

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
58th Legislative Day
Thursday, June 6, 1991

The House met according to adjournment and was called to order by the Speaker.
Prayer by Representative Patrick E. Paradis, Augusta.

The Journal of Wednesday, June 5, 1991, was read and approved.

SENATE PAPERS

The following Communication:

Maine State Senate
Augusta, Maine 04333

June 5, 1991

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

Dear Clerk Pert:

Please be advised that the Senate today Insisted to its former action whereby it accepted the Minority Ought Not To Pass Report on the Bill "An Act Regarding Public Exposure to Nonionizing Radiation" (H.P. 509)(L.D. 703).

Sincerely,

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

Was read and ordered placed on file.

Bill "An Act to Remove the Sunset Provision Concerning the Blueberry Anti-theft Laws" (EMERGENCY) (S.P. 734) (L.D. 1925)

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

On motion of Representative Tardy of Palmyra, L.D. 1925 was indefinitely postponed. Sent up for concurrence.

Bill "An Act to Provide Adequate Skilled Professionals and Employee Protections in the Provision of Mental Health and Mental Retardation Services during a Period of Closure and Reductions in Capacity and a Transition to a Community Care-based Services System" (S.P. 482) (L.D. 1284)

Came from the Senate indefinitely postponed.

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

Was indefinitely postponed in concurrence.

Bill "An Act to Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY) (S.P. 735) (L.D. 1926)

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

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

Unanimous Ought Not To Pass

Report of the Committee on **Legal Affairs** reporting "**Ought Not to Pass**" on Bill "An Act Regarding Liquor Procurement by the State" (S.P. 707) (L.D. 1883)

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

Ought to Pass as Amended

Report of the Committee on **Legal Affairs** reporting "**Ought to Pass**" as Amended by Committee Amendment "A" (S-245) on Bill "An Act to Prohibit the Closing of State Liquor Stores" (S.P. 630) (L.D. 1678)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-245).

Report was read and accepted, the bill read once. Committee Amendment "A" (S-245) was read by the Clerk and adopted.

Under suspension of the rules, the bill was read a second time and passed to be engrossed as amended by Committee Amendment "A" (S-245) in concurrence.

Ought to Pass as Amended

Report of the Committee on **Legal Affairs** reporting "**Ought to Pass**" as Amended by Committee Amendment "A" (S-268) on Bill "An Act Concerning Room Requirements for Hotels under the Liquor Licensing Laws" (S.P. 687) (L.D. 1828)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-268).

Report was read and accepted, the bill read once. Committee Amendment "A" (S-268) was read by the Clerk and adopted.

Under suspension of the rules, the bill was read a second time and passed to be engrossed as amended by Committee Amendment "A" (S-268) in concurrence.

Ought to Pass as Amended

Report of the Committee on **Business Legislation** reporting "**Ought to Pass**" as Amended by Committee Amendment "A" (S-282) on Bill "An Act to Provide Better Regulation of the Practice of Architecture and Landscape Architecture" (EMERGENCY) (S.P. 662) (L.D. 1738)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-282) as amended by Senate Amendment "A" (S-295) thereto.

Report was read and accepted, the bill read once. Committee Amendment "A" (S-282) was read by the Clerk.

Senate Amendment "A" (S-295) to Committee Amendment "A" (S-282) was read by the Clerk and adopted.

Committee Amendment "A" (S-282) as amended by Senate Amendment "A" (S-295) thereto was adopted.

Under suspension of the rules, the bill was read a second time and passed to be engrossed as amended by Committee Amendment "A" (S-282) as amended by Senate Amendment "A" (S-295) thereto in concurrence.

Ought to Pass as Amended

Report of the Committee on **Education** reporting "**Ought to Pass**" as Amended by Committee Amendment "A" (S-246) on Bill "An Act Relating to Restructuring the Public Schools" (S.P. 445) (L.D. 1189)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-246) and Senate Amendment "A" (S-302).

Report was read and accepted, the bill read once. Committee Amendment "A" (S-246) was read by the Clerk and adopted.

Senate Amendment "A" (S-302) was read by the Clerk and adopted.

Under suspension of the rules, the bill was read a second time and passed to be engrossed as amended by Committee Amendment "A" (S-246) and Senate Amendment "A" (S-302) thereto in concurrence.

Ought to Pass as Amended

Report of the Committee on **Energy and Natural Resources** reporting "**Ought to Pass**" as Amended by Committee Amendment "A" (S-277) on Bill "An Act to Establish a Public Solid Waste Facilities Loan and Grant Program" (S.P. 641) (L.D. 1689)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-277) and Senate Amendment "A" (S-303).

Report was read and accepted, the bill read once. Committee Amendment "A" (S-277) was read by the Clerk and adopted.

Senate Amendment "A" (S-303) was read by the Clerk and adopted.

Under suspension of the rules, the bill was read a second time and passed to be engrossed as amended by Committee Amendment "A" (S-277) and Senate Amendment "A" (S-303) thereto in concurrence.

Divided Report

Seven Members of the Committee on **Transportation** on Bill "An Act to Mandate the Use of Seat Belts" (S.P. 381) (L.D. 1058) report in Report "A" that the same "**Ought Not to Pass**"

Signed:

Representatives: STROUT of Corinth
HUSSEY of Milo
MARTIN of Van Buren
HALE of Sanford
TAMMARO of Baileyville
RICKER of Lewiston
BOUTILIER of Lewiston

Four Members of the same Committee on the same Bill report in Report "B" that the same "**Ought to Pass**" as amended by Committee Amendment "A" (S-249)

Signed:

Senators: THERIAULT of Aroostook
GOULD of Waldo
MILLS of Oxford

Representative: SMALL of Bath

Two Members of the same Committee on the same Bill report in Report "C" that the same "**Ought to Pass**" as amended by Committee Amendment "B" (S-250)

Signed:

Representatives: MACOMBER of South Portland
BAILEY of Farmington

Came from the Senate with Report "B" "**Ought to Pass**" as amended by Committee Amendment "A" read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-249)

Reports were read.

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

Representative MACOMBER: Mr. Speaker, I move that the House accept Report B, "Ought to Pass" as amended by Committee Amendment "A" (S-249).

Representative Strout of Corinth requested a roll call.

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

Representative MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to briefly tell you what Report B is. Report B says that seat belts will be worn up to your 19th birthday.

The SPEAKER: A roll call has been requested.

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

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

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

Representative PENDEXTER: Mr. Speaker, Men and Women of the House: Committee Amendment "B" is a compromise offered to us from some members of the Transportation Committee in the other body. Again, this legislature may dare to take another small step towards mandatory use for all. I can live with this compromise but we should not compromise the fact that safety belt laws could benefit all ages. Mandatory safety belt usage laws have only one motive and that is to develop the habit of buckling up within our motoring public.

Here is why we need to take a stand on buckling up. Motor vehicle crashes are the number one preventable killer andcrippler of people aged 0 to 44. The number three overall cause of death, cardiovascular disease and cancer being the leader. Clearly there is an epidemic on our public highways.

In 1990, 166 Maine citizens died on our highways, 84 percent of these fatalities were not wearing their safety belts. There were 16,000 Maine people injured on our highways. We must accept that these fatalities or injuries are not inevitable. Motor vehicle crashes are not random, uncontrollable acts of fate, rather they are understandable, predictable and preventable. Prevention is the key. Mandating safety belts use is an injury prevention strategy that helps people alter the behavior or adopt newer safer ones.

It is well documented that laws have a positive effect in helping people develop the habit of buckling up and we know that buckling up saves lives and reduces injuries. Motor vehicle crashes result in two tragedies, an economic tragedy and a human tragedy.

Let's talk about the economic tragedy. Each fatality costs society an estimated \$358,000. Maine's cost for last year's 166 fatalities equals \$60,000,500. Blue Cross/Blue Shield provides us with this information. Their research of the use of safety belts found those individuals who wore seat belts less than 25 percent of the time had average claims that were 13 percent higher; used 54 percent more inpatient dates, had 32 percent more claims over \$5,000 than individuals who wore a seat belt more than 75 percent of the time. A significantly greater number of unrestrained individuals required admission to a hospital, 6.8 percent admitted were wearing seat belts, 19.2 percent admitted were not wearing seat belts. Of the individuals admitted and who were severely injured, 81.2 were not wearing a safety belt. Individuals not wearing seat belts incurred an average health care charge of \$1,500 whereas those individuals wearing seat belts incurred an average health care charge of \$500.

There is no question that extending our mandatory usage laws to 19 will contribute savings in our health care dollars.

Now for the human tragedy, safety belts have 40 to 60 percent effectiveness in reducing injuries and

fatalities. Of Maine's 166 fatalities, if they had been buckled up, approximately 80 of them could be alive today. Let's be more realistic and say that, if only half of the fatalities had had their belts on, 30 less people would have died. It is a human tragedy that in 1990, 40 people died needlessly.

The professionals that are in the business of putting injured people together assure us that, even though there's surgical skills that accomplish good results, you will never be what you were before prior to your motor vehicle accident. Their advice is to develop habits that are preventive and they are strong advocates of safety belts. Too many times they are required to repair injuries that should have been prevented.

It is clearly a reasonable and responsible role of state government to mandate safety. If you were comfortable mandating florescent orange attire for hunters or mandating life preservers in boats, you should have no problem mandating safety belts. Mandating safety on highways is just as important as mandating safety in the woods or on the water. Passing legislation such as this will prevent needless deaths and injuries. Remember, motor vehicle crashes are our number one preventable killer. The lives we save together might include someone you know and love.

I urge you to support Committee Amendment "B."

Representative Boutilier of Lewiston moved indefinite postponement of L.D. 1058 and all accompanying papers and further requested a roll call.

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

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you would vote against the motion of the my good friend from Lewiston. We have made some strides in the last several years since we first started instituting seat belts for youngsters, the car restraint seats for our very young adults and now going up to the age of 19. I think the Report that the Transportation Committee Report B signed off on is one of the more responsible actions that we can take in this chamber and this legislature this year. No one, and I would challenge anyone to stand this morning in this chamber and say that seat belts are not an important vehicle to save lives on our highways.

We had two young adults from Stonington that got killed just night before last and neither of them were wearing seat belts. The State Police have told us that many of the accidents, many of the fatalities are preventable by the simple buckling of a seat belt around our waists. To say that we should not take any action this year, I find completely inexplicable. I support the statements made by Representative Pendexter from Scarborough, I think to ask us to go a little bit further this year to improve upon what we have been doing is the most responsible action we can do.

I hope that you will vote against the motion to indefinitely postpone.

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

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the Representative from Lewiston, Representative Boutilier, that L.D. 1058 and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

41 having voted in the affirmative and 74 in the negative, the motion did not prevail.

The SPEAKER: The pending question before the House now is the motion of the Representative from South Portland, Representative Macomber, that the House accept Report B, "Ought to Pass" as amended by Committee Amendment "A" (S-249), a roll call having been ordered. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 119

YEA - Adams, Aliberti, Anthony, Ault, Bailey, H.; Barth, Bell, Bennett, Bowers, Cahill, M.; Carleton, Carroll, D.; Carroll, J.; Constantine, Crowley, Daggett, Donnelly, Dore, Duplessis, Dutremble, L.; Farnsworth, Foss, Goodridge, Gwadosky, Handy, Hastings, Heeschen, Heino, Hepburn, Hoglund, Kerr, Ketover, Kontos, Larrivee, Lawrence, Lebowitz, Lemke, Libby, Lipman, Look, MacBride, Macomber, Manning, Marsano, Marsh, Mayo, McKeen, Melendy, Merrill, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Nutting, O'Dea, O'Gara, Oliver, Ott, Paradis, J.; Paradis, P.; Paul, Pendexter, Pfeiffer, Pineau, Pines, Plourde, Rand, Reed, G.; Richards, Richardson, Rydell, Saint Onge, Savage, Simonds, Simpson, Skoglund, Small, Spear, Stevens, A.; Stevens, P.; Stevenson, Tardy, Treat, Tupper, Vigue, Waterman, Wentworth, Whitcomb, The Speaker.

NAY - Aikman, Anderson, Boutilier, Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Cote, Erwin, Farnum, Farren, Garland, Gean, Gould, R. A.; Graham, Gray, Greenlaw, Gurney, Hanley, Hichborn, Hichens, Hussey, Jacques, Jalbert, Joseph, LaPointe, Lord, Luther, Mahany, Martin, H.; McHenry, Nash, Norton, Parent, Poulin, Pouliot, Powers, Reed, W.; Ricker, Rotondi, Ruhlin, Salisbury, Sheltra, Strout, Swazey, Tammaro, Townsend, Tracy.

ABSENT - Bailey, R.; Butland, DiPietro, Duffy, Hale, Holt, Ketterer, Kilkelly, Kutasi, Michaud, Pendleton.

Yes, 90; No, 50; Absent, 11; Paired, 0; Excused, 0.

90 having voted in the affirmative and 50 in the negative with 11 being absent, Report B, "Ought to Pass" as amended by Committee Amendment "A" (S-249) was accepted, the bill read once.

Committee Amendment "A" (S-249) was read by the Clerk and adopted.

Under suspension of the rules, the bill was read a second time and passed to be engrossed as amended by Committee Amendment "A" (S-249) and sent up for concurrence.

Divided Report

Majority Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act to Amend the Laws Regarding Nonresident Income Taxes" (S.P. 31) (L.D. 45)

Signed:

Senators: BOST of Penobscot
ESTY of Cumberland
COLLINS of Aroostook

Representatives: DiPIETRO of South Portland
DORE of Auburn
DUFFY of Bangor
TARDY of Palmyra
NADEAU of Saco
CASHMAN of Old Town
BUTLAND of Cumberland
HEPBURN of Skowhegan

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

Signed:

Representative: MURPHY of Berwick

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

Reports were read.

