to Representative Melendy of Rockland by pointing out that it is very nice that her hospital lets people go out eight times a day. I wonder, do they keep them in for the first 72 hours for the most intensive withdrawal?

I would like you to know something, when you are coming off your medications and adjusting your medications from psychotropic drugs, it is after that first 72 hours that it starts to hit and that you may decompose and that you may be in a psychotic state that will not allow you to go smoke. That is to say — let me be explicitly unpleasant here — at this point, you may not be able to hold the cigarette, to light the cigarette, to put the cigarette out, to even necessarily know how to control your body. That is some of the toxic reactions you have when your medications are being adjusted. So, that first 72 hours, that's St. Mary's problem — please, we pass legislation in here dealing with problems in communities all around this state. I am glad Brunswick doesn't have a problem because they have a smoking facility in the hospital. I would like that for my community. I am glad AMHI and BMHI do not have a problem because they allow for their psychiatric patients a place to go smoke. I would like that in my community.

I have been asked by families, parents and children of people with chronic mental illness to take care of this, that this is a problem in getting their family loved ones to admit themselves to the hospital for treatment.

I would like to say one more thing about smoking outdoors and that is labeling. Eight times a day they leave Rockland, four times a day they leave St. Mary's and they stand outdoors with the traffic going by. We are the people from the psychiatric and substance abuse ward standing here to smoke four times a day. It can be humiliating and they have been through enough humiliating experiences. It is labeling and we all agree we don't want to label the mentally ill. Well, you can drive by my hospital

four times a day and get a current label running of who is dealing with substance abuse problems and who is mentally ill, who leaves the hospital to go smoke because they are all standing outside there as a group and they don't like it and it shouldn't happen. It is not dignified.

There is no cloud in AMHI and BMHI because they provide a well ventilated room. Take a look at the amendment, ladies and gentlemen, the amendment calls for a well ventilated room. Give these people a little dignity, treat them just a little bit like adults. We have made a provision in this so if the doctor decides they are in no condition to smoke because they might be dangerous with matches, with lighted tobacco and please let me tell you the doctor is well aware of whether or not they are a danger to themselves at all times when they are in the hospital. That doctor can prohibit a patient from smoking but, at this point, let's treat these patients with some dignity, let's treat them as much as we can like adults because that is what they are. Let's allow them a room to smoke. I hope you reject the Majority Report.

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

Representative SIMONDS: Mr. Speaker, Men and Women of the House: I know we don't want to prolong this debate much longer but I would like to say what we have heard here today in the debate is that there are different approaches to the problem. It seems to me it is an evidence of some success. This is a difficult thing to manage. We are learning as we go and we need to preserve, it seems to me, the right, the privilege, the opportunity for every hospital to find their own way, their own solutions. All this bill does is say, if you reject the motion "Ought Not to Pass", is to preserve the present law, preserve that discretion and let the medical staff of the hospitals find their best way to this difficult problem.

I urge you to accept the Majority "Ought Not to Pass" Report.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is the motion of Representative Manning of Portland that the House accept the Majority "Ought Not to Pass" Report.

The Chair recognizes the Representative from Thomaston, Representative Mayo.

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

The SPEAKER PRO TEM: The pending question before the House is the motion of Representative Manning of Portland 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. 109

YEA - Adams, Anderson, Anthony, Ault, Bailey, H.; Bailey, R.; Barth, Bell, Bennett, Boutilier, Cahill, M.; Carleton, Carroll, D.; Cote, Daggett, Erwin, Farren, Foss, Garland, Goodridge, Gurney, Handy, Hanley, Hastings, Heesch, Heino, Hichborn, Hichens, Hussey, Ketover, Kilkelly, Kutasi, LaPointe, Lawrence, Lebowitz, Lemke, Look, Lord, Luther,

MacBride, Manning, Marsano, Marsh, Melendy, Mitchell, J.; Morrison, Nadeau, Nash, Norton, O'Dea, O'Gara, Oliver, Paradis, J.; Paul, Pendexter, Pfeiffer, Pines, Plourde, Pouliot, Powers, Rand, Richards, Ruhlin, Salisbury, Savage, Simonds, Small, Spear, Stevens, A.; Stevenson, Strout, Tracy, Treat, Vigue, Waterman, Wentworth, Whitcomb.

**NAY** - Aikman, Aliberti, Carroll, J.; Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Crowley, DiPietro, Donnelly, Dore, Duffy, Duplessis, Dutremble, L.; Farnsworth, Farnum, Gean, Gould, R. A.; Graham, Gray, Greenlaw, Gwadosky, Hepburn, Hoglund, Holt, Jacques, Joseph, Kerr, Ketterer, Kontos, Larrivee, Libby, Lipman, Mahany, Martin, H.; McHenry, McKeen, Mitchell, E.; Murphy, Nutting, Ott, Paradis, P.; Parent, Pendleton, Poulin, Reed, G.; Reed, W.; Richardson, Ricker, Rotondi, Rydell, Saint Onge, Sheltra, Skoglund, Stevens, P.; Swazey, Tammaro, Tardy, Townsend, Tupper.

**ABSENT** - Bowers, Butland, Cashman, Jalbert, Macomber, Merrill, Michaud, Pineau, Simpson, The Speaker.

**PAIRED** - Hale, Mayo.

Yes, 77; No, 62; Absent, 10; Paired, 2; Excused, 0.

77 having voted in the affirmative and 62 in the negative with 10 being absent and 2 having paired, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

**Divided Report**

**Later Today Assigned**

Majority Report of the Committee on Human Resources reporting "Ought Not to Pass" on Bill "An Act to Amend the Laws Concerning Smoking in Restaurants" (H.P. 420) (L.D. 603)

Signed:

Senators: BOST of Penobscot  
CONLEY of Cumberland  
GILL of Cumberland

Representatives: PENDLETON of Scarborough  
DUPLESSIS of Old Town  
CLARK of Brunswick  
GEAN of Alfred

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-486) on same Bill.

Signed:

Representatives: MANNING of Portland  
GOODRIDGE of Pittsfield  
SIMONDS of Cape Elizabeth  
WENTWORTH of Arundel  
PENDEXTER of Scarborough  
TREAT of Gardiner

Reports were read.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative Manning.  
Representative MANNING: Mr. Speaker, Ladies and

Gentlemen of the House: I move that the House accept the Minority "Ought to Pass" Report.

Two years ago, the legislature passed legislation that required the Department of Human Services to look into how we should be addressing smoking in restaurants. Last June or July, the department held hearings here in Augusta on a proposal that, if it was a one room restaurant, there would be no smoking. At that particular time, many of the one room restaurants operators came up and said that that was not going to be a good procedure, that it would affect them. Since then, a lot of them have said, if you are going to do it, just ban it completely and that way the one room, two rooms, three rooms all are under the same law. Therefore, this year I put in a piece of legislation that did just exactly that.

Currently, if you fly from here to Boston or from here to California, you cannot smoke on an airplane. Currently, if you go in and watch a movie at a theater for an hour and a half or two hours, you cannot smoke. There are many restrictions that are on the books right now whether it is federal or state restrictions that require you not to smoke in certain areas of the state.

What we are saying is, while you are inside a restaurant, you should not be smoking.

One of the things that was brought up at the public hearing were waitresses and waiters who came up and said the real problem for them is being there sometimes as much as eight or nine hours and working in areas with a lot of smoke.

I go back to the argument a few hours ago on Workers' Compensation. I am telling you, ladies and gentlemen, that is going to be a major issue in Workers' Compensation before the year 1994 because it has already started. You start to talk to some of the insurance agents and you go over and talk to the people over in the Bureau of Personnel and they will tell you that already within our own institutions there are problems of Workers' Compensation dealing with smoking.

We have to look at those people who have to spend sometimes as much as eight hours inside those restaurants. We have to protect their health. If not, if that second-hand smoke gets to them, there is going to be a Workers' Compensation claim and they are probably going to be out for a long time.

So there are two issues. Issue one is, we already say to the public, you can't smoke in airplanes, you cannot smoke in theaters. The average flight may be two, two and a half hours, the average movie, as most people know, if it is a 7:30 movie, you are in there at quarter past seven and you don't get out until quarter of ten. If you have to smoke, you go outside, go outside completely.

I would hope that people would take a look at that because that is one of the inconveniences we already have on the books.

The other thing, we are truly thinking about Workers' Compensation. We need to address that with those people who are in those restaurants day in and day out and what effect it is going to have on them. If we don't think about that, believe me, there are going to be people who are going to be putting in claims because of the second-stream smoking. I know of one already and there will be more to come.

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

Representative GOODRIDGE: Mr. Speaker and

Members of the House: I just want to urge you to support the Minority "Ought to Pass" Report. There are several reasons why I voted for passage of this bill when it was before the committee.

First and foremost is the health issue which I will leave up to you to decide. I think we all know the facts of smoking and what it does to you.

I just want you to remember that it isn't just the health of the non-smoking patrons that we have to protect, it is the health of the worker who is exposed daily to second-hand smoke, often for hours at end. Restaurant staff doesn't have the luxury of moving to another table or leaving the restaurant if they feel the smoke is a hazard. More often than not, they are there because they need the income and there aren't many other jobs for them to find.

Secondly is the economic issue. Many small restaurants find it impossible to create a separate smoking area, at least one that is effective. In a small restaurant, there is limited space for the smoke to go. Believe me, speaking as one of those working people in a small restaurant, the smoke does not stay in the smoking area. Many say a small restaurant can already ban smoking. Yes, they can, but why should they when a larger restaurant 300 yards down the road doesn't ban smoking?

This bill would put all restaurants on a level playing field. The Restaurant Association admits that, if we are going to ban smoking, we must ban it in all restaurants. Smoking in small restaurants is a problem and we can't allow small restaurants to be put at a competitive disadvantage. So, I urge you to support the Minority Report and pass this bill for the health of the worker who has to work in this environment and also for the economic well-being of Maine's small restaurants who find it impossible to construct separate smoking areas and who also find it impossible to ban smoking knowing it will put them at an economic disadvantage with their larger counterparts.

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

Representative KETOVER: Mr. Speaker, Ladies and Gentlemen of the House: Today, I am going to wear a different hat because I am also a member of the American Cancer Society. I am speaking in favor of the Minority Report. I don't know about you but a lot of people out there who work in those restaurants — I have talked to some of those waitresses and chefs and people who work in the restaurants — their biggest complaint is they have a very hard time breathing. As a matter of fact, I was in a restaurant in Portland and the circulation in that restaurant was so unbelievably poor that you could not even sit there because your eyes were watering. I asked the waitress, how do you stay in this environment and work? She said it was very difficult but she cannot leave her job or move around because there aren't that many jobs out there.

I understand the rights of smokers and I understand the rights of competition in this world and I believe that that is very important. I also believe if we are going to pass legislation, we must make sure that those environments that people are working in — as you know, I serve on the Banking and Insurance Committee and we are working on Workers' Compensation and we hear more complaints from injured workers and employers, this is definitely what Representative Manning was saying that it will be a problem down the road with Workers' Compensation.

We are trying to cut costs in this state and we are trying to make reform in the Workers' Compensation so we can change and make a better working environment. If it is not a healthy environment, who complains the loudest? It is the people who work in office buildings whose windows don't open, whose doors are not open so they can have air circulation, they are sealed up in these office buildings. Yet, we make them put in air circulators and we make them make sure that all the proper things are done for an environmentally safe working place.

I understand we have a problem with the small restaurant but we need to be fair. We need to be fair for the person who comes into that restaurant, who is allergic. Oh, sure, you can walk out and say, I am not going to eat there and I don't have to be a patron to that restaurant, but it should be a safe environment.

I think Representative Manning and members of the Minority Report are right on.

I haven't spoken on any of the other issues on smoking because I think that some of them have been a little more difficult, but we can take one step at a time. This one here, more people use restaurants than any other place and it is a public place. We should all be able to walk into an environment that is healthy and safe but it should also be safe for the worker that is working in that environment.

We did something in airlines and it took a lot of work in Congress. My doctor and my constituent, Dr. Mc Afee in Portland, who has been involved nationally and you have seen him on national television on Today and Donahue, and he has been probably one of the largest proponents of doing more for smoking problems in this United States and he tells me that this is the best thing to do and that is to protect those people who come in and work in that environment.

This is not something that we would go down (I am going to make a pun) in flames if we do not pass this piece of legislation, it is a very important one. I hope you will support the Minority vote.

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

Representative TOWNSEND: Mr. Speaker, Men and Women of the House: I also went to the public hearing. I did listen to a couple of the waitresses. I think there were two or three that showed up to testify for the bill. However, who I have heard from the most, are restaurants, especially restaurants in my area. It has been kind of hinted here today that perhaps the restaurants might support this. That is not what I have heard. Yes, they did fight the proposal making change last year to ban smoking for one room restaurants but that doesn't go to the point of saying the Restaurant Association or restaurants in your area support this bill because those I have heard from in my area do not support this bill.

Ladies and gentlemen, I think we underestimate the power of a consumer. If there is a restaurant that doesn't have an area where you can go and sit without somebody sitting beside you smoking, you have the right to go to another restaurant.

I also want to point out that I consider this a mandate on businesses. Businesses right now have the right to put a sign in their window or on their door, "This is a smoke-free environment." If that is the customer they want to go after, they have the right to do that right now.

I have not had one restaurant owner call me and



say, yes, this is a good idea and we want it.

As far as the secondary smoke bothering people, I am not a doctor or scientist, I am not going to argue on that. However, everything that I have read in the paper on this study or that study or shows I have watched such as Donahue or what have you, the evidence is still inconclusive. I would say that the evidence probably does tend to suggest that second-hand smoke bothers you and I am not going to argue that. I think it is a silly point to argue. However, there are a lot of second-hand residues from different activities of our lives that bother us. You go for a nice walk out here (if we get a break today) around the State House and you are subject to carbon monoxide from cars that go by, back and forth, you are subject to industrial waste in the air. What about people who have allergies subject to pollen in the spring. My wife suffers very much from that.

