

# 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  
59th Legislative Day  
Monday, June 10, 1991

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

Prayer by Reverend Vladimir Strejcek, Winthrop Friends - Quaker Church.

Pledge of Allegiance.

The Journal of Thursday, June 6, 1991, was read and approved.

SENATE PAPERS

Bill "An Act to Amend the Disability Laws Applicable to Members of the Maine Judicial Retirement System" (S.P. 742) (L.D. 1937)

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

(The Committee on Reference of Bills had suggested reference to the Committee on Judiciary.)

On motion of Representative Jalbert of Lisbon, was referred to the Committee on Aging Retirement and Veterans in non-concurrence and sent up for 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-297) on Bill "An Act to Facilitate Review of Applications Submitted to The Department of Environmental Protection" (S.P. 481) (L.D. 1283)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-297).

Report was read and accepted, the bill read once. Committee Amendment "A" (S-297) was read by the Clerk.

Representative Jacques of Waterville offered House Amendment "A" (H-595) to Committee Amendment "A" (S-297) and moved its adoption.

House Amendment "A" (H-595) to Committee Amendment "A" (S-297) was read by the Clerk and adopted.

Committee Amendment "A" (S-297) as amended by House Amendment "A" (H-595) thereto was adopted and the Bill assigned for second reading later in today's session.

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-296) on Bill "An Act to Clarify the Solid Waste Landfill Remediation and

Closure Program" (S.P. 639) (L.D. 1687)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-296) as amended by Senate Amendment "A" (S-309) thereto.

Report was read and accepted, the bill read once. Committee Amendment "A" (S-296) was read by the Clerk.

Senate Amendment "A" (S-309) to Committee Amendment "A" (S-296) was read by the Clerk and adopted.

Committee Amendment "A" (S-296) as amended by Senate Amendment "A" (S-309) thereto was adopted and the Bill assigned for second reading Tuesday, June 11, 1991.

Divided Report

Majority Report of the Committee on Education reporting "Ought Not to Pass" on Bill "An Act to Provide Educational Choice" (S.P. 431) (L.D. 1152)

Signed:

Senators: ESTES of York  
McCORMICK of Kennebec

Representatives: CROWLEY of Stockton Springs  
PFEIFFER of Brunswick  
O'GARA of Westbrook  
HANDY of Lewiston  
O'DEA of Orono  
NORTON of Winthrop  
CAHILL of Mattawamkeag  
OLIVER of Portland  
AULT of Wayne

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-304) on same Bill.

Signed:

Senator: BRAWN of Knox

Representative: BARTH of Bethel

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

Reports were read.

Representative Crowley of Stockton Springs moved that the House accept the Majority "Ought Not to Pass" Report.

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

Representative STEVENS: Mr. Speaker, Men and Women of the House: I hope you vote against the "Ought Not to Pass" Report and vote for the "Ought to Pass."

This amendment replaces the original bill which establishes a broad based school voucher program.

The amendment establishes a school open enrollment program to be administered by the Commissioner of Education.

This amendment establishes a pilot project to be set up by the Commissioner to test and evaluate the operation of public school choice programs. The Commissioner is to report findings and recommendations to the legislature by December 1, 1993. In a district school choice is one of many types of school choice programs.

This program has been tried in the past few years in a variety of forms in more than 20 states. This is a challenging time for our school systems with the budgets in so many of our towns and cities in trouble. This amendment could put us in a position of being able to receive a proportion of \$200 million now in process of being passed by Congress to encourage school choice programs.

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

Representative BARTH: Mr. Speaker, Ladies and Gentlemen of the House: I won't prolong this. I just want to urge your support to defeat the "Ought Not to Pass" so you can accept the Committee Amendment.

I hope you had a chance to read it, it has been on your desk since last week.

I just want to make a couple of points, choice will not empty schools that are not doing a good job educationally. Choice will only allow some students to attend other schools if there is room in those schools.

What it will do, it will allow a school who is doing an exceptional job educationally to appeal to the Commissioner to be designated as a choice school. This will then allow students, if they are accepted, from surrounding schools to attend that school and hence better their education.

I would urge your support for the Minority Report.

Mr. Speaker, I request a Division.

The SPEAKER: The Chair recognizes the Representative from Stockton Springs, Representative Crowley.

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: Today in Maine, we have many options in schools. We have proximity situations where students who live closer to one school than another, even though it may not be in their district, the superintendent can make arrangements to attend the other school even if it is in another state.

We also have uniqueness rules within our schools today where students if they are not getting (say) Latin or calculus in their particular school district, they can get permission from the superintendent to attend another school. So, we have these and many other choices or options today.

This choice and voucher system is simply, as I feel, gimmicks for affluent parents to be able to send their sons and daughters to better schools at local taxpayer expense. Choice is a scheme that would devastate the poorer local schools. This would allow taxpayers to pay tuition of the affluent students to attend schools in other districts.

I think it is a device that we are not ready for at this time.

The President of the Maine PTA said, "No member of Maine's Congressional Delegation support the President's Choice Proposal. We must continue to improve our schools to have equal quality education in every town in Maine. Choice is a gimmick to have our local property taxpayers finance tuition."

It is a step in the wrong direction. We have enough problems now in Maine without buying this pig

in the poke.

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

A vote of the House was taken.

74 having voted in the affirmative and 35 in the negative, the Majority "Ought Not to Pass" Report was accepted in concurrence.

**Divided Report**

Majority Report of the Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-288) on Bill "An Act to Amend the Laws Concerning Solicitation by Law Enforcement Officers" (S.P. 634) (L.D. 1682)

Signed:

Senators: MILLS of Oxford  
KANY of Kennebec  
SUMMERS of Cumberland

Representatives: LAWRENCE of Kittery  
JALBERT of Lisbon  
PLOURDE of Biddeford  
RICHARDSON of Portland

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

Signed:

Representatives: DAGGETT of Augusta  
POULIN of Oakland  
STEVENS of Sabattus  
TUPPER of Orrington  
HICHENS of Eliot  
BOWERS of Sherman

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-288) and Senate Amendment "B" (S-317).

Reports were read.

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

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

Representative HANDY: Mr. Speaker, Members of the House: I hope you would oppose acceptance of the Majority Report today. The report before you places, I think, what is an undue restriction on the ability of law enforcement officers from the state to the municipal level to make solicitations on behalf of their communities and on behalf of many charitable organizations throughout the State of Maine.

I hope you oppose this report so that the law enforcement members in our communities can play a role directly in helping to alleviate the undue property tax burden that many of our communities face. For example, in our own City of Lewiston, the

Lewiston Police Department in the past has sponsored for the young people of our city what is known as a bike rodeo. It teaches youngsters in our city the proper rules of the road in operating a bicycle and, in doing that, they also have been able to have businesses in our area, the local Kiwanis Club, Lions Club and other organizations such as those make contributions so that they can organize and run the program.

Unfortunately, since the law allowing solicitation was changed, which prohibited them from that kind of activity, now these fine public servants are unable to make that kind of contribution to our young people as well as to our communities. They are unable to go to their local non-profit organizations such as Lions and Kiwanis or Exchange Club or Knights of Columbus and say, we would like to have a contribution so that we can buy materials to promote an anti-drug program and to promote programs such as that in our schools. They are unable to do that, to simply make their needs known.

I would hope you would oppose this report so that we can allow our law enforcement people to do the job in educating our community members and also do their job on the streets in a time of serious fiscal constraints.

The SPEAKER: The Chair recognizes the Representative from Township 27, Representative Bailey.

Representative BAILEY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to urge the House to support the Minority "Ought to Pass" Report and defeat the Majority "Ought to Pass" Report.

The Minority "Ought to Pass" Report only allows the law enforcement agencies to solicit for benefit purposes only and I would urge the House to go along with that Senate amendment.

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

Representative LAWRENCE: Mr. Speaker, Men and Women of the House: Just to clarify what is a confusing issue, the Majority Report seeks to reinstate a law that was the law in this state since 1977 prohibiting police officers from soliciting contributions from the general public or anyone soliciting contributions from the general public for the benefit of law enforcement officers.

We created several exceptions to this law over the years since 1977. The Federal Court has ruled that that makes the whole law unconstitutional. The Majority Report seeks to bring back that law to put restrictions on solicitations because it finds solicitation by police officers to be inherently coercive, not because those police officers coerce people into contributing, but because how it is perceived by the public. Similar to the law that restricts the gifts we can receive in this body, this bill would restrict what police officers can solicit for contributions. It does not restrict them from soliciting for charitable purposes or a charitable third-party.

It was amended in the other body to make it clear that the benefit coming back to the law enforcement agency has to be a tangible benefit.

I hope you will support the Majority "Ought to Pass" Report so that we can go on to put that amendment on this bill.

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

Representative JALBERT: Mr. Speaker, Ladies and

Gentlemen of the House: My good friend from Lewiston, Representative Handy, brought the whole issue up when he said that the law enforcement officials in every town and city should have the right to go to different organizations and solicit funds to obtain things that they need. That is the very purpose of the bill. If this is allowed for the law enforcement officials to go to the Kiwanis, Lions, Rotary or any group and say, the Town Meeting or the City Council won't give us a new cruiser, therefore would you please give us the money to buy a new cruiser? That is circumventing the due process of how the cities and towns are governed.

This bill, as the Representative from Kittery said, was in effect for many years. We made some exceptions, one exception from our own committee in this body, we allowed the law enforcement officials to solicit funds for the memorial to deceased law enforcement officers. I think that was a good cause but, as a result of that, another group of law enforcement officers went to court and the Federal Court declared that unconstitutional because we had made some exceptions.

There is a certain amount of coercion, not intended, but it does happen. If a law officer comes up and asks for funds, a person is in a position and cannot say no. I think it could protect many of the officers who don't want to do it. There should be some kind of a ban that they cannot come out and ask for funds.

The purpose of this is to alleviate that potential when someone is approached by law enforcement officials, either to buy tickets to the Policeman's Ball or give funds. There are many ways it can be made to run your bike-a-thon's or the parades or whatever it is without the officers approaching different businesses and different officials and ask outright for funds.

I hope that you support the Minority Report.

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

Representative DAGGETT: Mr. Speaker, Members of the House: Last Friday evening about seven o'clock, I was at home and the phone rang and I answered it. Someone said, I am calling for the police chiefs and once a year we solicit money for ... (whatever). Frankly, I thought it was someone calling to talk to me about this bill. So, it took me about half the conversation before I realized it was someone soliciting me for a donation for the police chiefs to continue the DARE Program.

I didn't find the phone call particularly offensive, in fact I am quite sure that it was an organization that had been hired by the chiefs to do professional fund raising, but it prompted me to think a little bit about why I am opposing the passage of this bill. I would just like to share with you some of my concerns and some of the reasons why I did not vote for passage.

I thought about the DARE Program and about the solicitation and what a wonderful job that program does in the school system and I thought that, even though the bill has been currently amended to not include anything that is an intangible benefit, I thought that perhaps if this fund raising paid for the training of DARE officers that that would be a tangible benefit. If anyone has training and then has the ability to do work because of that, I would term that a tangible benefit. It was something that I didn't want to see stopped because of this

legislation.

While we were listening to testimony for this bill, a representative from the Attorney General's Office spoke to us and indicated to us that they did not expect there to be any problems if the bill passed or if it didn't pass. They didn't expect any police officer's to be going out harassing people or coercing people into giving and that was not a situation that they expected.

The information that we have in the committee indicated that when the court ruled this law unconstitutional it said that, obviously, "the legislature would not have made several exceptions to this law if it considered solicitation inherently coercive under all circumstances." It was on that basis and the fact that the committee was really unable to come up with some sweeping generalizations as to the circumstances under which it really did feel it would be inherently coercive that I felt uncomfortable voting in favor of this. I didn't feel it would be inherently coercive, if in the past we had made these exceptions.

So, I urge you to vote against the Majority "Ought to Pass" Report. I don't think we will be opening up a real problem. The Attorney General's Office indicated that they didn't expect people to go out and coerce people and they didn't expect it to be a real issue. Although I wouldn't be surprised if there were some change in this or additions to this in the future, I really was very uncomfortable with a sweeping bill that prevented many of the things that law enforcement people have done in the past and I believe should be able to do in the future.

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

Representative PLOURDE: Mr. Speaker, Men and Women of the House: I urge you to support the pending motion. I feel the committee worked very hard to come up with a reasonable compromise with the other body as well. I think it is the right step.

I, again, urge you to support this.

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

Representative RICHARDSON: Mr. Speaker, Men and Women of the House: There is no law right now. What you have before you with the Majority "Ought to Pass" Report is a compromise version. It is a compromise between the banning of any solicitation by police officers on the one hand and a complete opening up of that on the other. The distinction is whether or not the police officers themselves benefit from that solicitation.

The previous speaker referred to a bike rodeo in Lewiston and right now it is legal. Under the passage of this bill, it will be legal as long as the bikes are not for the benefit of the police department (I believe it was Lewiston). That is what you have, a compromise version here.

I am a little bit uncomfortable with it because I do see the position, the awkwardness, not from a formally coercive police officer but the awkwardness for a small business person who has a police officer who walks in and makes a solicitation. That small business person knows the importance of the good will of that police officer if that small business person has a problem late at night and needs quick help. There is a quietly pressured environment there and some of us were a bit troubled by that.

The compromise version you have, which is coming back to replace the fact that there is no law because of the court decision a year ago, simply allows there to be solicitation as long as police themselves directly are not benefiting from that solicitation. It allows them to participate in a variety of community activities as they are now doing and as I think we feel appropriate that they do.

I would urge you to vote for this Majority "Ought to Pass" Report, keeping in mind that it is a compromise version and keeping in mind that there is a great deal of pressure now with cutbacks in the budget for solicitation and that we ought to maintain the professional integrity and the professional relationship of the police with people in the general public.

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

Representative STEVENS: Mr. Speaker, Men and Women of the House: I rise because I am a cosponsor of the bill at the request of the Attorney General. It just so happened that last week our family received a police solicitation in the mail from the Sheriff's Association. It was a good cause, apparently one that would be covered under the present amendment and they were soliciting for child protection programs. I know my local sheriff very well and I respect him a lot but what was troublesome to me was the P.S. at the bottom of the letter, which said, "If you give, we are going to send you a decal and you can put that decal on your car or your house." When I read that, I felt this pressure somehow to contribute. I think most of you would feel that. As we drive up and down in the car, we were talking about this bill last week and I noticed how many of you have this sticker on your car that says, "I support state troopers." It is fun to drive up and down to see how many are out there in our parking lot. We have that on our car probably for two reasons, number one, we support state troopers and number two, we think it is somehow to our advantage to have it on our car.

If your small towing company does a lot of business with the police, how do you feel about declining to buy an ad in their booklet? If you are a long distance commuter and you have sort of a heavy foot, how do you feel about not having "I support state troopers" on the back of your car or "I support my local sheriff?" It is hard to fix and hard to make it right.

I think the compromise that has been worked out is more than fair. For that reason, in spite of the good intentions of all our law enforcement officers, I think because it is inherently coercive, one's perception is what counts, it is not the intent of the policeman. It is how the citizens perceive the actions of our law enforcement agency that I urge the Majority "Ought to Pass" Report.

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

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. I don't particularly enjoy opposing my good friend, the Representative from Kittery and perhaps one of the most distinguished attorney's in this body. He well deserves that reputation.

This bill is not one that I can support. With due respect to the Representative from Bangor who is the cosponsor of the bill — I cosponsored a bill in February with Representative Handy of Lewiston in

what we saw as a very real compromise and it allowed police officers, not in uniform, with permission of their local governing body, a town council or city council to give permission to that particular organization, that particular municipal or county law enforcement agency, to raise funds with the specific approval of the town council. They would have to go through their chief of police, they would have to go through the mayor and city council or town council and it would be for a specific project. That bill did not receive the endorsement of the Legal Affairs Committee, sadly enough.

This morning we are faced with a rather puzzling dilemma, we have to accept a bill that I think is very restrictive, drafted by the Attorney General's Office. In drafting and presenting the bill to the committee, they found that it was so restrictive that they had to make an important distinction, an important omission to that bill and that was for the Special Olympics. As you know, police departments across the state raise dollars every year for the Special Olympics for our retarded citizens and that bill would have prohibited that practice. That is how restrictive it was. So, it says now, in essence, "for Special Olympics", there is a specific exemption. It says, "if it doesn't particularly profit them." Otherwise, they cannot raise any type of funds.

I think the better of the two versions would be the "Ought Not to Pass" Report so that we can see what is going to happen. I would defer with my Judiciary seatmate, Representative Stevens, in saying that that is not a horror story when someone says, if you are a donor to our particular program, we are going to send you a decal.

I was trying to think of other organizations and groups that send decals or bumper stickers if you give. My supporters are given bumper stickers, especially if they come to a fund raising event that I have. Some of you may do the same.

I belong to the Knights of Columbus. When I joined, they gave me a bumper sticker. Some of you are members of the Masons and you all see the shield they put on license plates or in the back window and I applaud that. But to say you are not going to get fined or you are not going to get stopped or your house is not going to get protected or when you have a domestic complaint, the police are not going to go because you are not on their list of donors, I think is somewhat an exaggeration of what we know police to be in the good State of Maine.

I am trying to think of projects that probably could use the type of free time that police officers have from time to time. I was thinking of the Canine Project in this state — perhaps the Representative from Orono could give more information about that. Usually cities and towns want but the State of Maine does not provide funds for police canines. Organizations are usually more than willing (if they know of the need) to help raise dollars because it usually costs to the tune of \$2,000 to buy the dog and another \$1,000 to train that particular dog. We know how effective these canines are in helping find elderly people who have wandered away from nursing homes or small children who have wandered away from day care centers. In the last year, that has happened three times here in Kennebec County.

Project DARE was mentioned by the Representative from Augusta, that is another project that is not being really funded but could stand assistance.

The list goes on. What I think this bill does is provide some sort of a cloud ahead of time to say that law enforcement organizations are coercive and that if we allow them to raise funds for projects that are worthy that they are going to abuse their discretion.

I would ask you to look into your own conscience and say, how often do we abuse our discretion and I don't believe that we do when we raise funds. I think we have one of the cleanest slates of candidates every two years that any state in the union would envy us for the types of candidates that we have. Then to say in the same breath, we here in this body don't trust law enforcement organizations, specifically if they have the permission of their town council or city council to go ahead and raise funds for a particular project, whether it includes weight training for the police officers or canine units to assist the police departments, I think is really overly broad and overly coercive.

I would hope that you would oppose the motion to accept the Majority "Ought to Pass" Report so that we can let this status quo continue for awhile longer.

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

Representative LAWRENCE: Mr. Speaker, Men and Women of the House: I just want to make one thing clear here today. If we do nothing, if we do not accept the Majority "Ought to Pass" Report and we accept the Minority "Ought Not to Pass" Report, there will be no restrictions whatsoever on solicitation in this state. That means that the namesake of our Speaker, John Martin, the Liquor Enforcement Officer can go out and solicit contributions from any liquor licensee in the state. A state police officer can stop anyone and ask them for a contribution.

My concern is not so much with the coercion, my concern is the public perception. What if during the labor strike in Jay police had been soliciting from either the labor unions or the paper company? How would the public have perceived that police department's impartiality during enforcement of the laws during that labor strike? What if in my district the malls that have gone into Kittery are solicited by the police and give contributions to the police department, are the general public and the rest of the town going to perceive that the malls get better police protection because they have contributed to the police department and the rest of the town doesn't? Not whether or not they do, but what is the public perception? Legislators, judges, police officers, we are all in the business of public perception. We rely on the public trust to function. If we allow solicitation to continue, it will undermine the public trust that the law enforcement officers operate on.

Many police officers have recognized this. In fact, many police officers came before our committee including the former President of the Maine Chief's of Police Association and testified that we should pass this bill.

I just want to point out, if the DARE program is structured properly under the Majority Report, it can still continue to function and contributions can still continue to be raised for the DARE program. I would appreciate your support the Majority Report.

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

Representative MARSANO: Mr. Speaker, Men and Women of the House: It is my understanding that the

proceedings which ruled this bill unconstitutional were brought under the provisions of a federal law which is 42USC 1983, an act which allows attorneys fees. In the recent past, it is my understanding that the Police Officers Association that won that case asked the legislature through the Attorney General to provide them the \$47,000 of attorney fees that they were entitled to under the federal law. That makes me question somewhat the inherent altruistic motives of these police officers. As the Representative from Kittery says, if they wanted to, they could have solicited their own fees to pay their own lawyers.

I think I am correct and I hope somebody will address that if I am wrong because I don't think that the House is tuned into the fact that this \$47,000 is or shortly will be paid as a charge against the state because the police officers had an absolute right to get us to pay it under the law. The Attorney General has asked us to and we are the people that are probably going to have to generate that \$47,000. If I am correct in listening to the debate, wouldn't it have been possible for them to have solicited from some people even their own members in order to pay their own attorney fees and saved the state the \$47,000? How altruistic are these people?

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

Representative ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: Representative Daggett mentioned the DARE program as one for which solicitations may be used. The DARE program is a very fine program that has a profound effect upon our youth. In Rumford, we have a police officer administrating this program. Wayne Gallant has done an outstanding job and has been recognized by the America Legion as the Officer of the Year.

I support the Minority "Ought Not to Pass" and will be voting against the pending motion.

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

Representative HANDY: Mr. Speaker, Members of the House: I was quite surprised to hear the Chair of the Legal Affairs Committee resort to scare tactics. Given that, I would like to pose a question to the good Representative. That question is, during the course of the one year or so period which law enforcement officers across this state raised funds in a very altruistic fashion to commemorate a law enforcement officer's memorial, how many complaints from the general public were received by the Attorney General's Office or any other law enforcement agency or any other agency of the State of Maine?

The SPEAKER: Representative Handy of Lewiston has posed a question through the Chair to Representative Lawrence of Kittery who may respond if he so desires.

The Chair recognizes that Representative.

Representative LAWRENCE: Mr. Speaker, Men and Women of the House: The simple answer is that there were several. Perhaps this underlines my point, most of all, as how these complaints were received. They were received in a confidential manner so that the individual doing the complaining did not want the public to know they were complaining. Specifically, there was one individual, a business person, who complained about a \$1,500 contribution they were solicited for. I have also been told that, since we have done nothing about this law and solicitation is in fact increasing in this state, numerous police

chiefs around the state are beginning to get complaints from the general public regarding solicitation. So, the complaints are on the increase.

The SPEAKER: The Chair recognizes the Representative from West Gardiner, Representative Marsh.