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

Non-Concurrent Matter

Bill "An Act to Amend the Laws Regarding Complaints against Physicians and to Require a Study Concerning Patient Information" (EMERGENCY) (H.P. 825) (L.D. 1179) which was passed to be engrossed as amended by Committee Amendment "A" (H-394) in the House on May 28, 1991.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-394) as amended by Senate Amendment "A" (S-298) thereto in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Extend the Commission to Study Maine's Oil Spill Clean-up Preparedness and to Improve Marine Oil Spill Prevention, Planning and Response" (EMERGENCY) (H.P. 56) (L.D. 77) which was passed to be engrossed as amended by Committee Amendment "A" (H-339) in the House on May 22, 1991.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-339) as amended by Senate Amendment "A" (S-266) thereto in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Create a Semipermanent Semitrailer Registration" (EMERGENCY) (H.P. 765) (L.D. 1099) which was passed to be engrossed as amended by Committee Amendment "A" (H-306) in the House on May 20, 1991.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-306) as amended by Senate Amendment "A" (S-293) thereto in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Limit Major Third-party Payor Status to Governmental Payors" (S.P. 594) (L.D. 1579) (H. "A" H-367) which was passed to be enacted in the House on May 30, 1991.

Came from the Senate passed to be engrossed as amended by House Amendment "A" (H-367) as amended by Senate Amendment "A" (S-306) thereto in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act Concerning State Education Mandate Waivers" (H.P. 908) (L.D. 1305) which was passed to be engrossed as amended by Committee Amendment "A" (H-358) in the House on May 23, 1991.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-358) as amended by Senate Amendment "A" (S-300) thereto in non-concurrence.

The House voted to recede and concur.

On motion of Representative Crowley of Stockton Springs, the House reconsidered its action whereby it voted to recede and concur.

On motion of the same Representative, the House voted to recede from engrossment.

The same Representative offered House Amendment "A" (H-412) to Committee Amendment "A" (H-358) and moved its adoption.

House Amendment "A" (H-412) to Committee Amendment "A" (H-358) was read by the Clerk and adopted.

Senate Amendment "A" (S-300) to Committee Amendment "A" (H-358) was read by the Clerk and adopted.

Committee Amendment "A" (H-358) as amended by Senate Amendment "A" (S-300) and House Amendment "A" (H-412) thereto was adopted.

The bill was passed to be engrossed as amended by Committee Amendment "A" (H-358) as amended by Senate Amendment "A" (S-300) and House Amendment "A" (H-412) thereto in non-concurrence and sent up for concurrence.

Non-Concurrent Matter

Bill "An Act to Clarify Board Membership Qualifications and Make Necessary Fee Adjustments to Meet Board and Departmental Operating Expenses for the State Board of Licensure for Professional Foresters" (EMERGENCY) (H.P. 919) (L.D. 1316) which was passed to be engrossed as amended by Committee Amendment "A" (H-312) as amended by House Amendment "A" (H-376) thereto in the House on June 4, 1991.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-312) as amended by Senate Amendment "A" (S-221) thereto in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Amend the Berwick Sewer District Charter" (H.P. 1339) (L.D. 1931) which was referred to the Committee on Utilities in the House on June 5, 1991.

Came from the Senate read twice under suspension of the rules without reference to a committee and passed to be engrossed in non-concurrence.

The House voted to recede and concur.

**PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE**

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

Judiciary

Bill "An Act to Correct a Conflict in the Law Relating to Sentencing Considerations and Appellate Review" (EMERGENCY) (H.P. 1340) (L.D. 1932) (Presented by Representative PARADIS of Augusta) (Cosponsored by Speaker MARTIN of Eagle Lake, Senator CAHILL of Sagadahoc and Senator CLARK of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.
Sent up for Concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

REPORTS OF COMMITTEES

Ought to Pass as Amended

Representative NUTTING from the Committee on Agriculture on Bill "An Act to Stabilize the Maine

Dairy Industry" (EMERGENCY) (H.P. 598) (L.D. 849) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-555)

Report was read and accepted, the bill read once. Committee Amendment "A" (H-555) was read by the Clerk and adopted.

Under suspension of the rules, the bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" (H-555) and sent up for concurrence.

Divided Report

Majority Report of the Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-534) on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide Greater Legislative Oversight over Agency Rulemaking (H.P. 1284) (L.D. 1854)

Signed:

Senators: BERUBE of Androscoggin
BUSTIN of Kennebec

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

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

Signed:

Senator: EMERSON of Penobscot

Representative: LARRIVEE of Gorham

Reports were read.

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

Committee Amendment "A" (H-534) was read by the Clerk and adopted.

Under suspension of the rules, the bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" (H-534) and sent up for concurrence.

Divided Report

Tabled and Assigned

Majority Report of the Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-541) on Bill "An Act to Permit Off-track Betting" (H.P. 665) (L.D. 944)

Signed:

Senators: MILLS of Oxford
SUMMERS of Cumberland

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

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

Signed:

Senator: KANY of Kennebec

Representatives: RICHARDSON of Portland
HICHENS of Eliot

Reports were read.

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

On further motion of the same Representative, tabled pending his motion that the House accept the Majority "Ought to Pass" Report and specially assigned for Monday, June 10, 1991.

CONSENT CALENDAR

First Day

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

(S.P. 154) (L.D. 366) Bill "An Act to Appropriate Funds for a Study of the Effectiveness of Education Reform in Maine" (EMERGENCY) Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (S-286)

(S.P. 326) (L.D. 882) Bill "An Act to Amend the Laws Concerning Certification of Educational Personnel" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (S-253)

(S.P. 424) (L.D. 1136) Bill "An Act to Assist in the Management of Biomedical and Associated Wastes" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-275)

(S.P. 466) (L.D. 1249) Bill "An Act Relating to the Education of Homeless Students" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (S-274)

(S.P. 550) (L.D. 1454) Bill "An Act to Amend the Laws Relating to the Long-term Care Ombudsman Program" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment

"A" (S-257)

(S.P. 554) (L.D. 1458) Bill "An Act Relating to Court Security Personnel" Committee on **Judiciary** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-261)

(S.P. 557) (L.D. 1461) Bill "An Act Relating to the Notice of Claim Provisions of the Maine Tort Claims Act" Committee on **Judiciary** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-278)

(S.P. 561) (L.D. 1465) Bill "An Act Relating to Registration of Electrologists" Committee on **Business Legislation** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-244)

(S.P. 585) (L.D. 1538) Bill "An Act to Amend the Laws Governing License Plates and Placards for Disabled Veterans" Committee on **Transportation** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-247)

(S.P. 588) (L.D. 1541) Bill "An Act to Clarify the Maine Juvenile Code" Committee on **Judiciary** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-267)

(S.P. 593) (L.D. 1565) Bill "An Act to Amend the Northern Maine Regional Planning Commission, Inc. and the Northern Regional Planning Commission, Inc. Charter" Committee on **State and Local Government** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-270)

(S.P. 598) (L.D. 1583) Bill "An Act to Create a Preliminary Injunction for Certain Domestic Relations Cases" Committee on **Judiciary** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-265)

(S.P. 599) (L.D. 1584) Bill "An Act Concerning Motor Vehicle Registrations after Suspension of the Right to Operate a Motor Vehicle" Committee on **Judiciary** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-262)

(S.P. 614) (L.D. 1618) Bill "An Act to Provide Due Process To Participants in the Driver Education Evaluation Program" Committee on **Judiciary** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-263)

(S.P. 625) (L.D. 1629) Bill "An Act Relating to Unavoidable Equipment Malfunctions" Committee on **Energy and Natural Resources** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-276)

(S.P. 632) (L.D. 1680) Bill "An Act to Provide for the 1991 and 1992 Allocations of the State Ceiling on Private Activity Bonds" (EMERGENCY) Committee on **Housing and Economic Development** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-273)

(S.P. 638) (L.D. 1686) Bill "An Act to Provide Additional Protection for Victims of Criminal Threatening and Terrorizing" Committee on **Judiciary** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-279)

(S.P. 658) (L.D. 1734) Bill "An Act to Increase Access to Federal Health Care Benefits" Committee on **Human Resources** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-243)

(S.P. 672) (L.D. 1786) Bill "An Act to Improve the Execution and Administration of Arrest Warrants and Implement the Recommendations of the Warrants Subcommittee of the Commission to Implement the Computerization of Criminal History Record Information" Committee on **Judiciary** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-264)

(S.P. 674) (L.D. 1788) Bill "An Act to Authorize Operation of a 6-axle Single Unit Truck and a Combination Vehicle with a 53-foot Semitrailer Resulting from the Experimental Vehicle Program" Committee on **Transportation** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-248)

Under suspension of the rules, Second Day Consent Calendar notification was given, the Senate Papers were passed to be engrossed as amended in concurrence.

(S.P. 683) (L.D. 1811) Bill "An Act to Annex the Town of Richmond to Lincoln County" Committee on **State and Local Government** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-280)

On motion of Representative Mayo of Thomaston, was removed from the Consent Calendar, First Day.

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

Committee Amendment "A" (S-280) was read by the Clerk.

On motion of Representative Mayo of Thomaston, tabled pending adoption of Committee Amendment "A" (S-280) and later today assigned.

(H.P. 392) (L.D. 566) Bill "An Act to Increase Mobile Home Park License Fees" (EMERGENCY) Committee on **Legal Affairs** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-556)

(H.P. 1309) (L.D. 1891) Bill "An Act Concerning Railroad Personnel" Committee on **Business Legislation** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-557)

(H.P. 1226) (L.D. 1784) Bill "An Act to Amend Certain Provisions of the Inland Fisheries and Wildlife Laws" Committee on **Fisheries and Wildlife** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-558)

(H.P. 1015) (L.D. 1483) Bill "An Act to Remove the Statute of Limitations for Incest and Gross Sexual Assault" Committee on **Judiciary** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-563)

(H.P. 752) (L.D. 1086) Bill "An Act Regarding the Statute of Limitations in Cases of Child Abuse and

Incest" Committee on **Judiciary** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-564)

(H.P. 940) (L.D. 1362) Resolve, to Develop Evidence Protocols and Standardized Kits for Cases of Alleged Gross Sexual Misconduct (EMERGENCY) Committee on **Judiciary** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-565)

(H.P. 944) (L.D. 1366) Bill "An Act to Amend the Uniform Rights of the Terminally Ill Act" Committee on **Judiciary** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-566)

(H.P. 1067) (L.D. 1556) Bill "An Act to Unify Housing Services" Committee on **Housing and Economic Development** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-568)

(H.P. 1149) (L.D. 1674) Bill "An Act Concerning Amendments to the Laws Affecting the Finance Authority of Maine" Committee on **Housing and Economic Development** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-569)

(H.P. 1243) (L.D. 1809) Resolve, to Establish the Commission to Study Secondary Vocational and Technical Education in Maine (EMERGENCY) Committee on **Education** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-570)

(H.P. 1150) (L.D. 1675) Bill "An Act to Clarify the Laws Pertaining to Underground Oil Storage Tanks" Committee on **Energy and Natural Resources** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-577)

(H.P. 84) (L.D. 112) Bill "An Act to Ensure Adequate Enforcement of Air Quality Law" Committee on **Energy and Natural Resources** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-578)

(H.P. 937) (L.D. 1357) Bill "An Act to Amend the Laws Pertaining to Asbestos Removal" Committee on **Energy and Natural Resources** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-579)

(H.P. 1171) (L.D. 1712) Bill "An Act to Clarify Provisions of and Provide Funding for Toxics Use, Toxics Release and Hazardous Waste Reduction Programs" Committee on **Energy and Natural Resources** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-580)

Under suspension of the rules, Second Day Consent Calendar notification was given, the House Papers were passed to be engrossed or passed to be engrossed as amended and sent up for concurrence.

CONSENT CALENDAR

Second Day

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

(H.P. 1049) (L.D. 1522) Bill "An Act Concerning

Beano or Bingo" (C. "A" H-529)

(H.P. 1315) (L.D. 1901) Bill "An Act to Create the Morrill Village Water District" (EMERGENCY) (C. "A" H-531)

(H.P. 1314) (L.D. 1900) Bill "An Act to Create the Plymouth Water District" (EMERGENCY) (C. "A" H-530)

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.

(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

On motion of Representative Hanley of Paris, was removed from the Consent Calendar, Second Day.

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

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

To any of the cosponsors on this legislation who would know the answer, is there a fiscal note on this bill? Is there funding for the Commission?

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

The Chair recognizes the Representative from Rumford, Representative Erwin.

Representative ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: I believe in response to that question, there is no fiscal note. It was my understanding that the organizations were going to take care of the costs.

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

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

(S.P. 58) (L.D. 107) Bill "An Act to Require the State to Pay Medicare Costs for Retired State Employees and Retired Teachers" (C. "A" S-235)

(S.P. 134) (L.D. 272) Bill "An Act to Revise the Small Claims Laws" (C. "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" (C. "A" S-232)

(S.P. 217) (L.D. 544) Bill "An Act to Amend the Laws Governing Sexual Assault" (C. "A" S-236)

(S.P. 366) (L.D. 968) Bill "An Act to Improve and Expand Job Training Opportunities for Maine Citizens" (EMERGENCY) (C. "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" (C. "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) (C. "A" S-231)

(H.P. 1224) (L.D. 1782) Resolve, to Establish the Academy for Public Service Study Committee (C. "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" (C. "A" H-536)

(H.P. 1238) (L.D. 1804) Bill "An Act Concerning the Bonding Authority of the Cumberland County Recreation Center" (C. "A" H-537)

(H.P. 1285) (L.D. 1855) Resolve, to Authorize Oxford County to Issue Bonds for Improvements at the County Airport (EMERGENCY) (C. "A" H-538)

(H.P. 924) (L.D. 1321) Bill "An Act to Safeguard Production of Ground Water" (C. "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"

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

(H.P. 1193) (L.D. 1746) Bill "An Act to Establish a Budget Process for Sagadahoc County" (C. "A" H-551)

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

On motion of the same Representative, tabled pending acceptance of the Committee Report and specially assigned for Monday, June 10, 1991.

SECOND READER

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

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

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

Representative DUTREMBLE: Mr. Speaker, Ladies and Gentlemen of the House: The only change L.D. 1749 does is it creates a budget committee for York County. Why am I opposing it? The County

Commissioners shall provide a York County Budget Committee with necessary clerical assistance office expenses. The extra costs is my concern. The extra costs at first might be minor but, after serving 15 years as a County Commissioner, I know how much those minor costs accumulates or increases.

I don't even think the County Commissioners were even notified about this change and that is why I want to be on Record opposing it.

Mr. Speaker, I move that L.D. 1749 and all accompanying papers be indefinitely postponed.

I also request the yeas and nays.

The SPEAKER: The Chair recognizes the Representative from Biddeford, Representative Sheltra. Representative SHELTRA: Mr. Speaker, Ladies and Gentlemen of the House: I rise in support of L.D. 1749 opposing my good seatmate's motion to indefinitely postpone this bill.