I am not going to stand up here and argue that smoking is good for you. I smoke and I know it is bad for me. It is one of the few sins left in my life that my wife will allow me.

However, we get to a point where, what are we going to do to protect people? When we are born, maybe we should put ourselves in plastic bags and then when we die take the plastic bags out and — there are so many things out there that other people do that affect our health and it is a matter of common decency. If I am in a restaurant and if I am in the smoking section and somebody came over to me and said that it is bothering them, I would put it out because that is the way I was raised. My habit, I would not purposely put it off on anyone else. If I am in somebody's car, I do not smoke unless I ask permission; if I am in someone's home, I do not smoke until I ask permission. It is my habit and I most certainly do not want to push it off on someone else. I do think we have a limit to as far as we can go with the legislative body to protect people from this.

I urge that you support the Majority "Ought Not to Pass" Report on this.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Old Orchard Beach, Representative Kerr.

Representative KERR: Mr. Speaker, Men and Women of the House: This bill that is before us today discriminates and is unfair to operators of a restaurant that also has a lounge. I am in the hospitality business. I have a Class A restaurant and lounge. I am a non-smoker but this bill would prohibit me from competing on an even keel with other businesses that have a restaurant and lounge. In a bar, you are allowed to smoke; in restaurants you are not allowed to smoke, should this bill be passed. If you are an operator of a Class A restaurant and lounge where you cater to both, being a restaurant and a lounge, you have restricted me from allowing people to smoke. They can go right next door, go to a bar and be permitted to smoke.

This bill is discriminatory, it creates more problems than solving problems and I would urge you to vote against the pending motion because this bill does discriminate from fair competition.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I think it is about time that we got off the backs of people. Most of my constituents on this issue tell me, why don't you go

clean up your own backyard in Augusta before you tell us what to do?

We have made a mess of our educational system by mandates that now we can't pay for. Now we are telling people what you will do and what you will not do.

I think we are losing the idea of free enterprise. I used to smoke four or five packs a day. I gave it up because I wasn't enjoying it. If somebody does not like smoke in a restaurant, just don't go in that restaurant. If you turn around and say to a one room restaurant, you shall break it up so that people who don't like the smell of smoke can have their own spot. What you are doing is telling a small restaurant owner, close shop and let the big boys take over.

I repeat again, and I will close by saying, let's get off the people's backs.

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

Representative ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to oppose the pending motion. To prohibit smoking in all restaurants would virtually close every restaurant in my district. The State of Maine is made up of many, many small businesses and by passing this legislation, you will be putting them out of business.

I am a non-smoker and I have been a non-smoker all of my life. When my husband and I go into a restaurant, which is very often, we are asked whether we prefer smoking or non-smoking. Generally we take the smoking because we like to have our friends join us if they care to.

I was walking down the street in Rumford last weekend and I was stopped by a jogger who was jogging down the street and crossed the street just to speak to me, a constituent of mine, a non-smoker all of his life and he said, "I urge you to vote against the bill to prohibit smoking in restaurants." The people out there don't want us to take away all the rights of the smokers. Good ventilation in a restaurant or lounge can take care of many of these problems. I urge you to defeat the motion before you.

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

Representative BELL: Mr. Speaker, Ladies and Gentlemen of the House: I contacted my local restaurant regarding this bill, they feel that they are being harassed by many of our law changes. We have asked them to divide their areas into smoking and non-smoking areas, they have done that.

Then we told them to charge ten percent extra on drinks, they have done that, plus many other mandates to their industry. Now we are offering even more changes. They have asked me to tell you that they would like to see us either outlaw all smoking everywhere or leave it as it is now. They are sick and tired of being the guinea pigs of most of the anti-smoking bills so I urge you to vote no on this Minority Report.

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

Representative GEAN: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to point out and then get off of this real quick. I think the State of Maine owes Representative Manning and Dr. Lani Graham of the Department of Human Services many thanks for the work they have done over the years in setting up one of the most sensible systems regulating smoking in any state that I have been in.

I mean that in all sincerity because of what I am about to say. I truly think that they have done a good job in identifying ways to control smoking to get that issue to the people in this state because I think that public awareness, that educational push is what enables people to finally make their own free choice on whether to smoke or not to smoke.

At this moment, all I have to say about all of the smoking legislation that is coming before us and will continue to come is that there is a point that you have to throw up your hands and say, "enough is enough." What my message is in urging you to defeat this Minority opinion is that this is enough. Representative Manning has pointed that out very clearly in identifying all of the places today you cannot smoke in this society. They are endless. I am real concerned about those amongst us who have not gotten the right amount of education up to this point to make their own free choices. We cannot legislate and put into law all our population's behaviors. I am glad that we can't because it means that we still have human beings that are alive and well and making free choices.

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

Representative PENDLETON: Mr. Speaker, Men and Women of the House: We have debated this issue over and over and we have revisited it and revisited it. I would just like to point out something that wasn't mentioned.

The difference in this particular bill is that it bans smoking in restaurants and, as was mentioned before, not in taverns and in bars. That would suggest to me, again, that we are tinkering with the business that serves food and alcohol. I am not going to carry the banner heralding choice on this bill because the choice is already in place.

One restaurant owner that testified before our committee chose, I said chose, to ban smoking, a very courageous decision on his part. He said at first his business was a little bit slow but, when the word got out, non-smokers and families with children, patronized his business. Clearly, there is a choice and clearly it seems to me that we should not be stifling that that choice by mandating legislation, interfering what is already in law, a vehicle to do the job.

The SPEAKER PRO TEM: The Chair recognizes the Representative from South Berwick, Representative Farnum.

Representative FARNUM: Mr. Speaker, Ladies and Gentlemen of the House: I represent three towns, some 23 restaurants, all small ones in those three towns plus a couple in Eliot and two or three in Wells and one in Kittery. Now we sent a petition to each of these restaurants to be filled out and the people in those restaurants, smokers and non-smokers, all voted almost to a person to allow smoking in these restaurants.

We have a problem, if they are not allowed to smoke in these restaurants, just a mile or two miles away, there is a series of restaurants in New Hampshire that do allow smoking. Are we going to send the business to New Hampshire? Are we going to send the money to New Hampshire or are we going to allow the money to stay in Maine?

The SPEAKER PRO TEM: The Chair recognizes the Representative from Van Buren, Representative Martin.

Representative MARTIN: Mr. Speaker, Ladies and

Gentlemen of the House: I think it is my duty to report to you how my constituents feel about this bill. I put out a petition in every restaurant in my town for one week. If this bill passed, we might be able to save one restaurant, all others will have to be closed. There is no way to separate them or do anything else you want to do with them. Anyway, getting back to the beginning of my story, in one week, I picked up 300 names and I made sure that the owners did not let any Canadian citizen sign, they were all Maine citizens. I am talking about a population of 3,082 people. That includes every man, woman and child in the town of Van Buren in the last census. Now 10 percent were able to sign that petition in one week and I think that should tell you how they feel about closing these restaurants. I hope you will vote against this motion.

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

Representative TREAT: Mr. Speaker, Women and Men of the House: I would like to remind this House what this issue is about. I am on the Human Resources Committee and voted with the Minority "Ought to Pass" Report and I do urge that you support that report in the vote ahead.

Unlike other people in this body, I have had restaurant owners contact me and say that they think this is a good idea. They are small restaurants where it is a real problem right now.

This is a health issue. Second-hand smoke is a public health hazard and one that many people cannot avoid when they work and eat in restaurants.

The current policy is simply ineffective. It is okay to say "enough is enough" but when the policy doesn't work that we have now, it is our responsibility to look at it, decide whether changes need to be made.

People have gotten up here today and stated that "well, we all know that cigarette smoke is bad but..." — I would just like to note for you on the Record what cigarette smoke is actually is. Cigarette smoke, tobacco smoke contains over 4,000 chemicals, 43 of these are known carcinogens. That means they cause cancer. Several are mutagens and that means they cause birth defects. Some of the chemicals that are in tobacco smoke include carbon monoxide, nicotine, ammonia, vinyl chloride, formaldehyde, benzene, radionuclides and arsenic. I know some of you that are familiar with workplace safety regulations know that many of those chemicals are regulated in the workplace already because of the harmful effects that they have on workers.

A recent EPA report, which was just reported in local newspapers, attributed the death of 53,000 persons a year, 53,000 non-smokers a year, from the effects of breathing in tobacco smoke from other people's cigarettes.

I would just point out one of the reasons I am cosponsor of this bill and one of the reasons that I was willing to cosponsor is that I was contacted by workers who have to work in restaurants, who in fact have to work in the smoking sections of restaurants, which are even worse than the rest of the restaurant.

I would just like to close by reading a comment of one of the those workers who did testify in the hearing that we had. It happens to be a constituent of mine who said the following and I think it is something to keep in mind. She suffers from asthma and so has a particular reason to be concerned about the existing law. She said, "Dividing space is one

thing but it is much more difficult to tell air where it can and cannot go."

I urge your support of the pending motion.

On motion of Representative Mayo of Thomaston, tabled pending the motion of Representative Manning of Portland that the House accept the Minority "Ought to Pass" Report and later today assigned.

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(Off Record Remarks)

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On motion of Representative Jacques of Waterville, Recessed at 12:10 p.m. until 5:00 p.m.

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(After Recess)

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

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**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-499) on Bill "An Act to Provide for Deferrals of Unfunded State Mandates for Municipalities Experiencing Financial Hardships" (EMERGENCY) (H.P. 1190) (L.D. 1743)

Signed:

Senators: BERUBE of Androscoggin  
BUSTIN of Kennebec  
EMERSON of Penobscot

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

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

Signed:

Representatives: LARRIVEE of Gorham  
JOSEPH of Waterville  
HEESCHEN of Wilton

Reports were read.

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

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

assigned.

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**Divided Report**

**Later Today Assigned**

Majority Report of the Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-475) on Bill "An Act Concerning Abandoned Property" (H.P. 462) (L.D. 653)

Signed:

Senators: THERIAULT of Aroostook  
MILLS of Oxford

Representatives: MACOMBER of South Portland  
STROUT of Corinth  
HUSSEY of Milo  
MARTIN of Van Buren  
BAILEY of Farmington  
HALE of Sanford

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-476) on same Bill.

Signed:

Senator: GOULD of Waldo

Representatives: BOUTILIER of Lewiston  
SMALL of Bath  
RICKER of Lewiston  
TAMMARO of Baileyville

Reports were read.

On motion of Representative Mayo of Thomaston, tabled pending acceptance of either report and later today assigned.

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**Divided Report**

**Later Today Assigned**

Majority Report of the Committee on Judiciary reporting "Ought Not to Pass" on Bill "An Act to Amend the Child Support Law to Include Coverage for Children in College" (H.P. 803) (L.D. 1149)

Signed:

Senators: BERUBE of Androscoggin  
GAUVREAU of Androscoggin

Representatives: FARNSWORTH of Hallowell  
PARADIS of Augusta  
HANLEY of Paris  
ANTHONY of South Portland  
OTT of York  
COTE of Auburn  
RICHARDS of Hampden  
KETTERER of Madison

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-520) on same Bill.

Signed:

Senator: HOLLOWAY of Lincoln

Representatives: STEVENS of Bangor  
CATHCART of Orono

Reports were read.

On motion of Representative Mayo of Thomaston, tabled pending acceptance of either report and later today assigned.

**Divided Report**

Eight Members of the Committee on **State and Local Government** on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Undedicate Highway Revenues (H.P. 1181) (L.D. 1724) report in Report "A" that the same "Ought Not to Pass"

Signed:

Senators: BERUBE of Androscoggin  
EMERSON of Penobscot

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

Four Members of the same Committee on same RESOLUTION reports in Report "B" that the same "Ought to Pass" as amended by Committee Amendment "A" (H-500)

Signed:

Senator: BUSTIN of Kennebec

Representatives: GRAY of Sedgwick  
JOSEPH of Waterville  
HEESCHEN of Wilton

One Member of the same Committee on same RESOLUTION reports in Report "C" that the same "Ought to Pass" as amended by Committee Amendment "B" (H-501)

Signed:

Representative: KILKELLY of Wiscasset

Reports were read.

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

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

Representative MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you will not go along with this motion or any other motion to

undedicate the Highway Fund. I don't know as I have to give you an awful lot of reasons but I think I understand because of the timing of the legislature at this moment, I know that there are many programs that have been funded out of the General Fund that are very near and dear to a lot of people that are not being funded out of the General Fund this year and I think they are just looking for other sources of revenue to keep their own projects going. I understand that and I sympathize with it but I just hope you will keep in mind some of the things about the Highway Fund — for every dollar we send to Washington on the Highway Fund, we get \$3.00 back, it's a 3 & 1 match. I think it is important that you know that.

I also think you should know that, right at the present moment, under the budget constraints that we are under right now, this state stands to lose \$25 million in federal funds simply because we don't have the money to match it. Even going beyond that, I think what you have to think about is the State of Maine and our transportation modes. We are not a state that has a lot of railroads, we are not a state that has a lot of air transportation, the whole economy of the State of Maine, I think you will agree, is based on trucks. Ninety-nine percent probably of our trucks are what serve this country and keep us in business in this particular state.

Another problem we have, if we don't have a dedicated highway fund, is the fact that many of the projects we are doing that is in your investment program that you have, you will notice that many of them are projects that are two and three year projects. If the Highway Fund was undedicated, what this means is that you would have to bid contracts for one year at a time. If you had a project like the bridge in my hometown of South Portland/Portland that is going to take three years to build that particular bridge, you would have to let your contract out a year at a time unless you were guaranteed in some way that you were going to have that money. If it was an undedicated account, you would have to go, I assume, to Appropriations each and every year to get enough money to fund that particular project or any other project like it. I think that puts us at a great disadvantage as far as bidding on jobs and getting anything accomplished with our road program.