Representative MARSH: Mr. Speaker, Ladies and Gentlemen of the House: I hesitated to speak on this being a retired law enforcement officer but I had something happen to me last week that caused me some distress and I would like to pose a question through the Chair.

I had a phone call at our place of business. I returned the phone call and the gentleman told me that he was soliciting funds for a statewide police organization. I asked him how much he would like and when he told me how much he expected, I knew that our small business wouldn't be giving that. So I then asked him if he was a professional fund raiser and he didn't answer the question. I asked if he was a police officer and he said, "I am not." I said, "If I make this contribution, how much goes to you and how much goes to the organization?" He would not answer my question. So then I asked him, "What would you do with the funds?" He said, "One thing that the funds would be used for is, this society we live in many times the police officers are sued for alleged wrongdoings and these funds would be used as a defense fund for these allegations." I would like to pose a question — if, in fact, these funds could be used this way?

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

The Chair recognizes the Representative from Kittery, Representative Lawrence.

Representative LAWRENCE: Mr. Speaker, Men and Women of the House: The simple answer is yes. In fact, people who came before our committee testified that that is one of the things they would use the funds and go out and solicit the public for and they currently are now — it is to defend officers accused of criminal actions in the performance of their duty.

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

Representative JALBERT: Mr. Speaker, Men and Women of the House: I am glad this issue was brought up. What really turned me off in the committee hearing was when a representative of one of the largest law enforcement organizations in this state who represents them said, "we need funds for collective bargaining". I repeat, he said, "we need funds for collective bargaining". Now, that is something that is supposed to come out of their union. I don't think anybody has that right to go out and solicit funds for collective bargaining against the state.

One of the things that was brought out was the fact that people do collect money, different organizations going out and collecting money. There is one big exception between that law enforcement officer and anyone else soliciting funds. The law enforcement officer has the power of arrest and everybody knows this. Now, if you are driving along the highway and there's a bunch of cars going up and someone coming the other way will flick their lights twice, everybody knows what that is, there is an officer on the side of the road and you watch the cars slow down. The mere presence of the law enforcement officer is good in some instances. It is



also intimidating if they come into your place of business.

As the good gentleman from West Gardiner said, we will do it for our own sake.

The thing that concerns me is that they repeatedly in the committee hearings said it is for collective bargaining and for this and for that. If it is going to be strictly for charitable purposes, fine, but where will it stop?

We gave the authority to the law enforcement officials to build the law enforcement memorial. They were told up to a certain amount of money, within a certain amount of time. What I took issue with was the fact we are giving them an extension but they went beyond the amount that was promised that they would solicit and they took that extra money and used it for something else. If you are to say this is the limit, it should have been the limit,

The reason why the law was thrown out of court was that two different enforcement groups were fighting with each other. Apparently someone stepped on someone else's toes. That is why they went to court and one law enforcement group forced the whole thing to be thrown out.

I would hope you would support the Majority Report.

Representative Bailey of Township 27 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 Hampden, Representative Richards.

Representative RICHARDS: Mr. Speaker, Ladies and Gentlemen of the House: May I pose a question? In listening to the debate, I am still a bit confused in understanding what a proposed amendment would do dealing with the tangible benefits and what is different in the bill that was originally drafted? My question is, I know in Penobscot County we have DARE officers that are paid to be able to give the education to school children and there are also other activities, you have the PAL that is involved in a number of different sports activities that pays partially for that police officer's time, almost like a stipend, and that is to the direct benefit of the police organizations from the standpoint that, if those funds weren't available, then obviously they would have to raise those funds themselves or not have the program.

I guess I am at a loss in really understanding what tangible benefit means and how you would take and partial out the contribution to DARE program when in fact it does go toward support of that officer's wages.

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

The Chair recognizes the Representative from Kittery, Representative Lawrence.

Representative LAWRENCE: Mr. Speaker, Men and Women of the House: That is the gray area of this bill that the amendment seeks to clarify. The amendment simply says, if the benefit a monetary

benefit coming back to the police department, then it cannot be accepted.

The DARE program existed under the old law before it was ruled unconstitutional. It will continue to exist in the same manner and will not be affected. The intent of the bill is to get rid of the inherently coercive contribution, not the contributions for charitable purposes. If DARE is structured properly, it can still continue to function under this bill.

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

Representative RICHARDS: Mr. Speaker, Men and Women of the House: I am still a bit confused because it seems to me, if you are going to go out and solicit funds for the DARE program and give a decal, you still have that somewhat sinister fear of coercion that if you don't give to DARE, somehow you might not get off on a ticket or you might get a ticket. I don't know what the sinister fear is but it also seems to me that if you are soliciting funds that come directly to that agency, whether it be any law enforcement agency and then they take that money and put it out to that officer as part of the wages and for the cost of the program, then it does directly benefit tangibly that police department. An AG's opinion was asked what this amendment would do — it would say that you cannot solicit funds.

I guess my question again would be, as Representative Lawrence of Kittery has indicated, if it was structured properly that you could somehow circumvent this process and still go forward with the DARE program and other programs of like nature — if he could explain that I would appreciate it?

The SPEAKER: Representative Richards of Hampden has posed a question through the Chair to Representative Lawrence of Kittery who may respond if he so desires.

The Chair recognizes that Representative.

Representative LAWRENCE: Mr. Speaker, Men and Women of the House: As I understand the question, how the DARE program was structured in the question would not be allowed to continue. If the tangible benefit is coming directly back to the police department to pay salaries etcetera, that would not be allowed to continue. Any program like Project Graduation or that is run by a third party that the money is not coming back to the police department to pay salaries but is going to a third party beneficiary where the money is going to someone else to do some social good, if police officers want to solicit for that or anybody else wants to solicit for that, that is still allowed but if the money is used to supplement salaries, to buy new police cruisers, under the auspice of some programs, that would not be allowed.

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

Representative DAGGETT: Mr. Speaker, Members of the House: I think the bill has gotten a little bit convoluted and I would like to back up just a little bit.

After the law was declared unconstitutional, there was in fact no law at all. The Attorney General's Office then brought a bill in that completely banned solicitation by law enforcement officials assuming that the reasons behind the 1977 law was that the legislature felt that it was inherently coercive for law enforcement officials to be doing any kind of solicitation whatsoever.

However, there seemed to be this gray area that involved solicitations for charitable purposes. That is, if the police organizations or law enforcement organizations wish to solicit, for example, Special Olympics or a charity in their town, that was somehow okay. Soliciting for some cause that you like, that wasn't for yourself, was not inherently coercive. So, if I came to you and asked for you to donate to a cause that I supported, somehow that would not be inherently coercive. However, if I came to you and solicited for funds for my agency to send an officer to train in the DARE program or to train a police dog or something that was a tangible benefit to the law enforcement organization, that was inherently coercive.

My concerns are that, if you feel law enforcement officials solicitations are inherently coercive, then they are coercive whether you are soliciting for yourself or your agency, for your own cause, for any reason whatsoever. And, because I did not feel that way and I felt the bill simply did not spell out those kinds of reasons for it, I supported the "Ought Not to Pass" Report.

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

ROLL CALL NO. 125

YEA - Aliberti, Anthony, Bell, Boutilier, Carleton, Carroll, D.; Cashman, Cathcart, Chonko, Clark, H.; Coles, Constantine, Dore, Dutremble, L.; Farnsworth, Garland, Goodridge, Gray, Greenlaw, Gurney, Gwadosky, Hastings, Hepburn, Hoglund, Holt, Jalbert, Ketover, Ketterer, Kilkelly, LaPointe, Larrivee, Lawrence, Lemke, Lipman, Look, Lord, Luther, Macomber, Manning, Martin, H.; Mayo, McHenry, McKeen, Melendy, Mitchell, J.; Murphy, Nadeau, Nash, Norton, Oliver, Paul, Pfeiffer, Pineau, Pines, Plourde, Pouliot, Powers, Rand, Richardson, Ricker, Simonds, Simpson, Skoglund, Stevens, P.; Swazey, Tardy, Treat, Vigue, Waterman, Wentworth, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, H.; Barth, Bennett, Bowers, Cahill, M.; Carroll, J.; Clark, M.; Cote, Crowley, Daggett, DiPietro, Donnelly, Duplessis, Erwin, Farnum, Farren, Foss, Gean, Gould, R. A.; Handy, Hanley, Heino, Hichborn, Hichens, Hussey, Joseph, Kerr, Kontos, Kutasi, Lebowitz, Libby, MacBride, Mahany, Marsano, Marsh, Merrill, Michaud, Mitchell, E.; Morrison, Nutting, O'Dea, O'Gara, Paradis, J.; Paradis, P.; Parent, Pendexter, Pendleton, Poulin, Reed, G.; Reed, W.; Richards, Rotondi, Saint Onge, Salisbury, Savage, Sheltra, Spear, Stevens, A.; Stevenson, Strout, Tammaro, Townsend, Tracy, Tupper, Whitcomb.

ABSENT - Adams, Bailey, R.; Butland, Duffy, Graham, Hale, Heesch, Jacques, Ott, Ruhlin, Rydell, Small.

Yes, 71; No, 68; Absent, 12; Paired, 0; Excused, 0.

71 having voted in the affirmative and 68 in the negative with 12 being absent, the Majority "Ought to Pass" Report was accepted, the bill read once.

Committee Amendment "A" (S-288) was read by the Clerk and adopted.

Senate Amendment "B" (S-317) was read by the Clerk and adopted and the bill assigned for second reading later in today's session.

**Non-Concurrent Matter**

An Act to Amend the Law Concerning the Maine High-Risk Insurance Organization (H.P. 546) (L.D. 783) (H. "A" H-366 to C. "B" H-316) which was passed to be enacted in the House on June 4, 1991.

Came from the Senate passed to be engrossed as amended by Committee Amendment "B" (H-316) as amended by Senate Amendment "A" (S-310) thereto in non-concurrence.

On motion of Representative Gwadosky of Fairfield, tabled pending further consideration and later today assigned.

**Non-Concurrent Matter**

Bill "An Act Concerning Security Deposits" (H.P. 1332) (L.D. 1923) which was referred to the Committee on Legal Affairs 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.

On motion of Representative MacBride of Presque Isle, tabled pending further consideration and later today assigned.

**COMMUNICATIONS**

The following Communication: (S.P. 736)

115TH MAINE LEGISLATURE

June 5, 1991

Senator Stephen C. Estes  
Rep. Nathaniel J. Crowley, Sr.  
Chairpersons  
Joint Standing Committee on Education  
115th Legislature  
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated the following:

Pursuant to P.L. 1975, Chapter 771, Section 428, for appointments to the Maine Maritime Academy Board of Trustees:

Peter Bell of Northeast Harbor  
F. Timothy Vigue of Waterville  
Patricia Wiggins O'Meara of South Portland

Pursuant to Public Law 1991, Chapter 20, for appointment to the Student Member of the Vocational Technical Colleges System:

Dawn Miller of Wales

Pursuant to Title 10, MRSA Section 1016, for reappointment to the Higher Education Students Financial Assistance Board:

Benton A. Milster of Temple  
William H. Beardsley of Ellsworth

Pursuant to Title 20-A, MRSA Section 12705, for appointment to the Maine Technical College System Board of Trustees:

Rand N. Stowell of Weld  
Margaret C. Duncan of Presque Isle  
Jean E. Mattimore of Freeport

Pursuant to Title 20-A, MRSA Section 12705, for reappointment to the Maine Technical College System Board of Trustees:

Richard H. Campbell of Brewer  
Michael W. Aube of Bangor

Pursuant to Title 20A, MRSA Section 401, for appointment to the State Board of Education:

Wendell G. Eaton of Bangor

Pursuant to Title 26, MRSA Section 1022, for appointments to the University of Maine Board of Trustees:

Kevin P. Mahany of Bangor  
Penny Harris of Bangor

These nominations will require review by the Joint Standing Committee on Education and confirmation by the Senate.

Sincerely,

S/Charles P. Pray  
President of the Senate

S/John L. Martin  
Speaker of the House

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

Was read and referred to the Committee on Education in concurrence.

The following Communication: (S.P. 737)

115TH MAINE LEGISLATURE

June 5, 1991

Senator Georgette B. Berube  
Representative Ruth Joseph  
Chairpersons  
Joint Standing Committee on State & Local Government  
115th Legislature  
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has withdrawn his nomination of Howard Goldenfarb of Portland and Colin C. Hampton of Cape Elizabeth for reappointments to the Maine Court Facilities Authority.

Pursuant to Title 4, MRSA Section 1602, these nominations are currently pending before the Joint Standing Committee on State & Local Government.

Sincerely,

S/Charles P. Pray  
President of the Senate

S/John L. Martin  
Speaker of the House

Came from the Senate, Read and Referred to the Committee on State and Local Government.

Was read and referred to the Committee on State and Local Government in concurrence.

The following Communication: (S.P. 738)

115TH MAINE LEGISLATURE

June 5, 1991

Senator N. Paul Gauvreau  
Rep. Patrick E. Paradis  
Chairpersons  
Joint Standing Committee on Judiciary  
115th Legislature  
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has withdrawn his nomination of Rolanda L. Klapatch of Camden for appointment to the Maine Human Rights Commission.

Pursuant to Title 5, MRSA Section 4561, this nomination is currently pending before the Joint Standing Committee on Judiciary.

Sincerely,

S/Charles P. Pray  
President of the Senate

S/John L. Martin  
Speaker of the House

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

Was read and referred to the Committee on Judiciary in concurrence.

The following Communication: (S.P. 739)

115TH MAINE LEGISLATURE

June 5, 1991

Senator N. Paul Gauvreau  
Rep. Patrick E. Paradis  
Chairpersons  
Joint Standing Committee on Judiciary  
115th Legislature  
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Rolanda L. Klapatch of Camden for appointment to the Maine Human Rights Commission.

Pursuant to Title 5, MRSA Section 4561, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,

S/Charles P. Pray  
President of the Senate

S/John L. Martin  
Speaker of the House

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

Was read and referred to the Committee on Judiciary in concurrence.

The following Communication: (S.P. 740)

115TH MAINE LEGISLATURE

June 5, 1991

Senator Georgette B. Berube  
Representative Ruth Joseph  
Chairpersons  
Joint Standing Committee on State & Local Government  
115th Legislature  
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Colin C. Hampton of Cape Elizabeth and Howard Goldenfarb of Portland for reappointments to the Maine Court Facilities Authority.

Pursuant to Title 4, MRSA Section 1602, these nominations will require review by the Joint Standing Committee on State & Local Government and confirmation by the Senate.

Sincerely,

S/Charles P. Pray  
President of the Senate

S/John L. Martin  
Speaker of the House

Came from the Senate, Read and Referred to the Committee on State and Local Government.

Was read and referred to the Committee on State and Local Government in concurrence.

**PASSED TO BE ENGROSSED  
WITHOUT REFERENCE TO COMMITTEE**

Bill "An Act to Amend the Quorum Requirements for Special Town Meetings in Vassalboro" (H.P. 1341) (L.D. 1933) (Presented by Representative MITCHELL of Vassalboro) (Cosponsored by Senator BUSTIN of Kennebec) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

(The Committee on Reference of Bills has suggested the Committee on State and Local Government.)

Under suspension of the rules, without reference to a Committee, the Bill was read twice, passed to be engrossed and sent up for concurrence.

**Reported Pursuant to the Statutes**

Representative ROTONDI for the Joint Standing Committee on Fisheries and Wildlife, pursuant to the Maine Revised Statutes, Title 12, section 7035 ask leave to submit its findings and to report that the accompanying Bill "An Act to Appropriate Funds from the General Fund for Search and Rescue Activities" (H.P. 1343) (L.D. 1934) be referred to the Joint Standing Committee on Appropriations and Financial Affairs for public hearing and printed pursuant to Joint Rule 18.

Report was read and accepted, and the bill referred to the Committee on Appropriations and Financial Affairs, ordered printed and sent up for concurrence.

**ORDERS**

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

ORDERED, that Representative Peter Hastings of Fryeburg be excused May 29 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Rodney V. Bowers of Sherman be excused May 29 to June 5 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Peggy A. Pendleton of Scarborough be excused June 6 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Nason S. Graham of Houlton be excused June 10 for personal reasons.

Was read and passed.

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

**REPORTS OF COMMITTEES**

**Unanimous Leave to Withdraw**

Representative BOUTILIER from the Committee on **Transportation** on Bill "An Act to Strengthen the Inspection Laws for Buses other than School Buses" (H.P. 1303) (L.D. 1885) reporting "**Leave to Withdraw**"

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

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

Representative JOSEPH from the Committee on **State and Local Government** on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Penobscot County for the Year 1991 (EMERGENCY) (H.P. 1345) (L.D. 1938) reporting "**Ought to Pass**" - Pursuant to Joint Order (H.P. 101)

Report was read and accepted, the Resolve read once.

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

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

Representative JOSEPH from the Committee on **State and Local Government** on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1991 (EMERGENCY) (H.P. 1346) (L.D. 1939) reporting "**Ought to Pass**" - Pursuant to Joint Order (H.P. 101)

Report was read and accepted, the Resolve read once.

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

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

Representative JOSEPH from the Committee on **State and Local Government** on Resolve, for Laying of the County Taxes and Authorizing Expenditures of York County for the Year 1991 (EMERGENCY) (H.P. 1347) (L.D. 1940) reporting "**Ought to Pass**" - Pursuant to Joint Order (H.P. 101)

Report was read and accepted, the Resolve read once.

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

**Divided Report**

**Later Today Assigned**

Majority Report of the Committee on **State and Local Government** reporting "**Ought Not to Pass**" on RESOLUTION, Proposing to Require That Certain State Officers Be Appointed by the Governor (H.P. 855) (L.D. 1221)

Signed:

Senators: EMERSON of Penobscot  
BUSTIN of Kennebec  
BERUBE of Androscoggin

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

Minority Report of the same Committee reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-560) on same RESOLUTION.

Signed:

Representative: LOOK of Jonesboro

Reports were read.

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

**Divided Report**

Majority Report of the Committee on **State and Local Government** reporting "**Ought Not to Pass**" on Bill "An Act to Allow Supplemental Dependent Life Insurance for State Employees" (H.P. 777) (L.D. 1109)

Signed:

Senators: EMERSON of Penobscot  
BERUBE of Androscoggin  
BUSTIN of Kennebec

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

Minority Report of the same Committee reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-561) on same Bill.

Signed:

Representatives: LARRIVEE of Gorham  
HEESCHEN of Wilton

Reports were read.

On motion of Representative Joseph of Waterville, the Majority "Ought Not to Pass" Report was accepted and sent up for concurrence.

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**Divided Report**

**Later Today Assigned**

Majority Report of the Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-567) on Bill "An Act to Increase Fees for Licenses Issued by the Department of Marine Resources" (H.P. 1148) (L.D. 1673)

Signed:

Senators: VOSE of Washington  
ESTES of York  
GOULD of Waldo

Representatives: MITCHELL of Freeport  
LOOK of Jonesboro  
CONSTANTINE of Bar Harbor  
HOLT of Bath  
SWAZEY of Bucksport  
TOWNSEND of Eastport  
HEINO of Boothbay  
SKOGLUND of St. George  
COLES of Harpswell

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

Signed:

Representative: FARREN of Cherryfield

Reports were read.

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

Committee Amendment "A" (H-567) was read by the Clerk.

On motion of Representative Mitchell of Freeport, tabled pending acceptance of Committee Amendment "A" (H-567) and later today assigned.

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**Divided Report**

Majority Report of the Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-576) on Bill "An Act to Repeal the Laws Allowing the State to Participate in Lotto\*America" (H.P. 1304) (L.D. 1886)

Signed:

Senators: MILLS of Oxford  
SUMMERS of Cumberland  
KANY of Kennebec

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

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

Signed:

Representative: TUPPER of Orrington

Reports were read.

On motion of Representative Lawrence of Kittery the Majority "Ought to Pass" Report was accepted. On motion of Representative Lawrence, the Majority "Ought to Pass" Report was reconsidered its action whereby it accepted the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes Representative from Orrington, Representative Tupper. Representative TUPPER: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will oppose the Majority "Ought to Pass" Report. I would like you to remember that a year ago I reluctantly cosponsored this Lotto\*America and we reluctantly passed it.

I would just like to say that it is bringing \$2.1 million which is a revenue. I am sure that the bond raters, last week, did look at it when they gave us a AA plus rating so I would urge you to oppose this pending motion and let's go on and pass the Minority Report and give Lotto\*America a few months right now where we need the money.

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

A vote of the House was taken.

72 having voted in the affirmative and 31 in the negative, the Majority "Ought to Pass" Report was accepted, the bill read once.

Committee Amendment "A" (H-576) was read by the Clerk and adopted and the Bill assigned for second reading later in today's session.

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**CONSENT CALENDAR**

**First Day**

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

(S.P. 331) (L.D. 887) Bill "An Act to Strengthen Municipal Borrowing Alternatives" Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-299)

(S.P. 365) (L.D. 967) Bill "An Act Proposing a License Cap to Manage the Lobster Fishing Effort Through the Limited Issuance of Licenses" Committee on **Marine Resources** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-290)

(S.P. 505) (L.D. 1343) Bill "An Act Related to the Board of Licensure for Substance Abuse Counselors" Committee on **Business Legislation** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-294)

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. 691) (L.D. 1837) Resolve, to Allow the Department of Marine Resources to Convey Land Committee on **State and Local Government** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-291)

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

On further motion of the same Representative, tabled pending acceptance of the Committee Report and later today assigned.

(S.P. 698) (L.D. 1863) Bill "An Act to Improve the Returnable Beverage Container Laws" Committee on **Business Legislation** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-289)

(S.P. 694) (L.D. 1859) Bill "An Act to Amend the Composition of the Animal Welfare Board" Committee on **Agriculture** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-305)

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. 642) (L.D. 1690) Bill "An Act Concerning Amendments to the Laws Affecting Education Programs of the Finance Authority of Maine" Committee on **Education** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-308)

On motion of Representative Crowley of Stockton Springs, was removed from the Consent Calendar, First Day.

On further motion of the same Representative, tabled pending acceptance of the Committee Report and later today assigned.