This bill came about as the result of a very poor municipality attendance record to our county budget public hearings. However, after the fact, we always hear loud protests from these same officials. This bill is being cosponsored by Representative Murphy, Representative Paul, Representative Lawrence, all of whom have been actively involved in the county budget process for the past few sessions and we all welcome this change.

As a matter of fact, better than 80 percent of our county delegation already approves of this change with only two reported no's that I know of.

I served as chair of the York County Delegation for two terms in the 1970's and was a member of the budget committee with the 114th Legislature. I also served as County Treasurer from 1975 to 1978. I feel this background qualifies me as a sponsor of this bill.

I got this idea from Representative Nat Crowley of Waldo County and Representative Graham of Aroostook County, both of whom attest to the great success of this program in their respective counties.

I feel more input early on from the municipalities would definitely enhance the budget process and would also make the county legislative delegations task easier, giving us more time to tend to our legislative priorities. It is important to note that this bill does not take, I repeat, does not take away any authority from the commissioners or the legislative delegation. This budget process involves a two month period at best with the municipalities picking up the travel expenses of its members as they normally would, keeping expenses at a minimum.

I hope you vote against the pending motion to indefinitely postpone this bill and then vote for its approval.

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

Representative NADEAU: Mr. Speaker, Men and Women of the House: I am one of those individuals who was just alluded to as believing this is not such a sharp idea. To the best of my knowledge, the Aroostook County budgetary process is a mandatory thing, it takes legislators totally out of whatever recommendations are made by this budget committee.

This bill in front of you right now is just advisory. We could have 300 people recommending that the County Commissioners do certain things and the County Commissioners could basically turn around and say, we don't agree, and there is absolutely nothing that can be done about that.

This bill, L.D. 1749, talks about leaving the

legislative delegation having our say, the way we always have. I think anything to get away from that is probably a good idea. I don't want to have anything to do with the county budget. I really don't know the day-to-day nitty-gritty needs, nor do I think half of the other people on the commission do.

Therefore, I would urge you to support Representative Dutremble's motion.

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

Representative PAUL: Mr. Speaker, Men and Women of the House: I hope you will vote against the motion on the floor. I am a cosponsor on this bill and I feel very comfortable with what it will do. I have been a member of the York County Budget Committee for seven years.

I want to call your attention to Page one of the bill if you have it before you in regards to membership. It calls for three members from each commissioner's district, two must be municipal officers and one must be a representative of the general public. I really like this section of the bill because I believe in local control, I believe in local input, and this is a good way to set that up and work with the county delegation.

The bill calls for a meeting, like we have always done in the past, meeting with the legislative delegation before November 15th. The County Commissioners will have to conduct this meeting, they will have to hold a public hearing and the final budget approval will be submitted by the commissioners before January 1st of the fiscal year in which the budget is prepared. The legislature shall approve, disapprove or amend the proposed budget as submitted. I see nothing wrong with this bill and I hope you will favor it.

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

Representative LORD: Mr. Speaker, my Learned Colleagues: I think it is time that the towns and cities in York County had a chance to have their input in the budget and I think, by going through this method, we will at least try to see that they do have this input and I think it would be better all around.

I urge you to down the proposed motion.

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

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

The SPEAKER: The pending question before the House is the motion of Representative Dutremble of Biddeford that L.D. 1749 and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 120

YEA - Dutremble, L.; Farnum, Gurney, Handy, Hussey, Kontos, Macomber, Mahany, Melendy, Nadeau, Oliver, Paradis, J.; Parent, Pouliot, Tammaro, Tardy.

NAY - Adams, Aikman, Aliberti, Anderson, Anthony, Ault, Barth, Bell, Bennett, Boutillier, Bowers, Cahill, M.; Carleton, Carroll, D.; Carroll, J.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.;

Coles, Constantine, Cote, Crowley, Daggett, Donnelly, Dore, Duffy, Duplessis, Erwin, Farnsworth, Farren, Foss, Garland, Gean, Goodridge, Gould, R. A.; Graham, Gray, Greenlaw, Gwadosky, Hanley, Hastings, Heeschen, Heino, Hepburn, Hichborn, Hichens, Hوجلund, Jacques, Joseph, Kerr, Ketover, Ketterer, Kutasi, LaPointe, Larrivee, Lawrence, Lebowitz, Lemke, Libby, Lipman, Look, Lord, Luther, MacBride, Manning, Marsano, Marsh, Martin, H.; Mayo, McHenry, Merrill, Michaud, Mitchell, E.; Morrison, Murphy, Nash, Norton, Nutting, O'Dea, O'Gara, Ott, Paradis, P.; Paul, Pendexter, Pineau, Pines, Plourde, Poulin, Powers, Reed, G.; Reed, W.; Richards, Richardson, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Salisbury, Savage, Sheltra, Simonds, Simpson, Skoglund, Small, Spear, Stevens, A.; Stevens, P.; Stevenson, Strout, Swazey, Tracy, Tupper, Vigue, Waterman, Wentworth, Whitcomb.

ABSENT - Bailey, H.; Bailey, R.; Butland, DiPietro, Hale, Holt, Jalbert, Kilkelly, McKeen, Mitchell, J.; Pendleton, Pfeiffer, Rand, Townsend, Treat, The Speaker.

Yes, 16; No, 119; Absent, 16; Paired, 0; Excused, 0.

16 having voted in the affirmative and 119 in the negative with 16 being absent, the motion did not prevail.

Subsequently, the Bill was passed to be engrossed and sent up for concurrence.

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Create a Maine 'Dig-safe' System" (S.P. 186) (L.D. 495) (C. "A" S-224)

Bill "An Act to Amend Certain Provisions of the Maine Bail Code" (S.P. 440) (L.D. 1184) (S. "A" S-287 to C. "A" S-237)

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.

PASSED TO BE ENGROSSED

As Amended

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) (C. "A" S-225)

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

On motion of Representative Tardy of Palmyra, the House reconsidered its action whereby Committee Amendment "A" (S-225) was adopted.

The same Representative offered House Amendment "A" (H-581) to Committee Amendment "A" (S-225) and moved its adoption.

House Amendment "A" (H-581) to Committee Amendment "A" (S-225) was read by the Clerk and

adopted.

Committee Amendment "A" as amended by House Amendment "A" thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-225) as amended by House Amendment "A" (H-581) thereto in non-concurrence and sent up for concurrence.

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Set Priorities in the Tax Setoff Program" (S.P. 647) (L.D. 1692) (C. "A" S-227)

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

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Promote Economic Development" (S.P. 515) (L.D. 1376) (C. "A" S-230)

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

Representative Whitcomb of Waldo requested a roll call vote on passage to be engrossed.

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 engrossed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 121

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

NAY - Aikman, Anderson, Ault, Barth, Bennett,

Bowers, Carleton, Carroll, J.; Cote, Donnelly, Duplessis, Farren, Foss, Garland, Greenlaw, Hanley, Hastings, Heino, Hepburn, Hichens, Kutasi, Libby, Lipman, Look, Lord, MacBride, Marsano, Marsh, Merrill, Nash, Norton, Ott, Parent, Pendexter, Pines, Reed, G.; Richards, Savage, Small, Spear, Stevens, A.; Stevenson, Tupper, Whitcomb.

ABSENT - Bailey, H.; Bailey, R.; Butland, DiPietro, Hale, Jalbert, Kilkelly, Paul, Pendleton, Simpson.

Yes, 97; No, 44; Absent, 10; Paired, 0; Excused, 0.

97 having voted in the affirmative and 44 in the negative with 10 being absent, the bill was passed to be engrossed as amended in concurrence.

SECOND READER

Later Today Assigned

Resolve, to Conduct an Independent Review of the Department of Human Services (S.P. 551) (L.D. 1455) (C. "A" S-240)

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

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

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Provide Interest on Community Agency Accounts" (S.P. 575) (L.D. 1529) (C. "A" S-272)

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

SECOND READER

Tabled and Assigned

Bill "An Act to Amend the Liquor Laws" (H.P. 1264) (L.D. 1833) (C. "A" H-545)

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

On motion of Representative Lipman of Augusta, tabled pending passage to be engrossed and specially assigned for Monday, June 10, 1991.

PASSED TO BE ENGROSSED

As Amended

Resolve, to Authorize the County of Franklin to

Acquire a Certain Parcel of Land in Coburn Gore (H.P. 774) (L.D. 1106) (C. "A" H-482)

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

PASSED TO BE ENGROSSED

As Amended

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" (H.P. 986) (L.D. 1431) (C. "A" H-516)

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

The SPEAKER: The Chair recognizes the Representative from Standish, Representative Greenlaw.
 Representative GREENLAW: Mr. Speaker and Members of the House: The Speaker pro tem yesterday was very kind to me, he allowed me to make my point before he ruled me out of order on 1431. Today, I would just like to state that since the Civil War, this country has had 13 or 14 military operations to protect the freedom and keep this country from becoming a police state. I have a lot of problems with passing legislation that gives individuals police power.

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

Representative Jacques, do the police powers in this bill limit it to checking bathrooms and things like that in a very limited amount of power?

The SPEAKER: Representative Greenlaw of Standish has posed a question through the Chair to Representative Jacques of Waterville who may respond if he so desires.

The Chair recognizes that Representative.

Representative JACQUES: Mr. Speaker, Men and Women of the House: I would be glad to answer that question. This bill is the result of the federal mandates coming down where you all are going to have to put filtration systems on your drinking water supplies across the state. Clearly, if a local code enforcement officer chooses not to enforce the fact that somebody's sewage is running into your drinking water and you have a public-owned water utility, what we have done is given that public-owned water utility the same authority that your town municipal officers now have. They would still need to approach a judge and get a warrant to go into your building or camp to check to see if it was your septic system that was running raw, untreated sewage into your and your neighbors drinking water.

The committee was very cognizant to the fact that we do not want police powers for anyone whether they are working on our behalf or not so, in the law, they have to apply under the Maine rules of civil procedure, rule 80E to carry out the purposes of this subsection. No more or no less than any other such provision.

I would urge your support.

Subsequently, the Bill was passed to be engrossed as amended and sent up for concurrence.

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

ORDERS OF THE DAY

UNFINISHED BUSINESS

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

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

HOUSE DIVIDED REPORT - Majority (9) "Ought to Pass" as amended by Committee Amendment "A" (H-454) - Minority (4) "Ought Not to Pass" - Committee on State and Local Government on Bill "An Act to Promote Fully Informed Legislation and Rulemaking" (H.P. 913) (L.D. 1310)
 TABLED - June 4, 1991 (Till Later Today) by Representative JOSEPH of Waterville.
 PENDING - Motion of same Representative to accept the Minority "Ought Not to Pass" Report.

On motion of Representative Joseph of Waterville, retabled pending the motion of the same Representative that the House accept the Minority "Ought Not to Pass" Report and specially assigned for Monday, June 10, 1991.

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

HOUSE DIVIDED REPORT - Majority (7) - "Ought to Pass" as amended by Committee Amendment "A" (H-455) - Minority (6) "Ought Not to Pass" - Committee on State and Local Government on Bill "An Act to Improve Outdoor Lighting" (H.P. 824) (L.D. 1178)
 TABLED - June 4, 1991 (Till Later Today) by Representative JOSEPH of Waterville.
 PENDING - Motion of same Representative to accept the Majority "Ought to Pass" as amended Report.

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

Committee Amendment "A" (H-455) was read by the Clerk.

Representative Joseph of Waterville offered House Amendment "A" (H-559) to Committee Amendment "A" (H-455) and moved its adoption.

House Amendment "A" (H-559) to Committee Amendment "A" (H-455) was read by the Clerk and adopted.

Committee Amendment "A" (H-455) as amended by House Amendment "A" (H-559) thereto was adopted.

Under suspension of the rules, the Bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" (H-455) as amended by House Amendment "A" (H-559) thereto in non-concurrence and

sent up for concurrence.

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

Bill "An Act to Provide Identification Cards for Persons 18 to 20 Years of Age" (H.P. 1073) (L.D. 1567) TABLED - June 4, 1991 (Till Later Today) by Representative GWADOSKY of Fairfield.
PENDING - Adoption of House Amendment "A" (H-546) to Committee Amendment "A" (H-492).

Subsequently, House Amendment "A" (H-546) to Committee Amendment "A" (H-492) was adopted.

Committee Amendment "A" (H-492) as amended by House Amendment "A" (H-546) thereto was adopted.

Under suspension of the rules, the bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" (H-492) as amended by House Amendment "A" (H-546) thereto in non-concurrence and sent up for concurrence.

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

An Act to Revise the Membership of the Committee to Advise the Department of Human Services on AIDS (EMERGENCY) (H.P. 1242) (L.D. 1808) TABLED - June 4, 1991 (Till Later Today) by Representative MAYO of Thomaston.
PENDING - Passage to be Enacted.

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

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

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

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

TABLED - June 4, 1991 (Till Later Today) by Representative GWADOSKY of Fairfield.
PENDING - Motion of Representative MITCHELL of Freeport to refer to the Committee on **Energy and Natural Resources** in non-concurrence.

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

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

SENATE REPORT - "Ought to Pass" as amended by Committee Amendment "A" (S-199) - Committee on

Business Legislation on Bill "An Act to Amend the Fair Credit Reporting Laws" (S.P. 203) (L.D. 530) TABLED - June 4, 1991 by Representative SHELTRA of Biddeford.

PENDING - Acceptance of Committee Report.

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

Committee Amendment "A" (S-199) was read by the Clerk and adopted.

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

Representative Graham of Houlton offered House Amendment "A" (H-573) and moved its adoption.

House Amendment "A" (H-573) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-199) and House Amendment "A" (H-573) in non-concurrence and sent up for concurrence.

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

An Act Concerning the Franklin County Budget (H.P. 15) (L.D. 18) (S. "A" S-212 to C. "A" H-225) TABLED - June 4, 1991 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

On motion of Representative Gwadosky of Fairfield, retabled pending passage to be enacted and specially assigned for Monday, June 10, 1991.

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

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

TABLED - June 4, 1991 by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Enacted.

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

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

HOUSE DIVIDED REPORT - Majority (8) "Ought Not to Pass" - Minority (5) "Ought to Pass" as amended by Committee Amendment "A" (H-277) - Committee on **Legal Affairs** on Bill "An Act to Impose a Limit on Campaign Contributions" (H.P. 785) (L.D. 1117)

TABLED - June 4, 1991 by Representative GWADOSKY of Fairfield.