The other thing that is very important (it has been to me over the past several years) is the fact that, by having dedicated funds, some of you who perhaps have a problem in your hometown and you have been able to go to Commissioner Connors and say you have a problem, it needs taking care of, I think because of the fact that he has dedicated funds, there have been instances where he has been able to handle those problems by himself. I think if you undedicate the Highway Fund and leave it open to, I won't use the word "attack", but leave it open for all other purposes, I think you are going to create a situation in the State of Maine that would be very, very dangerous. I hope you will think about it a long time and I hope you will vote against the pending motion.

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

Representative JOSEPH: Mr. Speaker, Ladies and Gentlemen of the House: For those of you who may not be aware of the dedication of the Highway Fund, this particular Resolution is a Resolution to propose that

the voters of the State of Maine address the issue of undedicating the Highway Fund.

In 1943, it is my understanding that the Highway Funds were dedicated in the Constitution of the State of Maine. I find this highly irregular because I do not know of any other funds that are dedicated within the Constitution of the State of Maine.

Previous legislatures have debated this issue; however, in desperate times, in tough fiscal times, we need to talk about undedicating these revenues. It calls for desperate measures.

All we are asking is that you would approve this proposal and send it out to the voters of Maine. If this was sent out to the voters of Maine, the debate that you have just heard and you will continue to hear about it as we talk about undedicating highway revenue and how those funds should be used, could go forward. However, it is the feeling of myself and a few members that signed on to the "Ought to Pass" Report that we should pass this Resolution and that these funds should be undedicated. This is not a time in the state's financial history to allow any account to be sacrosanct. It is not a time for status quo, it is time to look at the Article of the Constitution and to say that perhaps we should undedicate those monies. It is time to question whether or not it is even constitutional to fund public safety out of dedicated highway funds. It is time for us to have those projects compete, as all other projects and programs do compete in the Appropriations process, so I would urge you to consider Report B "Ought to Pass."

This is not a criticism of the Department of Transportation, this is simply accessing the monies that do belong to the citizens of the State of Maine to fund the projects that need to be funded that the State of Maine, through their Representatives and members of the other body, feel should take priority.

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

Representative BELL: Mr. Speaker, Ladies and Gentlemen of the House: Many of us have served on town and city committees and those of us who have know the importance of funding for roads. Funding for roads is always a problem in all communities and you can never get all the roads done you want to get done and the state has the same problem. You look at the map and see the size of the State of Maine, which is almost as large as the rest of New England, we have more roads per capita than any state in New England and it takes a lot of money to work on these roads.

The dedicated funds are already somewhere around \$20 million short and if you undedicate these funds and take the dedicated funds and drop them into the black hole that we are trying to fill, it won't be long and you will be back crying, "Please fix my road, please fix my road" but there won't be any money. Therefore, I say do not undedicate those funds.

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

Representative WHITCOMB: Mr. Speaker, Ladies and Gentlemen of the House: I urge this body to reject the motion before us and accept the Majority Report of the Committee on State and Local Government.

I think that this Highway Fund is an excellent example of "the user pays." I believe we need to keep faith with those who pay the funds into the dedicated highway account.

As the previous speaker from Caribou just mentioned, undedication of this fund could have a potentially devastating impact on local property taxes, which receives a portion of these funds for maintenance of its local ways.

I understand that there is a temptation at this point in time to lessen the investment of our infrastructure and, as we just heard, that this investment will be lessened because of the reduction in the amount of revenues. It is not the time to proceed to change the Constitution to take away those funds that we purposely set aside to keep improvements on line for necessary transportation. It could be an extremely costly measure for a rather short-term, quick fix solution.

I urge you to support the Representative from Caribou and the Representative from South Portland, Representative Macomber, and I request the yeas and nays.

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

Representative PFEIFFER: Mr. Speaker, Members of the House: Last Fall, the Secretary of State issued a report stating that 90 percent of all registered voters in the state own motor vehicles. That means that 10 percent of the adults of this state do not own vehicles. These are people who have absolutely no way to get around without the courtesy of friends, family and so on. There is such a lack of public transportation in this state that these people are absolutely trapped and imprisoned. I think the time has come to undedicate these funds to make some use of them for public transportation such as railroads, buses and intercity bus travel. I think it is time that the monopoly of the highway lobby and the motor vehicle industry was broken.

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

Representative LORD: Mr. Speaker, My Learned Colleagues: I represent four small towns in York County. We don't have trains, we don't have buses, we don't have taxicabs, all we have is roads, shanks mare and a few horses.

We need these roads, no question about it. I was road commissioner for a few years and I can vouch what happens in towns in Maine, education comes first and all the other things and what is left goes for roads, which is usually not enough to do what you want. I am afraid if we undedicate these funds and I urge you not to undedicate these funds.

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

Representative TREAT: Mr. Speaker, Men and Women of the House: I am the prime sponsor of this piece of legislation and I would like to take a little bit of time to tell you why I am sponsoring it and why I think you should support the Minority "Ought to Pass" Report B.

This year, in case anyone has forgotten it, it is not "business as usual." In case anyone has forgotten, we are in a situation where state government has been shut down for two days, where people have been furloughed, where unemployment, AFDC, General Assistance are way up, where we are proposing all kinds of radically different proposals in terms of dealing with our government. We are putting departments together and getting rid of other departments. This is the year where we should be rethinking what state government does, how it does

it, and how we fund that state government. That is why I have put in this bill at this time. I know that it is a somewhat perennial issue but it has not been debated, as far as I can tell, since 1983.

What does this bill do? I would like to shed a little bit of light on the subject because I think there is some misapprehension out there based on the debate so far.

As the Representative from Waterboro has stated, it does send the question to the voters. This is a Constitutional Amendment and, therefore, it must be passed upon by the voters. They cannot pass upon this issue unless we, the legislature, decide to send it to them. That is something that I would like you to consider because I would like the public to have the opportunity to decide whether, after nearly 50 years, it makes sense to change the policy that was adopted by a legislature in 1943.

Secondly, it does not in fact undedicate highway revenues, even if you pass it and even if the voters decide to vote in favor of this Amendment. What it does is it undedicates the highway revenues in the Constitution. I think that is a significant difference. It would still be dedicated in statute. We are not changing statutes by this piece of legislation. It will be up to the legislature at that time to decide whether highway revenues should be dedicated in exactly the same manner as they are today, whether parts of those should be dedicated to other purposes, whether parts of those should be undedicated totally or whether the entire fund should be undedicated.

I think people may ask, if this doesn't undedicate it now, then why are you bothering to do it? The answer there is that we need flexibility in this state, we should not have to go to the voters in a Constitutional Amendment every time we want to decide to do something differently. It is impossible right now to deal responsibly with our budget when a \$190 million dollars are earmarked for a very narrow purpose, which is highways and bridges and some related purposes including state police but only up to the limit of how much the police patrol on our state roads.

It is hard for me to understand why an issue such as education or mental health services, elderly services, and health care must compete against each other on the Appropriations Table when some other issues, highways, is in the Constitution and never has to be evaluated with respect to any other state service. It may have been all right in past years when we had plenty of money to throw around and we didn't have to do the same kind of prioritization that we have to do today. Today, we have to look at every program that we are funding and every program that we are looking to cut and all programs should be on the Table. I don't have a lot of doubts myself that highways wouldn't end up being funded, I think they would be, I know that the highway lobby is a very powerful lobby and I think they would be quite effective in making their case before the Appropriations Committee but give them that chance. It should be together with other things.

Things have changed since 1943. The comment was made by the Representative from Waldo, Representative Whitcomb, that this is a wonderful system because it is really a user fee system, only the people who pay into it really, are benefited from it. Things have changed — in 1943, one person in five had an automobile, that statistic is now reversed.

Virtually everyone pays a gas tax and it has become, in effect, a broadbased tax. To argue otherwise, I think, is really not to be facing reality. It is a broadbased tax and we need to look at whether that is a tax we need to use for this purpose or whether it should be funding other purposes.

The irony is that there are social services programs that are funding transportation right now, elderly programs and things like that. The argument isn't made there that that is an inappropriate use and yet here, the argument is made that it is inappropriate.

People have said, if we don't put it in the Constitution, then we aren't going to get all this federal highway money. We aren't really required by the federal government to put it into the Constitution. The answer to both of those comments is, no and no. There are 19 states plus the District of Columbia that do not dedicate highway revenues in their Constitution. I know when I made my presentation to the committee that it was thrown around that every state does this — you know, no one doesn't do it, that is just not the case. It is true that most of those states also dedicate in statute but the way they dedicate has changed over time, they make a decision at one point to dedicate X-amount and at another point to dedicate Y-amounts and that is the flexibility that they have and we don't.

The argument that we have to do it for the federal government was made in 1943. In the debate, it was stated that, someday in the near future, it would be definite that the federal government was going to require everyone to do this so we might as well do it now and make sure we got those federal dollars. It hasn't happened, they have not required it and there are plenty of highway programs and other programs that are not dedicated where we can show that we have made up our matching share and we are getting those funds just fine. Highways are not different from other services in any major way. There are other programs that are long-term programs besides highway programs.

I think we should give the voters an opportunity to decide this important policy issue for themselves. Times have changed in the last 50 years, we should recognize that fact and we should see whether the public thinks a change should be made in this policy. This year is not "business as usual" and it is a chance for us to rethink how we do things. One of the things we should be rethinking is constitutional dedication. I think we should allow future legislatures that are going to be dealing with these kinds of problems in the future to have the flexibility that we would want right now.

I urge your support of Committee Report B and I hope that you will vote with me when we vote.

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

Representative LOOK: Mr. Speaker, Ladies and Gentlemen of the House: We could debate this all night; however, I just want to point out a few facts that I am sure most of you know and recognize. There are some of us here who recall the days when we had five seasons in the State of Maine, Spring, Summer, Fall, Winter and mud season. Mud season was when you mired yourself in mud trying to get from one place to another. If you had an automobile, you had to be pulled out by a mule team or horses or something like that. I don't think any of you want to go back to that and those of you who don't know what it was

like, it is a situation where you can't get there from here.

The highway system that has been developed since the 40's is developed with the long-range planning view and that is what we must have, long-range planning and the assurance with it that the funds will be there and will be generated to produce the efforts of planning. We know now in advance where the trouble spots that need the most attention are and where it will be looked upon and developed unless there is an emergency situation. If there is an emergency situation, then now these things are in the planning stage and they can be addressed in an emergency situation, earlier perhaps than what was formerly meant to be. This cannot be done without an assurance that the funds are going to be there and that is what we are talking about.

Years ago, it was the pork barrel effect, the squeaky wheel that got the grease, that is not the case anymore. We look at our road situations across the state with the rational way and know that they will prioritize and it will happen.

How are these funds developed? Well, I am going to address this as one who is somewhat familiar with the fact that the heavier licensee that pays these heavier licenses and all of these taxes are the ones that are having it put on their backs to provide these funds. I am talking about the highway users who buy the licenses, the ones that are \$800 or more, plus, plus, plus. Not only is there a local excise tax, there is the state registration, plus the commodity taxes that they have to pay for special permits plus the federal excise motor vehicle tax that many of you probably have never heard of, plus the federal 15 cent plus tax for fuel, plus the 20 cent plus tax for state fuel, plus all the regulatory demands on the highway rig and the driver that has to be there to put it on the road, of course. Add to that the insurances that they pay and be aware of all the regulations that have been imposed upon the trucking industry. These are the people that are paying the hefty volume of the taxes that become the monies for your highway system.

I would be utterly disastrous to use these monies for any other purposes than what they are outlined for now.

I urge you to defeat this motion and let us continue to operate our roads as we are used to having them and as this money is intended.

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

Representative BELL: Mr. Speaker, Men and Women of the House: Let us not put our highway system in the same sad condition as some of our other state agencies. Let's make that decision now, let's vote no on this bill.

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

Representative MACOMER: Mr. Speaker, Ladies and Gentlemen of the House: I rise just briefly to respond to the Representative who mentioned the rails and the public transportation system that she felt some share of the highway money should be going to those services and I would just like to say that, for the past four years, the Department of Transportation has invested (I believe) four or five different railroads and they are, right now, encouraging the passage of a passenger service being established between Portland and Boston. As far as rails are

concerned, I am sure some of you read in the papers that the Railroad Referendum with the unanimous "Ought to Pass" Report was very strongly endorsed by Commissioner Connors. He does have a very strong feeling about railroads and he thinks they should be brought back.

As far as public transportation, buses and things of that nature, we passed out a bill about two or three weeks ago that had a fiscal note on it of \$250,000 and that was to go mostly for programs in the rural area, bus services that would provide rides for people with dialysis, things of that nature, and it would provide transportation for them from their home to the doctor. I don't think it is really correct to say that we have neglected that part of the population because we haven't. I hope that you will vote against the pending motion.

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

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

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

Representative JOSEPH: Mr. Speaker, Ladies and Gentlemen of the House: I want to bring this debate back to what we are asking of you today. We are asking you to ask the voters in your districts whether or not the Highway Fund should be dedicated according to the Constitution of the State of Maine. That is all we are asking the same voters who elect you. This debate should occur in a public forum and not in the confines of the legislative chamber. The "no road, no bridges" is a scare tactic.

The funds will not be undedicated in the Department of Transportation unless some other future legislature undedicates them. We are only asking that we pass this out to the voters of the State of Maine.

The inference that we might return to mud season is ridiculous. We are not going to return, this state is going forward, we want investment in infrastructure, we want investment in highways and roads and we expect all of that, but we expect that these items will be prioritized through the Appropriations process.