(S.P. 653) (L.D. 1720) Bill "An Act to Create a Single Uniform Summons and Complaint That May Be Used by All Law Enforcement Agencies in the State" (EMERGENCY) Committee on **Judiciary** reporting "Ought to Pass" as amended by Committee Amendment

"A" (S-307)

(S.P. 675) (L.D. 1789) Resolve, to Extend the Reporting Deadline of the Commission on Maine Lakes (EMERGENCY) Committee on **Energy and Natural Resources** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-316)

(S.P. 673) (L.D. 1787) Resolve, to Extend the Schedule for Recodification of the Motor Vehicle Laws (EMERGENCY) Committee on **Transportation** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-233)

(H.P. 1313) (L.D. 1899) Bill "An Act to Increase the Minimum Amount of Insurance Coverage Required for Limousines to Conform with Federal Law" Committee on **Banking and Insurance** reporting "Ought to Pass"

(H.P. 1151) (L.D. 1676) Bill "An Act to Make Technical Adjustments to Various Licensing Board Laws and to Adjust Budgetary Constraints Affecting Various Boards" (EMERGENCY) Committee on **Business Legislation** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-583)

(H.P. 552) (L.D. 789) Bill "An Act to Improve Grading and Inspection of Maine Sardines" (EMERGENCY) Committee on **Marine Resources** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-584)

(H.P. 1205) (L.D. 1761) Bill "An Act to Limit Liability for Participants in Recycling Programs" (EMERGENCY) Committee on **Judiciary** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-585)

(H.P. 1201) (L.D. 1757) Resolve, Concerning Reauthorization of the \$16,000,000 Bond Issue for Construction of Correctional Facilities Committee on **Appropriations and Financial Affairs** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-589)

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

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act to Ensure Continuity in Liability for Ground Water Contamination (H.P. 1306) (L.D. 1888)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 107 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act to Allow for a Trailer Transit License (S.P. 303) (L.D. 812) (C. "A" S-213)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 113 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act to Broaden the Availability of Loans under the Finance Authority of Maine to Improve the Environment (S.P. 386) (L.D. 1063) (S. "A" S-260 to C. "A" S-218)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 110 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**PASSED TO BE ENACTED**

**Emergency Measure**

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

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 111 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**FINALLY PASSED**

**Emergency Measure**

Resolve, to Establish the Commission on Comprehensive Energy Planning (S.P. 292) (L.D. 774) (S. "A" S-220 to C. "A" S-205)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 112 voted in favor of the same and 8 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

**FINALLY PASSED**

**Emergency Measure**

Resolve, to Establish a Commission to Investigate Census Data Irregularities (H.P. 1310) (L.D. 1892) (H. "A" H-544)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 104 voted in favor of the same and 12 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

**FINALLY PASSED**

**Emergency Measure**

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Oxford County for the Year 1991 (H.P. 1328) (L.D. 1919)

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

**FINALLY PASSED**

**Emergency Measure**

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Hancock County for the Year 1991 (H.P. 1330) (L.D. 1921)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 120 voted in favor of the same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

**FINALLY PASSED**

**Emergency Measure**

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Washington County for the Year 1991 (H.P. 1331) (L.D. 1922)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 119 voted in favor of the same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.



**PASSED TO BE ENACTED**

An Act to Increase the Fees for Licensure and Registration of Physicians and Physician Assistants and to Extend the Registration Period of Osteopathic Physicians to 2 Years (S.P. 453) (L.D. 1229) (C. "A" S-214)

An Act to Make Revisions in the Marine Resource Laws (S.P. 510) (L.D. 1359) (S. "A" S-165 to C. "A" S-150 and H. "A" H-507)

An Act to Amend Certain Laws Administered by the Maine State Retirement System (S.P. 562) (L.D. 1466) (C. "A" S-196 and H. "A" H-533)

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

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

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

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

An Act to Relocate Maine Emergency Medical Services from the Department of Human Services to the Department of Public Safety Pursuant to the Maine Sunset Act (S.P. 709) (L.D. 1890) (H. "A" H-540)

An Act to Establish a Harbor Management Fund and Deal with Abandoned Watercraft (H.P. 441) (L.D. 624) (H. "A" H-372 and H. "B" H-505 to C. "A" H-330)

An Act to Require the Commissioner of Environmental Protection to Evaluate the Financial and Staff Resources Necessary to Assume Responsibility for Certain Provisions of the Federal Water Pollution Control Act (H.P. 473) (L.D. 667) (C. "A" H-432)

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

An Act to Allow the Department of Transportation to Facilitate Traffic and Highway Improvements (H.P. 688) (L.D. 987) (C. "A" H-280 and H. "A" H-506)

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

An Act to Provide for Changes to the Membership of the Electricians' Examining Board (H.P. 912) (L.D. 1309) (C. "A" H-313 and S. "A" S-258)

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

An Act to Require Minimum Training Standards for

Construction Flaggers (H.P. 1087) (L.D. 1587) (C. "A" H-424)

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

**ENACTOR**

**Later Today Assigned**

An Act to Prescribe the Duties and Liabilities of Ice-skating Rink Operators and Persons Who Use Ice-skating Rinks (H.P. 1217) (L.D. 1775) (H. "A" H-285 and H. "B" H-526)

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

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

**PASSED TO BE ENACTED**

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

An Act to Encourage Electric Utility Efficiency and Economical Electric Rates (S.P. 196) (L.D. 505) (C. "A" S-203)

An Act to Establish a Northern Maine Regional Juvenile Detention Facility (S.P. 329) (L.D. 885) (C. "A" S-201)

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

An Act to Amend and Clarify the Definition of Earnable Compensation in the Maine State Retirement System Laws (S.P. 443) (L.D. 1187) (S. "A" S-186)

An Act to Amend the Laws Regarding the Labeling of Seafood (S.P. 583) (L.D. 1536) (H. "A" H-487)

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

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

An Act Regarding Liability for Persons Responding to Oil Spills (H.P. 53) (L.D. 74) (C. "A" H-360)

An Act Regarding Subsidies to Public Schools for Home School Students (H.P. 579) (L.D. 830) (C. "A" H-356)

An Act to Allow the Use of Either Paper or Plastic Bags at Point of Retail Sale (H.P. 812) (L.D. 1166) (H. "A" H-488 to C. "A" H-204)

An Act Concerning Visitation Rights of

Grandparents of Minor Children in the Event of the Death of a Parent (H.P. 910) (L.D. 1307) (H. "A" H-502 to C. "A" H-289)

An Act to Revise the Law Protecting Farmers' Rights to Farm (H.P. 920) (L.D. 1317) (H. "A" H-503 to C. "A" H-270)

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

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**ENACTOR**

**Later Today Assigned**

An Act to Extend the Certificate of Need Program to All Major Medical Equipment (H.P. 1051) (L.D. 1524) (C. "A" H-349 and H. "A" H-431)

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

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

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**PASSED TO BE ENACTED**

An Act to Amend the Laws Relating to the Group Life Insurance Program for Members of the Maine State Retirement System (H.P. 1084) (L.D. 1578) (S. "A" S-223)

An Act to Clarify the Status of Employee Benefit Excess Insurance (H.P. 814) (L.D. 1168) (S. "A" S-285 to C. "A" H-355)

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

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**ENACTOR**

**Later Today Assigned**

Resolve, Providing a Waiver of Certain Statutory Time Limits and Providing that School Administrative District #61 is Liable for Bodily Injury to Colleen Nilsen (S.P. 349) (L.D. 951) (C. "A" S-200)

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

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

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**FINALLY PASSED**

Resolve, to Establish the Commission to Study the Safe Operation of Truck Tractors (H.P. 874) (L.D.

1260) (C. "A" H-426)

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

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**ORDERS OF THE DAY**

**UNFINISHED BUSINESS**

The following matters, in the consideration of which the House was engaged at the time of adjournment Thursday, June 6, 1991, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

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

Resolve, to Conduct an Independent Review of the Department of Human Services (S.P. 551) (L.D. 1455) (C. "A" S-240)  
 TABLED - June 6, 1991 (Till Later Today) by Representative GWADOSKY of Fairfield.  
 PENDING - Passage to be Engrossed.

Subsequently, was passed to be engrossed as amended by Committee Amendment (S-240) in concurrence.

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The Chair laid before the House the second 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 6, 1991 (Till Later Today) 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.

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The Chair laid before the House the third 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 6, 1991 (Till Later Today) by Representative JOSEPH of Waterville.  
 PENDING - Acceptance of Either Report.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Joseph.  
 Representative JOSEPH: Mr. Speaker, I move the Minority "Ought to Pass" Report as amended by Committee Amendment "B" (S-242).

Mr. Speaker, Ladies and Gentlemen of the House: I rise reluctantly today to offer Report B. I would much prefer to be voting on the bill that would divest retirement funds of U.S. corporations doing business in Northern Ireland. However, in an approach trying to reach a consensus and a unanimous report, we were given information by a lobbyist representing the government of Great Britain who said that this would mirror the New York City approach. However, in this process, we recognize that one of the most important paragraphs of Maine's statute would then be repealed.

To give you a little history on this piece of legislation, in 1987, the legislature passed a law to have the Treasurer of the State of Maine monitor the process U.S. corporations who have operations in Northern Ireland regarding their compliance with the MacBride Principles. The Nobel Peace laureate, Sean MacBride, developed those MacBride Principles which exist today in our statutes. Had we accepted the suggestion of those who felt that this would be the way to go, then that would have been struck out of the Maine statutes.

Now the MacBride Principles, nine of them, talk about "increasing the representation of individuals from underrepresented religious groups, adequate security for the protection of minority employees, both at the workplace and while traveling to and from work, banning a provocative religious and political emblem, publicly advertising and implementing special recruitment efforts for all job openings, layoffs, recalls, and terminations procedures that do not, in practice, favor particular religious groupings. The abolition of job reservations, apprenticeship restrictions and differential employment criteria" and it goes on into the current statute, "the development of training programs that will prepare substantial numbers of minority populations to work, the establishment of procedures to assess identity and actively recruit minority employees and to appoint a senior management staff person to oversee each company's affirmative action program." We feel that these are hardly radical principles, we feel that all American corporations doing business in Northern Ireland could easily comply with those.

The legislation submitted to the committee simply calls for divestiture of investments. However, in this attempt to reach a unanimous committee report, we felt, those of us who are supporting Committee Amendment "B", that we would simply ask those corporations and the Treasurer of the state, to report back to us who has jurisdiction on retirement funds in State and Local Government, as to the progress being made. We do not think these Principles are radical, we do not think they are unreasonable and, as I said before, I hope that you will vote for Report B. However, I would much prefer submitting to you today the original bill that asks the State of Maine to divest its retirement funds in corporations doing business in Northern Ireland who do not adhere to the MacBride Principles.

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

Representative KILKELLY: Mr. Speaker, Ladies and Gentlemen of the House: I was very pleased to have been asked to cosponsor this legislation. I have followed it carefully through the 115th Legislature as it passed in both the House and the other body and

then we were not able to override the veto. I was pleased to be able to cosponsor this legislation because I do feel that it is important. I feel that when an opportunity presents itself for the people of this state to make a statement in support of human rights and positive treatment of employees and positive treatment of all people, then we ought to make use of that situation.

As Representative Joseph has pointed out, we currently have in statute a monitoring process by which the retirement system and the State Treasurer are asked to monitor the corporations in which this state has invested retirement funds to determine if, in fact, they abide by the MacBride Principles or not. The part that is lacking is a report back that we understand what progress has been made but, more importantly, the part that is missing is divestment so we can not only say we are going to monitor, we are going to watch, but if you are not willing to accept as a corporation positive human rights approaches to treating people decently, treating people fairly, then we are not going to invest in that corporation.

Because the bill has been before this House before and because there was a very strong interest in passing it, there was an effort on the part of the committee to come up with a compromise. Now a compromise clearly is a time when both sides give up something in order to reach an agreement that the majority of people can live with. A compromise was presented to the committee. It was a compromise that was presented by the folks that were working for the British government, on behalf of the British government at a very high cost, I might add. When that amendment was presented, I was skeptical and I was concerned that, how is it that the folks that are here representing the British government are so willing, so very clearly willing, to provide us with a compromise in order to see this bill passed. It took a while, it took some research and I finally determined what it was. The Majority Amendment on this bill that was presented to us by the people working for the British government actually deletes from Maine statute any reference to the MacBride Principles and what it substitutes it in its place is a requirement that the Board of Trustees for the retirement system and the State Treasurer monitor all of the corporations that are doing business in Northern Ireland in which we have funds invested to assure that they are complying with the Fair Employment Act of 1989. That is British law. Of course, they are complying with the Fair Employment Act of 1989 and who are we in this country to say that we think we need to know if you are complying with the law or not. That is something that needs to happen there.

Depending on who you listen to that their Fair Employment Act of 1989 doesn't really do much, it is not really in the best interest of the British government for it to do much. The MacBride Principles go further so, of course, the people presenting this amendment to us were very clear that they wish to have it passed.

I feel that like I have had history lesson and the history lesson in this case is what it must have been like to serve in the legislature when the lobbyists wrote the bills and the lobbyists wrote the amendments and they told you one thing and suddenly you found out that something else was going on. It is an experience that I don't want to duplicate and

it is certainly going to keep me on my toes in the future. It is something that I am concerned that it could have actually passed and I don't think it is what the majority of the members in this House would want to see passed. I don't think it is really in the best interests of the people of Northern Ireland if that amendment were to pass. I think that it does give us an indication that we all need to be very careful about the information that is presented to us and we all need to really stay on our toes and do our homework and keep aware of what is going on and to really appreciate the situation that we have before us now in which we do have people that are able to assist us in going through much of the information presented to us in order to get a very fair and objective report of what is happening.

I would urge you to support Representative Joseph's motion and I would concur with her that I would much prefer to be here in support of the original bill but I do feel that the amendment at least is a step in the right direction.

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

Representative JOSEPH: Mr. Speaker, I request permission to withdraw my motion of accepting the Minority "Ought to Pass" Report as amended by Committee Amendment "B."

The SPEAKER: The Representative from Waterville, Representative Joseph, withdraws her motion to accept the Minority "Ought to Pass" Report as amended by Committee Amendment "B."

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

Representative CASHMAN: Mr. Speaker, I move that the House substitute the Bill for the Report.

Mr. Speaker, Men and Women of the House: The motion that I have just made is a little used motion in this body. I have been here nine years and I have never seen this done before. It is an unusual step. I have a great deal of respect for the committee process in this legislature and I seldom try to interfere with committees other than my own. In this case, I think we have seen a very unusual circumstance.

The State and Local Government Committee, at least many members of that committee, have been intentionally misled by lobbyists, something that I am more than a little outraged about. Lying is a strong word, I don't know if I would use that in this instance, but they were certainly misled, they were told half-truths and as we function as legislators, we receive a great deal of information from lobbyists. We do in the Taxation Committee just as all of you do in the committees that you serve on. I think we rely on that information to be accurate. In all of the years that I have been here, I can't honestly say that I have never been lied to by a lobbyist, but in this case, a committee report has come out and the majority of the committee, at least the two people who have spoken, have indicated that they would have preferred the bill but because of misinformation provided by lobbyists, Doyle and Nelson, they voted for a report that they didn't even like. As they found out the truth about the matter, they liked it even less. I hope the members of this body will remember that in dealing with this particular lobbying firm in the future.

As to the bill, for people who have been here for a couple of sessions, this bill is not a stranger, you have heard it before. The situation that was

debated on this floor two years ago has not changed. Unemployment amongst Catholics in Northern Ireland, in some Northern Ireland Catholic neighborhoods, is as high as 85 percent. That was the case two years ago and it still is the case.

Over the years I think people who even take just a passing interest in what goes on in Ireland know of the abuses that the Irish people have put up with in the hands of the British government, the same British government that we threw out of here 200 some odd years ago because they were doing the same thing to us. Those abuses have been narrowed down to only the Northern six counties of Ireland in recent history and some of those abuses have been reduced because of pressure, worldwide pressure on the British government to provide adequate housing or opportunity for housing, to provide Irish Catholics in Northern Ireland with a right to vote which they didn't even have until a short time ago, one man, one vote rule. That stuff all came about in Northern Ireland because of pressure brought upon the British government by the world community, the last vestige of abuse of Irish Catholic people as in hiring practices. The British government has done nothing to correct the situation. They passed the Fair Employment Act in 1989 and the Majority Report out of this committee says that we should see to it that American companies abide by that report. What bunk! They should be obeying the law anyway but the second thing is that law does nothing to correct the situation of discrimination against Catholics. It is an unwritten crime in Northern Ireland to be a Catholic when you are applying for a job and that is the fact.

The British government passed a Fair Employment Act in 1976, fifteen years ago, and at the time they passed it, a Catholic was twice as likely to be unemployed as a Protestant, two to one. Fifteen years after that Act, it is now two and a half to one. The situation has gotten worse.

The 1989 Act has been in effect for two years and there has been no change, no change in the figure that I just gave you. You are still two and a half times more likely to be unemployed in Northern Ireland if you are a Catholic. That law was meaningless, it was put into effect only to try to divert pressure from the rest of the world on the British government. The only thing that has proved effective in addressing this problem has been the MacBride Principles. They have been passed by 14 states and a number of other political entities in this country, including the cities of New York, Boston, Chicago and several county governments. They provide economic pressure on the British government to correct the situation that they choose to perpetuate.

I would hope that this House would vote for the pending motion and pass a divestiture bill and show that we here in Maine would not operate that way, we would not discriminate or allow discrimination against job applicants because of their religious preference and we don't want our state pension funds invested in companies that don't follow the same principles that we have here in this country. That is all it says. It is the same South Africa Sullivan Principles that this House endorsed a number of years ago. This House has endorsed this bill on two separate occasions. Last year, we even voted to override a veto. I hope that the House stands by their past action and approves the pending motion.

The SPEAKER: The Chair recognizes the

Representative from Waterboro, Representative Lord.

Representative LORD: Mr. Speaker, Ladies and Gentlemen of the House: This is the third time this situation has been brought before the Maine Legislature. It appears now that we have three reports. We have the Majority Report of 7, we have the Minority Report of 6 and now we got the bill all over again. It would seem to me that probably the best thing we could do under the circumstances is do exactly the same thing that was done in the other body and this thing should definitely be postponed.

Is that motion in order, sir?

The SPEAKER: The Chair would answer in the affirmative.

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

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

Representative CASHMAN: Mr. Speaker, Ladies and Gentlemen of the House: For all the reasons I cited in my previous speech, I would hope that this House would not vote for the pending motion.

I would hope that this House would not indefinitely postpone this bill.

This bill is needed. Believe me, it is needed, it is the only thing that is helping the situation over there. The more pressure that is brought to bear, the better the situation is going to be for the thousands of Irish Catholics who suffer from unemployment because of the fact that they are Catholics.

I would request the yeas and nays when the vote is taken.

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

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

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

Representative JOSEPH: Mr. Speaker, Men and Women of the House: I hope that you vote against the pending motion to indefinitely postpone this bill.

It gives me great comfort to see this bill again before us. This body has approved this legislation twice. This body has overridden a veto on this issue in the past session.

This is discrimination at its worst, it is discrimination because of a person's religion. If you are Catholic, you probably will not have employment in Northern Ireland and these simple economic sanctions that we are proposing here today by divesting funds, retirement funds, in U.S. corporations doing business in Northern Ireland have a very strong message. How do I know that it is a strong message? I know that there is a strong message because at least four persons traveled from Northern Ireland and Great Britain to speak to the State and Local Government Committee about this bill, to urge the committee not to support this bill. So the message is loud and clear that this type of economic sanction does work.

Catholic families who live in Northern Ireland wish to work. You have a generation of Catholic youth who are watching their elders discriminate

against each other, to be abusive against one another and yes, to even kill one another. I would hope by our example we can do a small part to send a strong message to those corporations doing business in Northern Ireland that we wish that they would adhere to the MacBride Principles that I read to you in earlier statements.

I urge you to vote against the pending motion and to support the bill to divest our retirement funds in Northern Ireland.

Also, if the truth be known, in our current statutes the references to the MacBride Principles, the only thing that is missing is divestiture. We have divested funds in South Africa and I believe the day has come when we need to do the same in Northern Ireland.

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

Representative LOOK: Mr. Speaker, Men and Women of the House: I rise only to relate to you the position of those in the majority vote of this committee. That is not before you, you have other motions before you, but if this Majority Report were accepted, it would require the corporations to provide written representation of their agreement to make all lawful efforts to implement fair employment in Northern Ireland through compliance with the Fair Employment Act of 1989. In the event that a corporation does not provide the required written representation of the Fair Employment practices, the State Treasurer and the Board of Trustees of the Maine State Retirement System would have the authority, when consistent with prudent standards for fiduciary practice, to initiate or support strong shareholder petitions, resolutions or initiatives requiring that corporation to adhere to fair employment practices including the Fair Employment Act of 1989. I offer that to you as knowledge to help you decide your vote.

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

Representative DONNELLY: Mr. Speaker, Men and Women of the House: I would urge you to defeat the motion before us right now to indefinitely postpone and to further go on and support Representative Cashman's motion to accept the bill.

The other day in this body we passed a piece of legislation or Resolve to let the government of South Africa know that we the people of the State of Maine do not approve of abuses of human rights on the basis of color, race, creed, or religion. All we are asking here today is a similar proposal to let the abusive government of Northern Ireland to know that we the people of the State of Maine will not accept prejudice of religion.

It is a horrible thing that is going on over there and has been going on after thousands of years. As was stated earlier, there is now left just six counties under British control.

I would urge you to vote against the pending motion and to further go along with Representative Cashman's motion to accept the bill.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: All this bill does is tell the American corporations who do business in Northern Ireland to abide by the same rules and regulations and laws that they must abide by when they are doing

business in this country. We are not telling them what to do, there is no way that we are mandating how they shall act to enforce the laws of Northern Ireland. That is a different country.

What we are saying is, if you are forced to act a certain way in this country fairly, then do it in Northern Ireland.

This was before my committee two years ago. It came before this body and was passed. It went to the Governor, was vetoed, and we overrode the veto. Unfortunately, that is as far as it went. All we are asking for under this bill is that if we are to invest any state funds, including retirement funds, in any corporation, you are going to do it under the terms which you have to do business in this country. You have no right to go to a foreign country and avail yourselves of the unfair practices which is condoned in that country. Two years ago, in the Committee on Aging, Retirement and Veterans we had people come in from the British Isles and they told us different stories of why there was so-called discrimination. When I asked one of those people from the British Isles, "Why is it that in Northern Ireland all the laborers were Irish Catholics and all the constabularies were Irish Protestants?" The answer came back, "That the Irish Catholics don't like to get involved in any fight." I never thought I would live long enough to hear anybody tell me that any good Irish boy would run away from a fight.

All I am asking today is that you support the motion of the good Representative from Old Town, Representative Cashman, that we say to the world that we live up to what we feel is fair play.