PENDING - Motion of Representative LAWRENCE of Kittery to accept the Majority "Ought Not to Pass" Report. (Roll Call Requested)

On motion of Representative Gwadosky of Fairfield, retabled pending the motion of

Representative Lawrence of Kittery that the House accept the Majority **"Ought Not to Pass"** Report (Roll Call Requested) and specially assigned for Monday, June 10, 1991.

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

Bill "An Act to Amend Various Provisions of the Electricians' Examining Board Laws" (S.P. 503) (L.D. 1341) (C. "A" S-176)
 TABLED - June 4, 1991 by Representative GWADOSKY of Fairfield.
 PENDING - Passage to be Engrossed.

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

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

Bill "An Act to Establish a Fund to Promote Lobster Marketing" (H.P. 818) (L.D. 1172) (C. "A" H-364)
 TABLED - June 4, 1991 by Representative MITCHELL of Freeport.
 PENDING - Passage to be Engrossed.

On motion of Representative Mitchell of Freeport, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-364) was adopted.

The same Representative offered House Amendment "A" (H-572) to Committee Amendment "A" (H-364) and moved its adoption.

House Amendment "A" (H-572) to Committee Amendment "A" (H-364) was read by the Clerk and adopted.

Committee Amendment "A" (H-364) 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-364) as amended by House Amendment "A" (H-572) thereto in non-concurrence and sent up for concurrence.

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

SENATE DIVIDED REPORT - Majority (9) **"Ought Not to Pass"** - Minority (4) **"Ought to Pass"** - Committee on State and Local Government on Bill "An Act to Create a State Municipalities Investment Pool" (S.P. 516) (L.D. 1377)
 - In Senate, Bill and Accompanying Papers Recommitted to the Committee on State and Local Government
 TABLED - June 5, 1991 (Till Later Today) by Representative GWADOSKY of Fairfield.
 PENDING - Motion of Representative JOSEPH of Waterville to accept Majority **"Ought Not to Pass"** Report.

Subsequently, Representative Joseph of Waterville withdrew her motion that the House accept the

Majority **"Ought Not to Pass"** Report.

On further motion of the same Representative, the Bill was recommitted to the Committee on State and Local Government in concurrence.

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

SENATE DIVIDED REPORT - Majority (7) **"Ought to Pass"** as amended by Committee Amendment "A" (S-241) - Minority (6) **"Ought to Pass"** as amended by Committee Amendment "B" (S-242) - Committee on State and Local Government on Bill "An Act Regarding Investment of State Funds in Corporations Doing Business in Northern Ireland" (S.P. 446) (L.D. 1190)
 - In Senate, Bill and Accompanying Papers Indefinitely Postponed.
 TABLED - June 5, 1991 (Till Later Today) by Representative JOSEPH of Waterville.
 PENDING - Acceptance of Either Report.

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

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

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Franklin County for the Year 1991 (EMERGENCY) (H.P. 1335) (L.D. 1928)
 TABLED - June 5, 1991 (Till Later Today) by Representative MAYO of Thomaston.
 PENDING - Passage to be Engrossed.

Representative Powers of Coplin Plantation offered House Amendment "A" (H-562) and moved its adoption.

House Amendment "A" (H-562) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" (H-562) and sent up for concurrence.

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

HOUSE DIVIDED REPORT - Majority (7) **"Ought Not to Pass"** - Minority (6) **"Ought to Pass"** as amended by Committee Amendment "A" (H-486) - Committee on Human Resources on Bill "An Act to Amend the Laws Concerning Smoking in Restaurants" (H.P. 420) (L.D. 603)
 TABLED - June 5, 1991 (Till Later Today) by Representative MAYO of Thomaston.
 PENDING - Motion of Representative MANNING of Portland to accept Minority **"Ought to Pass"** as amended Report.

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

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

HOUSE DIVIDED REPORT - Majority (10) "Ought to Pass" as amended by Committee Amendment "A" (H-499) - Minority (3) "Ought Not to Pass" - Committee on State and Local Government on Bill "An Act to Provide for Deferrals of Unfunded State Mandates for Municipalities Experiencing Financial Hardships" (EMERGENCY) (H.P. 1190) (L.D. 1743)
 TABLED - June 5, 1991 (Till Later Today) by Representative JOSEPH of Waterville.
 PENDING - Motion of same Representative to accept the Minority "Ought Not to Pass" Report.

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

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

HOUSE DIVIDED REPORT - Majority (8) "Ought to Pass" as amended by Committee Amendment "A" (H-475) - Minority (5) "Ought to Pass" as amended by Committee Amendment "B" (H-476) - Committee on Transportation on Bill "An Act Concerning Abandoned Property" (H.P. 462) (L.D. 653)
 TABLED - June 5, 1991 (Till Later Today) by Representative MAYO of Thomaston.
 PENDING - Acceptance of Either Report.

On motion of Representative Macomber of South Portland, the Majority "Ought to Pass" Report was accepted, the bill read once.

Committee Amendment "A" (H-475) was read by the Clerk.

Representative Boutilier of Lewiston offered House Amendment "A" (H-554) to Committee Amendment "A" (H-475) and moved its adoption.

House Amendment "A" (H-554) to Committee Amendment "A" (H-475) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Boutilier.

Representative BOUTILIER: Mr. Speaker, Men and Women of the House: I won't take much time, but I do feel very strongly about this issue and I do want to present it.

The Divided Report was identical except for a small section and I will give you the specifics of that. Before I do that, however, I will give you some background about the bill as a whole. It deals with abandoned property, mainly that of abandoned vehicles. We do have a problem in this state of people abandoning their vehicles and the Transportation Committee dealt with three bills this year, one of which has already gone through this body and passed unanimously dealing with the crime (I think it is a Class E crime) for abandoning a vehicle in the state.

There is an issue when those abandoned vehicles are towed. Right now, we have approximately 600 people who tow vehicles in the state and 400 of those (approximately) deal with contracts either with

cities or towns, municipalities, police departments, sheriff departments and what have you. They do the towing on behalf of those entities. If the car is suspected to be abandoned or is in an area other than in the case of snow removal where we did in fact exempt those evenings similar to Portland, Lewiston, other cities that have had nights where vehicles would be towed if there is plowing involved, those vehicles would be exempt. But, in acts where the vehicle is suspected to be abandoned or is improperly parked and there is a towing charge, and a police department or a sheriff demands that that vehicle be towed, they do not tow it themselves, they usually have a contract with a towing company and that company then brings it to their place of business.

The issue after that is, who picks up the bill? Right now, if those 400 people who do towing tow a vehicle to their garage and no one comes to pick up the vehicle, not only are they stuck with the cost of towing, but they are stuck with the vehicle.

We have attempted to deal with the issue of abandoning it and made a stiffer penalty but we what we haven't been able to deal with is the fact that those small business owners who run towing companies are stuck with that bill. My amendment attempts to remedy that by creating a disincentive for not paying the bill.

Right now, the cost of an average tow in the state is between \$45 and \$60 per tow. I did a small survey of the major cities, Bangor, Lewiston/Auburn and Portland. In Bangor, there were 1,900 tows of vehicles last year. In Lewiston, there were 1,200, in Auburn there were approximately 1,200, and in Portland, there were 2,500. Now the estimate is at least half of those usually are determined to be abandoned vehicles. So, if you took the average cost and kept it at the low figure of \$45 per tow and said that only 50 percent of those in Portland were abandoned, you are talking about a loss to the towing people in Portland of about \$54,000.

What my amendment does, it says that if a vehicle is in place and there are items in that vehicle that an owner might want to retrieve that they have to do one of two things before they can physically abandon the vehicle, they either have to get the written or verbal permission of the garage owner to enter their premises to enter that vehicle and remove all the items that they want to or they are subject to a civil violation of a maximum penalty of \$50. The \$50 is no more, in some cases, than they would pay for that tow. So, it creates a disincentive for them to abandon that vehicle and not take their items out and rape the vehicle and just leave the abandoned vehicle at that place of business. I think it is a minor change but it will have a major impact on those small businesses in the state who are involved in these contracts and I would urge all of you to give it your strong consideration.

I ask for a roll call, Mr. Speaker.

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

Representative MACOMBER: Mr. Speaker, I move that House Amendment "A" be indefinitely postponed.

Mr. Speaker, Ladies and Gentlemen of the House: This bill is something that hasn't been debated and I think perhaps I can give you a slight scenario to tell you exactly what we are talking about.

Let's assume that a woman is driving to work alone in her car and she has mechanical difficulties

which causes the engine to stop working. She is unable to start the car so she finds a pay phone and calls the garage for help, she also calls her husband for a ride. The garage mechanic arrives in the tow truck, tows the car back to the garage after he has tried unsuccessfully to start it. Meanwhile, the husband comes to pick her up and take her to work. He then goes back to the garage and signs a work order to diagnose the problem with the car. That afternoon the garage calls the woman to tell her that they have diagnosed the problem, repairs will cost approximately \$150, she gives verbal permission to complete the repairs. After work, she and her husband go by the garage to see if the car is done and to retrieve their child's safety seat and the woman's camera which was under the front seat. They discover that the repairs are done, the bill is \$228 plus a \$35 towing charge. The couple argue that the repairs are far above the estimate and they do not have enough money with them to pay the charges. After a lot of discussion, they tell the garage owner that they will deal with the situation in the morning and that they are going to retrieve their child's safety seat and the camera. The garage owner refuses to let them, saying that they cannot have anything out of the car until the bill is paid in full. The husband uses his set of keys to open the car and starts removing the seat and camera. The garage owner calls the police. Under the Majority Report, there is no grounds for the police to act.

The amended statute which stands moot as to personal property in the vehicle, only removal of the vehicle or any part or accessories would be a crime. Neither the car seat nor the camera is a part of the accessories so the whole matter would be a civil dispute between the owners and the garage. If the garage owner physically prevented the removal of the item, the owner himself might be subject to charges.

Under the Minority Report version which is the amendment which we are talking about, a police officer could summons the husband for removing the camera and car seat. Such removal would be a civil violation. The husband could be fined up to \$200 for trying to recover his own property from the vehicle.

If you would look at the amendment on the fiscal note, it says the bill establishes a new Class E crime. I find it very hard to believe that in a situation like this where somebody only wants to retrieve their personal property that they have left in the car, I find it very hard to believe that we need to have a new Class E crime.

I hope you vote for the indefinite postponement of this amendment.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Boutilier.

Representative BOUTILIER: Mr. Speaker, Men and Women of the House: I didn't really want to rise again but, in all due respect to my good chair, that is not actually correct. The fiscal note, in stating the Class E crime, refers to the bill that we have already passed or about to engross. That is the full Majority Report. My amendment does not create a Class E crime. All it talks about is the abandoning of the vehicle, a civil violation, not a Class E crime, not a Class D crime, civil violation — maximum penalty \$50.

The \$200 penalty that the Representative from South Portland is mentioning deals with the Majority Report, the section of the bill that I am not talking

about. If you are against that, then you would vote against the whole bill. I am not asking you to do that, that is why I didn't move the Minority Report or ask you to defeat the Majority Report. We feel that that section of the bill is a move in the right direction.

This amendment is just a supplement to it, it is one minor step forward to deal with a small business issue and that is the fact that we need to make responsible someone to pay for these bills that these towing companies are incurring. They are, in fact, incurring a substantial portion of money. There are a lot of tows done in this state and there are a lot of those tows that end up being an abandoned vehicle.

Again, I would urge you to vote against the pending motion of indefinite postponement of this amendment.

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

Representative LARRIVEE: Mr. Speaker I would like to pose a question, please. To Representative Boutilier or anyone who may care to answer — in this scenario that Representative Macomber provided for us, would that owner have had to pay the entire bill or only the towing fee in order to be able to remove his property?

The SPEAKER: Representative Larrivee of Gorham has posed a question through the Chair to Representative Boutilier of Lewiston who may respond if he so desires.

The Chair recognizes that Representative.

Representative BOUTILIER: Mr. Speaker, Men and Women of the House: The answer to the question is, there is no requirement to do anything. In fact, the garage owner could verbally say, "Go ahead, get your items." There is no requirement to pay the full bill, partial bill or any such thing. What it does do, however, is it provides the opportunity for the garage owner to preempt a situation in which they feel strongly that in fact that person is trying to abandon that vehicle on their premises.

In the case that the good Representative from South Portland mentioned, it seems to be very obvious that that person will be allowed to go get their car seat. That is not the issue. If that becomes an abuse in this state, I would be the first one to vote to support a bill that would retroactively change all of this and put greater restrictions on that power but I do not think that is the case. I am not going to say that every towing company out there is going to be responsible and common sensible, but there are a good deal of other individuals who purposefully abandon their vehicles and the cost is stuck to that small business.

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

Representative STROUT: Mr. Speaker, Men and Women of the House: I hope this morning you have listened very intently to the chairman of the committee. We worked hard and long on this proposal in committee and we came out with the two reports.

The concern I have is that we discussed this amendment at length when we heard this bill and I guess the disagreement here is on the section dealing with the personal property. I have heard two versions this morning and I just heard the gentleman that proposed this amendment and it is very clear to me if you read the amendment — the section that says, "This section applies to all persons including but not limited to the owner of the vehicle, except

that if any towing, storage or repair charges owed to the garage, parking lot or service station where the vehicle is located have been paid in full, at that time any personal property contained in the vehicle must be immediately released to the person identified as the owner of the personal property." The way I read that is, if there is any part of that bill that is not paid, your personal property possibly could not be released.

Some of us felt that maybe we didn't want to do anything with this abandoned vehicle bill, but we did work out an agreement that would take care of the vehicle and we felt strongly about the personal items. I feel very strongly about that now. I feel that if my vehicle is abandoned and it is towed to the garage, if I have personal items in there I want to pick up tonight, I should be able to get them. That is why I oppose this amendment. I hope you support the committee chair.

The SPEAKER: The Chair recognizes the Representative from Lewiston, Representative Boutilier.

Representative BOUTILIER: Mr. Speaker, I request a roll call.