I have to quote a former colleague of all of ours and a special friend. When we talk about the high costs of those heavy users of transportation, they also cause heavy damages and we have all heard the former Representative Carter talk about the longitudinal ruts — I believe these heavy users pay their fair share because we are still dealing with those longitudinal ruts so I urge you to ask the voters of your district whether or not we should, according to the Constitution of the State of Maine, undedicate the Highway Fund.

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

Representative TREAT: Mr. Speaker, Women and Men of the House: I would just like to clarify a couple of points that have been raised so far in this debate.

Maine is not the only rural state in the nation. I know we like to think we are unique but there are many other rural states in the nation that have many roads that they have to keep up. Among those rural

states are states that do not dedicate highway revenues in their Constitution — for example, Nevada and New Mexico are two states in that category. I don't feel that that really is going to make much of a difference in deciding this issue.

Secondly, the comment was made by Representative Look that the squeaky wheel got the grease back in the old pork barrel days, which is a comment that has repeatedly been said. I have read some of the debates over the last couple of times that this has come up and that is always the issue that is raised — why is it any different today? The squeaky wheel still gets the grease. There are still people that complain about their roads not being paved. It is the same situation, it is just that it is not coming to the legislature which is a democratic body in the Appropriations Committee but going to DOT. I really don't see how undedicating the Highway Fund is going to turn this into pork barrel politics of the worst kind. I don't think that is what the Maine Legislature is, I don't think that is what the Appropriations Committee is and I think I have a little more faith in both that committee and the legislature as a whole than to think that pork barrel politics is going to result.

Finally, I am very pleased that the Department of Transportation has passed out a bill of \$250,000 to fund very much needed services for the elderly and disabled. I believe I am a cosponsor of that bill. That is one of the reasons I put in the Highway Undedication Bill because what are the chances of that \$250,000 bill on the Appropriations Table in this year? It is a rhetorical question but I think it makes the point for me. I don't think the chances are very good and we should be evaluating that bill as well as the highway as well as mental health as well as everything else altogether before the Appropriations Committee.

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

Representative MARSANO: Mr. Speaker, Ladies and Gentlemen of the House: The Representative from Waterville mentioned she thought there were no provisions in the Constitution with respect to the dedication of funds except those that related to the matter which is in the debate now before us. In fact, that is not so, this bill purports to amend Section 19 of Article 9 of the Maine Constitution. Section 18 deals with a similar dedication in protection of certain aspects of the Teachers' Retirement Fund. I can't help wondering if a bill to undedicate both of those had been presented to this legislature, a resolve to let the people do this, a great trust in this legislature to act responsibly, if we would have heard from both the Representative from Gardiner and the Representative from Waterville of the same glowing faith in this body. I simply do not have that faith.

I was opposed to the alcohol undedication last year because I feel that, since the state is the biggest seller of drugs in the state, we ought to have some of it that was specifically committed to drug education. We lost that. I don't know how long it will be before we forget our responsibility in that kind of dedication. I am perfectly content to dedicate because I have never seen this House act responsibly with respect to issues — they sort, choose and pick. It seems to me as though we don't have the courage to face a fair plan. People will protect the Retirement System with their views about

it with their dying breath while they will sacrifice transportation. Those of us from the rural areas are especially sensitive to that.

I would urge that we reject this measure and leave the money dedicated as it presently is and has been wisely done for nearly fifty years.

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

Representative O'DEA: Mr. Speaker, Ladies and Gentlemen of the House: What this bill has to do with is taxation as far as I am concerned. If we look at the gas tax, we see a linkage between the gas tax and roads. If we undedicate this account, all we will do is legitimize what is perhaps the least progressive tax of all and that is the gas tax, second only to the property tax in terms of its unprogressive nature. If people are concerned about having adequate money for state services and state obligations, which is the real issue here, then we shouldn't look to the Highway Fund which we need to maintain our already crumbling infrastructure but we should stand up and have the political courage to call for an income tax increase and an increase in the corporate income tax and those, I believe, are part of the real solution here. We should not undedicate this money.

The SPEAKER PRO TEM: The pending question before the House is the motion of Representative Joseph of Waterville that the House accept Report B, "Ought to Pass."

The Chair recognizes the Representative from Thomaston, Representative Mayo.

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

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

## ROLL CALL NO. 110

YEA - Adams, Cathcart, Chonko, Clark, M.; Coles, Farnsworth, Gean, Goodridge, Gray, Handy, Heeschen, Holt, Joseph, McKeen, Mitchell, J.; Pfeiffer, Rand, Richardson, Rydell, Skoglund, Stevens, P.; Treat, Wentworth.

NAY - Aikman, Aliberti, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bell, Boutilier, Cahill, M.; Carleton, Carroll, D.; Carroll, J.; Cashman, Clark, H.; Constantine, Cote, Crowley, Daggett, DiPietro, Donnelly, Dore, Duffy, Duplessis, Dutremble, L.; Erwin, Farnum, Farren, Foss, Garland, Gould, R. A.; Graham, Greenlaw, Gurney, Gwadosky, Hanley, Heino, Hepburn, Hichborn, Hichens, Hoglund, Jacques, Jalbert, Kerr, Ketover, Ketterer, Kilkelly, Kontos, Kutasi, LaPointe, Larrivee, Lawrence, Lebowitz, Lemke, Libby, Lipman, Look, Lord, Luther, MacBride, Macomber, Mahany, Manning, Marsano, Marsh, Martin, H.; McHenry, Melendy, Merrill, Michaud, Mitchell, E.; Morrison, Murphy, Nadeau, Nash, Norton, Nutting, O'Dea, Oliver, Ott, Paradis, J.; Parent, Paul, Pendexter, Pendleton, Pineau, Pines, Plourde, Poulin, Pouliot, Powers, Reed, G.; Reed, W.; Richards, Ricker, Rotondi, Ruhlman, Saint Onge, Salisbury, Savage, Sheltra, Simpson, Small, Spear, Stevens, A.; Stevenson, Swazey, Tamaro, Tardy, Townsend, Tracy,



Tupper, Vigue, Waterman, Whitcomb.

ABSENT - Anthony, Bennett, Bowers, Butland, Hastings, Hussey, O'Gara, Paradis, P.; Simonds, Strout, The Speaker.

PAIRED - Hale, Mayo.

Yes, 23; No, 115; Absent, 11; Paired, 2; Excused, 0.

23 having voted in the affirmative and 115 in the negative with 11 being absent and 2 having paired, the motion did not prevail.

Representative Macomber of South Portland moved that the House accept Report A, "Ought Not to Pass."

The SPEAKER PRO TEM: The Chair will order a vote. The pending question before the House is the motion of the Representative from South Portland, Representative Macomber, that the House accept Report A, "Ought Not to Pass." Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Representative Kilkelly of Wiscasset requested a roll call.

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

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

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

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

Would a member of the committee please let somebody, such as myself, know what Report A is since it has not been explained to us?

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

The Chair recognizes the Representative from Gorham, Representative Larrivee.

Representative LARRIVEE: Mr. Speaker, Ladies and Gentlemen of the House: Report A is "Ought Not to Pass."

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

Representative KILKELLY: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to not accept the current motion to accept the "Ought Not to Pass" Report. I would ask you to do that in order to have presented to you Report C, which is an "Ought to Pass" Report that would limit the funding to transportation purposes. I think that that is important because I really do feel that that is a compromise position. I feel that it is one that very clearly represents the concerns that have been presented to me by the people in my district and the people in Lincoln County who live along Route 1, the Maine Transportation Coalition and a number of others that feel we should not open up the entire door, we should not open up everything and allow all our highway money to be put into a general pool but should allow that money to be available for a variety of transportation purposes.

We are in a situation right now where certainly the users pay and the payers use and that is because

we don't have a lot of options. We will never have options if we continue along that route. We will never have options if we don't have money available to assist us in creating other options.

I would urge you to reject the current motion and to accept Report C.

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

Representative RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: I thank Representative Kilkelly for reminding me that, in fact, it was Committee Report C that I wanted and not Report A.

I would raise the point that, in all of the discussions I have heard about the budget mess that we are in, the constant word that comes home from everybody of all persuasions, is prioritization of government revenues. We have to begin to find a way to it.

I found it sad as a recently departed member of the Portland School Committee about the inability of finding a way to put a toll on something so that we could have a user fee to support schools. The reality is that government is not built that way. There are certain things that can have user fees on them and there are certain things in our society that cannot have user fees at all on them, in any way, and that is where the word "priority" and the concept of priority comes into it. It is time that we start focusing on what I know we all want and I would urge you to reject Report A and proceed to pass Report C.

The SPEAKER PRO TEM: The pending question before the House is the motion of the Representative from South Portland, Representative Macomber, that the House accept Report A, "Ought Not to Pass."

The Chair recognizes the Representative from Thomaston, Representative Mayo.

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

The SPEAKER PRO TEM: The pending question before the House is the motion of the Representative from South Portland, Representative Macomber, that the House accept Report A, "Ought Not to Pass." Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 111

YEA - Aikman, Aliberti, Anderson, Anthony, Ault, Bailey, H.; Bailey, R.; Barth, Bell, Boutillier, Cahill, M.; Carleton, Carroll, D.; Carroll, J.; Cashman, Clark, H.; Constantine, Cote, Crowley, DiPietro, Donnelly, Dore, Duffy, Duplessis, Dutremble, L.; Erwin, Farnum, Farren, Foss, Garland, Gould, R. A.; Graham, Greenlaw, Gwadosky, Hanley, Heino, Hepburn, Hichborn, Hichens, Hoglund, Jacques, Jalbert, Kerr, Ketover, Ketterer, Kontos, Kutasi, LaPointe, Larrivee, Lawrence, Lebowitz, Lemke, Libby, Lipman, Look, Lord, Luther, MacBride, Macomber, Mahany, Manning, Marsano, Marsh, Martin, H.; McHenry, Melendy, Merrill, Michaud, Mitchell, E.; Morrison, Murphy, Nadeau, Nash, Norton, Nutting, O'Dea, Oliver, Ott, Paradis, J.; Parent, Paul, Pendexter, Pendleton, Pineau, Pines, Plourde, Poulin, Pouliot, Powers, Rand, Reed, G.; Reed, W.; Richards, Ricker, Rotondi, Ruhlin, Saint Onge, Salisbury, Savage, Sheltra, Simpson, Small, Spear, Stevens, A.; Stevenson, Swazey, Tamaro, Tardy, Townsend, Tracy, Tupper,

Vigue, Waterman, Whitcomb.

**NAY** - Adams, Cathcart, Chonko, Clark, M.; Coles, Daggett, Farnsworth, Gean, Goodridge, Gray, Gurney, Handy, Heeschen, Holt, Joseph, Kilkelly, McKeen, Mitchell, J.; Pfeiffer, Richardson, Rydell, Skoglund, Stevens, P.; Treat, Wentworth.

**ABSENT** - Bennett, Bowers, Butland, Hastings, Hussey, O'Gara, Paradis, P.; Simonds, Strout, The Speaker.

**PAIRED** - Hale, Mayo.

Yes, 114; No, 25; Absent, 10; Paired, 2; Excused, 0.

114 having voted in the affirmative and 25 in the negative with 10 being absent and 2 having paired, Report A, "Ought Not to Pass" Report A was accepted. Sent up for concurrence.

**Divided Report**

Majority Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act Concerning Mobile Home Parks" (H.P. 922) (L.D. 1319)

Signed:

Senator: SUMMERS of Cumberland

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

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-525) on same Bill.

Signed:

Senators: MILLS of Oxford  
KANY of Kennebec

Representatives: LAWRENCE of Kittery  
RICHARDSON of Portland  
HICHENS of Eliot

Reports were read.

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

Representative LAWRENCE: Mr. Speaker, Ladies and Gentlemen of the House: I move that the House accept the Minority "Ought to Pass" Report.

It is with mixed emotions I always speak on a mobile home park bill. Mobile home parks are not one of my favorite forms of housing but they have become an accepted and necessary form of housing in the State of Maine, in fact, the only form of affordable housing for many people in this state.

Many of us come from districts or families where we can remember back at a time in the State of Maine when the State of Maine was dotted with triple decker tenement houses that were owned by large companies and they were a form of usury in which the owners of these apartments used them to extract money from the

people who lived there. In many ways, manufactured housing remains the tenements of the 1990's. The people who buy into these parks often do not have the same rights that many of us do in other forms of housing.

What this bill does is very simple and this is the same bill that was passed by this body two years ago overwhelmingly. In fact, it is a watered down version of that. This gives individuals in manufactured housing parks the ability, should they after sitting down with the landlord, the owner of the park, after going to a voluntary mediation service, not to be able to resolve their differences over changes of rules and changes in the park affecting their investment in the park — they will be entitled to three hours of mediation with the mobile home park owner, not that the result of that mediation will be binding, but that they will have an opportunity to talk with the owner to try to resolve their differences.

It is a fair bill, it gives justice to people who have been asked to buy into a business opportunity from the park owner and I hope you will support the "Ought to Pass" Report.

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

Representative PFEIFFER: Mr. Speaker, Men and Women of the House: I have five mobile home parks in my district and I would like to suggest that they may be affordable housing but they are by no means slums. Many of them are extremely well maintained and have been lived in for many years by people who take very good care of them.

I would like to supplement what Representative Lawrence has said and I would request the yeas and nays when we come to a vote.

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

Representative STEVENS: Mr. Speaker, Men and Women of the House: The Manufacturing Housing Association of Maine provides mediation service for any tenant who requests a third party involvement regarding a difference of opinion with the park operators concerning park rules. I believe that we ought to move the "Ought Not to Pass" Report.

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

Representative DAGGETT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to speak about the major part of this bill which, indeed, does address mandatory mediation which, however, is non-binding.

Currently, because of the number of disputes that have come up in regard to mobile home parks, manufactured housing, there has been an 800-line established, which has been in existence for about a year and a half. For those people who have complaints they can call the 800-line and there is a person who will help to get the parties together and will try to resolve all the disputes without the mandatory non-binding mediation, which this bill calls for. To date, there has been only one request for formal mediation and, at that mediation, the parties did agree. I would suggest to you that the process that we have right now is working. We don't need to mandate anything, we can leave the process in place.