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

Representative KILKELLY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to apologize for some of the confusion that Representative Lord mentioned earlier. I do believe that it is very important that we vote against the current motion and that we then go on to accept the original bill which requires divestment.

I would like to share with you just a brief statement that I think is important to give you a sense of what some of the history is. This comes from the Investor Responsibility Research Center in Washington D.C., it is a statement on Northern Ireland. "Discrimination against Catholics has been part of the political scene since long before the partition of Ireland into Northern Ireland and what became the Republic of Ireland. A series of "penal laws" enacted around the beginning of the 1700's, which were in effect for about a century, prevented Catholics from holding public office, being in the military, practicing law, holding Mass in public, buying property or weapons, and educating their children. These laws also applied to Protestant "Dissenters" who came away from the established Anglican church.

In the years following the government of Ireland Act in 1920, Catholics were denied rights to housing, employment and voting. Catholics were run out of their homes and jobs by Protestant mobs, and the police not only failed to provide protection, but actually harassed the Catholic community. A not-so-hidden subtext to anti-Catholic discrimination and violence was the desire to drive enough Catholics out to prevent any threat that Catholics could become a majority in the province. As a group, Catholics

were suspected of disloyalty to the Northern Ireland government because so many of them were nationalists who objected to the partition of Ireland and considered the existing political arrangement illegitimate. IRA violence played an important role in fanning unionist fears. Unionists, who were the ruling majority in government and the greater proportion of the population, felt that the subversive and sometimes violent anti-state tendency they perceived in the Catholic population justified discrimination against all Catholics. During the Depression, the Ulster Protestant League, with the support of many political leaders, urged employers not to hire Catholics."

It is a problem, a problem that has gone on for many, many years. It is a problem that has gone on for centuries. It is a problem that we have an opportunity to make a statement about, a statement that says, if State of Maine is going to invest money in corporations that do business in Northern Ireland, then we expect those corporations to be fair and to treat people fairly regardless of their religion, regardless of whether they happen to be born Catholic or born Protestant. That is important and it is very important, as I said earlier, to vote against the pending motion to indefinitely postpone this bill and to go along with Representative Cashman's motion that we accept the bill.

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

Representative MAHANY: Mr. Speaker, Ladies and Gentlemen of the House: Discrimination has gone on far too long in Northern Ireland. It is, indeed, a grim remnant of the tragic history of modern Ireland. I repeat, discrimination has gone on long enough in Northern Ireland. We as Americans and as Maine citizens need to insist that the corporate arm of America abide by those high levels of human rights that we profess to believe in in this country. We must not condone either actively or passively discriminatory practices in hiring in Northern Ireland any longer. This is a clear decision of principle and not of what if we do this or what if we do that or we do the other thing — it is a clear decision of principle which is long overdue, long overdue. For that reason, I hope that you will follow the motion of Representative Cashman.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative Lord of Waterboro that this bill and all accompanying papers be indefinitely postponed. Those in favor vote yes; those opposed will vote no.

## ROLL CALL NO. 126

YEA - Aikman, Anderson, Ault, Bennett, Bowers, Carleton, Duplessis, Farren, Foss, Garland, Greenlaw, Hanley, Hastings, Hepburn, Hichens, Kutasi, Lebowitz, Libby, Lipman, Look, Lord, Marsano, Marsh, Merrill, Nash, Norton, Parent, Pendexter, Pines, Salisbury, Savage, Small, Stevens, A.; Stevenson, Tupper, Whitcomb.

NAY - Aliberti, Anthony, Bailey, H.; Barth, Bell, Boutilier, Cahill, M.; Carroll, D.; Carroll, J.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Donnelly, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Farnum, Gean, Goodridge, Gould, R. A.; Gray, Gurney, Gwadosky, Handy, Heino, Hichborn, Hogle, Holt, Hussey, Jacques, Jalbert, Joseph,

Kerr, Ketover, Ketterer, Kilkelly, Kontos, LaPointe, Larrivee, Lawrence, Lemke, Luther, MacBride, Macomber, Mahany, Manning, Martin, H.; Mayo, McHenry, McKeen, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Murphy, Nadeau, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Powers, Rand, Reed, G.; Reed, W.; Richards, Richardson, Ricker, Rotondi, Saint Onge, Sheltra, Simonds, Simpson, Spear, Stevens, P.; Strout, Swazey, Tamaro, Townsend, Tracy, Treat, Vigue, Waterman, Wentworth, The Speaker.

ABSENT - Adams, Bailey, R.; Butland, Graham, Hale, Heeschen, Morrison, Ott, Pendleton, Ruhlin, Rydell, Skoglund, Tardy.

Yes, 36; No, 102; Absent, 13; Paired, 0; Excused, 0.

36 having voted in the affirmative and 102 in the negative with 13 absent, the motion did not prevail.

Subsequently, on motion of Representative Cashman of Old Town, the bill was substituted for the report.

The Bill was read once and assigned for second reading later in today's session.

The Chair laid before the House the fourth 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 6, 1991 (Till Later Today) by Representative MAYO of Thomaston.

PENDING - Motion of Representative MANNING of Portland to accept the Minority "Ought to Pass" as amended Report.

Representative Manning of Portland requested a Division.

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

A vote of the House was taken.

44 having voted in the affirmative and 79 in the negative, the motion did not prevail.

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

The Chair laid before the House the fifth 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 6, 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 her motion that the House accept the Minority "Ought Not to Pass" Report and later today assigned.

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

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 6, 1991 (Till Later Today) by Representative MAYO of Thomaston.  
PENDING - Passage to be Enacted.

On motion of Representative St. Onge of Greene, under suspension of the rules, the House reconsidered its action whereby L.D. 1167 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-305) as amended by House Amendment "A" (H-375) thereto was adopted.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby House Amendment "A" (H-375) to Committee Amendment "A" (H-305) was adopted.

On motion of the same Representative, House Amendment "A" (H-375) to Committee Amendment "A" (H-305) was indefinitely postponed.

The same Representative offered House Amendment "D" (H-599) to Committee Amendment "A" (H-305) and moved its adoption.

House Amendment "D" (H-599) to Committee Amendment "A" (H-305) was read by the Clerk.

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

Representative JALBERT: Mr. Speaker and Members of the House: I wish to pose a question. I would ask the sponsor of this amendment to give an explanation as to the extent that this amendment is different from the original amendment which made it mandatory for the sheriffs to have rural patrol.

The SPEAKER: Representative Jalbert of Lisbon has posed a question through the Chair to Representative St. Onge of Greene who may respond if she so desires.

The Chair recognizes that Representative.

Representative ST. ONGE: Mr. Speaker, Members of the House: The amendment was a compromise. The wording is now changed to the extent that if the sheriff undertakes to patrol shall patrol those areas in the county that have no local law enforcement.

There was a question with regards to whether or not this was a mandate and whether or not sheriffs would have to hire additional deputies in order to patrol the rural areas. Because of the language to the extent the Sheriff undertakes to patrol, it now indicates that if the sheriff has no patrol, then it is his decision as to whether or not he needs to patrol the area or needs to hire more deputies and it goes through the process with county government.

The SPEAKER: The Chair recognizes the Representative from West Gardiner, Representative Marsh.

Representative MARSH: Mr. Speaker, Ladies and Gentlemen of the House: I have sat and listened to

this bounce back and forth for two weeks and I strongly suspect that it is aimed at some problem in Androscoggin County. The way it is written, we as a Legislature, are micromanaging the efforts of the sheriffs across the state. I personally am opposed to doing just that.

I would remind you all that the State of Maine is a very rural state. It is better than 100 miles from the county seat in Farmington to the Parmachenee Dam; it is better than 150 miles from the county seat in Skowhegan to Big Wood and, in order to get to Big Wood, there is no way to get there except going through the province of Quebec and coming back. I would remind you it is over 250 miles from Houlton to St. Pamphile and I also would remind you that you go to the other extreme and go to the county seat of Portland in Cumberland County and there are 365 islands in Casco Bay.

I feel this is fraught with danger and I would move indefinite postponement of this bill and all accompanying papers.

The SPEAKER: The Chair would advise the Representative from West Gardiner, Representative Marsh, the motion is out of order.

Subsequently House Amendment "D" (H-599) to Committee Amendment "A" (H-305) was adopted.

Committee Amendment "A" (H-305) as amended by House Amendment "D" (H-599) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-305) as amended by House Amendment "D" (H-599) thereto in non-concurrence and sent up for concurrence.

**TABLED AND TODAY ASSIGNED**

HOUSE DIVIDED REPORT - Majority (10) "Ought to Pass" as amended by Committee Amendment "A" (H-541) - Minority (3) "Ought Not to Pass" - Committee on Legal Affairs on Bill "An Act to Permit Off-track Betting" (H.P. 665) (L.D. 944)

TABLED - June 6, 1991 by Representative LAWRENCE of Kittery.

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

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

Committee Amendment "A" (H-541) was read by the Clerk.

Representative Aliberti of Lewiston offered House Amendment "A" (H-596) to Committee Amendment "A" (H-541) and moved its adoption.

House Amendment "A" (H-596) to Committee Amendment "A" (H-541) was read by the Clerk.

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

Representative ALIBERTI: Mr. Speaker, Men and Women of the House: You deserve an explanation of this amendment. We are attempting to resurrect an industry that needs help. I, for one, believe we should do that.

I had a great deal of apprehension about parts of this bill to allow the off-track betting under the existing conditions. This amendment attempts to give credibility to what was stated as far as the committee commitments and the commitment of this person that helped draft the bill. His statement was that this will be exactly the same as the existing

regulations as far as financing the industry and returning to the racing community their just due. That was not so. This amendment guarantees that all of the existing conditions that exist at this time and the percentages that go back to each segment of the racing community will be identical. It guarantees that. With that, I urge you to support the amendment and urge its passage.

The SPEAKER: The Chair recognizes the Representative from Yarmouth, Representative Foss.

Representative FOSS: Mr. Speaker, I request permission to pose two questions.

First, what percentage of the take-out (as I am informed is the correct term) would go to the General Fund and what is projected to come into the General Fund in the next two fiscal years?

The SPEAKER: Representative Foss of Yarmouth has posed two question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Lewiston, Representative Aliberti.

Representative ALIBERTI: Mr. Speaker, Men and Women of the House: In answer to the questions, the percentage is exactly the same as it is right now and it goes to the General Fund. The initial bill cut the amount of money going to the General Fund. This retains the exact same amount of money percentage wise that goes to the General Fund that goes under the existing racing conditions. I cannot give you the exact dollars because there have been legislative changes made. I think the gentlelady has a great responsibility on that committee that oversees the finances and would be better able to answer the total amount of money. But, the percentages are guaranteed to be the same as it is right now.

Subsequently, House Amendment "A" (H-596) to Committee Amendment "A" (H-541) was adopted.

Committee Amendment "A" (H-541) as amended by House Amendment "A" (H-596) thereto was adopted and the Bill assigned for second reading later in today's session.

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

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

TABLED - June 6, 1991 by Representative COLES of Harpswell.

PENDING - Acceptance of Committee Report.

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

Committee Amendment "A" (H-551) was read by the Clerk and adopted and the Bill assigned for Second Reading later in today's session.

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

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

TABLED - June 6, 1991 by Representative LIPMAN of



Augusta.  
PENDING - Passage to be Engrossed.

Subsequently, the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-545) and sent up for concurrence.

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

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 6, 1991 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 her motion that the House accept the Minority **"Ought Not to Pass"** Report and later today assigned.

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

An Act Concerning the Franklin County Budget (H.P. 15) (L.D. 18) (S. "A" S-212 to C. "A" H-225)  
TABLED - June 6, 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 sixth tabled and today assigned matter:

HOUSE DIVIDED REPORT - Majority (8) **"Ought Not to Pass"** - Minority (5) **"Ought to Pass"** as amended by Committee Amendment "A" (H-277) - Committee on **Legal Affairs** on Bill "An Act to Impose a Limit on Campaign Contributions" (H.P. 785) (L.D. 1117)  
TABLED - June 6, 1991 by Representative GWADOSKY of Fairfield.  
PENDING - Motion of Representative LAWRENCE of Kittery to accept the Majority **"Ought Not to Pass"** Report. (Roll Call Requested)

On motion of Representative Gwadosky of Fairfield, retabled pending the motion of Representative Lawrence of Kittery that the House accept the Majority **"Ought Not to Pass"** Report and later today assigned. (Roll call requested)

The Chair laid before the House the seventh 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 6, 1991 by Representative GRAHAM of Houlton.  
PENDING - Acceptance of Committee Report.

Subsequently, the Committee Report was accepted and the Bill read once.  
Committee Amendment "A" (H-481) was read by the Clerk.

Representative Lawrence of Kittery offered House Amendment "A" (H-601) to Committee Amendment "A" (H-481) and moved its adoption.

House Amendment "A" (H-601) to Committee Amendment "A" (H-481) was read by the Clerk and adopted.

Committee Amendment "A" (H-481) as amended by House Amendment "A" (H-601) thereto was adopted and the Bill assigned for second reading later in today's session.

The Chair laid before the House the eighth 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 6, 1991 by Representative MANNING of Portland.  
PENDING - Motion of Representative PARADIS of Frenchville to reconsider whereby the Majority **"Ought Not to Pass"** Report was read and accepted.

Subsequently, the House voted to reconsider its action whereby the Majority **"Ought Not to Pass"** Report was read and accepted.

The SPEAKER: The pending question before the House is acceptance of the Majority **"Ought Not to Pass"** Report.

Representative Clark of Brunswick 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 Old Town, Representative Duplessis.

Representative DUPLESSIS: Mr. Speaker, Men and Women of the House: I hope that you will vote against the motion and go on to accept the Minority Report.

I would like to begin by reading some of the testimony presented from the Maine Commission on Mental Health. "The Commission believes that current law, by only allowing smoking in hospitals with a physician's order, creates particular complications

for persons being treated for either substance abuse or a psychiatric disorder. One of the reasons for admitting these individuals to hospitals for such treatment is that they need to be removed from the stresses of daily life to allow for effective treatment. The commission believes that forcing these individuals to quit smoking for the duration of their stay could create a level of stress that could quite possibly be counterproductive in treatment terms."

As some of you have heard, this is not a problem in some hospitals, so then you say, why legislate? Well, it makes me wonder who you received your information from, most likely administrators. How many of you called a consumer of mental health or substance abuse services? How many of you called the workers who have direct responsibility for these consumers? I have learned over the weekend that many people in need of psychiatric care or substance abuse counseling refused to admit themselves when they are made aware of the hospital smoking restraints. Also, there are those who will sign themselves out before they complete the treatment.

I ask you, is this part of the quality health care system? I think not.

I have experienced patients changing their minds about staying on the unit where I work for various reasons and it is scary for me to let them go. But, as you know, these are voluntary units and it is their own decision. Many of you know the stigma society attaches to a person who has experienced a nervous breakdown or who has admitted to being an alcoholic. They are already extremely reluctant to receive much needed treatment, especially when that treatment is offered in the hospitals. What these people don't need is another reason to avoid hospitalization.

You must understand, it is very difficult for me as a health care provider to advocate for a behavior that I know leads to long-term illnesses but I am first and foremost a patient advocate and I believe requiring these people to quit smoking at an acute phase of their lives is unrealistic and counterproductive.

The SPEAKER: The pending question before the House is acceptance of the Majority "Ought Not to Pass" Report.

The Chair recognizes the Representative from Thomaston, Representative Mayo.

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

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

ROLL CALL NO. 127

YEA - Anderson, Ault, Boutillier, Cote, Daggett, Foss, Garland, Goodridge, Gurney, Handy, Hanley, Hastings, Hichborn, Ketover, Kutasi, LaPointe, Lawrence, Lemke, MacBride, Manning, Marsh, Melendy, Merrill, Mitchell, J.; Nadeau, Nash, Norton, O'Dea, O'Gara, Oliver, Parent, Paul, Pendexter, Pfeiffer, Pines, Pouliot, Powers, Salisbury, Savage, Simonds, Simpson, Strout, Tracy, Treat, Tupper, Wentworth.

NAY - Aikman, Aliberti, Anthony, Bailey, H.;

Barth, Bell, Bennett, Bowers, Cahill, M.; Carroll, D.; Carroll, J.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Crowley, DiPietro, Donnelly, Dore, Duffy, Duplessis, Dutremble, L.; Erwin, Farnsworth, Farnum, Farren, Gean, Gould, R. A.; Gray, Greenlaw, Gwadosky, Heino, Hepburn, Hichens, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketterer, Kilkelly, Kontos, Larrivee, Lebowitz, Libby, Lipman, Look, Lord, Luther, Macomber, Mahany, Marsano, Martin, H.; McHenry, McKeen, Michaud, Mitchell, E.; Morrison, Murphy, Nutting, Paradis, J.; Paradis, P.; Pendleton, Pineau, Plourde, Poulin, Rand, Reed, G.; Reed, W.; Richards, Richardson, Ricker, Rotondi, Saint Onge, Sheltra, Skoglund, Small, Spear, Stevens, A.; Stevens, P.; Stevenson, Swazey, Tamaro, Tardy, Townsend, Vigue, Waterman, Whitcomb, The Speaker.

ABSENT - Adams, Bailey, R.; Butland, Carleton, Graham, Heeschen, Ott, Ruhlin, Rydell.

PAIRED - Hale, Mayo.  
Yes, 46; No, 94; Absent, 9; Paired, 2; Excused, 0.

46 having voted in the affirmative and 94 in the negative with 9 absent and 2 having paired, the motion did not prevail.

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

Committee Amendment "A" (H-483) was read by the Clerk and adopted and the bill assigned for second reading later in today's session.

**BILL HELD**

Bill "An Act to Clarify the Maine Juvenile Code" (S.P. 588) (L.D. 1541) (C. "A" S-267) - In House, Passed to be Engrossed as amended by Committee Amendment "A" (S-267) in concurrence. HELD at the Request of Representative KILKELLY of Wiscasset.

On motion of Representative Kilkelly of Wiscasset, under suspension of the rules, the House reconsidered its action whereby L.D. 1541 was passed to be engrossed as amended by Committee Amendment "A" (S-267).

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (S-267) was adopted.

The same Representative offered House Amendment "A" (H-597) to Committee Amendment "A" (S-267) and moved its adoption.

House Amendment "A" (H-597) to Committee Amendment "A" was read by the Clerk and adopted.

Committee Amendment "A" (S-267) as amended by House Amendment "A" (H-597) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-267) as amended by House Amendment "A" (H-597) thereto in non-concurrence and sent up for concurrence.

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

**ORDERS**

On motion of Representative MITCHELL of Vassalboro, the following Joint Order: (H.P. 1348)

Ordered, the Senate concurring, that the Joint Standing Committee on Banking and Insurance report out a bill, "An Act to Allow the Risk Management Division to Provide Insurance Services to the Elementary and Secondary Schools in the State."

Was read and passed and sent up for concurrence.

**CONSENT CALENDAR**

**First Day**

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

(S.P. 451) (L.D. 1227) Bill "An Act to Amend the Schedule of Fees for Permits, Licenses and Certificates Issued by the Department of Public Safety" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-319)

Under suspension of the rules, Second Day Consent Calendar notification was given, the Senate Paper was passed to be engrossed as amended by Committee Amendment "A" (S-319) in concurrence.

The Chair laid before the House the following matter: An Act to Amend the Law Concerning the Maine High-Risk Insurance Organization (H.P. 546) (L.D. 783) (H. "A" H-366 to C. "B" H-316) which was passed to be enacted in the House on June 4, 1991 and came from the Senate passed to be engrossed as amended by Committee Amendment "B" (H-316) as amended by Senate Amendment "A" (S-310) thereto in non-concurrence which was tabled earlier in the day and later today assigned pending further consideration.

Subsequently, the House voted to recede and concur.

The Chair laid before the House the following matter: Bill "An Act Concerning Security Deposits" (H.P. 1332) (L.D. 1923) which was referred to the Committee on Legal Affairs in the House on June 5, 1991 and came from the Senate read twice under suspension of the rules without reference to a committee and passed to be engrossed in non-concurrence which was tabled earlier in the day and later today assigned further consideration.

Subsequently, the House voted to recede and concur.

The Chair laid before the House the following matter: Divided Report, Majority Report of the Committee on State and Local Government reporting "Ought Not to Pass" on RESOLUTION, Proposing to

Require That Certain State Officers Be Appointed by the Governor (H.P. 855) (L.D. 1221) and Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-560) on same RESOLUTION which was tabled earlier in the day and later today assigned pending acceptance of either report.

On motion of Representative Joseph of Waterville, the House accepted the Majority "Ought Not to Pass" Report. Sent up for concurrence.

The Chair laid before the House the following matter: An Act to Prescribe the Duties and Liabilities of Ice-skating Rink Operators and Persons Who Use Ice-skating Rinks (H.P. 1217) (L.D. 1775) (H. "A" H-285 and H. "B" H-526) which was tabled earlier in the day and later today assigned pending passage to be enacted.

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

(Off Record Remarks)

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

On motion of Representative Lord of Waterboro, Recessed at 12:07 p.m. until 1:30 p.m..

(After Recess)

The House was called to order by the Speaker.

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

**SENATE PAPERS**

**Unanimous Leave to Withdraw**

Report of the Committee on Energy and Natural Resources reporting "Leave to Withdraw" on Bill "An Act to Amend the Classification of the St. George River" (S.P. 712) (L.D. 1895)

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

**Divided Report**

Majority Report of the Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (S-313) on Bill "An Act to Amend the Maine Consumer Credit Code" (S.P. 708) (L.D. 1884)

Signed:

Senators: KANY of Kennebec  
THERIAULT of Aroostook  
BRAWN of Knox

Representatives: ERWIN of Rumford  
GARLAND of Bangor  
HASTINGS of Fryeburg  
CARLETON of Wells  
PINEAU of Jay

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

Signed:

Representatives: MITCHELL of Vassalboro  
JOSEPH of Waterville  
RAND of Portland  
TRACY of Rome  
KETOVER of Portland

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-313).

Reports were read.

Representative Mitchell of Vassalboro moved that the House accept the Minority "Ought Not to Pass" Report.

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

Representative GARLAND: Mr. Speaker, Ladies and Gentlemen of the House: This bill simply allows Maine banks to increase their annual credit card fee from \$12 to \$24. Maine's current \$12 fee is the lowest of all 50 states that set a cap. Also, Maine's restrictions on the interest rate charged and the grace period allowed by Maine law restrict the options of our Maine banks who must compete with out-of-state institutions who have no limit on fees, charges and interest rates.

Our restrictions are driving the credit card business out of our local banks and into the hands of out-of-state entities where we have very little control.