The issue of the fiscal note in the Statement of Fact refers, not only to the amendment, but also the original bill. I was told the fiscal note had to cite both. I will talk about the Statement of Fact for a second. If you have the amendment in front of you, it is virtually setting up a situation that is identical to that of a landlord/tenant relationship whereby someone is trying to abandon their lease or abandon their apartment prior to the completion or payment for that lease. The personal property and the items in that can be held the same as they would in a vehicle and the same right of the landlord to release that property even if the bill is not paid in full. They can do that under their own discretion. Does that happen all the time? No. Does it happen some of the time? Yes. We are trying to set up the same situation with that of a vehicle.

I would hope you would defeat the pending motion and go on to accept the amendment.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Richards.

Representative RICHARDS: Mr. Speaker, Ladies and Gentlemen of the House: Another answer to Representative Larrivee's question, as I read Committee Amendment "A" which is before us and the amendment, is that it would be a Class E crime to remove the vehicle. But if there was a dispute on that bill, it would also be a Class E crime to remove the camera and the baby seat.

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

Representative MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: Just very briefly. It is an interesting bill because, five minutes before this bill came out, we heard it and we had a work session and had the second work session. In the second work session, right up until the very last second, we had a unanimous committee "Ought to Pass" Report. The amendment came in at the last minute, it was not brought in by a member of the legislature, it was not brought in at the request of the sponsor. As Representative Strout said, we went over this bill, we probably spent as long on this particular bill as we did any bill we have had this year and I just think that this amendment is totally unnecessary. I

hope you will vote to indefinitely postpone.

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

Representative HASTINGS: Mr. Speaker, may I inquire of the Chair, if you will, a question. The question is, are we voting on the bill with Committee Amendment "A" only attached?

The SPEAKER: The Chair would answer in the affirmative but we are presently voting on the adoption that has been offered by the Representative from Lewiston of House Amendment "A" to Committee Amendment "A."

Representative HASTINGS: Mr. Speaker, this House has not adopted Committee Amendment "B?" That is what I am concerned about.

The SPEAKER: The Chair would answer in the affirmative.

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 Macomber of South Portland that House Amendment "A" (H-554) to Committee Amendment "A" (H-475) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 122

YEA - Adams, Aliberti, Anderson, Anthony, Bailey, H.; Barth, Bell, Bennett, Bowers, Cahill, M.; Carleton, Carroll, D.; Carroll, J.; Cashman, Chonko, Clark, H.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Donnelly, Dore, Duplessis, Erwin, Farnsworth, Farnum, Farren, Goodridge, Gould, R. A.; Graham, Greenlaw, Gwadosky, Handy, Hastings, Heeschen, Heino, Hepburn, Hichborn, Hoglund, Holt, Hussey, Jacques, Joseph, Ketover, Ketterer, Kontos, Kutasi, LaPointe, Larrivee, Lawrence, Lebowitz, Lemke, Libby, Lipman, Look, Lord, Luther, MacBride, Macomber, Mahany, Manning, Marsano, Martin, H.; Mayo, McHenry, McKeen, Melendy, Merrill, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Nash, Nutting, O'Dea, O'Gara, Oliver, Parent, Paul, Pendexter, Pfeiffer, Pineau, Pines, Plourde, Powers, Rand, Reed, W.; Richards, Richardson, Ricker, Rotondi, Ruhlman, Rydell, Salisbury, Savage, Sheltra, Simpson, Skoglund, Spear, Stevens, P.; Strout, Swazey, Tardy, Townsend, Treat, Vigue, Waterman, Wentworth.

NAY - Aikman, Ault, Boutilier, Cathcart, Clark, M.; Duffy, Dutremble, L.; Foss, Garland, Gean, Gray, Gurney, Hanley, Hichens, Kerr, Marsh, Norton, Ott, Paradis, J.; Paradis, P.; Poulin, Pouliot, Reed, G.; Small, Stevens, A.; Stevenson, Tamaro, Tracy, Tupper, Whitcomb.

ABSENT - Bailey, R.; Butland, Hale, Jalbert, Kilkelly, Pendleton, Saint Onge, Simonds, The Speaker.

Yes, 112; No, 30; Absent, 9; Paired, 0; Excused, 0.

112 having voted in the affirmative and 30 in the negative with 9 absent, the motion did prevail.

Subsequently, Committee Amendment "A" (H-475) was adopted.

Under suspension of the rules, the Bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" (H-475) and sent up for concurrence.

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

HOUSE DIVIDED REPORT - Majority (10) "Ought Not to Pass" - Minority (3) "Ought to Pass" as amended by Committee Amendment "A" (H-520) - Committee on Judiciary on Bill "An Act to Amend the Child Support Law to Include Coverage for Children in College" (H.P. 803) (L.D. 1149)

TABLED - June 5, 1991 (Till Later Today) by Representative MAYO of Thomaston.

PENDING - Acceptance of Either Report.

Representative Paradis of Augusta moved that the House accept the Majority "Ought Not to Pass" Report.

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

Representative STEVENS: Mr. Speaker, Men and Women of the House: I was one of the Minority signers on this Report and I would like to ask you to reject the motion of Representative Paradis so that we might accept the "Ought to Pass" Report.

This is a bill that allows the courts the discretion to extend child support past the age of 18, up to the age of 21 when the child of the marriage is in college. It absolutely does not require that support be extended, it sets no guidelines for the support being extended except that the child is, indeed, in college. It only allows the discretion of the court.

Right now, in the State of Maine, the court cannot do that. Divorce in Maine is strictly a statutory issue so they have no authority to extend it.

For those of you who have college age students — I suspect there are quite a few in this body — I think that you know that just because a child is in college makes him no less dependent upon his family for financial help. Right now, no matter how much one spouse may have, no matter how much money, how many resources one spouse may have and how few the ex-spouse might have, the court is powerless to require some help for the child to receive higher education.

Studies have shown that the custodial parent tends to bear by far the majority of the cost of college.

For those of you who have children in college, at our cheapest college, our University of Maine System, we are paying over \$8,000 a year for our students to go. I don't know how many of you don't think that it takes all hands on deck to help those kids get through college.

Later on today on a Divided Report, we are also going to talk about ways that we help the children of divorce. I happen to disagree with that particular way but I think this is one way that we can at least give the courts the opportunity in the individual case to consider some sort of equitable distribution of help for our college age students.

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

Representative MARSANO: Mr. Speaker, Men and

Women of the House: This bill was a bill which I introduced on a "by request" basis for a constituent who is a very bright woman who just went through a divorce. She is a former chairperson of our school board and I have a lot of respect for her. I did, however, tell her that I would oppose the bill at the committee and, if it reached the floor, I would oppose it there as well and I do.

You received (earlier in the day or earlier in the week and it may not still be in your possession) a letter from this lady with a Belfast address, which is the reason I rise to speak against this bill today.

The bill as it was originally proposed was bad and the amendment is even worse. The learned Representative from Bangor said something that you should pay close attention to, "it will give the court an opportunity to" then she went on. Ladies and gentlemen, what that opportunity is is for lawyers to make a lot of hay about an issue which is really a primary responsibility of the individual. I applaud the intent of the Representative from Bangor. Unfortunately, I do not have as much faith in the competence of either this House or the legal system to generate the result which we would all like to achieve.

Let me say that this constituent of mine, for whom, as I say, I have great respect, engaged in the dialogue about this bill, a former high school classmate of mine and also a college classmate of mine. We graduated from the same venerable institution and he still works for it. He deals with student assistance. After a discussion and an exchange of letters about the bill, I received from him a letter which concludes, "I would still like to reinforce the concept of parental responsibility but the bill may not be the best way to handle the problem."

Ladies and gentlemen, I would like to reinforce the concept of parental responsibility at all levels but this bill is not the way to handle the problem.

The report of the Representative from Augusta should be adopted, the bill should be killed.

The SPEAKER: The Chair recognizes the Representative from from Orono, Representative Cathcart.

Representative CATHCART: Mr. Speaker, Members of the House: I, too, was a signer of the Minority Report on this bill. I just want to speak for a moment. I know that all of us here are concerned about the emotional health of children and there is probably no time when there is greater stress on children than when their parents get divorced. One of the reasons for that stress is that many children, such as my children, might have to worry about whether they would, indeed, be able to continue their education after high school because child support was going to be cut off when they turned 18 years old.

This bill would just give the judge the discretion to order that child support could continue up until age 21 if the child is enrolled in post-secondary education.

I urge you to vote against the "Ought Not to Pass" Report so that we can go on to pass the "Ought to Pass" Report.

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

A vote of the House was taken. 65 having voted in the affirmative and 24 in the negative, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

TABLED AND TODAY ASSIGNED

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

HOUSE REPORT - "Ought to Pass" as amended by Committee Amendment "A" (H-457) - Committee on Transportation on Bill "An Act to Improve Motorcycle Driver Education" (H.P. 1026) (L.D. 1499) TABLED - June 4, 1991 by Representative MACOMBER of South Portland.
PENDING - Acceptance of Committee Report.

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

Committee Amendment "A" (H-457) was read by the Clerk and adopted.

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

Representative Larrivee of Gorham offered House Amendment "A" (H-582) and moved its adoption.

House Amendment "A" (H-582) was read by the Clerk and adopted.

The bill was passed to be engrossed as amended by Committee Amendment "A" (H-457) and House Amendment "A" (H-582) and sent up for concurrence.

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

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1991 (EMERGENCY) (H.P. 1334) (L.D. 1927)

TABLED - June 5, 1991 by Representative MERRILL of Dover-Foxcroft.

PENDING - Passage to be Engrossed.

Representative Joseph of Waterville offered House Amendment "A" (H-575) and moved its adoption.

House Amendment "A" (H-575) was read by the Clerk and adopted.

The Resolve was passed to be engrossed as amended by House Amendment "A" (H-575) and sent up for concurrence.

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

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

TABLED - June 5, 1991 by Representative GWADOSKY of Fairfield.

PENDING - Acceptance of Committee Report.

On motion of Representative Graham of Houlton, retabled pending acceptance of the Committee Report

and specially assigned for Monday, June 10, 1991.

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

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) TABLED - June 5, 1991 by Representative PLOURDE of Biddeford.

PENDING - Passage to be Enacted.

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

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

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)

TABLED - June 5, 1991 by Representative CLARK of Millinocket.

PENDING - Passage to be Enacted.

On motion of Representative Clark of Millinocket, under suspension of the rules, the House reconsidered its action whereby L.D. 1783 was passed to be engrossed.

The same Representative offered House Amendment "C" (H-550) and moved its adoption.

House Amendment "C" (H-550) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-370) as amended by House Amendments "A" (H-387), "B" (H-430) and "C" (H-550) in non-concurrence and sent up for concurrence.

(At Ease)

The House was called to order by the Speaker.

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

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

TABLED - June 5, 1991 by Speaker MARTIN of Eagle Lake.
PENDING - Motion of same Representative to Reconsider whereby the Bill was Passed to be Enacted.

Subsequently, Representative Martin of Eagle Lake withdrew his motion to reconsider.

The Chair laid before the House the seventh

tabled and today assigned matter:

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

TABLED - June 5, 1991 by Representative STEVENS of Bangor.

PENDING - Motion of same Representative to Reconsider whereby Bill and Accompanying Papers were Indefinitely Postponed.

Subsequently, the House voted to reconsider its action whereby L.D. 301 and all accompanying papers were indefinitely postponed.

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

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: I hope the House will not go along with indefinitely postponing this legislation.

Let me say, first of all, that this was an 11 to 2 "Ought to Pass" Report from the Committee on Judiciary. Only two members signed "Ought Not to Pass" on this bill.

It comes from the Judicial Department and is the product of many months of work by the Chief Judge of the Administrative Court who does most of the family law in the Cumberland County area.

It is the product of many minds, considerations and compromises. It is an important bill for us to consider.

The children of parents who are going through a divorce are the only ones who are never represented in that courtroom.

An interesting article appeared in the Boston Globe some weeks ago and I am quoting, "Lawyers represent the parent so their first response is to protect the parent, not the child", says the Dean of the School of Law at the University of San Francisco. "That makes custody disputes more painful and costly for the entire family." That is an inequity in the system but it is a reality that one spouse hires an attorney, the other spouse hires an attorney, no one represents the children.

What the court is establishing here and asking us to establish by statute is that we give them the right to have the parents come in either alone or separately or together, depending on the circumstances of the dispute, so they can address the needs of their children, the ones who are going to be left out. I feel strongly about this issue and I know you feel strongly about this issue.

Every family it seems has gone through a divorce. I know I have, I have a brother and a sister who have gone through divorces and, no matter how amicable the former spouses become after years of healing, there are scars and wounds that continue to bleed among the children. They love both their father and mother but there is a tug-of-war that continues to go on. Some parents don't need this type of program but they are a very small minority. No matter how well educated, there are tensions that are inherent in the system of divorce. This bill seeks to address those tensions. It seeks to address the children who are left out of that courtroom.

I would ask you not to indefinitely postpone this bill. There was such a small margin of failure, I believe only three votes the other day in this body. I would ask you to reconsider and vote against indefinite postponement this morning.

The SPEAKER: The Chair recognizes the

Representative from Hampden, Representative Richards.

Representative RICHARDS: Mr. Speaker, Ladies and Gentlemen of the House: I was asked early on by Representative Anthony to be a cosponsor on this bill and I did it enthusiastically because I saw something that currently was not being done and, frankly, I viewed this as a damage control bill.

When children are born, that is when we feel that parenting starts at that point and I guess society is the judge of that as to how well we have done. Oftentimes I have seen in representing one spouse or the other is that parenting ends with divorce or the beginning of divorce. I guess there are a few reasons for that. Part of the reason is that when you are going through a separation, whether it be a year or two years and children are involved or whether it be 20 years, sometimes the important things are your own emotions. You are also trying to deal with the emotions of your children and sometimes those conflict. Sometimes we forget the ways of parenting, how to nurture our children's psychological needs and so forth. They do get put on the back burner — perhaps not intentionally but because of the emotion and turmoil within a divorce.

You are concerned about child support, you are concerned about day-to-day life, how you are going to get along without your children (if you are not the resident spouse) or you are trying to figure out how much money you are going to have to raise to maintain the same life-style. It is a tremendous change. Children are dragged along in this process bolstering some of the things that my colleague on the Judiciary has already said and that is both parents are represented and oftentimes you do discuss children when you get to mediation or I should say that is really not what you focus on, you focus on the visitation, on the child support, on the division of property and you try to reach agreement on these things.

I have a practice in Bangor, my practice is roughly about 25 percent domestic work. My partner does about 60 percent domestic work. I discussed this bill with her and I think we are in agreement over the fact that children are the forgotten party. They are not legally a party but they are a party through no choice of their own.