I hope that you will vote against the Minority "Ought to Pass" Report.

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

Representative HICHENS: Mr. Speaker, Ladies and Gentlemen of the House: This amended bill is just an opportunity for mediation. I have a trailer park right next to my home in Eliot and down through the years, I have had people come to me, time and time again, wondering how they could have a chance to talk with the owner and the operator of that mobile home park. I believe that this is the proper facility, it may be mandatory in a sense, but it also is an opportunity for people to voice their opinions and have a chance to get some mediation.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: There's two sides of every coin. I am not a park owner and I have never lived in one but let's look at the side, as Representative Lawrence said, of the person who moves into a park. That person does have rights but also let's look at the park owner. The park owner will take a piece of land, five or ten acres, and develop that piece of land. When you look at it without any mobile homes on it, it looks like an open field but that park owner probably has \$30,000, \$40,000, \$50,000 or \$100,000 invested, which just doesn't show because of the sewer lines, roads, and everything. The person who moves into the park only needs to buy the mobile home and move in.

I will give you an example. My oldest son bought a mobile home and went into a trailer park in Belfast. He moved right in. He wasn't happy with that being a country boy so he bought a piece of land up in Carmel. He had to build a road into it, drill a well, put in a septic system and that is something he wouldn't have had to do had he stayed in the trailer park. I know that the person who owns a mobile home does need protection but so does the mobile home park owner. He has quite an investment.

We have had requests year after year because someone doesn't like who lives next door. Maybe the person next door snores too loud at night or fights with his wife or gets up too early in the morning and then we have a complaint. It reminds me of the tenements in the big cities, you are going to get it. When they move into a mobile home park, they know that the density is rough, it isn't like moving out in the country like I did with ten acres. I didn't want neighbors around so I bought ten acres but I ended up paying the difference by putting in my own water system and my own sewer system and the road into it.

What we are doing here is that, every time somebody has a complaint, we are going to have mediation. If you get a group of 40 or 50 people in a small area in a mobile home park, you are going to find every time something goes wrong, they are going to run to the mediator. The mobile park owner charges me more money, he did last month. It is immaterial that the taxes went up or the water price went up or the sewer fees went up, it is going to be like this forever and ever. About four years ago, we had a committee that worked all summer and came back with a proposal that was accepted by the mobile park owners, by the Tenants' Association, and everyone.

Every year in Legal Affairs, we get one bill after another because someone doesn't like what is going on. Where is it going to stop? I am getting so sick and tired and I have said it repeatedly,

every time I sit up there in the Legal Affairs Committee, somebody has got a complaint about living in a mobile home park.

If I decide to sell my house and my good wife and I decide to buy a mobile home and move into a park, I know what I am getting into, we would be piled on top of each other. There is also the question of when I leave to go visit somebody, I don't have to worry about that trailer, somebody will look after it, so it is both ways.

As somebody said, the government is going to come back and tell each and every one of us how to live.

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

Representative PLOURDE: Mr. Speaker, Ladies and Gentlemen of the House: I just encourage you to vote against the pending motion. This afternoon I hope that you found this little brochure, the Manufacturing Housing Association of Maine, Landlord/Tenant Hotline with an 800 number — this organization already helps deal with those types of issues that are dealing with mobile home parks.

This bill is not necessary, I strongly urge you to vote against the pending motion.

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

Representative LAWRENCE: Mr. Speaker, Men and Women of the House: Just too quick points. There has been a lot of mention about the 800 service — just so there is no question, this 800 service is run by the park owners and the phone is monitored by their lobbyists here in Augusta. It is similar to buying a used car and you have a problem with the used car, it would be the same thing if the used car dealer had a hotline to resolve your problems. Many people don't want to go to the used car dealer, they want to have an independent third party to resolve their differences.

This bill also avoids litigation because, if you don't resolve it on the 800 service, you go to court, the tenant sues the park owner. This gives one more step to avoid lawyers getting involved in this. It is one more step for mediation.

I will tell you the real reason why I am voting for this bill, I go door-to-door to every house in my district. I look every one of my constituents in the eye and I listen to their problems. I have three mobile home parks in my district. I have 500 constituents who have problems living in mobile home parks. I have two constituents who own them. I am voting with my 500 constituents.

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

Representative DAGGETT: Mr. Speaker, Members of the House: I believe I have five mobile home parks in my district and I have spent a considerable length of time in those parks. I like to think that I am representing my constituents here as well. I think we have a system that is in place now that is working very well and I don't feel the need to have additional legislation which is not needed.

I hope you will join me in opposing the "Ought to Pass" Report.

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

Representative STEVENS: Mr. Speaker, Men and Women of the House: If this should pass, the fiscal note would be around \$100,000 and I think I am representing my district too.

The SPEAKER PRO TEM: A roll call has been

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

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

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

Representative LAWRENCE: Mr. Speaker, Men and Women of the House: Just to clarify one previous point, there is a fiscal note amendment to this bill and the fiscal note says, "All costs will be absorbed in existing administration of the Manufacturing Housing Board", there is no increase in the cost.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Orrington, Representative Tupper.

Representative TUPPER: Mr. Speaker, Men and Women of the House: This bill is not necessary. The 800 hot line number is now in place and is managed by the Manufacturing Housing Board which gives them an opportunity to police itself and they are doing very well. We have only had one or two calls. I say, let them continue until we have evidence that they are not going their jobs.

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

Representative RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: Mediation, if it is effective, needs to get both parties to the table, that is the only piece here — no solutions are mandated by anybody on anybody but in any environment where there is a dispute, both sides benefit by a mechanism which helps them come to the table. That is the only real piece to this, nobody is being pushed around as far as solutions.

I urge you support this, it is a reasonable and relatively modest way of assisting both the owners and the tenants of mobile home parks to work together to solve their problems.

The SPEAKER PRO TEM: A roll call has been ordered. The pending question before the House is the motion of Representative Lawrence of Kittery that the House accept the Minority "Ought to Pass" Report.

The Chair recognizes the Representative from Thomaston, Representative Mayo.

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

The SPEAKER PRO TEM: 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.

ROLL CALL NO. 112

YEA - Adams, Anthony, Boutilier, Cathcart, Clark, M.; Coles, Constantine, Dore, Farnsworth, Goodridge, Gray, Gurney, Gwadosky, Handy, Heeschen, Hichens, Holt, Joseph, Lawrence, Lemke, Mahany, Manning, McHenry, McKeen, Mitchell, E.; Mitchell, J.; Norton, Nutting, O'Dea, Oliver, Pfeiffer, Pineau, Rand, Richardson, Rydell, Skoglund, Stevens, P.; Swazey, Treat.

NAY - Aikman, Aliberti, Anderson, Ault, Bailey,

H.; Bailey, R.; Barth, Bell, Cahill, M.; Carleton, Carroll, D.; Carroll, J.; Cashman, Chonko, Clark, H.; Cote, Crowley, Daggett, DiPietro, Donnelly, Duffy, Dutremble, L.; Erwin, Farnum, Farren, Foss, Garland, Gould, R. A.; Greenlaw, Hanley, Heino, Hepburn, Hichborn, Hoglund, Jacques, Jalbert, Kerr, Ketover, Ketterer, Kontos, Kutasi, LaPointe, Larrivee, Lebowitz, Libby, Lipman, Look, Lord, Luther, MacBride, Macomber, Marsano, Marsh, Martin, H.; Melendy, Merrill, Michaud, Morrison, Murphy, Nadeau, Nash, Ott, Paradis, J.; Paradis, P.; Parent, Paul, Pendexter, Pendleton, Pines, Plourde, Poulin, Pouliot, Powers, Reed, G.; Reed, W.; Richards, Ricker, Rotondi, Ruhlin, Salisbury, Savage, Sheltra, Simpson, Small, Spear, Stevens, A.; Stevenson, Tamaro, Tardy, Townsend, Tracy, Tupper, Vigue, Waterman, Wentworth, Whitcomb.

ABSENT - Bennett, Bowers, Butland, Duplessis, Gean, Graham, Hastings, Hussey, Kilkelly, O'Gara, Saint Onge, Simonds, Strout, The Speaker.

PAIRED - Hale, Mayo.

Yes, 39; No, 96; Absent, 14; Paired, 2; Excused, 0.

39 having voted in the affirmative and 96 in the negative with 14 being absent and 2 having paired, the motion did not prevail.

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

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

CONSENT CALENDAR

First Day

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

(H.P. 1049) (L.D. 1522) Bill "An Act Concerning Beano or Bingo" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-529)

(H.P. 1315) (L.D. 1901) Bill "An Act to Create the Morrill Village Water District" (EMERGENCY) Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-531)

(H.P. 1314) (L.D. 1900) Bill "An Act to Create the Plymouth Water District" (EMERGENCY) Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-530)

(S.P. 697) (L.D. 1862) Resolve, to Establish a Commission to Arrange for the Display of the Flags of Maine's Desert Storm Units in the Hall of Flags of the State House Committee on State and Local Government reporting "Ought to Pass"

(S.P. 58) (L.D. 107) Bill "An Act to Require the State to Pay Medicare Costs for Retired State Employees and Retired Teachers" Committee on Aging, Retirement and Veterans reporting "Ought to Pass"

as amended by Committee Amendment "A" (S-235)

(S.P. 134) (L.D. 272) Bill "An Act to Revise the Small Claims Laws" Committee on **Judiciary** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-238)

(S.P. 152) (L.D. 364) Bill "An Act to Prohibit Retrofitted Lift Axles on 100,000-pound General Commodity Permit Vehicles" Committee on **Transportation** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-232)

(S.P. 217) (L.D. 544) Bill "An Act to Amend the Laws Governing Sexual Assault" Committee on **Judiciary** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-236)

(S.P. 366) (L.D. 968) Bill "An Act to Improve and Expand Job Training Opportunities for Maine Citizens" (EMERGENCY) Committee on **Labor** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-228)

(S.P. 530) (L.D. 1408) Resolve, to Name the Interstate Bridge over the Piscataqua River the "David H. Stevens Memorial Bridge" Committee on **Transportation** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-234)

(S.P. 538) (L.D. 1436) Resolve, to Direct the Department of Mental Health and Mental Retardation to Develop a Proposal to Improve Staff Retention in Community-based Programs Serving Persons with Mental Retardation (EMERGENCY) Committee on **Human Resources** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-231)

(H.P. 1224) (L.D. 1782) Resolve, to Establish the Academy for Public Service Study Committee Committee on **State and Local Government** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-535)

(H.P. 1274) (L.D. 1845) Bill "An Act to Require the Use of People First Language in the Maine Revised Statutes and to Authorize Administrative Implementation of Associated Changes in Terminology" Committee on **State and Local Government** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-536)

(H.P. 1238) (L.D. 1804) Bill "An Act Concerning the Bonding Authority of the Cumberland County Recreation Center" Committee on **State and Local Government** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-537)

(H.P. 1285) (L.D. 1855) Resolve, to Authorize Oxford County to Issue Bonds for Improvements at the County Airport (EMERGENCY) Committee on **State and Local Government** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-538)

(H.P. 924) (L.D. 1321) Bill "An Act to Safeguard Production of Ground Water" Committee on **Energy and Natural Resources** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-542)

(H.P. 1213) (L.D. 1771) Bill "An Act to Amend the Procedure for Revoking a Law Enforcement Officer's Certification as a Result of the Conviction of a

Crime" Committee on **Legal Affairs** reporting "Ought to Pass"

(H.P. 1193) (L.D. 1746) Bill "An Act to Establish a Budget Process for Sagadahoc County" Committee on **State and Local Government** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-551)

There being no objections, the above items were ordered to appear on the Consent Calendar of Thursday, June 6, 1991, under the listing of Second Day.

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**CONSENT CALENDAR**

**Second Day**

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

(S.P. 701) (L.D. 1869) Bill "An Act Concerning Acquisition of Heating Oil Assets"

(S.P. 303) (L.D. 812) Bill "An Act to Allow for a Trailer Transit License" (C. "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" (C. "A" S-214)

(S.P. 646) (L.D. 1691) Bill "An Act to Assist Municipalities to Design Growth Management Strategies That Are Compatible with Rural Landscapes" (C. "A" S-219)

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

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(H.P. 1196) (L.D. 1749) Bill "An Act Authorizing Changes to the Budget Process in York County"

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

Report was read and accepted and the Bill read once and assigned for second reading Thursday, June 6, 1991.

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(H.P. 1077) (L.D. 1571) Bill "An Act Relating to Level I and Level II Educational Technicians" (C. "A" H-477)

(H.P. 1221) (L.D. 1779) Bill "An Act to Create Special Veteran Plates and Emblems" (C. "A" H-480)

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. 978) (L.D. 1421) Bill "An Act to Provide for the Regulation of Massage Therapists" (C. "A" H-481)

On motion of Representative Gwadosky of Fairfield, was removed from 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. 1089) (L.D. 1589) Bill "An Act to Conform Chiropractic Licensing Laws to Other State Regulatory Board Laws" (EMERGENCY) (C. "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" (C. "A" H-485)

(H.P. 641) (L.D. 915) Bill "An Act to Amend the Campaign Finance Reporting Laws" (C. "A" H-489)

(H.P. 1032) (L.D. 1505) Bill "An Act to Update Certain Laws Regarding Corporations, Lobbyists and Notaries" (C. "A" H-491)

(H.P. 1042) (L.D. 1515) Bill "An Act Concerning the Sale of Surplus State Property" (C. "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 (C. "A" H-494)

(H.P. 1058) (L.D. 1547) Bill "An Act to Ensure Preservation of Burial Grounds" (C. "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" (C. "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" (C. "A" H-498)

(H.P. 1043) (L.D. 1516) Bill "An Act to Clarify Statutory Provisions Relating to Asset Forfeiture" (C. "A" H-511)

(H.P. 1138) (L.D. 1663) Bill "An Act to Preserve the Confidentiality of Communications by Interpreters for the Deaf" (C. "A" H-510)

(H.P. 1272) (L.D. 1843) Bill "An Act to Improve Implementation of the Maine Indian Claims Settlement Laws" (C. "A" H-509)

(H.P. 1280) (L.D. 1850) Bill "An Act to Extend the Commission to Study the Future of Maine's Courts" (C. "A" H-508)

(H.P. 1230) (L.D. 1794) Bill "An Act to Amend the

Minimum Requirements for Emergency Medical Technicians" (C. "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" (C. "A" H-513)

(H.P. 876) (L.D. 1262) Bill "An Act to Enhance Access to Financing for Health Care Facilities" (C. "A" H-514)

(H.P. 1223) (L.D. 1781) Resolve, to Help Schools Incorporate Economic and Global Education (C. "A" H-515)

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. 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" (C. "A" H-516)

On motion of Representative Greenlaw of Standish, was removed from Consent Calendar, Second Day.