The credit card business is very competitive. I hope you will vote to allow our local banks the ability to maintain local control and not force them to sell their business to national providers. I hope you will vote against the Minority Report.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: If for one minute I thought passage of this bill would keep the credit card industry in Maine, I would be leading the charge to vote for it. What it really does is double the fee that you must pay to use a credit card issued by a

Maine institution.

If you think about that for a minute, you are really increasing interest rates. I ask you, how many of your credit cards have reduced the interest rates when the prime is what it is, most of them are still charging 18 and 19 percent.

Now, the bankers who came before our committee admitted that they would not stay in Maine because of just this single change, they would want a whole lot more than just this to make them want to stay here.

Then they said they really needed to increase the charges because many of you were doing what you were taught to do, to be fiscally prudent and you were paying your bills right on time, so they didn't get any interest at all because you paid up within 30 days so therefore, they needed this piece of legislation.

When I asked the major proponent, Key Bank, exactly how many dollars do you have outstanding balances on that you collect interest on? She did admit that because some people paid on time, the effective interest rate was only 12 percent. 12 percent on \$30 million, I thought was a handsome enough profit. So, it is for that reason I moved the "Ought Not to Pass" Report. I do think it is inappropriate to increase fees at this time for Maine Banks and their credit card holders.

Mr. Speaker, I ask for a Division.

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

Representative GARLAND: Mr. Speaker, Members of the House: Not all banks in the State of Maine are the size of Key Bank. We have some smaller banks and I received a letter from United Bank, which is a small Bangor bank. Let me read part of what they said, "We have a small but growing base of Visa card users within our service area. Over the past several months, we have been reviewing our monthly activity with the board of directors. Since our program has shown a net loss in each month since the programs inception in 1985, we are in the process of attempting to sell the program to a national credit card provider. Our goal is to break even on the Visa product or get rid of it. If we can break even, we will keep the program local rather than to continue to trying to sell it off to a national provider."

That is one of the reasons why I would hope you would vote against the pending motion.

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

Representative HASTINGS: Mr. Speaker, Men and Women of the House: This bill is merely one which does help Maine banks to some degree. I know there was a great furor in this House because they wanted to help Maine banks with the annuity bill. Well, this particular bill is in the business that banks perform, it is credit cards. Credit cards, however, have been controlled in Maine to a degree which is not seen in any other state. We limit the interest greater than most any other state and we certainly limit the fees more than any other state.

This one-time fee of \$12 has been in effect for several years. It is an annual fee that you pay just to have the card. The fact that somebody makes 12 percent on a particular line of credit which is unsecured, to me is not an exorbitant rate of interest. I don't think anybody here lets out money, if they do, at that rate of interest on an unsecured situation. So, to allow a \$12 increase on a one-time annual rate does not sound to me, although a great

jump, it is not out of line at all with what other cards are charging in other states. It is to help Maine banks in the business that they do in the State of Maine. I don't foresee that this is one that is going to cripple anybody who wants to have a credit card. Those who have credit cards readily pay \$12 or \$24 or substantially more than that and it is a choice situation. But, because we limit this and regulate it, we put this in place. I would suggest that this is a reasonable choice to allow the banks to raise their rates to \$24 if they choose and each of us can decide whether we want to pay it by keeping our credit card or not. We can always pay cash and avoid it. So, I urge you to consider this carefully.

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

Representative KETOVER: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry I am rushed here, I didn't realize this was going to be up so quickly.

This bill, as it stands, with the economy being so poor and people are struggling, it is your choice to have a credit card or not to have a credit card or it is your choice to use cash or not to use cash. What this does is double the cost. I don't think anybody wants to pay a 12 percent increase, I think it is \$24. My feeling is that that is a little steep. I cannot support it. I sit on the minority on this piece of legislation, "Ought Not to Pass."

Hopefully, you will all agree that this is not the time to put in this kind of legislation. I would hope you would support the Minority "Ought Not to Pass" Report.

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

A vote of the House was taken.

51 having voted in the affirmative and 43 in the negative, the Minority "Ought Not to Pass" Report was accepted in non-concurrence and sent up for concurrence.

COMMUNICATIONS

The following Communication: (S.P. 745)

STATE OF MAINE  
OFFICE OF THE GOVERNOR  
AUGUSTA, MAINE 04333

June 6, 1991

Honorable Charles P. Pray  
President of the Senate  
State House  
Augusta, Maine 04333

Dear President Pray:

This is to inform you that the nomination papers dated June 5, 1991 for the reappointments of Benton A. Milster of Temple and William H. Beardsley of Ellsworth to the Higher Education Students Financial Assistance Board are in error.

Pursuant to P.L. 1989, Chapter 698, this board is now called the Maine Education Assistance Board.

Sincerely,

S/John R. McKernan, Jr.  
GOVERNOR

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

Was Read and Referred to the Committee on Education in concurrence.

The following Communication: (S.P. 746)

115TH MAINE LEGISLATURE

June 7, 1991

Senator N. Paul Gauvreau  
Rep. Patrick E. Paradis  
Chairpersons  
Joint Standing Committee on Judiciary  
115th Legislature  
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated the following:

Pursuant to the Maine Constitution, Article V, Part 1, Section 8, G. Arthur Brennan of York for reappointment as Justice of the Maine Superior Court.

Pursuant to Title 4, MRSA Section 157, Ronald D. Russell of Bangor for appointment to the District III position of the Maine District Court and Edward Gaulin of Saco for reappointment as Judge at Large of the Maine District Court.

Pursuant to Title 4, MRSA Section 6, Sidney W. Wernick of Portland for reappointment as Active Retired Justice of the Maine Supreme Judicial Court.

These nominations will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,

S/Charles P. Pray  
President of the Senate

S/John L. Martin  
Speaker of the House

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

Was Read and Referred to the Committee on Judiciary in concurrence.

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

SENATE PAPERS

Non-Concurrent 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) which failed of passage to be enacted in the House on June 6, 1991.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-205) and Senate Amendment "A" (S-320) in non-concurrence.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: I move that the House adhere.

This is the plastic rings bill. It is back from the other body without its emergency. I guess we all know what that means but when you vote on the measure, I want you to think about who you are helping with this particular bill.

I don't think that keeping these plastic rings around for another year is going to help Maine's environment much. It probably won't help Maine's economy since they are all made in Illinois somewhere. We make the alternative product that people would probably convert to if the bill was passed, so I hope you will support the motion to adhere and kill this motion once and for all rather than receding and concurring with the other body which has stripped the emergency.

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

Representative LORD: Mr. Speaker, Members of the House: We have been over this, up and down, all around. I hope you will vote against this motion and recede and concur with the other body.

Representative Gwadosky of Fairfield moved that the House recede and concur.

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

Representative POWERS: Mr. Speaker, Members of the House: I suppose today it is inevitable that we have to face this plastic ring issue one more time. Certainly anyone with any conscience for the environment, for our fish and our wildlife, know that these rings are a terrible hazard in our waterways, our streams, and even in the ocean.

Industry has been battling this ever since early in the session. I feel that people have succumbed to the pressures of the industry crying their big tears of losing money and having to retool so that they can continue to do business in the State of Maine. I feel this is absolutely nonsense and certainly they don't have much to gain because we only have a very few short months for them to continue coming back with their stupid biodegradable plastic holders. They don't work, I don't see how it is possible that they can make anything biodegradable that is going to hold six cans of beer or six cans of soda together. It just doesn't work.

A short time ago, I picked one up in the hallway and took it to the committee room and my committee chairman and I managed to do a little tug of war with this plastic device that was supposed to break away and protect the animals from being entrapped in it and, without any exaggeration, we stretched that plastic device 36 inches or more. How in the world could any animal or any bird ever entangled in one of these things ever break away? It certainly would starve to death or freeze to death before it would ever biodegrade.

I urge every one in this body who has any sympathy or any feeling for the birds and the animals and for human beings in fact — it is a disgrace to see this stuff blowing around the landscape. It is a terrible thing, I hate it. There is no incentive for anyone to bring this back to the point of origin to recycle.

It is true that this plastic is recyclable but there is absolutely no incentive for people to do that. Therefore, they are ending up in our landfill, on the streets, every parking lot, every stream, every ditch along the road is virtually loaded with these plastic devices.

I urge you people, look at your conscience, today is the day that you can come forward and do something for your fellow Americans and for the birds and animals of our environment.

It is time that we told industry that you have to be a little more responsible and they have not shown me that they have done so.

Representative Jacques of Waterville requested a roll call vote.

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

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

The SPEAKER: The pending question before the House is the motion of Representative Gwadosky of Fairfield that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 128

YEA - Aikman, Aliberti, Anderson, Bailey, H.; Barth, Boutilier, Bowers, Cahill, M.; Carroll, J.; Cashman, Chonko, Clark, H.; Coles, Cote, DiPietro, Donnelly, Dore, Duffy, Dutremble, L.; Erwin, Farnum, Farren, Goodridge, Gould, R. A.; Greenlaw, Gwadosky, Hanley, Heino, Hichborn, Hoglund, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketover, Ketterer, LaPointe, Lebowitz, Libby, Look, Lord, MacBride, Macomber, Marsano, Marsh, Martin, H.; McHenry, Melendy, Michaud, Morrison, Nash, O'Dea, Paradis, J.; Paradis, P.; Paul, Pendexter, Pendleton, Pines, Plourde, Poulin, Pouliot, Reed, G.; Reed, W.; Richards, Ricker, Rotondi, Salisbury, Savage, Sheltra, Small, Spear, Stevens, A.; Stevenson, Strout, Swazey, Tammaro, Tardy, Townsend, Tupper, Vigue, Waterman, Whitcomb.

NAY - Anthony, Bell, Bennett, Carleton, Carroll, D.; Cathcart, Constantine, Crowley, Farnsworth, Foss, Garland, Gean, Gray, Gurney, Handy, Hastings, Hichens, Holt, Kontos, Kutasi, Larrivee, Lawrence, Lemke, Lipman, Luther, Manning, Mayo, Mitchell, E.; Mitchell, J.; Nadeau, Norton, Nutting, Pfeiffer, Powers, Rand, Richardson, Saint Onge, Simonds, Simpson, Skoglund, Stevens, P.; Tracy, Treat, Wentworth.

ABSENT - Adams, Ault, Bailey, R.; Butland, Clark, M.; Daggett, Duplessis, Graham, Hale, Heeschen, Hepburn, Kilkelly, Mahany, McKeen, Merrill, Murphy, O'Gara, Oliver, Ott, Parent, Pineau, Ruhlin, Rydell, The Speaker.

Yes, 83; No, 44; Absent, 24; Paired, 0; Excused, 0.

83 having voted in the affirmative and 44 in the negative with 24 absent, the motion to recede and concur did prevail.

**REPORTS OF COMMITTEES**

**Unanimous Ought Not to Pass**

Representative HICHBORN from the Committee on Appropriations and Financial Affairs on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 to Fund a Capital Grants Program to Municipalities and Solid Waste Regional Commissions and Associations to Invest in Recycling Equipment and Facilities" (H.P. 886) (L.D. 1277) reporting "Ought Not to Pass"

Representative CHONKO from the Committee on Appropriations and Financial Affairs on Bill "An Act to Limit the Bond Indebtedness of the State" (H.P. 1188) (L.D. 1741) reporting "Ought Not to Pass"

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

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

**REPORTS OF COMMITTEES**

**Divided Report**

**Later Today Assigned**

Majority Report of the Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-586) on Bill "An Act to Provide Good Cause Basis for Extending the Notice of Claim Period" (H.P. 943) (L.D. 1365)

Signed:

Representatives: STEVENS of Bangor  
COTE of Auburn  
FARNSWORTH of Hallowell  
CATHCART of Orono  
KETTERER of Madison  
OTT of York  
ANTHONY of South Portland

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-587) on same Bill.

Signed:

Senators: GAUVREAU of Androscoggin  
HOLLOWAY of Lincoln  
BERUBE of Androscoggin

Representatives: PARADIS of Augusta  
HANLEY of Paris  
RICHARDS of Hampden

Reports were read.

Representative Paradis of Augusta moved that the House accept the Minority "Ought to Pass" Report.

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

**Divided Report**

Majority Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-590) on Bill "An Act to Protect the Public from Unsafe Industrial and Commercial Facilities" (H.P. 258) (L.D. 349)

Signed:

Senators: ESTY of Cumberland  
CONLEY of Cumberland

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

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

Signed:

Senator: CARPENTER of York

Representatives: LIPMAN of Augusta  
AIKMAN of Poland  
HASTINGS of Fryeburg

Reports were read.

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

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

Representative AIKMAN: Mr. Speaker, Ladies and Gentlemen of the House: This bill, L.D. 349, "An Act to Protect the Public from Unsafe Industrial and Commercial Facilities" has been around before. The manufacturing facilities subject to the requirement of this bill are regulated by a wide range of existing federal and state laws, rules and regulations, including requirements of training for handling toxic chemicals, OSHA training, hazardous material contingency plans and material data safety sheets. This bill will delay the commencement or resumption of operations without regard to the significance of the risk and inappropriately permit involvement of technically unqualified persons in the inspection and decision making process. It will increase the time and cost associated with the manufacturing activities in Maine, time and money, a manufacturer would be required to incur even if the operation is in compliance with all applicable laws.

This is the case of state government unnecessarily overregulating Maine's industry and would clearly dampen the business in Maine.

I hope you will vote against the Majority Report.

Mr. Speaker, I request a roll call.

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

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

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

Representative MCHENRY: Mr. Speaker, Men and Women of the House: I just want to remind this House that all this bill does is to try to prevent death of a community, which almost happened in Jay. In Jay, Maine they had a spill and it almost caused the loss of lives of hundreds of children. This bill is to address that problem, that potential problem.

I assure you, had those children been exposed to the chemical spill, they wouldn't be here today and I assure you also that, even if it were costing the State of Maine \$10 million bucks, we would all be here approving it. Luckily, the winds were blowing in the right direction and these children were not affected. This is all this bill is trying to do, prevent any such accident from happening in the future. Prevention, that's all.

On motion of Representative Whitcomb of Waldo, tabled pending the motion of Representative McHenry of Madawaska that the House accept the Majority "Ought to Pass" Report and later today assigned. (a roll call having been ordered)

**Divided Report**

**Later Today Assigned**

Majority Report of the Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-591) on Bill "An Act to Amend the Schedule of Fees for Plan Review and Issuing of Permits and Approval through the Office of the State Fire Marshal" (H.P. 706) (L.D. 1011)

Signed:

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

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-592) on same Bill.

Signed:

Senators: BUSTIN of Kennebec  
BERUBE of Androscoggin  
EMERSON of Penobscot

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-591) 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-591) and sent up for concurrence.

**Divided Report**

Majority Report of the Committee on Labor reporting "Ought to Pass" as amended Committee Amendment "A" (H-593) on Bill "An Act to Increase Penalties for Child Labor Law Violations" (H.P. 635) (L.D. 905)

Signed:

Senators: ESTY of Cumberland  
CONLEY of Cumberland

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

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-594) on same Bill.

Signed:

Senator: CARPENTER of York  
Representatives: AIKMAN of Poland  
HASTINGS of Fryeburg

Reports were read.

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

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

The following items appearing on Supplement No. 3 were taken up out of order by unanimous consent:

**PASSED TO BE ENGROSSED**

**As Amended**

Bill "An Act to Facilitate Review of Applications Submitted to The Department of Environmental Protection" (S.P. 481) (L.D. 1283) (H. "A" H-595 to C. "A" S-297)



Was reported by the Committee on Bills in the Second Reading, read a second time, the Senate Paper was passed to be engrossed as amended in concurrence.

**SECOND READER**

**Later Today Assigned**

Bill "An Act to Amend the Laws Concerning Solicitation by Law Enforcement Officers" (S.P. 634) (L.D. 1682) (C. "A" S-288 and S. "B" S-317)

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

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

**PASSED TO BE ENGROSSED**

**As Amended**

Bill "An Act to Repeal the Laws Allowing the State to Participate in Lotto\*America" (H.P. 1304) (L.D. 1886) (C. "A" H-576)

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

The SPEAKER: The Chair recognizes the Representative from Yarmouth, Representative Foss.

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: In light of the fact that this bill would create over an \$8 million dollar hole in our next biennial proposed budget, I request a roll call.

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

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

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

Representative TUPPER: Mr. Speaker, Ladies and Gentlemen of the House: Remember, "a bird in the hand is worth two in the bush."

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

Representative LAWRENCE: Mr. Speaker, Ladies and Gentlemen of the House: It has been alleged that this bill would create an \$8 million dollar hole in the state budget. I would like to point out that Lotto\*America is really ghost money. All we have done is shift what lottery tickets that they are buying from one game to the other game. There has been no actual increase in the revenue of lottery since Lotto\*America has been introduced. By passing this bill, all we are going to do is shift the buyers back to Megabucks and the Instant Tickets and we are not going to lose \$8 million.

The SPEAKER: The Chair recognizes the

Representative from Yarmouth, Representative Foss.

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: You may talk about ghosts and movement in the night but the fiscal note on this bill demands a deappropriation in that line of over \$8 million and we cannot put that on the other line unless it is proven.

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

Representative LAWRENCE: Mr. Speaker, Men and Women of the House: The fiscal note is wrong. When Lotto\*America was first introduced it was put into the budget as producing \$7 million and it has only produced \$2.6 million of revenue for this state in the past nine months of operation. It will not produce \$7 million in revenue. While it has produced that \$2.6 million in revenue, we have lost a similar revenue in all the other games. So, the fiscal note is sham, period.

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

Representative FARNUM: Mr. Speaker, Men and Women of the House: All you are going to do with this bill is drive more business over to New Hampshire and Massachusetts.

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

Representative JACQUES: Mr. Speaker, Ladies and Gentlemen of the House: This idea was a hairbrained idea when we passed it. If you remember what I said was going to happen is exactly what is happening. You can call it a bird in a hand if you want to but there is another saying that "sooner or later, you are going to kill the goose that laid the golden egg" and that is what we did. We shouldn't have done it in the first place.

The reason we went along with this was to bail us out. Well, it didn't bail us out, we are still just swapping money around, it is another thing of smoke and mirrors and it is one of the reasons, just one of the small reasons, why we are in the mess we are today. We are not paying our bills on time and we are looking at golden eggs to try to pay the bills. It was a hairbrained idea when we passed it, it is still a hairbrained idea but at least now we have got a chance to right the situation and do what we should have done in the first place and just said no.

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

Representative KETOVER: Mr. Speaker, Ladies and Gentlemen of the House: The reason that I put this bill in and I sponsored this bill is that it came out of the Audit and Program Review Committee. We reviewed the Lottery Commission this year and the one thing that we found out was that what we are supposed to be doing is to find out where we do foolish things. Now this is a very foolish thing that we have done to the citizens of the State of Maine. Last year, I never voted for Lotto\*America and I think I was pretty outspoken about it but it went through anyway. So we have given it a chance and it is costing the state a lot of money.

Originally, the cost of start up was about \$500,000. To give you some of the statistics, we lost money in July, we lost money in October, February and March. We have raised approximately \$2.7 million. It has cost us about the same. It has been a wash.

What I would like to see us do, and I think I have said this before, is to increase Megabucks. Let's put in more games, let's do it better, let's keep our money in the State of Maine. Lotto\*America is going to be expanding from 13 to 16 states and your chances of winning are 1 in millions. We have had one winner in the State of Maine from Portland. Our chances of winning again are so rare and so what it has done is it just keep costing and costing us money.

What I hate more are those terrible TV commercials that we are spending money on, at this point it has cost us almost \$500,000 and all we are doing is cutting jobs, services and yet we can't see the handwriting on the wall with Lotto\*America.

I would hope that we would correct the wrong that we have done and let's get rid of Lotto\*America and put it in our state as New Hampshire has done. They are smart enough to keep their own money in their own state and let's do the same.

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

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

To anyone who can answer this question — what is the status of the present contract governing the operation of Lotto\*America and when does it expire?

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

The Chair recognizes the Representative from Kittery, Representative Lawrence.

Representative LAWRENCE: Mr. Speaker, Ladies and Gentlemen of the House: I apologize to the Representative from Sanford, I don't know the actual expiration date but it would require, I believe, the buy out of the contract. You realize if we don't buy out the contract, we are going to have to spend another \$500,000 on advertising so I believe the buy out costs are less than we would spend the next year in advertising costs.

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

ROLL CALL NO. 129

YEA - Aliberti, Anderson, Anthony, Bailey, H.; Barth, Bell, Bennett, Boutilier, Bowers, Cahill, M.; Carroll, D.; Carroll, J.; Cashman, Cathcart, Chonko, Clark, H.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Farren, Garland, Gean, Goodridge, Gould, R. A.; Gray, Gurney, Gwadosky, Handy, Heino, Hichborn, Hichens, Heglund, Holt, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketover, Ketterer, Kontos, Kutasi, LaPointe, Larrivee, Lawrence, Lemke, Libby, Lord, Luther, Mahany, Manning, Martin, H.; Mayo, McHenry, Melendy, Merrill, Michaud, Mitchell, E.; Morrison, Nadeau, Nash, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Plourde, Poulin, Pouliot, Powers, Rand, Richardson, Rotondi, Saint Onge, Salisbury, Savage, Sheltra, Simonds, Simpson, Skoglund, Spear, Stevens, A.; Stevens, P.; Stevenson, Strout, Swazey, Tamaro, Tardy, Townsend, Tracy, Treat, Vigue, Waterman, Wentworth, The Speaker.

NAY - Aikman, Ault, Carleton, Donnelly, Duplessis, Farnum, Foss, Greenlaw, Hanley, Hastings,

Lebowitz, Look, MacBride, Macomber, Marsano, Norton, Ott, Pendexter, Pendleton, Pines, Reed, G.; Reed, W.; Richards, Ricker, Small, Tupper, Whitcomb.

ABSENT - Adams, Bailey, R.; Butland, Clark, M.; Graham, Hale, Heesch, Hepburn, Kilkelly, Lipman, Marsh, McKeen, Mitchell, J.; Murphy, Parent, Pineau, Ruhlin, Rydell.

Yes, 106; No, 27; Absent, 18; Paired, 0; Excused, 0.

106 having voted in the affirmative and 27 in the negative with 18 being absent, the bill was passed to be engrossed as amended and sent up for concurrence.

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

ORDERS

On motion of Representative HASTINGS of Fryeburg, the following Joint Order: (H.P. 1350)

Ordered, the Senate concurring, that Bill, "An Act to Amend the Exemption of Certain Divisions from the Definition of Subdivision," H.P. 407, L.D. 590, and all its accompanying papers, be recalled from the Governor's desk to the House.