One of the first things when you start a divorce is you ask a client, (and I believe all lawyers do) is there hope of reconciliation? If there are hopes of reconciliation, then you try to pursue counseling or whatever can bring the marriage back together. If there is no hope for reconciliation, then you put together some kind of a plan where the parties can reach agreement and take care of all those problems and you try to discuss the children. A lot of those things aren't salvaged, a lot of those things aren't dealt with.

I ask you, when you have a child and you are going through a divorce, parents are separated or you are already divorced and you have a child that is brooding by themselves, looking depressed, you would think a parent would sit down and ask the child, "Do you miss your father?" Or "Is that part of the problem?" Or "Do you miss your mother?" It could be on visitation — "Is there a problem?" It is very difficult to ask those questions because oftentimes parents are embroiled in a lot of hurt and that hurt translates to the children, that may last for six months or two or three weeks, but it still has an impact on the emotional psychological health of that

child.

This bill is a mandate only from the standpoint that it says that the court will adopt rules for this type of a four hour course. However, the court may say that you have to go through this course. They may say that you have to go through this course because one of the inquiries the court would make is dealing with how the children are being dealt with in this marriage or one party or the other through their attorney's can say that they haven't been dealt with and we recommend that this be done. If it is already being done, perhaps the parties can agree that it is not needed and the court would not make the parties go through a needless exercise of this course.

I kind of relate this to a course that I had in college. I had a year of physics and my notion of going into physics was dealing with tangential vectors, calculus, I had to take it. I went in taking it, kicking, trying to take other courses but, to my surprise, taking physics was one of the best courses, one of the most stimulating courses I ever had because it taught me very simple, basic life things in true terms, things that I knew all my life but never knew how to apply them. For instance, how much water flows down a stream, how many gallons you get per second by just taking a ball and measuring it from one point how much time it takes and plugging in a simple calculation. I translate that to this type of a course because the type of thing you learn in this course are the things we already know but we don't think about when we are dealing with our own emotions. So, it is nothing more than somewhat of a safety valve, a check valve, to say, I had this in this course, I have been exposed to it, my child is going through this type of thing that the course would tell me the child would be experiencing and how do I deal with it? It gives you nothing more than a tool, you don't have to do it but the fact of it is, it is there, you have learned what is there and you can apply it or not. That is the reason I supported this bill. I think it is good for the emotional health and nurturing of children when they are separated.

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

Representative OTT: Mr. Speaker, Men and Women of the House: I would like to concur with the comments made by Representative Paradis and Representative Richards. I think any time you can provide an educational framework within which people can learn, you do good. We realized that when we came out of the dark ages.

In this case I think, not only do the participants benefit, but there is an extra bonus in that the non-participants benefit and those are the kids. Their lives are the most dramatically affected, it seems to me, in most divorce actions by the way their parents parent. If we can provide a program that will enable the parents to learn what their role is in parenting, the children are the real beneficiaries.

It seems that when we failed to pass this bill, when the motion to indefinitely postpone passed, there were some concerns about money, the fact that there was going to be an expense that would have to be shouldered by those who may not have sufficient funds to even prosecute a divorce action or participate in one as a defendant. There was also some concern over the fact that there may be an opportunity for an abusive spouse and that probably

relates mostly to a husband who might try to manipulate a delay and continue his control over his spouse by utilizing this program as an additional tactic. It was also a mandated program that would, not only add to the expense of a divorce proceeding, but would also cause its delay in allowing the spouse who was moving for the divorce to reach a conclusion and get on with his or her life.

I think if you look at the Committee Amendments, those concerns are addressed. The bill, as now before you, does provide that the Supreme Judicial Court enact rules and regulations that would govern the conduct of the people in this program and it certainly addresses the concerns over waiver of fees for those who cannot afford it and the considerations for special hardships that might be presented including a concern over family violence. So, I think there are sufficient safeguards to address those matters that seem to be of concern to those of you who voted against it.

As far as the mandate is concerned, we already have compulsory mediation for those husbands and wives who are going through divorces and have minor children. They have to at least attend one session to try to work out some of the issues that are raised in the divorce action.

From my experience, and I do a fair amount of domestic work myself, I think many people have benefited from the help that is provided through the mediation service to enable them to avoid the sometimes emotional and gut wrenching experience of going into a contested hearing in front of a judge. I think this bill would provide the same positive experience for husbands and wives who find themselves dealing with the respective roles as divorced parents. We are only asking that you allow it to take a test run in three counties, Androscoggin, Cumberland and York for a period of three years. If it works, we will go a long way toward taking the first step to easing the pain and confusion that children find themselves in when parents separate.

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

Representative CLARK: Mr. Speaker, Men and Women of the House: I rise today somewhat distressed as the debate on this bill is going forward at this moment. The maker of this motion is not in the chamber, she is not in Augusta today. We did not debate this last night in the absence of the House Chair on this bill.

I would like to tell you some of my concerns. This bill requires, short of the judge's actions, that parents go to a particular course to deal with the emotional well-being of their children. I don't think any of us will deny that divorce is a difficult situation for children. I don't think any of us will deny that there are a lot of things in life that are difficult for children but this bill says we, as the legislature, believe that the best way or perhaps the only way for us to help children deal with this emotional distress is to have their parents go through a four hour course as ordered by a judge.

I would also say, by the way, that I was told by the sponsor of this bill that the judge, currently, had required that parents go through this process. We, as the legislature, don't have to be a part of this. But I, in particular, am very concerned in spite of the fact that some of my colleagues believe that this is a wonderful course, that we as a legislature are again endorsing a particular method

for helping parents deal with their children's emotional distress.

I am also very concerned that, if we decide families have an inability to pay for this course, and in spite of the fact that we now say this is a wonderful imperative, required course, that then we say, if you are poor, you don't have to go. Let's decide, is this course important enough that every divorcing parent needs to go or is it not? Is it only for those middle-class parents who can afford the \$30?

I will also say that I rise today very distressed to hear members of the Judiciary Committee tell us that there is no one in a divorce who cares about the well-being of the child. One of the things I did before I came to this body was to serve as a divorce mediator. I can assure you that, while mediators absolutely worry about whether children will have food on the table because of the absent parent paying child support and they absolutely worry about where kids live, the focus for every divorce mediator should be, and I believe is, on the well-being of the child. Yet, this same committee (I understand) who is standing up here telling us today that we absolutely need to mandate that parents go to these courses is prepared to recommend to the Appropriations Committee that maybe we don't need mediation after all.

I urge you, if we are actually going to vote on this bill today — again, I have some strong reservations whether that is appropriate — to stay with your original vote.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Richards.

Representative RICHARDS: Mr. Speaker, Ladies and Gentlemen of the House: Just two items dealing with the bill — I know I heard that poor people are excluded from this and I think I heard mentioned again is that, if you can't afford it, then you don't have to go. Well, the program that is being designed is self-supporting and they have to have a waiver of fees. So, if you can't afford this program, there is a waiver provision and the court can still order those individuals to go to this program.

I would also like to think that every parent that I have that come for a divorce in any proceeding and one that I am representing one of the parents that both are responsible people and are always primarily concerned with their children. By and large, they are all concerned about their children. However, the problem is that the children become consequences of the divorce. The fact of it is that they do not pay enough attention to the children because of a lot of the other competing interests there. It is not intentional but it is something that is a by-product of just the nature of the divorce.

Again, this is just nothing more than a course that provides tools for parents to rethink the situation in very simple basic communication skills on how to deal with children in circumstances which they have maybe never experienced. With a child in a first divorce, the child is going to experience new emotions and this educates the parents on how to deal with those new emotions, not by trial and error, because in trial and error, the damage is done.

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

Representative PARADIS: Mr. Speaker, I rise on a point of personal privilege. In the previous debate in the remarks of the Representative from Brunswick,

the Representative stated that the reason that this bill was not debated last evening was the fact that the Representative from Augusta was absent. The fact of the matter is the Representative from Augusta was in his seat, the matter was held at the request of the Representative from Bangor, Representative Stevens, and the matter was before this body while the Representative from Augusta was here. I would ask the Representative from Brunswick to please correct her statement.

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

Representative CLARK: Mr. Speaker, I apologize if the Representative takes affront to my comment. But when I asked last night why this bill was not being debated early in the evening, that is the answer I received.

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

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: Three quick points. First of all, I have heard it said that this will burden people. Passing this wouldn't burden people. This would enable people to help their kids. That is what this bill is all about. This bill was not opposed by any of the poverty groups such as Maine Association of Independent Neighborhoods, it was not opposed by a great number of groups.

Second point, this should be tried on a voluntary basis, I have heard. Well, this is being tried on a voluntary basis and the results are extremely favorable, 98 percent of the people saying good things about it, saying they are glad they went and even that they would recommend it to their friends.

It has been suggested there is a particular course in mind. I would call your attention to the House Amendment which makes it absolutely crystal clear that there are circumstances for a waiver which would allow waiving of the attendance requirement in appropriate circumstances related to acquisition of comparable information obtained from other sources. It is anticipated, in fact, that this information would be distributed by a number of sources in the future.

Third and final point, it has been suggested that this does not have broad support. It has been pointed out that this is a Judicial Department bill, it is not only a Judicial Department bill, it has the endorsement of a large number of organizations, Divorce Prospectus, Inc., Maine State Bar Association, Family Law Section, New England Committee on Child and Adolescent Psychiatry, the American Association of Marriage and Family Therapist-Maine Chapter, the National Association of Social Workers-Maine Chapter — this is broadly supported and endorsed.

I would ask you to go with this. I would end with just one brief statement from the letter received from the Chair of the Family Law Section. In her letter she states, "While the section endorses this legislation wholly in concept, I can also add my personal endorsement on the basis of client feedback. Many of my clients have been through this program since it has been in effect in Cumberland County and the response has been uniformly positive. My experience is that everyone wants to do what is best for their children. It is simply a matter of knowing what that is. Divorce is a new phenomenon and so parents do not have past customs and role

models to rely on. L.D. 301 is an important first step in addressing the needs of children in the divorce process."

I urge you to support this bill.

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

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I think if we can save one family, one marriage, by enacting this bill, it is a good bill. The interest of the children, once both parents look at what they are doing to their children, some parents may not have taken the time to realize what they are doing and, if this program will help to save one marriage, it is a good program. I support it wholeheartedly.

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

Representative GEAN: Mr. Speaker, Men and Women of the House: This program is not intended to save one marriage. This is a program that would mandate parents who are divorced and divorcing to attend a four hour course, the same course for all people whether they want to go or not, whether they are a good parent or a bad parent or a fat parent or a skinny parent, you will in fact go to this four hour mandatory course. You got to go. It's government's intrusion into your life, you got to go to this program.

The other problem with this, as I mentioned earlier, is all of us can go to this because government, the judge, says we got to go and pay our \$30. Some of us don't have \$30 but we have this benevolent little amendment to this bill that says, if you bring in your envelope once again with all the crumpled up receipts from your pay stubs, we will declare you absolutely poor and you don't have to pay it but you do have to go. That means test to prove that you are poor is the worst thing we can do to human beings in this society.

Again, I encourage you to kill this bill.

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

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: I rise just to answer the concern about poor people. This provides for a waiver of attendance also if you do not have adequate transportation or child care. It also provides for a waiver of fee if you cannot afford it.

I asked the person who is running this program how she manages that. Do you have to bring in papers, crumpled up papers, in an envelope? The answer was clearly no. What she stated to me was, all you have to do is say you are on AFDC or you are getting free legal help, and the waiver is granted, no questions asked. I asked about home heating aid and the answer was, if somebody can't afford it and says so and it is clear based on what sort of aid they are getting, I am going to grant the waiver. So, it is not intrusive in that sort of way.

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

Representative KETOVER: Mr. Speaker, Ladies and Gentlemen of the House: I just rise briefly to tell you again to support this piece of legislation. I am very sad to hear that some of the people here feel that you should not support this, that it is a husband and wife marriage kind of bill, that it is not to deal with children. This is a child bill, the best interests of the child bill, that is what I call

this. Divorce is a horrendous experience and what a child has to go through is a horrendous experience. They do not understand what their parents are going through, they ask questions, they are made to be pawns by their parents -- "What did your father say?" "What did your mother say?" "What is going on?" They are being kidnapped, they are being put into terrible positions, they don't have answers how to deal with this problem at a time of crisis. A divorce is a crisis in anyone's life. If you are married two years, five years, ten years or whatever, it is a crisis and you have to deal with all of your emotions and usually they are angry emotions.

I don't think I know many people who go through a divorce where it is friendly. If it is, it is a rare occasion.

I would hope that you would listen to the people who are speaking from the Judiciary Committee and others who have spoken, that this is a very important step in order to help.

As I said the other day, we do not have a family court, mediation is fine, but we don't have the proper court system in the State of Maine. I don't see that coming down the pike. This is a simple step. You may call it a mandate, you may call it a fee, but it is something that needs to be addressed now.

As you heard Representative Anthony say, this is a phenomenon but a phenomenon of the kids, those are the ones that are walking around who are the walking wounded. We do not know because some of them have not grown up yet to see how they are going to react. I don't have a prepared speech, I am not giving you statistics and facts, I am giving you what real life is all about. This is real life, real facts, that it does hurt those children and they are the ones who are suffering. Let's give them some information to help so that will not happen. Let's be progressive, because we can't stop divorce. It is a disease we are not ever going to stop, unfortunately. Let's hope that you support this bill so we can get on with it.

Representative Martin of Eagle Lake requested a roll call vote.

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

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

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

Representative FARNSWORTH: Mr. Speaker, Men and Women of the House: I would just like to respond to the comments about this being a mandatory program. I have been trying to think of an analogy.

To my mind, this program was developed by people who work day in and day out with divorce by lawyers who represent people who are getting divorced, by psychologists who counsel people who are getting a divorce and by judges who see what is going on and also mediators. The analogy that comes to mind is, we require training for people who deal with toxic substances. There was a bill this year (I am not sure what the outcome was) to train volunteer firefighters who were going to be digging up

underground tanks. I think this is very much like that. People who work with divorce all the time and understand that divorce is an explosive subject, it engenders strong feelings as you can hear from the debate today, everybody has a feeling and an opinion about it and this is a matter of training. It is something that benefits society as a whole as a result.