Report was read and accepted and the Bill read once.

Committee Amendment "A" (H-516) was read by the Clerk.

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

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

I spent all morning voting. I am a non-smoker, never did smoke, but I respect the rights of other people.

I could hardly believe this bill when I picked it up. We all believe in clean water and clean air but water districts want the police power to enter my home and see what activity is performed, apparently in my bathroom and my septic system. I consider that it is a violation of my rights and I hope that you will vote to indefinitely postpone.

The SPEAKER PRO TEM: The motion to indefinitely postpone is out of order at this time. The pending question before the House is adoption of Committee Amendment "A."

Subsequently, Committee Amendment "A" (H-516) was adopted and the Bill assigned for second reading, Thursday, June 6, 1991.

(H.P. 1249) (L.D. 1816) Bill "An Act to Allow Municipalities to Request Extensions under the Growth Management Laws" (EMERGENCY) (C. "A" H-517)

(H.P. 1126) (L.D. 1651) Bill "An Act to Promote the Beneficial Use of Solid Waste" (C. "A" H-518)

(H.P. 1098) (L.D. 1597) Bill "An Act Regarding the Forest Management Plan Requirements" (C. "A" H-519)

(H.P. 996) (L.D. 1445) Bill "An Act Concerning Snowmobile Registration Fees" (EMERGENCY) (C. "A" H-522)

(H.P. 1186) (L.D. 1729) Bill "An Act Relating to the Maine Criminal Justice Commission" (C. "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) (C. "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" (C. "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) (C. "A" H-528)

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**

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) (S. "A" S-260 to C. "A" S-218)

Bill "An Act to Revise the Laws Governing Banking Institutions" (S.P. 608) (L.D. 1612) (S. "A" S-256 to C. "A" S-215)

Bill "An Act to Regulate Sales of Malt Liquor in Kegs" (H.P. 1142) (L.D. 1667) (C. "A" H-490)

Bill "An Act to Clarify Certain Election Laws" (H.P. 749) (L.D. 1053) (C. "A" H-497)

Bill "An Act to Establish State Selective Purchasing Standards" (H.P. 1174) (L.D. 1715) (C. "A" H-467)

Bill "An Act Concerning Health Insurance for Retired Teachers" (S.P. 541) (L.D. 1439) (H. "A" H-539 to C. "A" S-216)

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

Bill "An Act to Amend the Provisions Regarding Post-judgment Interest" (H.P. 1247) (L.D. 1814) (H. "A" H-532 to C. "A" H-462)

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.

**PASSED TO BE ENGROSSED**

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for the Recall of State Elective Officials (H.P. 1202) (L.D. 1758) (C. "A" H-521)

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

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

On motion of Representative Small of Bath, the House reconsidered its action whereby Committee Amendment "A" (H-521) was adopted.

The same Representative offered House Amendment "A" (H-552) to Committee Amendment "A" (H-521) and moved its adoption.

House Amendment "A" (H-552) to Committee Amendment "A" (H-521) was read by the Clerk.

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

Representative SMALL: Mr. Speaker, Ladies and Gentlemen of the House: In the debate yesterday, there seemed to me to be a glaring inconsistency in the proposed Constitutional Amendment which is why I voted against the measure.

I can support L.D. 1758 if the procedures for Recall are the same for Constitutional Officers as they are for the Governor and other elected officials.

House Amendment "A" simply changes the number required to sponsor a Resolution demanding a Recall of Constitutional Officers from 51 to 35 percent.

As Representative Lemke mentioned yesterday, the 35 percent only initiates the Recall procedure, it still will require a majority vote to unseat that individual. Although it was said yesterday that the 51 percent for Constitutional Officers was allowed to prevent partisan politics, they should have no greater right to protection from partisan politics than the Governor or you or I. Indeed, they are elected by the majority party, whichever party that is that holds the position at that time. It was stated in previous debates on other bills that these people give generously to legislative races. They are less likely to be challenged by their own party when wrongdoing has occurred.

The safeguards against frivolous use of this provision are still in place. 35 percent of the elected membership of the House and Senate must sponsor a Resolution demanding Recall and reciting in 200 words or less that the Constitutional Officer has committed some act or acts of malfeasance or misfeasance while in office or has violated the oath of office.

This Resolution must be acted upon by a Joint Convention of the Senate and the House and at this Joint Convention, the legislature will still need a majority vote to unseat the Constitutional Officer.

If we are truly serious about providing a fair and non-partisan process for recalling elected officials, then I feel the rules of the game should be the same for all the players.

I hope we can adopt House Amendment "A" and make L.D. 1758 a fairer bill, worthy of passing.

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

Representative JOSEPH: Mr. Speaker, Men and Women of the House: I move indefinite postponement

of House Amendment "A."

The reason I do is because I feel it is necessary for me to explain to you that the 51 percent was determined because we are dealing with a body of 186 members, whereas in all other cases, we are dealing with those voters who have voted in a General Election, so we are actually talking about a great many more persons.

We felt the 51 percent would be the right figure to determine whether or not these proceedings should go forth.

Representative Small of Bath requested a roll call vote on indefinite postponement.

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

Representative LEMKE: Mr. Speaker, Men and Women of the House: I will spare you, there will be no long dissertation tonight.

I would like to respond to what I think is a very sincere and very understandable question raised by the Representative from Bath. I do want to, if you will, add on to what the Chairperson just mentioned (from State and Local Government) the reason that the threshold is higher for Constitutional Officers than for other state elective officials is to ensure fairness. Throughout the country, the size of the elective unit determines the threshold that is required. That is to say, the smaller the elective unit, the pattern is the higher the threshold to prevent abuse or misuse of the system and that is precisely why the higher threshold, in this case 51 percent, was offered to ensure fairness. In no way was it meant otherwise.

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

Representative SMALL: Mr. Speaker, Ladies and Gentlemen of the House: I just want to pose a question to any member of the committee. Then why was not a differentiation made between the legislative races and the Governor's race or the county races?

The SPEAKER PRO TEM: Representative Small of Bath has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Westbrook, Representative Lemke.

Representative LEMKE: Mr. Speaker, Men and Women of the House: I am not a member of the committee but I will respond to that. Typically in states that have Recall, the highest number on a threshold is in the range of 20 to 25 percent whether you are dealing with individuals in elective legislative districts where you have thousands of individuals or the Governor, that is still one of the highest thresholds in the country and we decided to keep it on an even level as best we could in that context.

I stress it is a very high threshold, only the State of Kansas has a higher threshold in the nation.

We could have put a lower threshold, I assume, for state elective officials but it was in the interest of fairness to keep it as high as possible and still consistent with the fair elective process.

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

A vote of the House was taken and more than one-fifth of the members present and voting having

expressed a desire for a roll call, a roll call was ordered.

The SPEAKER PRO TEM: The pending question before the House is the motion of Representative Joseph of Waterville that House Amendment "A" (H-552) to Committee Amendment "A" (H-521) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 113

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, Gwadosky, Handy, Heeschen, Hichborn, Hichens, Hوجلund, Holt, Jacques, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kontos, LaPointe, Larrivee, Lawrence, Lemke, Luther, Macomber, Mahany, Manning, Martin, H.; Mayo, McHenry, McKeen, Melendy, Mitchell, E.; Mitchell, J.; Nadeau, Nutting, O'Dea, Oliver, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Powers, Rand, Richardson, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Sheltra, Simpson, Skoglund, Stevens, P.; Swazey, Tammaro, Tardy, Townsend, Tracy, Treat, Waterman, Wentworth.

NAY - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Carleton, Carroll, J.; Donnelly, Duplessis, Farnum, Farren, Foss, Garland, Greenlaw, Gurney, Hanley, Heino, Hepburn, Jalbert, 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, Tupper, Whitcomb.

ABSENT - Bennett, Bowers, Butland, Hale, Hastings, Hussey, Michaud, O'Gara, Simonds, Strout, Vigue, The Speaker.

Yes, 89; No, 50; Absent, 12; Paired, 0; Excused, 0.

89 having voted in the affirmative and 50 in the negative with 12 being absent, the motion did prevail.

Subsequently, Committee Amendment "A" (H-521) was adopted.

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

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

The SPEAKER PRO TEM: The pending question before the House is passage to be engrossed as amended. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 114

YEA - Adams, Aliberti, Anthony, Bell, Boutilier, Cahill, M.; 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, Heeschen, Hichborn, Hوجلund, Holt, Jacques, Jalbert,



Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kontos, LaPointe, Larrivee, Lawrence, Lemke, Luther, Macomber, Mahany, Manning, Marsh, Martin, H.; Mayo, McHenry, McKeen, Michaud, Mitchell, E.; Mitchell, J.; Nadeau, Nutting, O'Dea, Oliver, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Powers, Rand, Richardson, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Sheltra, Simpson, Skoglund, Swazey, Tamaro, Townsend, Tracy, Treat, Waterman, Wentworth.

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

**ABSENT** - Bennett, Bowers, Butland, Hale, Hastings, Hussey, Melendy, O'Gara, Simonds, Stevens, P.; Strout, Vigue, The Speaker.

Yes, 90; No, 48; Absent, 13; Paired, 0; Excused, 0.

90 having voted in the affirmative and 48 in the negative with 13 being absent, L.D. 1758 was passed to be engrossed as amended by Committee Amendment "A" (H-521) and sent up for concurrence.

**PASSED TO BE ENACTED**

**Emergency Measure**

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

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

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Falmouth, Representative Reed.

Representative **REED**: Mr. Speaker, I request permission to pose a question.

A question to any member of the Aging, Retirement and Veterans Committee — to me, this bill appears to confer retroactively for one individual and prospectively for a very limited number of individuals, a significant retirement benefit. My question would be, are other individuals (that is teachers) who take leaves of absence for purposes other than that specified in this measure granted the same benefit?

The **SPEAKER PRO TEM**: Representative Reed of Falmouth has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Lisbon, Representative Jalbert.

Representative **JALBERT**: Mr. Speaker, Men and Women of the House: To answer the question of the gentleman, this bill is for any teacher who takes a leave of absence to take a position with any group affiliated with education. We had a situation where someone took a leave of absence from one of the coastal towns in a special fellowship to teach at Bowdoin College. This year, we had a teacher who took on a position as a head of one of the teacher's organizations. In the bill, the organization to which that teacher will work will pay both the

employee retirement costs. The purpose of this is because any teacher with long-term service could very well go into a fellowship and not lose their continuity of their teaching years. What could very well happen is that someone could be teaching eight or nine years, leave and go into this fellowship or go into the organization, then when that teacher returns, it is like starting at the bottom so the purpose of it is to take care of those situations. Then the teacher would have a chance to enhance their position or to go into fellowship or go to work, temporarily, for one of the teacher organizations.

The **SPEAKER PRO TEM**: The Chair recognizes the Representative from Falmouth, Representative Reed.

Representative **REED**: Mr. Speaker, I would like to pose an additional question through the Chair, please.

To Representative Jalbert or any other member of that committee and I appreciate very much Representative Jalbert's response to my question.

I am somewhat bemused, however, in looking at the bill, at the end of the amendment I see only specific references to the position of President of the Maine Teachers Association as being applicable under this measure and, if there is an additional amendment that speaks to the conditions that Representative Jalbert spoke of, I would appreciate being informed of that.

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

The Chair recognizes the Representative from Lisbon, Representative Jalbert.

Representative **JALBERT**: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry, Representative Reed, if I did not answer it thoroughly. We did apply it to this particular situation of the MTA. Someone did propose that it be a blanket application but I felt that that was not necessary, that each case should be on its own merits. It has only been done twice and I feel, in the future, if someone wants to do the same thing, they should come forward instead of giving a blanket application to everybody. I hope that answers his question.

Representative Marsano of Belfast requested a roll call.

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

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

The **SPEAKER**: The pending question before the House is passage to be enacted (a 2/3 vote of elected members required). Those in favor will vote yes; those opposed will vote no.

**ROLL CALL NO. 115**

**YEA** - Adams, Aliberti, Anthony, Ault, Bailey, H.; Bell, Boutilier, Cahill, M.; Carroll, D.; Cashman, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Donnelly, Duffy, Dutremble, L.; Erwin, Farnsworth, Farnum, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gurney, Handy, Heeschen, Hichborn, Hichens, Hoglund, Holt, Jacques, Jalbert, Joseph, Kerr, Ketover, Ketterer, Kilkelly,

Kontos, LaPointe, Larrivee, Lawrence, Lemke, Luther, Macomber, Mahany, Manning, Marsh, Martin, H.; Mayo, McHenry, Melendy, Merrill, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Norton, Nutting, O'Dea, Oliver, Paradis, J.; Paradis, P.; Parent, Paul, Pendleton, Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Powers, Rand, Reed, W.; Richardson, Ricker, Rotondi, Rydell, Saint Onge, Sheltra, Simpson, Skoglund, Stevens, P.; Stevenson, Swazey, Tammaro, Tardy, Townsend, Tracy, Treat, Tupper, Waterman, Wentworth.