Was read and passed and sent up for concurrence.

REPORTS OF COMMITTEES

Divided Report

Later Today Assigned

Majority Report of the Committee on Aging, Retirement and Veterans reporting "Ought Not to Pass" on Bill "An Act Concerning Access to Maine Veterans' Homes and the Veterans' Memorial Cemetery" (H.P. 964) (L.D. 1391)

Signed:

Senator: WEBSTER of Franklin

Representatives: JALBERT of Lisbon  
LAPOINTE of Auburn  
STEVENSON of Unity  
DUTREMBLE of Biddeford  
MERRILL of Dover-Foxcroft  
HEINO of Boothbay  
AULT of Wayne

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-588) on same Bill.

Signed:

Senators: McCORMICK of Kennebec  
CLARK of Cumberland

Representatives: WENTWORTH of Arundel  
O'DEA of Orono  
HANDY of Lewiston

Reports were read.

On motion of Representative Jalbert of Lisbon, tabled pending acceptance of either report and later today assigned.

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**CONSENT CALENDAR**

**First Day**

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

(H.P. 820) (L.D. 1174) Bill "An Act to Make Allocations from Various Funds of the Department of Environmental Protection for the Fiscal Years Ending June 30, 1992 and June 30, 1993" (EMERGENCY) Committee on **Appropriations and Financial Affairs** reporting "Ought to Pass"

(H.P. 1269) (L.D. 1840) Bill "An Act to Amend the Boundaries Between the City of Saco and the Town of Old Orchard Beach" Committee on **State and Local Government** reporting "Ought to Pass"

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

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(H.P. 435) (L.D. 618) Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$50,000,000 for Land for Maine's Future" Committee on **Appropriations and Financial Affairs** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-600)

On motion of Representative Gwadosky of Fairfield, was removed from the Consent Calendar, First Day.

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

Committee Amendment "A" (H-600) was read by the Clerk and adopted and the bill assigned for second reading later in today's session.

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(H.P. 1211) (L.D. 1769) Bill "An Act to Encourage Business Investments" (EMERGENCY) Committee on **Housing and Economic Development** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-603)

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

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

Committee Amendment "A" (H-603) was read by the Clerk and adopted and the bill assigned for second reading later in today's session.

(H.P. 1270) (L.D. 1841) Bill "An Act to Amend the Charter of the Farmington Village Corporation" (EMERGENCY) Committee on **State and Local Government** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-605)

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

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The Chair laid before the House the following item: (S.P. 642) (L.D. 1690) Bill "An Act Concerning Amendments to the Laws Affecting Education Programs of the Finance Authority of Maine" Committee on **Education** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-308) which was tabled earlier in the day and later today assigned pending acceptance of the Committee Report.

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

Committee Amendment "A" (S-308) was read by the Clerk.

Representative Crowley of Stockton Springs offered House Amendment "A" (H-604) to Committee Amendment "A" (S-308) and moved its adoption.

House Amendment "A" (H-604) to Committee Amendment "A" (S-308) was read by the Clerk and adopted.

Committee Amendment "A" (S-308) as amended by House Amendment "A" (H-604) thereto was adopted.

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

The bill was passed to be engrossed as amended by Committee Amendment "A" (S-308) as amended by House Amendment "A" (H-604) thereto in non-concurrence and sent up for concurrence.

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The Chair laid before the House the following matter: An Act to Prescribe the Duties and Liabilities of Ice-skating Rink Operators and Persons Who Use Ice-skating Rinks (H.P. 1217) (L.D. 1775) (H. "A" H-285 and H. "B" H-526) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Tracy of Rome, the bill and all accompanying papers were recommitted to the Committee on **Business Legislation** and sent up for concurrence.

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The Chair laid before the House the following matter: Resolve, Providing a Waiver of Certain Statutory Time Limits and Providing that School Administrative District #61 is Liable for Bodily Injury to Colleen Nilsen (S.P. 349) (L.D. 951) (C. "A" S-200) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Lawrence of Kittery, under suspension of the rules, the House reconsidered its action whereby L.D. 951 was passed

to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (S-200) was adopted.

The same Representative offered House Amendment "A" (H-602) to Committee Amendment "A" (S-200) and moved its adoption.

House Amendment "A" (H-602) to Committee Amendment "A" (S-200) was read and adopted.

Committee Amendment "A" (S-200) as amended by House Amendment "A" (H-602) thereto was adopted.

The bill was passed to be engrossed as amended by Committee Amendment "A" (S-200) as amended by House Amendment "A" (H-602) thereto in non-concurrence and sent up for concurrence.

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(At Ease)  
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The House was called to order by the Speaker.

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The following items appearing on Supplement No. 7 were taken up out of order by unanimous consent:

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act to Revise the Small Claims Laws (S.P. 134) (L.D. 272) (C. "A" S-238)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 123 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

\_\_\_\_\_  
**ENACTOR**

**Emergency Measure**

**(FAILED OF ENACTMENT)**

An Act to Appropriate Funds for a Study of the Effectiveness of Education Reform in Maine (S.P. 154) (L.D. 366) (C. "A" S-286)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 74 voted in favor of the same and 45 against and accordingly the Bill failed of enactment. Sent up for concurrence.

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**PASSED TO BE ENACTED**

**Emergency Measure**

An Act to Amend the Laws Concerning Certification of Educational Personnel (S.P. 326) (L.D. 882) (C. "A" S-253)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 119 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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**PASSED TO BE ENACTED**

**Emergency Measure**

An Act to Continue the Dislocated Worker Benefit Program (S.P. 366) (L.D. 968) (C. "A" S-228)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 109 voted in favor of the same and 5 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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**PASSED TO BE ENACTED**

**Emergency Measure**

An Act Relating to the Education of Homeless Students (S.P. 466) (L.D. 1249) (C. "A" S-274)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 119 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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**PASSED TO BE ENACTED**

**Emergency Measure**

An Act Relating to Court Security Personnel (S.P. 554) (L.D. 1458) (C. "A" S-261)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 121 voted in favor of the same and 3 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

\_\_\_\_\_  
**PASSED TO BE ENACTED**

**Emergency Measure**

An Act to Amend the Northern Maine Regional Planning Commission and the Northern Regional Planning Commission Charter (S.P. 593) (L.D. 1565) (C. "A" S-270)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 118 voted in favor of the same and 5 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act to Provide Due Process To Participants in the Driver Education Evaluation Program (S.P. 614) (L.D. 1618) (C. "A" S-263)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 118 voted in favor of the same and 6 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act to Provide for the 1991 and 1992 Allocations of the State Ceiling on Private Activity Bonds (S.P. 632) (L.D. 1680) (C. "A" S-273)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 114 voted in favor of the same and 12 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act to Provide Better Regulation of the Practice of Architecture and Landscape Architecture (S.P. 662) (L.D. 1738) (S. "A" S-295 C. "A" S-282)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 113 voted in favor of the same and 3 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act Regarding Aquaculture (H.P. 55) (L.D. 76) (C. "A" H-373 and H. "A" H-547)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 123 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act to Improve Marine Oil Spill Prevention, Planning and Response (H.P. 56) (L.D. 77) (S. "A" S-266 to C. "A" H-339)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 114 voted in favor of the same and 4 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

ENACTOR

Emergency Measure

(FAILED OF ENACTMENT)

An Act to Increase Mobile Home Park License Fees (H.P. 392) (L.D. 566) (C. "A" H-556)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 76 voted in favor of the same and 49 against and accordingly the Bill failed of enactment. Sent up for concurrence.

PASSED TO BE ENACTED

Emergency Measure

An Act to Stabilize the Maine Dairy Industry (H.P. 598) (L.D. 849) (C. "A" H-555)

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

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act to Create a Semipermanent Semitrailer Registration (H.P. 765) (L.D. 1099) (S. "A" S-293 to C. "A" H-306)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 116 voted in favor of the same and 5 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act Concerning State Education Mandate Waivers (H.P. 908) (L.D. 1305) (H. "A" H-412 and S. "A" S-300 to C. "A" H-358)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 121 voted in favor of the same and 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act to Clarify Board Membership Qualifications and Make Necessary Fee Adjustments to Meet Board and Departmental Operating Expenses for the State Board of Licensure for Professional Foresters (H.P. 919) (L.D. 1316) (S. "A" S-221 to C. "A" H-312)

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

**ENACTOR**

**Emergency Measure**

**Later Today Assigned**

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

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

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

assigned.

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act to Promote Efficient Enforcement and to Correct Inconsistencies in the Manufactured Housing Laws (H.P. 1048) (L.D. 1521) (C. "A" H-473)

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

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act to Unify Housing Services (H.P. 1067) (L.D. 1556) (C. "A" H-568)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 109 voted in favor of the same and 2 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**PASSED TO BE ENACTED**

**Emergency Measure**

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

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 106 voted in favor of the same and 9 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act to Conform Chiropractic Licensing Laws to Other State Regulatory Board Laws (H.P. 1089) (L.D. 1589) (C. "A" H-484)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 116 voted in favor of the same and none

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

**ENACTOR**

**Emergency Measure**

**Later Today Assigned**

An Act Concerning Amendments to the Laws Affecting the Finance Authority of Maine and the Maine State Housing Authority (H.P. 1149) (L.D. 1674) (C. "A" H-569)

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

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

The following items appearing on Supplement No. 8 were taken up out of order by unanimous consent:

**PASSED TO BE ENACTED**

**Emergency Measure**

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

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 115 voted in favor of the same and 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**PASSED TO BE ENACTED**

**Emergency Measure**

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

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 115 voted in favor of the same and 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act to Amend the Laws Relating to the Collection of Debts by the Department of Human

Services (H.P. 1257) (L.D. 1825) (C. "A" H-513)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 124 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act to Extend Certain Income Tax Benefits to Individuals Participating in Operation Desert Shield or Operation Desert Storm (H.P. 1268) (L.D. 1839) (C. "A" H-471)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 107 voted in favor of the same and 2 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**PASSED TO BE ENACTED**

**Emergency Measure**

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

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 103 voted in favor of the same and 21 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**PASSED TO BE ENGROSSED**

**Emergency Measure**

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

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

On motion of Representative Clark of Millinocket, under suspension of the rules, the House reconsidered its action whereby L.D. 1900 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-530) was adopted.

The same Representative offered House Amendment "A" (H-606) to Committee Amendment "A" (H-530) and moved its adoption.

House Amendment "A" (H-606) to Committee

Amendment "A" (H-530) was read by the Clerk and adopted.

Committee Amendment "A" (H-530) as amended by House Amendment "A" (H-606) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-520) as amended by House Amendment "A" (H-606) thereto in non-concurrence and sent up for concurrence.

**PASSED TO BE ENACTED**

**Emergency Measure**

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

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 123 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**FINALLY PASSED**

**Emergency Measure**

Resolve, Relating to Medicaid Rules Governing Services to Persons with Mental Retardation (S.P. 538) (L.D. 1436) (C. "A" S-231)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 109 voted in favor of the same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

**FINALLY PASSED**

**Emergency Measure**

Resolve, to Develop Evidence Protocols and Standardized Kits for Cases of Alleged Gross Sexual Assault (H.P. 940) (L.D. 1362) (C. "A" H-565)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 117 voted in favor of the same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

**FINALLY PASSED**

**Emergency Measure**

Resolve, to Create a Commission to Study the Need for a Technical College in York County (H.P. 1105)

(L.D. 1604) (C. "A" H-528)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 102 voted in favor of the same and 24 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

**ENACTOR**

**Emergency Measure**

**(Failed of Final Passage)**

Resolve, to Establish the Commission to Study the Feasibility of a Capital Cultural Center (H.P. 1164) (L.D. 1705) (C. "A" H-453)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 73 voted in favor of the same and 50 against and accordingly the Resolve failed of final passage.

**FINALLY PASSED**

**Emergency Measure**

Resolve, to Postpone the Adoption and Implementation of the BOCA Plumbing Code by the State (H.P. 1228) (L.D. 1792) (C. "A" H-524)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 107 voted in favor of the same and 17 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

**ENACTOR**

**Emergency Measure**

**Later Today Assigned**

Resolve, to Establish the Commission to Study Secondary Vocational and Technical Education in Maine (H.P. 1243) (L.D. 1809) (C. "A" H-570)

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

Representative Gwadosky of Fairfield requested a roll call.

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



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

On motion of Representative Gwadosky of Fairfield, tabled pending final passage and later today assigned.

**ENACTOR**

**Emergency Measure**

**Later Today Assigned**

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

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

On motion of Representative Erwin of Rumford, tabled pending final passage and later today assigned.

**PASSED TO BE ENACTED**

**Emergency Measure**

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Sagadahoc County for the Year 1991 (H.P. 1336) (L.D. 1929)

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

**FINALLY PASSED**

**Emergency Measure**

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Knox County for the Year 1991 (H.P. 1337) (L.D. 1930)

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

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

Representative MELENDY: Mr. Speaker, Men and Women of the House: Although there is an increase in the amount being added to the Commissioners account that I do not agree with, I will be voting for the passage of this bill as I do not want to hold up our budget.

However, on the Record, I do wish to say that this is not an automatic okay for the salary of one of the commissioners to be raised. In order for it to be raised, the salary bill must first be passed and I intend to fight the issue at that time.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 116 voted in favor of the same and 5 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

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

**PASSED TO BE ENACTED**

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

An Act Relating to Lifiable or Variable Load Suspension Axles for 100,000-pound General Commodity Vehicles (S.P. 152) (L.D. 364) (C. "A" S-232)

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

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

An Act to Mandate the Use of Seat Belts (S.P. 381) (L.D. 1058) (C. "A" S-249)

An Act to Assist in the Management of Biomedical and Associated Wastes (S.P. 424) (L.D. 1136) (C. "A" S-275)

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)

An Act Relating to Restructuring the Public Schools (S.P. 445) (L.D. 1189) (C. "A" S-246 and S. "A" S-302)

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

The following items appearing on Supplement No. 9 were taken up out of order by unanimous consent:

**PASSED TO BE ENGROSSED**

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

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

**PASSED TO BE ENGROSSED**

**As Amended**

Bill "An Act to Permit Off-track Betting" (H.P. 665) (L.D. 944) (H. "A" H-596 to C. "A" H-541)

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

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

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

Mr. Speaker and Members of the House: This bill came to the Committee on Legal Affairs, of which I am a member and we heard a story that I am sure that many of you heard about the harness track racing industry that is in trouble. People who love horses, people who work with them, people who provide the services that keep harness track racing going in the State of Maine are in trouble. I am not primarily referring to the institution of Mr. Ricci's off exit 8 on the Maine Turnpike.

The industry is in trouble and I am sure it is a circumstance that many committees that you have been sitting on have heard in other areas of our economy. I am not smart enough to know whether this is because of the boom of the 1980's or whether the industry is overextended or whether there are people who love horses and continue in it when it is not good economically. I don't know some of the answers to those questions. I do know what is engendered and that is a proposal to permit off-track betting for the first time in the State of Maine.

The problem is not in appreciating and having empathy for the people who have that problem, they have a very real problem and they, like many other business people, are going to have to cope with it.

The problem is the solution that is proposed. Off-track betting is used and worked with in a number of other states. If you go to New York, you see one kind of off-track betting, if you go to Illinois, you see another kind. We saw pictures of the Illinois off-track betting, comfortable restaurants and appropriate environment that seemingly seemed secure from the reputation of pony's and gambling that sometimes is a part of the environment of say, New York's off-track betting.

Neither of these are proposed right now for Maine. What is proposed is an environment at which at a minimum of four and most likely 8 off-track betting environments will be established in the very near future and we will be giving authority for that to occur if we pass this bill.

Those off-track betting saloons will be in or associated with Class A restaurants but the public will be invited in, not only to participate in the betting on the horses that are then going on, but also in the case of simulcast, they will be betting on (if it happens to be there) a little bit of what goes on Yonkers Raceway in New York.

I have real questions about that and I want to raise that for this body. I don't think it works terribly well although I appreciate the instinct that brought it forward. The other part of this legislation that everybody has to be aware of is its failure to positively impact on our General Fund revenues. There are two different figures that I have heard as what comes into the General Fund. It is either a little over one percent or a little over

two percent that comes into the General Fund from these gambling environments. It's not right.

The revenue question may be compounded further if this bill has what I understand to be its visit to the Agriculture Committee. Again, the industry views off-track betting as largely its own and as a user fee the taxes and revenue generated from it are not as a potential source of revenue for the State of Maine. The reality is that off-track betting then as an environment of gambling will undercut those forms of gambling that provide up to 30 to 32 percent which is the lottery and megabucks that provide that kind of revenue for the State of Maine. We are talking now about something like 2.2 percent coming into the General Fund and under some questions, not like something like 30 percent that goes into the lottery.

Under this provision, if Scarborough wishes it, an off-track betting environment can be in the City of Portland, just a few miles away from Scarborough. That can become in effect a neighborhood off-track betting environment even though meals are being served there and one would hope the spirit of the place might discourage some of the more extreme environments that are sometimes associated with gambling.

The reality is, this is another form of legalized gambling in the State of Maine and one which does not essentially provide revenue to the State of Maine.

I hope you will support my motion to indefinitely postpone the bill and all papers on this bill. There are other things that we as a legislature should be looking to assist this industry and to provide that legitimate tradition of fair racing and harness racing that is so alive in the State of Maine and has been so alive and is under the gun right now without undercutting what amounts to both our gambling, our wagering policy, and our very serious need for revenue.

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

Representative ALIBERTI: Mr. Speaker, Men and Women of the House: The gentleman from Portland is correct as far as generating revenues but I think we ought to look at the whole picture. I feel that you would be denying a multi, multi, multi-million dollar enterprise and the rights of many, many hundreds of horsemen, the people that provide the support for the industry like the farmer who provides the hay, like the blacksmith and you could go on and on and on but the gentleman was correct as far as revenues. I think they are projecting \$37,000 into the General Fund. It is not intended, believe me, by those figures to be a revenue generator. It is intended to provide the survival of hundreds and hundreds of people associated with the industry.

I am not addressing the bettor or the recreational end of it. You have people that work at the mutual machines, you have many high school and college students that work the off-time at the facility itself. You have the grooms, trainers, drivers, so look at it in that context please and make up your minds accordingly.

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

Representative KETOVER: Mr. Speaker, Ladies and Gentlemen of the House: I never prepare a speech when I speak on the floor but today I guess I have to do that.

Throughout the country, the harness racing industry is having, as you heard, a very difficult

time. Harness racing has been a tradition and horse racing has been here longer than John Martin, longer really than you and I have existed.

This bill allows off-track betting at facilities that simulcast live racing and OTB facilities will result in an increase in General Fund revenue of \$36,915 for fiscal year 1991-92 and \$73,830 for fiscal year 1992-93. This was based on the 1990 total handle, an anticipated and additional increase of 12 percent from off-track betting. Additional betting will also increase revenue to the Agricultural Fair Stipend Fund which is very much needed to help keep the fairs going. If you come from small towns where your fairs are going and they are having very difficult times, this is a way to boost those fairs. As far as state funds and the horsemen's purse account is an amount of \$72,525 for fiscal year 1991-92 and \$145,000 for fiscal year 1992-93.

The amendment grants authority to the Harness Racing Commission to adopt rules for the licensing and operation. Only operators of licensed tracks in the state who will conduct racing at least 25 days in the previous year will do OTB.

They will need municipal approval to operate an OTB only in facilities within 50 miles of any live racing. States like Louisiana, handles were up 12 percent from last year's handle of 113. Connecticut, 1989 was up \$2.5 million, New York was up and is growing.

One of the concerns was the fairs which I believe everyone feels strongly that we must protect them because they benefit their communities. This will help them and not disrupt them.

The other concerns, what will they look like? They will have a clubhouse atmosphere. Pennsylvania OTB law requires restaurants, state of the art audio/visual systems. Harness racing is one of the largest agricultural industries in Maine. It has also been a self-supporting industry. It pays for its own regulatory commission plus it provides a surplus revenue to the General Fund which is a direct benefit to the state's fund and has provided an economic relief to the agricultural fairs and the standard breed breeding program.

The average annual handle for the past five years is \$40 million multiplied by a standard agricultural multiplier of 5 which results in an average economic impact of \$200 million or \$1 billion over five years. We certainly need all of this in such bad economic times.

That is my prepared speech. But truly ladies and gentlemen, as I said before, this is a hard year, we need to look at alternatives and this is the way to go because there is such a tremendous spillover in something like this and I hope you support the majority of the committee.

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

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: One thing I understand is gambling. I have done a bit of it in my time. I know that we carpool, people leave the State of Maine and carpool to Seabrook, New Hampshire. New Hampshire has existed primarily on their sin taxes. The more we continue this way, the more they are going to keep gaining on us. Right now, they are simulcasting from Yonkers, New York and they are going to be having dog races along with videos so now they are going to pick up an additional number of

races. If you go to races, you are looking at 28 percent that goes into the General Fund or for the horsemen. If you make three bets of a dollar, 28 percent times 3, they are picking up a dollar. So, I think we should look at the number of dollars that are being sent to our neighboring state.

I think that only a small number of people are involved in gambling. You are going to have the same people gambling, they go in carpools every single night, they go to Seabrook, some go to Rockingham Park and New Hampshire is glad to receive them from us. But these are our dollars leaving the state and, if they are not going to affect your dollars directly, why not have these dollars spent here in the state where we can benefit at least to some degree?

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

Representative TUPPER: Mr. Speaker, Ladies and Gentlemen of the House: I was on the Majority Report on this because I believe the harness racing farms in Maine help preserve our valuable open spaces while providing thousands of jobs in their local communities. They need a shot in the arm just like some of the other states did. I urge you to vote against the pending motion.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative Richardson of Portland that L.D. 944 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.

11 having voted in the affirmative and 68 in the negative, the motion did not prevail.

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

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**PASSED TO BE ENGROSSED**

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

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

On motion of Representative Coles of Harpswell, the House reconsidered its action whereby Committee Amendment "A" (H-551) was adopted.

The same Representative offered House Amendment "A" (H-607) to Committee Amendment "A" (H-551) and moved its adoption.

House Amendment "A" (H-607) to Committee Amendment "A" (H-551) was read by the Clerk and adopted.

Committee Amendment "A" (H-551) as amended by House Amendment "A" (H-607) thereto was adopted.

The Bill was Passed to be engrossed as amended by Committee Amendment "A" (H-551) as amended by House Amendment "A" (H-607) thereto and sent up for concurrence.