The only thing that I would like to do is read the course content. The course that we are talking about covers children's needs as marital and family roles change, the effects of divorce on children and their reactions, danger signals for children at risk, talking with children about the divorce, making decisions about parenting arrangements which reflect children's needs, dealing with anger and conflict and how to keep children out of the middle, helping children to learn ways to keep themselves out of the middle, helping children to adjust to a new reality and differences between households and children's needs when new adults and children are in the picture.

I hope you will support this bill and vote against indefinite postponement.

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

Representative GEAN: Mr. Speaker, Men and Women of the House: Representative Farnsworth has outlined a program that I think would benefit any human being in society. How this is to be done at a moment of crisis in four hours escapes me. I think the analogy to the toxic waste issue though is appropriate when you consider how these people at the time of divorce must view the court and the attorneys who have collected their fees.

The SPEAKER: The pending question before the House is indefinite postponement of L.D. 301 and accompanying papers.

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 Kilkelly of Wiscasset. If she were present and voting, she would be voting yea; I would be voting nay.

The SPEAKER: The Chair recognizes the Representative from Bucksport, Representative Swazey.

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

The SPEAKER: The pending question before the House is indefinite postponement of L.D. 301 and accompanying papers. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 123

YEA - Anderson, Bowers, Carroll, J.; Cashman, Chonko, Clark, M.; Coles, Dutremble, L.; Erwin, Farren, Foss, Garland, Gean, Goodridge, Gould, R. A.; Gray, Greenlaw, Heeschen, Heino, Holt, Hussey, Joseph, Kerr, LaPointe, Lebowitz, Libby, Look, Lord, Luther, Mahany, Merrill, Nash, O'Dea, Parent, Pineau, Pines, Poulin, Pouliot, Rotondi, Ruhlin, Rydell, Saint Onge, Salisbury, Savage, Spear, Stevens, A.; Stevens, P.; Stevenson, Tamaro, Townsend, Treat, Tupper, Waterman, Wentworth.

NAY - Aikman, Aliberti, Anthony, Ault, Bailey, H.; Barth, Bell, Bennett, Boutilier, Cahill, M.;

Carleton, Carroll, D.; Cathcart, Clark, H.; Cote, Crowley, Daggett, DiPietro, Donnelly, Dore, Duffy, Duplessis, Farnsworth, Farnum, Graham, Gurney, Gwadosky, Handy, Hanley, Hastings, Hepburn, Hichborn, Hoglund, Jacques, Jalbert, Ketover, Ketterer, Kontos, Kutasi, Larrivee, Lawrence, Lemke, MacBride, Macomber, Manning, Marsh, Martin, H.; McHenry, McKeen, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Norton, Nutting, O'Gara, Oliver, Ott, Paradis, J.; Paradis, P.; Paul, Pendexter, Pfeiffer, Plourde, Powers, Rand, Reed, G.; Reed, W.; Richards, Richardson, Ricker, Sheltra, Simonds, Simpson, Skoglund, Small, Strout, Tardy, Tracy, Vigue, Whitcomb.

ABSENT - Adams, Bailey, R.; Butland, Hale, Hichens, Lipman, Marsano, Pendleton, The Speaker.

PAIRED - Constantine, Kilkelly, Mayo, Swazey. Yes, 54; No, 84; Absent, 9; Paired, 4; Excused, 0.

54 having voted in the affirmative and 84 in the negative with 9 being absent, the motion to indefinitely postpone did not prevail.

Subsequently, the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-407) as amended by House Amendment "A" (H-478) thereto in non-concurrence and sent up for concurrence.

SPECIAL SENTIMENT CALENDAR

Recognizing:

Robert Aceto, of Cape Elizabeth and a member of the University of Southern Maine "Huskies" Baseball Team, whose record-breaking pitching includes a six-hitter in the 1991 NCAA Division III College World Series, making the victory his 11th of the season and the 24th of his college career; (HLS 465) by Representative SIMONDS of Cape Elizabeth. (Cosponsor: Senator GILL of Cumberland)

Recognizing:

the University of Southern Maine "Huskies" Baseball Team, and in extending our congratulations on their victory in the NCAA Division III College World Series; (HLS 447) by Representative SIMONDS of Cape Elizabeth. (Cosponsors: Representative MANNING of Portland, Representative LARRIVEE of Gorham, Senator BRANNIGAN of Cumberland)

On motion of Representative Simonds of Cape Elizabeth, the House reconsidered its action whereby HLS 465 and HLS 447 received passage.

Subsequently, were read and passed. Sent up for concurrence.

(At Ease)

The House was called to order by the Speaker.

(Off Record Remarks)

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

An Act to Modify the Ban on Plastic Rings and Other Plastic Holding Devices (EMERGENCY) (H.P. 591) (L.D. 842) (C. "A" H-205)
 TABLED - June 5, 1991 by Representative GWADOSKY of Fairfield.
 PENDING - Motion of same Representative to Reconsider whereby the Bill Failed of Passage to be Enacted.

Subsequently, the House reconsidered its action whereby L.D. 842 failed of passage to be enacted.

Representative Martin of Eagle Lake requested a roll call vote.

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

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

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: Two years ago, I believe the legislature acted responsibly when it outlawed six-pack yokes, the rings that choke our wildlife, effective July 1st this year, slightly less than a month from now. In my view, it was a responsible action of this legislature. These devices aren't particularly useful. In fact, the production of these devices harm the Maine economy because we produce the fiber that is used to manufacture the alternatives, it does benefit the Illinois Tool Works which happens to make these devices.

I hope you kill the bill before you, it would set up an experiment that would last for a few months. I don't think that there is any reason that Maine should be a testing ground for these products. There are 49 other states that don't have this law and the marketing tests can be done in any of those 49 states. Some of them are much bigger than Maine and you can get a far greater test because you could have more people use them. I don't think that the people of Maine want us to compromise this wise public policy. It is a very good law and, if you kill this today, I think it will go into effect and we can be very proud of the action long into the future that we took in 1989.

I know that there has been heavy lobbying on the bill but I hope you will stick to the position you held the other day and kill this bill today, once and for all.

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

Representative POWERS: Mr. Speaker, Men and Women of the House: I also rise today in support of the ban against these plastic rings. I have done so several times before and I will do it several times again, if necessary.

Today, I have a little story that I would like to relate to everyone here. Last weekend on Sunday, I was invited to the town of Carrabasset Valley, they

had decided to have a cleanup day on Route 27 that runs through Carrabasset Valley, a stretch of road that runs five or six miles at least. I was also quite inquisitive as to how this little venture was run.

At ten o'clock in the morning, I arrived there, there were already several people having pancakes of which I indulged myself also. Blueberry pancakes on Sunday morning is a very choice breakfast. However, 40 people or so showed up for the cleanup which I thought was a very good showing for a small community.

To get to the point I want to make, when we finally got out on the highway to actually pick up the debris, there was probably four to six people to each mile. We were furnished plastic bags, which I hate also. I have to tell you this because, during the course of the cleanup dragging these bags along, the bottoms tore out of them. People were putting the debris in one end of the bag and it was coming out the other and they had to retrack. This is not a funny thing if you have cleaned up any length of highway at all.

The point I really want to make to you is about these plastic holding devices. I have to commend the committee years ago for making this ban but I find it very, very hard to understand why they won't stand in support of their own ban. It was a good thing to do, I believe. These plastic rings do maim and kill animals, they are an eyesore along the highway and parking lots. I really think that it is time that we tell the beer companies and the bottling companies that we are sick and tired of being harassed with these things. They must see the writing on the wall, why then do they keep tormenting us with an extension of time? They are still toying with plastic and, in any sense of the word, it is still spelled p-l-a-s-t-i-c.

In the course of our cleanup in Carrabasset Valley, you probably could take these plastic rings that we picked up and put them end to end and they would actually cover the whole five miles of highway through the Carrabasset Valley.

A few weeks ago, I stressed to this body, I challenged in fact, people to help me pick up the plastic along the highway on 27 from here to my home and I said probably without a doubt it would fill three pickup trucks. Well, I've got to tell you today that I better change that story because, in the course of our cleanup, it probably lasted four hours or so, and there were five pickup trucks solid full of plastic bags of trash in a five or six mile length through Carrabasset Valley. Now, you stop and think about that. What on earth would we ever do with what we picked up if we went the whole 91 miles from here to my home? I just think that the landfill would be buried in this stuff.

To stress another aggravating thorn in my side is that 98 percent of this debris was plastic, petrified snot, that is what it looked like to me. We are never going to be rid of it if sometime we don't stand up to industry and say it is time that we found other sources of handling our bottles and cans. I believe that paper is the answer. I have tried repeatedly before the committee to stress how simply it can be done. It is going to put no one out of a job and actually I think in the end everyone is going to realize that, once and for all, to be rid of this plastic is the right thing to do.

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

Representative LORD: Mr. Speaker, my Learned Colleagues: I hesitate to get up but I think I have some new information I would like to pass on to the body. I have a letter here dated May 29th from William H. Forbes, Executive Director of the Maine Research and Productivity Center at the University of Maine, Presque Isle. It is about L.D. 842, the bill we are speaking on. I will read part of the letter, it says: "About a year ago, Professor Richard Hill of the University of Maine conducted an evaluation of the photodegradability of this new product. The test results have established that the new prototype does, indeed, degrade within a reasonable time in our Maine climate. The Maine Research and Productivity Center has been asked by the industry and manufacturer to conduct a thorough evaluation of this new prototype as well as progress made to date. The MRPC draws upon a staff of 150 full-time scientists and engineers and has now completed the first stage of this evaluation process. After meeting with the research and development staff of the manufacturers, it is our conclusion that the product meets all the criteria of the environmentally accepted product and is well on its way towards final development. The new product is degradable, the rings will and do break from the can when the can is removed. And last, but just as importantly, the new product is completely recyclable. The Maine Research and Productivity Center is committed to actively pursuing this new concept designed to ensure that the industry meets all obligations and promises within a period of time."

The second communication I would like to read is a release from Hannaford Brothers, Scarborough, Maine, dated April 26, 1991. "Hannaford Brothers Company has announced that effective Monday, April 29, 1991, all Maine Shop 'n Save Supermarkets will begin recycling high tron plastic carriers." According to Ted Brown, Environmental Affairs, Manager of Hannaford Brothers Company, "The six-pack carriers customarily used for carrying six-packs of soda, beer and other multiple-pack beverages will be returned by customers and placed in the plastic bag recycling bins located at all Shop 'n Save Supermarkets in the State of Maine."

I would also like to say, if that trash on Route 27 is as bad as that, how is it going to be any better if you put it in paper? Paper blows around just as much as plastic, maybe a little bit more. So, I have an idea if you want to go back to paper, instead of having seven bags, you might have 14 bags.

Remember, we came within three or four votes last time of getting 101. If we can't get 101, we will have to strip off the emergency and, if we strip off the emergency, there will be a period of time when our storekeepers in this state are going to be in a mess because they are either going to have to take all the things out of the rings or get another type of thing — I don't know what they are going to do but it is going to put the storekeepers in an awful mess.

I urge you, let's get 101 votes and get this thing on the road.

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

Representative NUTTING: Mr. Speaker, Ladies and Gentlemen of the House: The first time I ever entered this body a long time ago, as a rather nervous young farmer, was to lobby for the passage of our returnable bottle bill. At that time, I remember

the opponents arguing, the stores and distributors arguing, that thousands of people would be put out of work and the sky was going to fall in. Of course, neither has happened.

The reason I got up my courage that day and came over was because I was very tired, as most of my neighbors were very tired, of picking up cans scattered along our roadsides especially along our fields and pastures when I build fences in the Spring. Well, I just got done building a fence this Spring as I do every Spring and it is a fact, ladies and gentlemen, that a certain percentage of people (I don't agree with it, but they do anyway) throw either their plastic six-pack yokes or their paper wrappers around six-packs out the window along the side of the road.

I guess I have to disagree slightly with the previous speaker. I know if somebody throws a paper wrapper of a six-pack out on one of my pastures as, soon as it is stepped on a couple of times by a cow, (yes, the bigger the cow, the faster it disappears) that paper will disappear. I can tell you when they throw the plastic six-pack yokes out along the side of my pastures, I don't care how many times they are stepped on, they are there and they stay there and stay there.

I think these people have had two years to come up with an alternative. I think they could run this study in any other state that doesn't have this law already passed and the news that they have chosen the State of Maine, I would urge you to stick to your previous vote so that an alternative can be used, namely paper, and vote to go on and defeat this bill.

The SPEAKER: The Chair recognizes the Representative from Winthrop, Representative Norton.

Representative NORTON: Mr. Speaker, Ladies and Gentlemen of the House: I have voted three times against this modification. However, today I am going to abandon that because we are going to strip off the emergency clause and that 90 day window makes absolutely no sense to me. I cannot support a temporary ban on that that would occur in that way.

I fought long and hard — had we been able to muster the votes, I would have been willing to entertain it. With the majority margin as great as it is in this House and my feeling that that window makes no sense for the distributors, the consumers or those businesses that would be affected, I am going to change my vote around and allow and challenge the companies that are packaging in this manner that opportunity to come forth with a binding that will break in a material that is biodegradable in accordance with the deadline that is already in place.

I urge you to further consider if you have been voting as I have on this matter.

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

Representative MACBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will vote to allow this extension this year. I voted for the ban the last time we voted for this and I felt it was a proper vote then. However, I think now is the time to give business a chance. I realize they should have done it before but lots of times we don't do things until we have to. I think we should give them a chance to try to develop this plan.

Furthermore, if the experiment is going to be done in some states, why not have it done in the State of Maine where we can benefit from that money?

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

Representative RICHARDSON: Mr. Speaker, Men and Women of the House: I have not participated in the debate and I wasn't a part of the group that was involved when we decided this issue. It seemed like a reasonable policy for the State of Maine to adhere to and I was aware of the history of this legislation.