**NAY** - Aikman, Anderson, Bailey, R.; Barth, Carleton, Carroll, J.; Duplessis, Farren, Foss, Garland, Greenlaw, Gwadosky, Hanley, Heino, Hepburn, Kutasi, Lebowitz, Libby, Lipman, Look, Lord, MacBride, Marsano, Nash, Ott, Pendexter, Pines, Reed, G.; Richards, Salisbury, Savage, Small, Spear, Stevens, A.; Whitcomb.

**ABSENT** - Bennett, Bowers, Butland, Cathcart, Dore, Hale, Hastings, Hussey, McKeen, O'Gara, Ruhlin, Simonds, Strout, Vigue, The Speaker.

Yes, 101; No, 35; Absent, 15; Paired, 0; Excused, 0.

101 having voted in the affirmative and 35 in the negative with 15 being absent, the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

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**PASSED TO BE ENACTED**

**Emergency Measure**

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

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. 107 voted in favor of the same and 5 against and accordingly the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

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**PASSED TO BE ENACTED**

**Emergency Measure**

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

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

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**ENACTOR**

**Emergency Measure**

**(Reconsidered)**

An Act Regarding Aquaculture (H.P. 55) (L.D. 76) (C. "A" H-373)

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

On motion of Representative Mitchell of Freeport, under suspension of the rules, the House reconsidered its action whereby L.D. 76 was passed to be engrossed. The same Representative offered House Amendment "A" (H-548) and moved its adoption.

House Amendment "A" (H-548) was read by the Clerk and adopted.

The bill was passed to be engrossed as amended by Committee Amendment "A" (H-373) and House Amendment "A" (H-548) in non-concurrence and sent up for concurrence.

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**PASSED TO BE ENACTED**

**Emergency Measure**

An Act to Authorize the Use of Gill Nets by the Penobscot Nation Department of Natural Resources Personnel for Scientific Purposes (H.P. 755) (L.D. 1089) (C. "A" H-390)

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

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**PASSED TO BE ENACTED**

**Emergency Measure**

An Act to Make Allocations from the Maine Nuclear Emergency Planning Fund for the Fiscal Years Ending June 30, 1992 and June 30, 1993 (H.P. 760) (L.D. 1094) (C. "A" H-365)

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

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**PASSED TO BE ENACTED**

**Emergency Measure**

An Act Regarding Passing of School Buses (H.P. 778) (L.D. 1110) (C. "A" H-378)

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. 105 voted in favor of the same and 2 against and accordingly the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Act (H.P. 968) (L.D. 1395) (C. "A" H-363; H. "A" H-429)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 108 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act to Amend the Laws Governing the Intensive Supervision Program (H.P. 1078) (L.D. 1572) (C. "A" H-398)

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 pro tem and sent to the Senate.

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act to Increase the Annual Public Utilities Commission Regulatory Fund Assessment and Make Certain Other Changes (H.P. 1092) (L.D. 1592) (C. "A" H-369)

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, Men and Women of the House: All this bill does is transfer the 22 positions from the General Fund to the ratepayers. Right now, the ratepayers are going to be picking up the full tab of the PUC Commission. All this does is transfer the monies for the 22 positions into the PUC

that is going to be picked up by the ratepayers.

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 passage to be enacted (a 2/3 vote of elected members required). Those in favor will vote yes; those opposed will vote no.

**ROLL CALL NO. 116**

YEA - Adams, Aliberti, Anthony, Bailey, R.; Bell, Boutilier, Cahill, M.; Carleton, Carroll, D.; Carroll, J.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Farren, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gurney, Gwadosky, Handy, Heeschen, Heino, Hichborn, Hichens, Hoglund, Holt, Jacques, Jalbert, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kontos, LaPointe, Lawrence, Lemke, Look, Lord, Luther, Macomber, Mahany, Manning, Marsh, Martin, H.; Mayo, McHenry, Melendy, Michaud, Mitchell, J.; Morrison, Murphy, Nadeau, Nutting, O'Dea, Oliver, Ott, Paradis, J.; Paradis, P.; Parent, Paul, Pfeiffer, Plourde, Powers, Rand, Richardson, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Savage, Sheltra, Simpson, Skoglund, Spear, Stevens, A.; Stevens, P.; Stevenson, Swazey, Tamaro, Tardy, Townsend, Tracy, Treat, Waterman, Wentworth.

NAY - Aikman, Anderson, Ault, Bailey, H.; Barth, Donnelly, Duplessis, Farnum, Foss, Garland, Greenlaw, Hepburn, Kutasi, Lebowitz, Libby, Lipman, MacBride, Marsano, Merrill, Nash, Norton, Pendexter, Pendleton, Pines, Reed, G.; Reed, W.; Richards, Salisbury, Small, Tupper, Whitcomb.

ABSENT - Bennett, Bowers, Butland, Hale, Hanley, Hastings, Hussey, Larrivee, McKeen, Mitchell, E.; O'Gara, Pineau, Poulin, Pouliot, Simonds, Strout, Vigue, The Speaker.

Yes, 102; No, 31; Absent, 18; Paired, 0; Excused, 0.

102 having voted in the affirmative and 31 in the negative with 18 being absent, the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act to Provide for Administrative Correction of Certain Errors and Inconsistencies in the Maine Revised Statutes and to Establish the Commission to Study Resolution of Conflicting Enactments (H.P. 1177) (L.D. 1718) (C. "A" H-401)

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

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

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act to Promote Affordable Housing for Persons of Low to Moderate Income (H.P. 1208) (L.D. 1764) (C. "A" H-392)

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

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act to Increase the Debt Limit of the Ogunquit Sewer District (H.P. 1255) (L.D. 1823)

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 none against and accordingly the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

**PASSED TO BE ENACTED**

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

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

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

**PASSED TO BE ENACTED**

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

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

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

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

This bill came out of committee with a unanimous "Ought to Pass" Report so you are probably wondering why bring this up now? I think it is a problem that we probably all have in our committees that sometimes a bill looks good on the surface, it is voted out of committee and nothing happens until, all of a sudden, somebody realizes that there is some things wrong with it and I think there are some things wrong with this bill.

This bill changes the balance between administrators and probationary teachers by reducing the flexibility that is built into the current system. The courts have already ruled that the superintendent or principal does not need to give written reasons for the non-renewal of probationary teachers. By changing this, I am afraid what will happen is that it will encourage schools to keep unqualified probationary teachers to avoid litigation, litigation that is taking place in the State of New York under a similar bill that was passed there.

Those supporting this bill will tell you, of course, that it is a question of fairness, that a probationary teacher receive written reasons why they are not being renewed. However, if any teacher, let alone a probationary teacher, after six months or eighteen months on the job, doesn't know the reasons why they are not being renewed, then I suggest perhaps they are not the kind of teacher we want in our system.

I urge you to vote for indefinite postponement and Mr. Speaker, I request the yeas and nays.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Stockton Springs, Representative Crowley.

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: The reason this bill came out unanimous "Ought to Pass" I believe is because it is a good bill. It does not change the status of a probationary teacher one iota. A probationary teacher gets no greater right or lesser right, they just have the right to teach the one year that they are hired for. It does not change the law on probationary teaching.

One of the reasons we voted for this is that we thought that, as a professional improvement of an aspiring teacher — young teachers get five years of college and they go out to work and they either buy a house or rent a place and bring their family along, if they have one, and then they are not renewed in their contract and we felt that, just in fairness, that they should get a letter from the superintendent, which will not bind the superintendent, just for the reasons for non-renewal. For example, a teacher might have been a poor teacher, might not have the right preparations so they let the teacher go. The young teacher or even an older teacher might want to go on and get another job and they may want to know why they were let go or why they were not renewed. If you were working in a restaurant washing dishes or something of that nature, the same thing would apply and this is all we are giving to the teachers.

I am reading now from the labor law, Title 26, Section 630, "An employer shall, upon written request of the affected employee, give that employee a written reason for the termination of his or her

employment." This is simply all we are doing and I think it is just fairness that the teacher find out why she or he was not renewed.

I hope you will go along with the unanimous report of the committee.

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

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

The SPEAKER: The pending question before the House is the motion of the Representative from Bethel, Representative Barth, that L.D. 1338 and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 117

YEA - Anderson, Bailey, H.; Bailey, R.; Barth, Carleton, Carroll, J.; Farren, Foss, Garland, Greenlaw, Hanley, Hepburn, Kutasi, Lebowitz, Libby, Look, Lord, MacBride, Marsano, Marsh, Merrill, Murphy, Nash, Ott, Pines, Reed, G.; Salisbury, Savage, Small, Stevens, A.; Stevenson, Whitcomb.

NAY - Adams, Aliberti, Ault, Bell, Boutilier, Cahill, M.; Carroll, D.; Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Donnelly, Dore, Duffy, Duplessis, Dutremble, L.; Erwin, Farnsworth, Farnum, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gurney, Gwadosky, Handy, Heeschen, Heino, Hichborn, Hichens, Hognlund, Holt, Jacques, Jalbert, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kontos, LaPointe, Larrivee, Lawrence, Lemke, Luther, Macomber, Mahany, Manning, Martin, H.; Mayo, McHenry, Melendy, Mitchell, J.; Morrison, Nadeau, Norton, Nutting, O'Dea, Oliver, Paradis, J.; Paradis, P.; Parent, Paul, Pendexter, Pendleton, Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Powers, Rand, Reed, W.; Richardson, Ricker, Rotondi, Ruhlman, Rydell, Saint Onge, Sheltra, Simpson, Skoglund, Spear, Stevens, P.; Swazey, Tammaro, Tardy, Townsend, Tracy, Treat, Tupper, Waterman, Wentworth.

ABSENT - Aikman, Anthony, Bennett, Bowers, Butland, Cashman, Hale, Hastings, Hussey, Lipman, McKeen, Michaud, Mitchell, E.; O'Gara, Richards, Simonds, Strout, Vigue, The Speaker.

Yes, 32; No, 100; Absent, 19; Paired, 0; Excused, 0.

32 having voted in the affirmative and 100 in the negative with 19 being absent, the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

PASSED TO BE ENACTED

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

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

An Act Concerning Federal and Other Special

Revenue Funds in Maine State Government (S.P. 685) (L.D. 1819) (H. "A" H-428)

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

PASSED TO BE ENACTED

An Act to Establish a Statewide Area Health Education Centers System (H.P. 112) (L.D. 155) (H. "A" H-311 and H. "B" H-420 to C. "A" H-253)

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

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

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

Mr. Speaker, Men and Women of the House: Again I speak to you about "An Act to Establish a Statewide Area Health Education Centers System." This system in the bill would be called AHEC. Presently we have a system called KHEC, which covers nine rural counties and aids these nine rural counties in getting health care professionals into the rural areas of Maine, which are so badly needed.

My concerns are that, if this becomes a statewide program, those funds that are drying up from the federal government, most of the funds will be gone by next October, will be even less and spread over a lesser amount of area and that the nine counties now being served under KHEC will no longer get their fair share and be served properly.

The representative from KHEC did come to the public hearings and did oppose the bill as well as the Native American groups because they felt this bill didn't cover Minorities as fairly as the KHEC bill.

I know this is a dilemma but I do have deep, deep concerns about this particular bill and I would appreciate your vote for indefinite postponement.

I request a Division, please.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: I would like to list the sponsors of this bill and you tell me if they are from Portland. They are the Representative from Frenchville, Representative Paradis, the Representative from Eagle Lake, Representative Martin, the Representative from Wayne, Representative Ault — are those urban areas? No, they are the ones who brought the bill in.

If they don't think it is a bad deal, then I don't. We have been debating this bill now for about three months and I still don't understand where the urban areas are going to hurt the rural areas. I can't imagine the Speaker of the Maine House, the Representative from Frenchville and the Representative from Wayne would bring a bill in that is going to hurt rural areas.

One of the main fights on this bill is the old fight between the D.O.'s and the M.D.'s. Plain and

simple as that. The University of New England is involved with this and, with that, comes the D.O.'s. The M.D.'s and the D.O.'s are still not talking to each other on this issue. Maybe, just maybe, if we pass this law, we might have them talking on this issue. I hope so because I think it is important that both of these professions deal with the issue at hand. This bill was debated in the committee, came out of committee with a 10 to 3 "Ought to Pass" Report.

We heard the arguments in the committee, the Maine Hospital Association is in favor of this, the University of Maine is in favor of this, the State Technical Colleges are in favor of this now and the only person who really had problems with this was a doctor from the Maine Medical Center. When the good Representative from Alfred finally pinned it down and said, "Now isn't it really the D.O.'s versus the M.D.'s?" He just went, "well, uh, uh" and he really didn't answer the question. We knew what the answer was.

I would hope that you wouldn't go along with this indefinite postponement. This helps the rural areas, this maybe helps the urban areas, this helps us all. As I said before, would those three sponsors in this House hurt the rural areas? I don't think so.

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

Representative PENDEXTER: Mr. Speaker, Ladies and Gentlemen of the House: I realize that the sponsors and cosponsors of this L.D. are all from Aroostook County except for one. What I still don't understand and what was never answered within our committee structure was that, why then is there this conflict? The sponsor and the cosponsors from the county don't oppose this but the KHEC who is in charge of what now exists covering the nine northern most counties is opposed to it. That question was never answered. So, I see a definite conflict and I don't understand it.

I would like to refute the Representative from Portland's inference that this is an osteopath versus a medical situation. For those of you who don't know, my hometown is Van Buren and I would welcome an osteopath to practice in that community because the lack of health care is appalling. I just don't agree with the Representative from Portland, I just don't think that that is the issue.