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**PASSED TO BE ENGROSSED**

Bill "An Act to Exempt Substance Abuse and

Psychiatric Patients from the Prohibition against Smoking in Hospitals" (H.P. 333) (L.D. 463) (C. "A" H-483)

Bill "An Act to Provide for the Regulation of Massage Therapists" (H.P. 978) (L.D. 1421) (H. "A" H-601 to C. "A" H-481)

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

The following items appearing on Supplement No. 10 were taken up out of order by unanimous consent:

**PASSED TO BE ENACTED**

An Act to Enact the Passenger Rail Service Act (I.B. 2) (L.D. 720) (C. "A" H-461)

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

**PASSED TO BE ENACTED**

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

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

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

Representative HASTINGS: Mr. Speaker, Men and Women of the House: I will not bore you with this bill as we discussed it the other day. However, I again urge you to vote against this particular bill on the basis that it creates an enormous hardship on most businesses. It is a preference in hiring bill for different companies that have more than 100 employees. It allows a great deal of litigation that may be fostered by this particular act which will be enforced, if you will, by the Attorney General or any individual as well. It is one which, in my opinion, sends a clear message to business in this state, "don't hire." If you want to build business, you don't pass bills such as this.

I urge you to vote against the bill.

Mr. Speaker, I ask for a roll call on this bill.

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

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

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

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: In deference to the previous speaker, this does not send a negative message to business. It says to business, if you want to

provide further employment in your business, and we do not mandate that you take state funds, but if you do take state funds, that you at least give preference to the employees who are able to do the job and qualified to do the job. If they are not able or qualified to do the job, you don't have to use those people. That is all.

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

ROLL CALL NO. 130

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

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

ABSENT - Adams, Bailey, R.; Butland, Daggett, Graham, Hale, Heeschen, McKeen, Mitchell, J.; Paradis, P.; Parent, Pendleton, Reed, W..

Yes, 88; No, 50; Absent, 13; Paired, 0; Excused, 0.

88 having voted in the affirmative and 50 in the negative with 13 absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**PASSED TO BE ENACTED**

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

An Act to Amend the Laws Relating to the Long-term Care Ombudsman Program (S.P. 550) (L.D. 1454) (C. "A" S-257)

An Act Relating to the Notice of Claim Provisions of the Maine Tort Claims Act (S.P. 557) (L.D. 1461) (C. "A" S-278)

An Act Relating to Registration of Electrologists (S.P. 561) (L.D. 1465) (C. "A" S-244)

An Act to Amend the Laws Governing License Plates and Placards for Disabled Veterans (S.P. 585) (L.D. 1538) (C. "A" S-247)

An Act to Limit Major Third-party Payor Status to Governmental Payors and Make Other Technical Changes in the Laws Affecting Hospital Financing (S.P. 594) (L.D. 1579) (S. "A" S-306 to H. "A" H-367)

An Act to Create a Preliminary Injunction for Certain Domestic Relations Cases (S.P. 598) (L.D. 1583) (C. "A" S-265)

An Act Concerning Motor Vehicle Registrations after Suspension of the Right to Operate a Motor Vehicle (S.P. 599) (L.D. 1584) (C. "A" S-262)

An Act Relating to Unavoidable Equipment Malfunctions (S.P. 625) (L.D. 1629) (C. "A" S-276)

An Act to Establish the Locations of State Liquor Stores (S.P. 630) (L.D. 1678) (C. "A" S-245)

An Act to Provide Additional Protection for Victims of Criminal Threatening, Terrorizing and Harassment (S.P. 638) (L.D. 1686) (C. "A" S-279)

An Act to Establish a Public Solid Waste Facilities Loan and Grant Program (S.P. 641) (L.D. 1689) (C. "A" S-277 and S. "A" S-303)

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

An Act to Increase Access to Federal Health Care Benefits (S.P. 658) (L.D. 1734) (C. "A" S-243)

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 (S.P. 672) (L.D. 1786) (C. "A" S-264)

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 (S.P. 674) (L.D. 1788) (C. "A" S-248)

An Act Concerning Room Requirements for Hotels under the Liquor Licensing Laws (S.P. 687) (L.D. 1828) (C. "A" S-268)

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

**PASSED TO BE ENACTED**

An Act to Ensure Adequate Enforcement of Air Quality Law (H.P. 84) (L.D. 112) (C. "A" H-578)

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

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

Representative LORD: Mr. Speaker, Learned Colleagues: I just wanted you to know that this bill was necessary and will raise the fees for our air emissions on our industries in our towns and cities due to the fact of the Federal Air Law that was

passed by Congress. Here again, the federal government is mandating to the states that we have got to do something that costs a lot of money with no money to do it. As the towns and municipalities are hollering to us about not mandating things, I think it is time that the states start telling the federal government, if they want to mandate, then send some money with it.

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

A vote of the House was taken.

90 having voted in the affirmative and 23 in the negative, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**PASSED TO BE ENACTED**

An Act to Effect Cost Savings and Ensure Worker Safety by Implementing Sexual Harassment Education and Training in the Workplace (H.P. 279) (L.D. 399) (C. "A" H-527)

An Act to Amend the Requirement that Contracts Be in Writing (H.P. 662) (L.D. 941) (C. "A" H-465)

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

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

**PASSED TO BE ENACTED**

An Act Regarding the Statute of Limitations in Cases of Child Abuse and Incest (H.P. 752) (L.D. 1086) (C. "A" H-564)

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

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

Representative RICHARDS: Mr. Speaker, Men and Women of the House: This is one of two bills dealing with the Statute of Limitations which essentially takes and lifts the Statute of Limitations. There is no time frame in which a civil or criminal action can be brought. This bill deals with a civil action. There is a Statement of Fact that has been prepared that I felt was necessary to put into the Record for purposes of showing what legislative intent is on this particular bill. As you know, when bills that pass under the hammer or there is no debate, there is no record for people to go back and look at what the legislative intent was. So please bear with me and I will read as quickly as possible.

This amendment replaced the bill. The bill essentially allowed that there was no Statute of Limitations. It extends the Statute of Limitations for civil actions based on sexual intercourse or a sexual act with a minor. Current law allows such suits only up to six years after the minor reaches the age of maturity or up to three years after the

person discovers that (as a minor) that person was sexually abused, whichever is longer. This amendment doubles each of those time periods in recognition of the significant unfairness of these present limits to the young victims of sexual abuse.

The current Statute of Limitations is too rigid to accommodate the large number of cases in which the minor, although repressing the memory of abuse, is coerced by circumstances to not report or to take any action on the abuse for years.

These circumstances can exist (for example) where the minor remains for years in the same household as the perpetrator and, because of the young age of a minor and often fiduciary type of relationship between the perpetrator and the minor, the perpetrator continues to exercise a certain degree of control over the minor through the relationship, fear or both.

In cases such as this, there is no discovery because the minor was always aware of the abuse but could not for various reasons bring suit against a perpetrator by the age of 24. It is difficult for a person growing up in that environment to be able to take the perpetrator to court within such short time constraints.

Another type of situation that the current statute does not adequately address is that of persons who slowly, usually through therapy, remember or discover the facts of their abuse — what happened, when, where, who was involved. This can often be a lengthy process that can easily take up to the full three year period in which they can bring a civil action. The current three year period to bring suit after discovery is not long enough for most people to realize what happened to them as children and also develop the courage and strength to file suit against the persons who abused them because their mind blocked it out for years.

The doubling of the limitations for bringing civil suits will at least start to address the inequities of the current law. The amendment includes an application section to state the legislature's intent. The longer periods for filing suit apply, not only to sexual abuse of minors that occur after the effective date of this act, but to the abuse that previously occurred for which the Statute of Limitations has not yet run. The legislature determined this was the furthest back the statute could reach while still being constitutional defensible.

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

**PASSED TO BE ENACTED**

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

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

An Act Concerning Nursing Assistants (H.P. 805) (L.D. 1159) (C. "A" H-446)

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

The following items appearing on Supplement No. 11 were taken up out of order by unanimous consent:

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act to Amend the Laws Regarding Complaints against Physicians and to Require a Study Concerning Patient Information (H.P. 825) (L.D. 1179) (S. "A" S-298 to C. "A" H-394)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 101 voted in favor of the same and 33 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**PASSED TO BE ENACTED**

An Act Regarding Vanity Plates for Automobile Dealers (H.P. 822) (L.D. 1176) (C. "A" H-460)

An Act to Correct Certain Errors and Inconsistencies in the Law Enabling Municipal Development Districts (H.P. 845) (L.D. 1211) (C. "A" H-442)

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

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

**PASSED TO BE ENACTED**

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

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

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

Representative MACBRIDE: Mr. Speaker, Men and Women of the House: This bill has an amendment that is (H-450). Also, 10-25 has an amendment that is (H-450). I pulled out my amendment to look at the amendment to the State Retirement System and I found the amendment to An Act to Increase the Penalty for Failure to Secure a Child with a Seat Belt. I would like to know what the amendment is supposed to be on this bill?

The SPEAKER: The Chair would answer that on this bill, the amendment is in fact (H-450) which goes to L.D. 1225. The amendment to 10-25, instead of (H-450) should be (H-456) which goes to L.D. 1600.

Subsequently, the Bill was passed to be enacted,

signed by the Speaker and sent to the Senate.

**PASSED TO BE ENACTED**

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

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

An Act to Revise the Maine Horticultural Laws (H.P. 923) (L.D. 1320) (H. "A" H-571 to C. "A" H-409 and H. "A" H-414)

An Act to Safeguard Production of Ground Water (H.P. 924) (L.D. 1321) (C. "A" H-542)

An Act to Amend the Uniform Rights of the Terminally Ill Act (H.P. 944) (L.D. 1366) (C. "A" H-566)

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

An Act to Expand the Conflict of Interest Laws for Employees of the Maine State Housing Authority (H.P. 981) (L.D. 1426) (C. "A" H-466)

An Act to Allow Consumer-owned Water Utilities to Replace Malfunctioning Wastewater Disposal Systems under Certain Circumstances (H.P. 986) (L.D. 1431) (C. "A" H-516)

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

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

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

**PASSED TO BE ENACTED**

An Act to Remove the Statute of Limitations for Incest and Gross Sexual Assault (H.P. 1015) (L.D. 1483) (C. "A" H-563)

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

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

Representative RICHARDS: Mr. Speaker, Ladies and Gentlemen of the House: This is the second of the two bills that I had mentioned earlier. This particular bill is the criminal bill. The original bills eliminates the Statute of Limitations for the criminal prosecution of crimes of rape and gross sexual assault and incest if the victim of the crime was not at least 16 years of age.

Again, I am doing nothing more than reading into

the Record for legislative intent for those that need to know that and how this particular bill and change in law, which is a substantial change, is to be used. Please bear with me.

This amendment clarifies that the criminal Statute of Limitations is removed for the crime of rape which is included in gross sexual assault. It also clarifies that crimes committed under the gross sexual misconduct statute are included even though the name of that crime was changed to gross sexual assault by the 114th Legislature.

The current Statute of Limitations is too rigid to accommodate the large number of cases in which the minor, although not repressing the memory of the sexual assault or incest is coerced by circumstances to not report or take any action on the abuse for years. These circumstances can exist, for example, when the minor remains for years in the same household as the perpetrator and because of the young age of the minor and the often fiduciary type relationships between the perpetrator and the minor, the perpetrator continues to exercise a certain degree of control over the minor through the relationship, fear or both.

Another type of situation that the current statute does not adequately address is that the person who slowly (usually through therapy) remembers or discovers the facts of their sexual assault or incest — what happened, when, where, who was involved. Rarely would this happen within the current six year Statute of Limitations for gross sexual assault. Removing the criminal Statute of Limitations intended to eliminate the inequities caused to the victim by the current law, at the same time, such removal does not in and of itself result in unfairness to the perpetrator, basically because the perpetrator knows.

This amendment adds an application section to clearly state that the legislature's intent is amending the criminal Statute of Limitations for these crimes, is to allow the prosecution of those crimes committed before the effective date of this bill, that the current Statute of Limitations has not expired by the effective date of this bill.

The legislature determined this was the furthest back the statute could reach while still being constitutionally defensible. Thank you for your patience.

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

**PASSED TO BE ENACTED**

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

An Act Concerning the Sale of Surplus State Property (H.P. 1042) (L.D. 1515) (C. "A" H-493)

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

An Act to Amend the Maine State Retirement System Laws Relating to Military Service Credits (H.P. 1047) (L.D. 1520) (C. "A" H-485)

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

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**PASSED TO BE ENACTED**

An Act Concerning Beano or Bingo (H.P. 1049) (L.D. 1522) (C. "A" H-529)

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

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

Representative MARSANO: Mr. Speaker, Ladies and Gentlemen of the House: I understand that the chairman of the committee who dealt with this bill will make a statement for the Record which will clear up the ambiguity which has hereto existed.

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

Representative LAWRENCE: Mr. Speaker, Men and Women of the House: Just to clarify an error in the Statement of Fact, this bill applies to both the Penobscot and Passamaquoddy Nations even though the Statement of Fact only makes reference to the Penobscot Nation.

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

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**PASSED TO BE ENACTED**

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

An Act to Ensure Preservation of Burial Grounds (H.P. 1058) (L.D. 1547) (C. "A" H-495)

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

An Act to Increase the Penalty for Failure to Secure a Child with a Seat Belt (H.P. 1101) (L.D. 1600) (C. "A" H-450)

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

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The following items appearing on Supplement No. 13 were taken up out of order by unanimous consent:

**PASSED TO BE ENACTED**

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

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

Were reported by the Committee on Engrossed Bills as truly and strictly engrossed, passed to be

enacted, signed by the Speaker and sent to the Senate.

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**ENACTOR**

**Later Today Assigned**

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

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

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

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**PASSED TO BE ENACTED**

An Act to Exempt Certain Medical and Juvenile Records from the Freedom of Access Law (H.P. 1144) (L.D. 1669) (C. "A" H-463)

An Act to Clarify the Laws Pertaining to Underground Oil Storage Tanks (H.P. 1150) (L.D. 1675) (C. "A" H-577)

An Act to Allow the Officers of a Municipality the Option to Designate the State Police as That Municipality's Issuing Authority for Concealed Weapons (H.P. 1154) (L.D. 1695) (C. "A" H-496)

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

An Act to Amend the Maine Uniform Accounting and Auditing Practices Act for Community Agencies (H.P. 1166) (L.D. 1707) (C. "A" H-498)

An Act Relating to the Maine Criminal Justice Commission (H.P. 1186) (L.D. 1729) (C. "A" H-523)

An Act Concerning the Maine Student Incentive Scholarship Program (H.P. 1192) (L.D. 1745) (C. "A" H-444)

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

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**ENACTOR**

**Later Today Assigned**

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

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

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



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**PASSED TO BE ENACTED**

An Act to Amend the Law Concerning the Cost-sharing Formula for School Administrative Districts (H.P. 1203) (L.D. 1759) (C. "A" H-445)

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

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

An Act to Amend Certain Provisions of the Inland Fisheries and Wildlife Laws (H.P. 1226) (L.D. 1784) (C. "A" H-558)

An Act to Amend the Minimum Requirements for Emergency Medical Technicians (H.P. 1230) (L.D. 1794) (C. "A" H-512)

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

An Act to Provide Accountability for Certain Purchased Services by the Bureau of Mental Health (H.P. 1252) (L.D. 1820) (C. "A" H-474)

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

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

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**ENACTOR**

**Later Today Assigned**

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 (H.P. 1274) (L.D. 1845) (C. "A" H-536)

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

On motion of Representative Skoglund of St. George, tabled pending passage to be enacted and later today assigned.

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**PASSED TO BE ENACTED**

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

An Act Concerning Railroad Personnel (H.P. 1309) (L.D. 1891) (C. "A" H-557)

An Act to Amend the Berwick Sewer District

Charter (H.P. 1339) (L.D. 1931)

An Act Regarding Doe Permits (H.P. 1109) (L.D. 1634) (C. "A" H-440)

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

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**ENACTOR**

**Later Today Assigned**

Resolve, to Name the Interstate Bridge over the Piscataqua River the David H. Stevens Bridge (S.P. 530) (L.D. 1408) (C. "A" S-234)

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

On motion of Representative Skoglund of St. George, tabled pending final passage and later today assigned.

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**PASSED TO BE ENACTED**

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 (S.P. 697) (L.D. 1862)

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

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**ENACTOR**

**Later Today Assigned**

Resolve, to Clarify a Right-of-way to Raymond H. Fickett over Property of the Department of Inland Fisheries and Wildlife (H.P. 1191) (L.D. 1744) (C. "A" H-494)

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

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: This bill is going happily on its way and I would like to pose a question through the Chair to any member of the committee that dealt with it.

In light of what has happened at some of our fish hatcheries across the state as far as security and realizing that this will put a main entrance to what could potentially be a development somewhere along the line right behind one of the state-owned fish hatcheries, I would like to know what arrangements have been made that would give this fish hatchery some sort of security and protection now that they are going to open the back of it up with a main road

going by?

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

On motion of Representative Jacques of Waterville, tabled pending final passage and later today assigned.

**ENACTOR**

**Later Today Assigned**

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

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

On motion of Representative Gwadosky of Fairfield, tabled pending final passage and later today assigned.

**ENACTOR**

**Later Today Assigned**

Resolve, to Establish the Academy for Public Service Study Committee (H.P. 1224) (L.D. 1782) (C. "A" H-535)

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

On motion of Representative Gwadosky of Fairfield, tabled pending final passage and later today assigned.

**FINALLY PASSED**

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

The following items appearing on Supplement No. 12 were taken up out of order by unanimous consent:

**CONSENT CALENDAR**

**First Day**

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

(H.P. 588) (L.D. 839) Bill "An Act to Ensure Early Intervention Services to Eligible Special Needs Children from Birth to Age 5" Committee on

Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-615)

Under suspension of the rules, Second Day Consent Calendar notification was given and 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 Authorize a General Fund Bond Issue in the Amount of \$50,000,000 for Land for Maine's Future" (H.P. 435) (L.D. 618) (C. "A" H-600)

Bill "An Act to Encourage Business Investments" (EMERGENCY) (H.P. 1211) (L.D. 1769) (C. "A" H-603)

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

The Chair laid before the House the following matter: An Act Concerning the Franklin County Budget (H.P. 15) (L.D. 18) (S. "A" S-212 to C. "A" H-225) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Tracy of Rome, under suspension of the rules, the House reconsidered its action whereby L.D. 18 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-610) and moved its adoption.

House Amendment "A" (H-610) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-225) as amended by Senate Amendment "A" (S-212) thereto and House Amendment "A" (H-610) in non-concurrence and sent up for concurrence.

(Off Record Remarks)

(At Ease)

(5:36 p.m. to 7:03 p.m.)

The House was called to order by the Speaker.

The following items appearing on Supplement No. 15 were taken up out of order by unanimous consent:

**SENATE PAPERS**

The following Joint Order: (S.P. 748)

ORDERED, the House concurring, that Bill, "An Act to Clarify Provisions of and Provide Funding for

Toxics Use, Toxics Release and Hazardous Waste Reduction Programs," H.P. 1171, L.D. 1712, and all its accompanying papers be recalled from Engrossing to the Senate.

Came from the Senate, read and passed.

Was read and passed in concurrence.

**Unanimous Ought Not To Pass**

Report of the Committee on **Appropriations and Financial Affairs** reporting **"Ought Not to Pass"** on Bill "An Act to Provide Compensation for Certain State Employees" (EMERGENCY) (S.P. 718) (L.D. 1908)

Report of the Committee on **Human Resources** reporting **"Ought Not to Pass"** on Bill "An Act Concerning Smoking in the Workplace" (S.P. 716) (L.D. 1907)

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

**REPORTS OF COMMITTEES**

**Unanimous Ought Not to Pass**

Representative DiPIETRO from the Committee on **Taxation** on Bill "An Act to Establish an Income Tax Surcharge" (EMERGENCY) (H.P. 1194) (L.D. 1747) reporting **"Ought Not to Pass"**

Representative CASHMAN from the Committee on **Taxation** on Bill "An Act to Balance the State Budget by Raising Additional Revenue" (EMERGENCY) (H.P. 280) (L.D. 400) reporting **"Ought Not to Pass"**

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

The following items appearing on Supplement No. 14 were taken up out of order by unanimous consent:

**REPORTS OF COMMITTEES**

**Divided Report**

Majority Report of the Committee on **State and Local Government** reporting **"Ought Not to Pass"** on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for the Override of a Governor's Veto by a Three-Fifths Vote (H.P. 947) (L.D. 1369)

Signed:

Senators: EMERSON of Penobscot  
BERUBE of Androscoggin  
BUSTIN of Kennebec

Representatives: LARRIVEE of Gorham

NASH of Camden  
LOOK of Jonesboro  
SAVAGE of Union  
WATERMAN of Buxton  
JOSEPH of Waterville  
KILKELLY of Wiscasset

Minority Report of the same Committee reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-598) on same RESOLUTION.

Signed:

Representatives: GRAY of Sedgwick  
HEESCHEN of Wilton  
KERR of Old Orchard Beach

Reports were read.

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

On further motion of the same Representative, tabled pending her motion that the House accept the Majority "Ought Not to Pass" Report and specially assigned for Tuesday, June 11, 1991.

**Divided Report**

**Later Today Assigned**

Majority Report of the Committee on **Appropriations and Financial Affairs** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-609) on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$15,000,000 to Help Municipalities with the Purchase of Equipment and Construction Costs for Solid Waste Disposal and Recycling Facilities" (H.P. 787) (L.D. 1119)

Signed:

Senators: BRANNIGAN of Cumberland  
PEARSON of Penobscot

Representatives: CARROLL of Gray  
POULIOT of Lewiston  
PARADIS of Frenchville  
HICHBORN of Howland  
MICHAUD of East Millinocket  
CHONKO of Topsham  
RYDELL of Brunswick

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

Signed:

Senator: FOSTER of Hancock

Representatives: REED of Falmouth  
FOSS of Yarmouth  
MacBRIDE of Presque Isle

Reports were read.

Representative Chonko of Topsham moved that the House accept the Majority "Ought to Pass" Report.