The two points that I want to make are this, when I have talked to business people about their regard for environmental laws and for those business people who recognize that we have to bring together the concern for wildlife and the concern for the environment in the State of Maine with some reasonable changes over a period of time, the answer and the perspective that I get all the time is the need for consistency and fairness. We have business people who prepared for over a period of two years to change and adapt to an evolution in our environmental policy and we are now pulling the rug out from under them if we do not maintain that policy. We have businesses from out-of-state, very strong marketing, distributing and manufacturing companies who brought pressure to bear on small businesses, small distributors, Mom and Pop stores in the State of Maine, for their national needs because they couldn't tolerate the notion that one state was going to deviate in packaging in this manner. I think that is inappropriate, I think we should respond to the business people who have accepted the policies of the State of Maine that this body has adopted and who are willing to meet it and willing to respond to it and not undercut them by a back and forth change and rechange perspective and allow those people in the industry who think they have a better approach to it that, if they can't tolerate one state that deals with it in this manner, that they can at least bring an experiment to bear in another state where they can show us that they can do something that will be a better way of working out this problem. I think we owe that to Maine businesses as we slowly evolve our environmental policies.

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

Representative DIPIETRO: Mr. Speaker, Ladies and Gentlemen of the House: I have a couple of questions I would like to ask.

My first question is, was there a deal cut two years ago with the industry that two years from that date that they would be doing away with the plastic? Was anyone aware that there was a deal cut?

I keep hearing people say, we have given them two years. I just want to find out, was there somebody who made a deal with them?

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

The Chair recognizes the Representative from Freeport, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, Men and Women of the House: In response to the question, a few years ago Representative Jacques and I worked together and put in the first bill and it was killed. We came back and put in a second bill and it was included in the Solid Waste Bill which was passed in 1989.

I know that some members of my committee will

disagree with me on this issue, and they have made quite a point of it, but I went to every work session on the Solid Waste Bill and there were several bans. As I honestly remember it, we told the aseptic package people that they could come up with a better idea but I do not remember ever saying to the six-pack yoke people that they could come out with a better idea. That was two years ago and that is my memory of the work session.

It was a divided issue, there was one person of the committee, Senator Erwin, who did not want to go along and we sat there one afternoon and basically, rather than implement the ban right away, Senator Erwin held out and he held out until the July 1, 1991 date. That is all the deals I made and I do not remember, despite the fact that it has been said out in the hall, I do not remember ever saying that we were going to give them an opportunity to come up with a better deal. We did for tetra-packs but we did not for six-pack yokes.

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

Representative HOGLUND: Mr. Speaker, Men and Women of the House: I am sorry, I did not want to get up and speak on this issue but I will tell you that I was there at every single meeting and it was Saturday's and Sunday's for a couple of months and evenings to the wee hours of the morning sometimes. I can tell you, however, I do remember making a promise. Jim, you were there and it was your intention or suggestion that there could be a better way of getting rid of it because you said it was photodegradable and I had known nothing about it until you brought that to my attention. We forced the industry, we forced Senator Erwin, Representative Gould, Representative Coles and several other legislators — forgive me if I cannot remember you, it is impossible to remember every word and every thing but there were legislators and we held it together with the promise that we would look into it and work together.

As you know, that solid waste package almost fell apart. Some of us agreed on some of the programs, some of us disagreed on some of the programs, but the point remains, we did not want it to fall apart and we said we would work with the issue and we would work with all the aseptic packaging, the soy milk, the plastic bags and the plastic rings, they got stuck in on all of that solid waste package. Unfortunately, that was the thing that we said at the eleventh hour when Senator Baldacci and Senator Bustin were breaking their you know what to kill that bill. We went in there and united together and 13 members of the Energy and Natural Resources Committee stood up that night and begged everybody's indulgence to please enact a solid waste package and we promised that we would come back, we would repeal, we would amend and we would try to work with the industries, with business and with the environment to come out with the best possible reasons to have a good environmental solid waste package and recycling and whatever.

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

Representative DIPIETRO: Mr. Speaker, Ladies and Gentlemen of the House: When I arose the first time, I did say I had two questions. I did get an answer to one. My other one is, I have put in a lot of these products in my store, I just want to know if

this does pass, what do I do with that product? Do I have the right to sell it, what do I do with it because it is all in plastic rings at this time? I just don't know what I am going to end up doing if this bill doesn't pass.

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

The Chair recognizes the Representative from Waterboro, Representative Lord.

Representative LORD: Mr. Speaker, Ladies and Gentlemen of the House: As I understand it, July 1 you will have to take the yokes off and sell them individually because I was told in the hall just a few minutes ago that the Department of Agriculture will be out there enforcing the ban. So, get ready to take some of those yokes off and be sure to put them in a plastic bag so they can be recycled.

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

Representative COLES: Mr. Speaker, Men and Women of the House: I will be very brief. I oppose Representative Mitchell's position on this bill but I do agree with him, that I don't believe and I did not agree to any promise to the industry. The only reason I mention this is because my name was mentioned a few minutes ago as saying there was such a promise. I think the point is that it is futile to debate what we promised or didn't promise two years ago. What we should be paying attention to is whether you believe we should keep the present law or change it? That is the only real issue.

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I had the very dubious honor of sponsoring this bill this year. I was happy to do so. I am the one Maine citizen, Representative Adams, that did testify in behalf of this particular piece of legislation. I reference that in jest. Nobody enjoys listening to Herb Adams speak more than I do.

I do want to give my reasons very briefly for supporting this bill. As has been said here this morning, when the original Solid Waste Bill was passed, clearly it was a compromise version in 1989. There was a major effort toward recycling and reduction of our waste stream. I would submit that passing this legislation accomplishes neither of those two goals because, as you have heard described here, six-pack yokes have never been an issue of solid waste but an issue of wildlife entanglement.

Yes, it is solid waste, it does take up room but the fact is, as the committee debated and talked about it two years ago, the cardboard packages take up much more room than plastic six-pack yokes will ever take up, so it was originally considered because of the problem of wildlife entanglement.

It did come in at the end of their deliberations, somewhat towards the end, they made a convincing case, the committee was somewhat split, and as I remember it, there were other things, there were some of us who wanted to put in plastic milk cartons at that time. There were some people, Representative Nutting and others, made a convincing case that we shouldn't put those in. Frankly, I wanted to put those in because I find those to be the biggest pain in the neck in my garbage every Thursday morning for two reasons, number one, it takes up a phenomenal

amount of room.

I spent a year trying to convince my private waste disposal person to finally recycle them, so for the first time this morning, I had 23 milk cartons tied together by a rope, placed out in front of my house next to my garbage at six o'clock in the morning and at 7:15, the time I was taking my kids out to go to school, I noticed that the 23 cartons were all taken apart from the rope, spread out on dotted areas all over the driveway and my son was using a skateboard going in and out of them. That is the reason I wanted to ban those things because they take up too much room, they absolutely take up too much room.

If you look at the examples on the beaches they talked about in the cleanup, yes, there were 442 plastic six-pack yokes, there were also thousands of plastic straws, thousands of plastic bottles, thousands of other types of things, styrofoam and other things that we don't ban.

The fact is that when the law was passed two years ago, (I don't mean to make light about this because people are sincere about this and people feel strongly) it was a compromise. There was some question, and as I understood the committee, they said that they realized they were going to have to reevaluate and revisit some of these areas in later years. These are later years. This is the later years.

In the ideal world, we would never make changes to our policies in state government but, as you know, look at the example of low-level radioactive waste this session, how many times did we try to readjust or change our procedural policy based on what we thought was appropriate a year ago or two years ago? We are always making adjustments based on the needs of society at that point in time. We hope that the State of Maine will be able to reach these somewhat lofty mandatory recycling goals that we have set for our individual towns and communities, but we realize we are going to need to continue to provide necessary incentives for the ability to create the markets if we are going to continue to do the recycling the way we want to do them.

I hope that we can work something out. I am not in love with plastic six-pack yokes but there is a gentleman out in Wisconsin, I believe, that has begun to put together a cardboard top carrier. Ironically he has a patent, a major corporation that I think Representative Adams has talked about has a patent as well. That is a legal issue they are talking about. I have all the correspondence as do several other members here. They are talking about working on an arrangement where they can work together at some point. I hope that that is the answer over the long haul because that would be a simple cardboard disposable top to gather these cans whether it is beer, soda or what it happens to be. It won't be available this summer and there is going to be a period of time when we are going to have to make a decision whether or not we want to help out an industry that may be in need of some help.

This bill, as you have heard, simply extends a one year exemption on the ban for plastic yokes. It is scheduled to go into effect on July 1st. If the legislature is not pleased with their development of a new connector, it automatically is repealed. This legislature is going to have to take positive action to keep this issue back before us. It absolutely puts the pressure on this industry. I view this as a

step towards providing both business and individuals with some incentives to produce some environmentally friendly products in terms of how they do their packaging. I think we are going to look and need to look at incentives like these because I think they are a necessary part of our overall attempts to develop a long-range policy for solid waste. I know that people feel strongly on both sides of this issue. For me, I think it is an opportunity to give this business a chance to, between now and next year, develop a packaging unit that works best. I hope, as Representative Adams has suggested in the past, that we can go to a cardboard top over the long haul, maybe that will be best. Maybe once they test that and the shelf life is good, that that is the direction we can go to. I do know that the existing alternative now (if there is one) is going to be the — well, there probably isn't one for a period of time.

I think this is good legislation. I think it is effective. I think it does the job for now. I think we will need to continue to monitor the track record of these corporations and I think it is right for our times. I would urge you to support it on enactment.

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

The Chair recognizes the Representative from Easton, Representative Mahany.

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

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 Representative Kilkelly of Wiscasset. 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 passage to be enacted, (a 2/3 vote necessary). Those in favor will be voting yes; those opposed will be voting no.

ROLL CALL NO. 124

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

NAY - Adams, Bennett, Carleton, Carroll, D.; Cathcart, Clark, M.; Crowley, Daggett, Farnsworth, Foss, Garland, Gean, Gray, Handy, Hanley, Hastings,

Heeschen, Hichens, Holt, Kontos, Larrivee, Lawrence, Lemke, Lipman, Luther, Manning, McKeen, Mitchell, E.; Mitchell, J.; Nutting, O'Gara, Oliver, Pfeiffer, Powers, Rand, Richardson, Rydell, Saint Onge, Simonds, Simpson, Skoglund, Stevens, P.; Tracy, Treat, Wentworth.

ABSENT - Bailey, R.; Butland, Hale, LaPointe, Pendleton.

PAIRED - Constantine, Kilkelly, Mahany, Mayo. Yes, 97; No, 45; Absent, 5; Paired, 4; Excused, 0.

97 having voted in the affirmative and 45 in the negative with 5 being absent and 4 having paired, the Bill failed of enactment.

Sent up for concurrence.

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

HOUSE DIVIDED REPORT - Majority (8) "Ought Not to Pass" - Minority (5) "Ought to Pass" as amended by Committee Amendment "A" (H-483) - Committee on Human Resources on Bill "An Act to Exempt Substance Abuse and Psychiatric Patients from the Prohibition against Smoking in Hospitals" (H.P. 333) (L.D. 463) TABLED - June 5, 1991 by Representative PARADIS of Frenchville.

PENDING - Motion of same Representative to reconsider whereby the Majority "Ought Not to Pass" Report was read and accepted.

On motion of Representative Manning of Portland, retabled pending the motion of Representative Paradis of Frenchville that the House reconsider its action whereby the Majority "Ought Not to Pass" Report was read and accepted and specially assigned for Monday, June 10, 1991.

The Chair laid before the House the following matter: (S.P. 683) (L.D. 1811) Bill "An Act to Annex the Town of Richmond to Lincoln County", Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-280) which was tabled earlier in the day and later today assigned pending adoption of Committee Amendment "A" (S-280).

Subsequently, Committee Amendment "A" (S-280) was adopted.

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

Representative Holt of Bath offered House Amendment "A" (H-549) and moved its adoption.

House Amendment "A" (H-549) was read by the Clerk.

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

Representative HOLT: Mr. Speaker, Ladies and Gentlemen of the House: I just want to explain the amendment. It clarifies the language using the customary language in this sort of situation when a town requests annexation to another county. The wording was very, very confusing and this amendment clarifies the obligations of the town of Richmond and the County of Sagadahoc and specifies that the county commissioners of Sagadahoc and the municipal officers of Richmond determine existing bonded indebtedness of

Richmond in a just and equitable fashion. This is acceptable to the town manager of Richmond, the commissioners of Sagadahoc County and our delegation.

Subsequently, House Amendment "A" (H-549) was adopted.

The bill was passed to be engrossed as amended by Committee Amendment "A" (S-280) and House Amendment "A" (H-549) thereto in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter: An Act to Revise the Membership of the Committee to Advise the Department of Human Services on AIDS (EMERGENCY) (H.P. 1242) (L.D. 1808) which was tabled earlier in the day and later today assigned pending passage to be enacted.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 129 voted in favor of the same and none against and accordingly, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

The Chair laid before the House the following matter: Bill "An Act to Reorganize the Management and Regulatory Functions of State Government Pertaining to Natural Resources" (EMERGENCY) (S.P. 730) (L.D. 1915) (in Senate, Referred to the Committee on State and Local Government) which was tabled earlier in the day and later today assigned pending the motion of Representative Mitchell of Freeport to refer to the Committee on Energy and Natural Resources in non-concurrence.

Representative Mitchell of Freeport withdrew his motion.

Subsequently, the Bill was referred to the Committee on State and Local Government in concurrence.

The Chair laid before the House the following matter: An Act to Clarify the Tax Status of Nonprofit Nursing and Boarding Homes (S.P. 433) (L.D. 1154) (C. "A" S-168) which was tabled earlier in the day and later today assigned pending passage to be enacted.

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

BILL RECALLED FROM LEGISLATIVE FILES

(Pursuant to Joint Order - House Paper 1327)

Bill "An Act Concerning Salary Provisions for Automotive Industry Personnel" (S.P. 491) (L.D. 1329)

On motion of Representative Ruhlin of Brewer, L.D. 1329 was recommitted to the Committee on Labor. Sent up for concurrence.

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

ORDERS

On motion of Representative MELENDY, the following Joint Order: (H.P. 1342)

Ordered, the Senate concurring, that the Joint Standing Committee on Housing and Economic Development report out a bill, "An Act to Authorize a General Fund Bond Issue in the Amount of \$25,000,000 to Provide for the Maine Street Investment Program," to the House.

Was read and passed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

SENATE PAPER

The following Joint Order: (S.P. 741)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Monday, June 10, 1991, at nine o'clock in the morning.

Came from the Senate, read and passed.

Was read and passed in concurrence.

(Off Record Remarks)

On motion of Representative Larravee of Gorham, Adjourned at 1:16 p.m. until Monday, June 10, 1991, at nine o'clock in the morning pursuant to Joint Order (S.P. 741).