The last argument that I want to make is, why should we set up a statewide system in a private setting? The University of New England is a private institution and I really have a problem with setting up a statewide, publicly funded system in a private setting.

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Frenchville, Representative Paradis.

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: I sat with all the individuals hour after hour after hour and we have a good bill. I urge you to vote no on this motion.

Representative Tracy of Rome requested a roll call.

The SPEAKER PRO TEM: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor

will vote yes; those opposed will vote no.

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

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

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

Not having set through all the committee hearings and just hearing what we heard on the floor, I am still in doubt on how I would vote on this bill and I would like to hear what advantages this does have for the rural communities or the Aroostook County communities? I would believe that Representative Manning was stating a fact that Representative Paradis and Representative Martin would not do anything to harm these communities but I would like to hear some of the advantages for the rural communities.

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

The Chair recognizes the Representative from Frenchville, Representative Paradis.

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: In response to Representative Donnelly, it is a program that works, we want to keep it continuing and I have worked with it personally. You will probably come across students that are interested in medical fields, they pick up these students and they process them through and direct them. It is a wonderful program and I urge you to vote no on this motion.

I assure you that I will keep monitoring it to make sure that it keeps providing the wonderful services it has up until now.

The SPEAKER PRO TEM: The pending question before the House is the motion of the Representative from Scarborough, Representative Pendleton, that L.D. 155 and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 118

YEA - Aikman, Bailey, R.; Barth, Carleton, DiPietro, Donnelly, Duplessis, Farren, Foss, Garland, Hanley, Kutasi, Lebowitz, Libby, Lipman, MacBride, Marsano, Marsh, Merrill, Murphy, Nash, Ott, Parent, Pendexter, Pendleton, Pines, Reed, G.; Salisbury, Small, Stevens, A.; Stevenson, Whitcomb.

NAY - Adams, Aliberti, Anderson, Anthony, Ault, Bell, Cahill, M.; Carroll, D.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Farnum, Gean, Goodridge, Gould, R. A.; Graham, Gray, Greenlaw, Gurney, Gwadosky, Handy, Heesch, Heino, Hepburn, Hichborn, Hichens, Hoglund, Holt, Jacques, Jalbert, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kontos, LaPointe, Larrivee, Lawrence, Lemke, Lord, Luther, Macomber, Mahany, Manning, Martin, H.; Mayo, McHenry, Melendy, Michaud, Mitchell, J.; Morrison, Nadeau, Norton, Nutting, O'Dea, Oliver, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Powers, Rand, Reed, W.; Richards, Richardson, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Savage, Sheltra,

Simpson, Skoglund, Spear, Stevens, P.; Swazey, Tammaro, Tardy, Townsend, Tracy, Treat, Tupper, Waterman, Wentworth.

ABSENT - Bailey, H.; Bennett, Boutilier, Bowers, Butland, Carroll, J.; Hale, Hastings, Hussey, Look, McKeen, Mitchell, E.; O'Gara, Simonds, Strout, Vigue, The Speaker.

Yes, 32; No, 102; Absent, 17; Paired, 0; Excused, 0.

32 having voted in the affirmative and 102 in the negative with 17 being absent, the motion did not prevail.

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

**PASSED TO BE ENACTED**

An Act Regarding Health Insurance (H.P. 230) (L.D. 321) (C. "B" H-354)

An Act to Facilitate Prosecution for Killing a Person While Hunting (H.P. 406) (L.D. 589) (C. "A" H-400)

An Act to Require Convicted Felons to Contribute to the Cost of Rehabilitation Programs (H.P. 454) (L.D. 644) (C. "A" H-359)

An Act to Allow Unemployment Compensation Benefits to be Payable to Individuals Who are Forced to Leave Employment to Protect Their Health and Safety (H.P. 482) (L.D. 676) (C. "A" H-405)

An Act to Amend the Mandatory Zoning and Subdivision Control Laws (H.P. 693) (L.D. 992) (C. "A" H-416)

An Act to Preserve Public Ownership of Historic Fort Gorges in Casco Bay (H.P. 696) (L.D. 1000) (C. "A" H-380)

An Act Relating to Financial Responsibility for Students Not Residing with Parents or Legal Guardians (H.P. 726) (L.D. 1030) (C. "A" H-361)

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

**ENACTOR**

**Tabled and Assigned**

An Act to Ensure that County Sheriffs Continue to Provide Rural Patrols for Small Towns in the Counties (H.P. 813) (L.D. 1167) (H. "A" H-375 to C. "A" H-305)

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lewiston, Representative Aliberti.  
Representative ALIBERTI: Mr. Speaker, Ladies and Gentlemen of the House: All my life I have been taught to respect and, indeed, to revere womanhood.

From my earliest infancy, I have placed them on a pedestal of purity. The sponsor of this legislation is a beautiful woman. She has the grace of Diane and the allure of Cleopatra but, unfortunately, misdirected and perhaps confused. I have a need to surface my opposition and it is not pleasant but it is necessary.

May I clarify my position? I am not opposed to expending responsible rural patrol, I am confused and unenlightened by the direction taken by the supporters and sponsors of this legislation. The unwillingness of the cosponsor not to change just one word, one word in the legislation, causes many problems. It involves the definition of a mandate. Webster (and I don't mean the other body's Minority Leader) defines a mandate as "an authoritative order or command." Can this be denied on the premise of not being a mandate?

I have before me a distribution which was handed to us, the Androscoggin delegation, on May 5th. It was during a budget deliberation meeting, right here in Augusta and it addressed the needs for rural patrols. The budget position of the delegation was approved and signed and signed by both sponsors of this legislation. This piece of paper that was handed to us at that meeting gave a sequence of events as it addressed the rural patrol positions for Androscoggin County. It started in early October but the important part of this paper is the date of February, 1991, when the Androscoggin County delegation passed, and as this reads, a non-binding Resolution urging the County Commissioners to fund six rural patrol positions and stating "that any further rural patrol positions would be funded by contracts to small towns." The person who handed out this piece of paper agreed that he made a mistake in putting the word "non-binding" on this piece of paper indicating that it was a "binding" Resolution.

The second part of this piece of paper that was handed to us by the cosponsor of the bill, April, 1991, — the County Commissioners refused to allocate \$15,000 already in the budget for the rural patrol position by a 2 to 1 vote on the basis of the instruction that we gave them as part of the Androscoggin Delegation.

There are 16 counties in the state. I am asking you to really evaluate what the word "shall" means in this legislation and whether the other 15 counties are up to a possible fiscal commitment? I urge you to vote down this particular bit of legislation.

On motion of Representative Plourde of Biddeford, tabled pending passage to be enacted and specially assigned for Thursday, June 6, 1991.

**PASSED TO BE ENACTED**

An Act Concerning Landlord-tenant Contracts (H.P. 839) (L.D. 1205) (C. "A" H-396)

An Act to Strengthen the Prohibition Against Illegal Transportation of Alcohol by Minors (H.P. 901) (L.D. 1298) (C. "A" H-381)

An Act to Revise Certain Provisions of the Medical Examiner Act and Provide for the Collection and Retention of Records to Identify Certain Missing Persons (H.P. 915) (L.D. 1312) (C. "A" H-386)

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

**ENACTOR**

**(Reconsidered)**

An Act to Revise the Maine Horticultural Laws (H.P. 923) (L.D. 1320) (C. "A" H-409; H. "A" H-414)

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

On motion of Representative Tardy of Palmyra, under suspension of the rules, the House reconsidered its action whereby L.D. 1320 was passed to be engrossed.

On motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-409) was adopted.

The same Representative offered House Amendment "A" (H-572) to Committee Amendment "A" (H-409) and moved its adoption.

House Amendment "A" (H-572) to Committee Amendment "A" (H-409) was read by the Clerk and adopted.

Committee Amendment "A" (H-409) as amended by House Amendment "A" (H-572) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-409) as amended by House Amendment "A" (H-572) and House Amendment "A" (H-414) thereto in non-concurrence and sent up for concurrence.

**PASSED TO BE ENACTED**

An Act to Amend the Laws Regulating Aestheticians (H.P. 927) (L.D. 1324) (C. "A" H-393)

An Act Relating to Personal Automobile Insurance (H.P. 934) (L.D. 1354) (C. "A" H-353)

An Act Increasing the Membership of the Nursing Home Administrators Licensing Board and Clarifying the Penalty for Unlicensed Practice (H.P. 966) (L.D. 1393) (C. "A" H-395)

An Act to Improve Markets for Recycled Materials (H.P. 967) (L.D. 1394) (C. "A" H-391)

An Act Concerning the Number of Signatures Required for County Office Elections (H.P. 970) (L.D. 1411) (C. "A" H-384)

An Act to Establish and Implement the Maine Nonpoint Source Pollution Control Program (H.P. 987) (L.D. 1432) (C. "A" H-415)

An Act to Amend the Law Regarding Assessment of Insurers and License Fees under the Insurance Law (H.P. 989) (L.D. 1434) (C. "A" H-352)

An Act to Extend the Sunset on Rating Practices

in Group Health Insurance (H.P. 1021) (L.D. 1494) (C. "A" H-408)

An Act Dealing with Abandoned Automobiles in the State (H.P. 1022) (L.D. 1495) (C. "A" H-383)

An Act to Provide for the Acquisition of Property for the Establishment, Preservation or Enhancement of Open Space and Recreation Corridors in the State (H.P. 1029) (L.D. 1502) (C. "A" H-417)

An Act Regarding Cable Television (H.P. 1121) (L.D. 1646) (C. "A" H-388)

An Act to Amend the Election Laws Governing Voting Machines and Electronic Voting Systems (H.P. 1131) (L.D. 1656) (C. "A" H-397)

An Act Concerning the Unlawful Prohibition of Legal Activities as a Condition of Employment (H.P. 1155) (L.D. 1696) (C. "A" H-389)

An Act to Promote Participation in Affordable Telephone Service (H.P. 1157) (L.D. 1698) (C. "A" H-368)

An Act Concerning the Construction of the Maine Revised Statutes (H.P. 1159) (L.D. 1700) (C. "A" H-399)

An Act to Require Parental Consent to Adoption before a Probate Judge (H.P. 1215) (L.D. 1773)

An Act to Deregulate Mobile Telecommunications Services (H.P. 1219) (L.D. 1777) (C. "A" H-411)

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

**ENACTOR**

**Tabled and Assigned**

An Act to Amend the Waldoboro Sewer District Charter (H.P. 1225) (L.D. 1783) (C. "A" H-370; H. "A" H-387 and H. "B" H-430)

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

On motion of Representative Clark of Millinocket, tabled pending passage to be enacted and specially assigned for Thursday, June 6, 1991.

**PASSED TO BE ENACTED**

An Act to Ensure Notification of Guardians Ad Litem of Changes in Foster Care Placement of Children (H.P. 1229) (L.D. 1793) (C. "A" H-402)

An Act to Establish the Advisory Committee on Improving Outdoor Recreational Opportunities for Persons with Disabilities (H.P. 1234) (L.D. 1798) (C. "A" H-404)



An Act to Extend Confidentiality Status to Certain Records of Applicants for Housing, Community or Economic Development Activities (H.P. 1271) (L.D. 1842) (H. "A" H-435)

An Act Regarding the Ministerial and Grammar School Fund of Turner (H.P. 1297) (L.D. 1877)

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

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**FINALLY PASSED**

Resolve, to Clear Title to Property in the Town of Oxford (S.P. 429) (L.D. 1150) (C. "A" S-188)

Resolve, to Create a Demonstration Program to Increase Utilization of the Food Stamp Program by the Elderly (H.P. 586) (L.D. 837) (C. "A" H-382)

Resolve, Authorizing the Bureau of Public Improvements to Conduct a Study of All State Work Places (H.P. 668) (L.D. 948) (C. "A" H-379)

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

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(At Ease)

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

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**BILL HELD**

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)  
- In House, Passed to be Enacted.  
HELD at the Request of Speaker MARTIN of Eagle Lake.

Representative Martin of Eagle Lake moved that the House reconsider its action whereby L.D. 121 was passed to be enacted.

On further motion of the same Representative, tabled pending his motion that the House reconsider its action whereby L.D. 121 was passed to be enacted and specially assigned for Thursday, June 6, 1991.

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At this point, Speaker Martin resumed the Chair.

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The House was called to order by the Speaker.

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**BILLS HELD**

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)  
- In House, Bill and Papers Indefinitely Postponed.  
HELD at the request of Representative STEVENS of Bangor.

Representative Stevens of Bangor moved that the House reconsider its action whereby L.D. 301 and all accompanying papers were indefinitely postponed.

On further motion of the same Representative, tabled pending her motion that the House reconsider its action whereby L.D. 301 and all accompanying papers were indefinitely postponed and specially assigned for Thursday, June 6, 1991.

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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)  
- In House, Failed of Passage to be Enacted.  
HELD at the request of Representative GWADOSKY of Fairfield.

Representative Gwadosky of Fairfield moved that the House reconsider its action whereby L.D. 842 failed of enactment.

On further motion of the same Representative, tabled pending his motion that the House reconsider its action whereby L.D. 842 failed of enactment and specially assigned for Thursday, June 6, 1991.

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Representative Paradis of Frenchville moved that the House reconsider its action whereby the Majority "Ought Not to Pass" Report as amended by Committee Amendment "A" (H-483) was accepted on An Act to Exempt Substance Abuse and Psychiatric Patients from the Prohibition against Smoking in Hospitals" (H.P. 333) (L.D. 463).

On motion of Representative Paradis of Frenchville, tabled pending her motion that the House reconsider its action whereby the Majority "Ought Not to Pass" Report as amended by Committee Amendment "A" (H-483) was accepted on L.D. 463 and specially assigned for Thursday, June 6, 1991.

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(Off Record Remarks)

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On motion of Representative Rand of Portland,  
Adjourned at 7:56 p.m. to Thursday, June 6, 1991  
at nine o'clock in the morning.

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