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

POULIOT of Lewiston  
 PARADIS of Frenchville  
 HICHBORN of Howland  
 MICHAUD of East Millinocket  
 CHONKO of Topsham  
 RYDELL of Brunswick

**Divided Report**

**Later Today Assigned**

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$8,500,000 to Fund Grants and Loans to Municipalities and Regional Associations for Recycling Equipment and Facilities and to Protect Ground Water Quality and Public Health through the Cleanup and Closure of Municipal and Abandoned Solid Waste Landfills" (H.P. 1325) (L.D. 1917)

Signed:

Senators: BRANNIGAN of Cumberland  
 PEARSON of Penobscot

Representatives: CARROLL of Gray  
 POULIOT of Lewiston  
 PARADIS of Frenchville  
 HICHBORN of Howland  
 MICHAUD of East Millinocket  
 CHONKO of Topsham  
 RYDELL of Brunswick

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-608) on same Bill.

Signed:

Senator: FOSTER of Hancock

Representatives: REED of Falmouth  
 FOSS of Yarmouth  
 MacBRIDE of Presque Isle

Reports were read.

On motion of Representative Chonko of Topsham, tabled pending acceptance of either report and later today assigned.

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

Signed:

Senator: FOSTER of Hancock

Representatives: REED of Falmouth  
 FOSS of Yarmouth  
 MacBRIDE of Presque Isle

Reports were read.

The SPEAKER: The Chair recognizes the Representative from Topsham, Representative Chonko.

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

To explain what this amendment does, the original bill was for \$35 million. The amendment reduces the \$35 million to \$5.5 million and allocates it as follows: 50 beds for the Pre-release Center in Cumberland and York Counties, \$1.5; Community Base centers at \$1.550 million; 50 bed minimum security at Downeast Corrections Center at \$1.35 million, reconstruction at Maine State Prison, \$1 million; establishes a women's unit in Hallowell, \$50,000 and reduces the term of bond from ten years to five years.

Representative Reed of Falmouth requested a Division.

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

A vote of the House was taken.

66 having voted in the affirmative and 39 in the negative, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (H-611) 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-611) and sent up for concurrence.

**Divided Report**

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-611) on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$35,000,000 for Construction, Planning, Purchasing and Renovation of Correctional Facilities" (H.P. 559) (L.D. 802)

Signed:

Senators: BRANNIGAN of Cumberland  
 PEARSON of Penobscot

Representatives: CARROLL of Gray

**Divided Report**

Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-613) on Bill "An Act Authorizing a Bond Issue in the Amount of \$7,500,000 for the Purposes of Job Retention and Creation in Maine's Natural Resource and Other Industries" (H.P. 1324) (L.D. 1916)

Signed:

Senators: BRANNIGAN of Cumberland  
 PEARSON of Penobscot

Representatives: CARROLL of Gray  
 POULIOT of Lewiston  
 PARADIS of Frenchville  
 HICHBORN of Howland  
 MICHAUD of East Millinocket  
 CHONKO of Topsham  
 RYDELL of Brunswick

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-614) on same Bill.

Signed:

Senator: FOSTER of Hancock

Representatives: REED of Falmouth  
 FOSS of Yarmouth  
 MACBRIDE of Presque Isle

Reports were read.

The SPEAKER: The Chair recognizes the Representative from Topsham, Representative Chonko.

Representative CHONKO: Mr. Speaker, I move that the House accept the Majority "Ought to Pass" Report as amended by Committee Amendment "A."

What the amendment basically does is allocate the \$7.5 million into FAME and reduces the term of the bond from 20 years to 10 years.

Representative Reed of Falmouth requested a Division.

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

A vote of the House was taken.

Representative Mayo of Thomaston requested a roll call vote.

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

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

The SPEAKER: The pending question before the House is the motion of Representative Chonko of Topsham that the House accept the Majority "Ought to Pass" as amended Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 131

YEA - Anthony, Bell, Cahill, M.; Carroll, D.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Dore, Dutremble, L.; Erwin, Gean, Goodridge, Gould, R. A.; Gray, Gwadosky, Handy, Hichborn, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketterer, Ketterer, Kilkelly, Kontos, LaPointe, Larrivee, Lawrence, Lemke, Luther, Macomber, Manning, Martin, H.; Mayo, McHenry, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Nadeau, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Powers,

Rand, Rotondi, Rydell, Saint Onge, Sheltra, Simonds, Simpson, Skoglund, Stevens, P.; Swazey, Tamaro, Townsend, Tracy, Treat, Waterman, Wentworth, The Speaker.

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

ABSENT - Adams, Aliberti, Bailey, R.; Boutilier, Butland, Duffy, Farnsworth, Graham, Gurney, Hale, Heeschen, Hichens, Lipman, Mahany, McKeen, Pendleton, Reed, W.; Ricker, Ruhlin, Strout, Tardy.

Yes, 81; No, 49; Absent, 21; Paired, 0; Excused, 0.

81 having voted in the affirmative and 49 in the negative with 21 absent, the Majority "Ought to Pass" Report was accepted, the bill read once.

Committee Amendment "A" (H-613) 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-613) and sent up for concurrence.

CONSENT CALENDAR

First Day

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

(S.P. 710) (L.D. 1893) Resolve, to Adjust the Amounts of Money Allocated to Certain Projects for Site Acquisition, Construction, Repair and Renovation of Public Safety Facilities (EMERGENCY) Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-321)

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

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

Committee Amendment "A" (S-321) was read by the Clerk and adopted and the Bill assigned for second reading, Tuesday, June 11, 1991.

(S.P. 705) (L.D. 1876) Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 for Major Improvements and Renovations at State Park Facilities and the Restoration and Preservation of Historic Buildings" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-325)

On motion of Representative Whitcomb of Waldo, was removed from the Consent Calendar, First Day.

The same Representative requested a Division on acceptance of the Committee Report.

The SPEAKER: The Chair will order a vote. The

pending question before the House is acceptance of the Committee Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

66 having voted in the affirmative and 55 in the negative, the Committee Report was accepted, the Bill read once.

Committee Amendment "A" (S-325) 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" (S-325) in concurrence.

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(S.P. 502) (L.D. 1340) Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$15,000,000 to Help Municipalities and Water Districts with the Costs of Capital Construction to Protect Public Water Supplies" Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-326)

(H.P. 1273) (L.D. 1844) Bill "An Act to Amend the Tree Growth and Open Space Laws" Committee on Taxation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-617)

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

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The Chair laid before the House the following matter: Majority Report of the Committee on Labor reporting "Ought to Pass" as amended Committee Amendment "A" (H-593) on Bill "An Act to Increase Penalties for Child Labor Law Violations" (H.P. 635) (L.D. 905) and Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-594) on same Bill which was tabled earlier in the day and later today assigned pending the motion of Representative McHenry of Madawaska that the House accept the Majority "Ought to Pass" Report.

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

Committee Amendment "A" (H-593) was read by the Clerk and adopted.

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

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

Representative HASTINGS: Mr. Speaker, Ladies and Gentlemen of the House: What you see before you are two different bills, Committee Amendment "A", which has just been adopted to the Child Labor Law and Committee Amendment "B", which is the mirror of that regarding the Child Labor Law portion. However, there is one major difference of which I cannot support Amendment "A" and that is the last portion which puts into it the provision that a person who is a minor and was injured has, in addition to Workers' Compensation claim rights, a Common Law right to sue. I believe that such a provision changes so much

the Workers' Compensation Law that it would be, at this time, an inappropriate change as we are now looking at the reform of entire Workers' Compensation laws of this state.

One can argue, and undoubtedly will, that such a provision is appropriate in certain circumstances for a minor who is injured. However, let me tell you that, if you are to do this, you are changing the exclusivity of the Workers' Compensation law and, in reality, you are not getting anything for your money. All you are getting is additional litigation. In fact, you can do two different things under Committee Amendment "A", you can sue for Workers' Compensation or/and one or the other or both you can sue at Common Law for a tort claim.

I suggest that this is an improper expansion of rights that is truly opposite to the philosophy of Workers' Compensation. It broadens to a degree which is improper, in my opinion, to the work force in this state.

I would ask you to vote against this bill that is before you with Committee Amendment "A", so that we may go on to adopt Committee Amendment "B", which is the Child Labor Law provisions of the Act which do have the unanimity of the committee. If you can do that, we can get on with passing a good Child Labor Law reformation which hasn't been done in this state for decades. Otherwise, what you are doing, in my opinion, is adopting a Child Labor Law and then with it incorporating or attempting to incorporate a Workers' Compensation amendment which has no part of this bill. I urge you to vote against this bill in its present form with Committee Amendment "A."

Mr. Speaker, I request the yeas and nays.

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

Representative LIPMAN: Mr. Speaker, Ladies and Gentlemen of the House: For this particular aspect of the bill, I would urge you to go with the Majority and the reason is that we are talking about a 15-year old child who was killed and the total amount that could be recovered for this child under our law as it stands today is \$7,000. This child was on a garbage truck and was illegally employed.

What we are saying is, if you do violate the Child Labor Law and you put a child on dangerous machinery and equipment and that child gets killed, then you are entitled to your Common Law remedy. That is the only fair way, the only equitable way, and I would ask you to support the Majority Report.

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

Representative RUHLIN: Mr. Speaker, Ladies and Gentlemen of the House: I will not repeat the excellent comments from the Representative of Augusta but I would point out to the members of the House why the majority of the committee felt it was wise to put in the right to sue. Please keep in mind, when you are 15 years old going to work, you are working for the very minimum wage. If you are injured for a 10-year period or 20-year period, whatever that period may be, your opportunity to increase from that minimum wage is extremely limited. We have had occasions in this state of people who are hiring children and acting irresponsibly. When that limits that child's development in the work field, I say that that youth does, in fact, have a right to a remedy beyond the two-thirds of the minimum wage that the Workers' Compensation entitles you to.

I also would refer to an earlier speaker's

comment on exclusivity — I think when you use that principle of exclusivity, you are really saying that we will exclude the youth from their proper welfare.

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

Representative PINEAU: Mr. Speaker, Ladies and Gentlemen of the House: I want to congratulate the committee. They worked long and hard on this package. We had a multiple of bills that came before our committee, we combined them into one package and, on this last point, that is where we diversified. The committee realized the importance of giving the superintendents much more control than they have on work permits. The committee understood that penalties for Child Labor Law needed to be increased.

Along these lines of the penalties being increased, you are looking at Committee Amendment "A", and you will see that those of us on the Majority Report chose not to burn our Workers' Compensation System anymore when we have employers that illegally hire minors. We are not talking about recording or reporting violations, we are talking about those situations where a minor could not have received a work permit. That is the difference between the reports.

What we are saying to the business community is, if you illegally hire minors in those situations where they could not, by law, get a work permit, then you subject yourself to the civil remedy. To protect our minors in the work force, I believe, is only right.

The reason I didn't want to tie this into a Workers' Compensation package was because, as time proved, we even had the budget tied into the Workers' Compensation package and what I didn't want was to have this issue clouded. I don't feel that employers who illegally hire minors in dangerous situations or where there is hazardous machinery should be protected by this legislature or its Governor.

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 as amended. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 132

YEA - Anderson, Anthony, Bailey, H.; Bell, Cahill, M.; Carroll, D.; Carroll, J.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Donnelly, Dore, Duffy, Duplessis, Dutremble, L.; Erwin, Farnsworth, Farnum, Gean, Goodridge, Gould, R. A.; Gray, Gwadosky, Handy, Heino, Hichborn, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kontos, Kutasi, LaPointe, Larrivee, Lawrence, Lemke, Lipman, Luther, Macomber, Manning, Marsh, Martin, H.; Mayo, McHenry, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Parent, Paul, Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Powers, Rand, Richards, Richardson, Rotondi, Ruhlin, Rydell,

Saint Onge, Sheltra, Simonds, Simpson, Skoglund, Small, Spear, Stevens, A.; Stevens, P.; Swazey, Tammaro, Townsend, Tracy, Treat, Vigue, Waterman, Wentworth, The Speaker.

NAY - Aikman, Ault, Barth, Bennett, Bowers, Farren, Foss, Garland, Greenlaw, Hanley, Hastings, Hepburn, Lebowitz, Libby, Look, Lord, MacBride, Marsano, Merrill, Murphy, Nash, Ott, Pendexter, Pines, Reed, G.; Salisbury, Savage, Stevenson, Tupper, Whitcomb.

ABSENT - Adams, Aliberti, Bailey, R.; Boutilier, Butland, Carleton, Graham, Gurney, Hale, Heeschen, Hichens, Mahany, McKeen, Pendleton, Reed, W.; Ricker, Strout, Tardy.

Yes, 103; No, 30; Absent, 18; Paired, 0; Excused, 0.

103 having voted in the affirmative and 30 in the negative with 18 being absent, L.D. 905 was passed to be engrossed as amended by Committee Amendment "A" (H-593) and sent up for concurrence.

The Chair laid before the House the following matter: Majority Report of the Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-590) on Bill "An Act to Protect the Public from Unsafe Industrial and Commercial Facilities" (H.P. 258) (L.D. 349) and Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill which was tabled earlier in the day and later today assigned pending the motion of Representative McHenry of Madawaska that the House accept the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-590) Report. (Roll Call requested)

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

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

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

Representative PINEAU: Mr. Speaker, Ladies and Gentlemen of the House: Before us we have what I feel is the most important bill to come through the Labor Committee this year. This bill was also in front of the 114th where it ended in a Governor's veto. The biggest argument of the veto message back then was clarity and definition.

What the committee did, through Committee Amendment "A", was to address the points of the bill that the administration had a problem with in clarity and also with the DOL. There were four major problems with the bill as was in the 114th which we addressed. The bill didn't define if it was an industrial or commercial facility and it applied to any facility of over 50 employees. The new bill, as amended, restricts application to industrial. It only deals with facilities of over 100 employees and it also defines what an industrial facility is.

The second point of objection was that the bill applied to any dangerous equipment and it didn't define equipment. The committee addressed that with the bill as amended that we limit hazardous equipment to boilers or pressure vessels.

The third major objection was that the bill didn't define the standards that businesses would have to meet. What we did now through the new bill as amended was that we specifically required the DOL to adopt standards that already exist under other laws which, incidentally, was part of the Minority Report of this bill in the last legislature.

The Governor also had an objection that the bill attempted to address any situation that could cause injury to persons or property, no matter how minor the injury or damage. The new bill limits the protection to serious injuries.

What this bill says is that, if you replace 50 percent of your work force in an industrial facility of over 100 employees, then you are going to be subject to DOL inspection and regulation.

I know the bill has quite a fiscal note on it but, coming from Jay after that big chlorine leak, if that cloud in fact had settled on that school, I am sure we would have passed any bill, no matter how much money the thing would have cost. We were lucky, we have a chance to be proactive here opposed to being reactive.

I would appreciate your support on the Majority Report.

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

Representative HASTINGS: Mr. Speaker, Men and Women of the House: I do not quarrel with Representative Pineau as to the intent of what he tried to do with the bill that we are going to vote on now. The issues that he attempted to address are real, they are of concern to many, and I would say to most all Maine people. The difficulty is balancing, if you will, what we have in the State of Maine with how we are going to administer in the State of Maine.

The difficulty with this particular bill is still, if you will, the procedural parts of it which, in my opinion, leave many issues clouded and subject to interpretation by DOL which we did not find satisfactorily to do any of the work which we are suggesting that it shall do.

Accidents do happen in industrial plants, they are very real, they are of utmost danger to many people, many times. How we have dealt with them in the past is not necessarily the way we shall or should in the future. However, this particular bill and the form that it is in, with the staff that we have, the funds that we have given to that staff, regardless of what is suggested, is just not going to work well. We are going to be complaining in the future if something happens. I don't think this bill does satisfy those needs and the procedure certainly, in my opinion, does not as well. For that reason, I would ask you to vote against the Majority "Ought to Pass" Report.

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

ROLL CALL NO. 133

YEA - Anthony, Bell, Cahill, M.; Carroll, D.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Gean, Goodridge, Gould, R. A.; Gray, Gwadosky, Handy, Hichborn, Hogle, Holt, Hussey, Jacques, Jalbert,

Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kontos, LaPointe, Larrivee, Lawrence, Lemke, Luther, Macomber, Manning, Martin, H.; Mayo, McHenry, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Powers, Rand, Richardson, Rotondi, Ruhlin, Rydell, Saint Onge, Sheltra, Simonds, Simpson, Skoglund, Stevens, P.; Swazey, Tammaro, Townsend, Tracy, Treat, Vigue, Waterman, Wentworth, The Speaker.

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

ABSENT - Adams, Aliberti, Bailey, R.; Boutilier, Butland, Graham, Gurney, Hale, Heesch, Hichens, Mahany, McKeen, Pendleton, Reed, W.; Ricker, Strout, Tardy.

Yes, 87; No, 47; Absent, 17; Paired, 0; Excused, 0.

87 having voted in the affirmative and 47 in the negative with 17 being absent, the Majority "Ought to Pass" Report was accepted, the bill read once.

Committee Amendment "A" (H-590) 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-590) and sent up for concurrence.

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

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

The Chair laid before the House the following matter: Majority Report of the Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-586) on Bill "An Act to Provide Good Cause Basis for Extending the Notice of Claim Period" (H.P. 943) (L.D. 1365) and Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-587) on same Bill which was tabled earlier in the day and later today assigned pending the motion of Representative Paradis of Augusta that the House accept the Minority "Ought to Pass" Report.

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

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: I am very happy to rise this evening as a signer of the Minority "Ought to Pass" Report because I feel I am in good company.

When this bill was first debated, a year or so ago, it was a Minority Report and this body went along overwhelmingly. The vote was approximately 80



votes in favor of the bill to 45 votes against the bill. I think this body will do the exact same thing tonight, it will accept the Minority "Ought to Pass" Report. I have several reasons why I want to urge you to do that.

What this bill does in addition to making some technical changes in a way Notice of Claim commencing in action for professional negligence can be filed, this amendment would permit the affirmative defense allowed in the Five Year Liability Demonstration Project to be considered by the Pre-litigation Screening Panel, which screens medical malpractice cases pursuant to legislation enacted by us in 1986. The defense could be used on behalf of a physician participating in the project so long as the physician asserted that he or she intended to introduce evidence at trial of compliance with a practice parameter or risk management protocol established under this project. While the issue of admissibility of the protocol's and parameters is a complex one, it is important that I give you some understanding of what this process involves and why it is so important to accept the Minority Report of the six of us on the Committee on Judiciary.

The five year Medical Liability Demonstration Project was enacted as part of Public Law 1990, Chapter 931 and it was enacted in this body at approximately 4:30 in the morning. I know it is a little bit awkward to be considering this when it is still light outside and I hope this doesn't confuse any of the good members of this body, while we still have some of our strength. This debate is always on the last day of the session and the last hour and sometimes the last roll call. We have sought to avoid that this year so I hope that is pleasing to both you and to me.

Many of you were here in the last night of the legislative session and you will recall discussing the surrounding three part Medical Liability Reform legislation which was the last bill enacted. That legislation included the Collateral Source Reform, the Five Year Medical Liability Demonstration Project and the creation of the Rural Medical Access Program, which subsidizes obstetrical premiums for doctors delivering babies in underserved areas of our state.

The Rural Access Fund is financed through premium savings generated by the Collateral Source Reform and the Five Year Liability Demonstration Project. This affirmative defense amendment is needed. This Minority Report is needed in order to correct an omission made last April. It is something that we failed to include in our bill. When we failed to apply the affirmative defense to the Pre-litigation Screening Panel, in addition to trial proceedings in the Superior Court, the Five Year Medical Liability Demonstration Project, which now includes the specialties of anesthesia, obstetrics and gynecology, emergency medicine and radiology, does not begin unless 50 percent of the physicians practicing in that speciality in the State of Maine elect to participate in the project.

We are told by representatives of the medical specialties involved that we can expect participation of the requisite numbers of physicians in the project but this technical change needs to be made in order to assure physician participation.

I must share a brief history with you of the project particularly for the benefit of those of you who were not with in the last legislature and I will be very brief.

The Five Year Liability Demonstration Project grew out discussions within the so-called Health Care Round Table, which is made up of the Maine Chamber of Commerce and Industry, Blue Cross and Blue Shield of Maine, the Maine Hospital Association and the Maine Medical Association, Maine Ambulatory Care Coalition and the Maine State Employees Association. These parties were brought together in 1988 in response to the alarming increase in the cost of health care insurance. The group has met on a regular basis and has drafted and supported legislation and other projects aimed at reducing the cost of health insurance. In meetings of the Health Care Round Table, the practice of defensive medicine was identified as one of the factors leading to increased health care costs. Although the amount of defensive medicine is difficult to quantify, all participants believe that, because of fears over liability, physicians are ordering more tests and procedures in order to cover all the bases and protect against claims and to permit better defense of liability claims that are filed. Previous estimates have suggested that the costs of defensive medicine may be as much as \$15 billion annually throughout our country.

The essence of the Demonstration Project lies in the premise that physicians cannot be expected to change their practice patterns unless they are given some protection in a liability area. Participants in the discussion believe that, if practice parameters and risk management protocols could be developed for some of the areas where defensive medicine is believed to be the most rampant, such as an emergency room and if physicians were protected from suit if they practiced in accordance with the standards, the cost of defensive medicine could be reduced. The project is extremely innovative, it has been hailed across the country as a positive approach aimed at reducing health care costs. The project has been featured in a number of national and even international medical publications. We have the Health Care Round Table to thank but in particular we have the sponsor of the legislation, the good Senator from Androscoggin, Senator Gauvreau, who sits as my co-chair on the Judiciary Committee. He has been most involved and innovative and has given so much of his time and effort in presenting this legislation to us.

Since enactment last April, the project has gone forward with introductory steps of the development of practice parameters and risk management of protocols in the affected specialties. Over 40 meetings have been held by the Medical Speciality Advisory Committee established by our legislation. The Oversight Committee and the Economic Advisory Committee, which is charged with developing in pathology to determine the costs savings associated with the project. Seventeen different protocols and parameters have been developed in the three specialties included in the original legislation. Last Thursday evening, the radiologists enthusiastically met to begin the work on their project which we enacted as an emergency measure just last Wednesday.

The protocols were reviewed by the Board of Registration in Medicine, presented to the Judiciary Committee, and became law by virtue of rulemaking earlier this Spring. This project is now in the stage where doctors will be invited to participate by the Board of Registration in Medicine and have until

November 1 to make a decision as to whether to be included in the project.

Again, let me stress this as much as I can, if 50 percent of the physicians in the specialty participate, then for the period beginning January 1, 1992 and ending December 31, 1996, the physicians will be permitted to assert as an affirmative defense to a lawsuit, compliance with these established protocols and in cases where the doctor complied with the protocols. Because the Board of Registration in Medicine adopts the parameters and protocols as rules under the Administrative Procedures Act, the parameters and protocols have the force and effect of law for those physicians who participate in our project. It is true that only the physician is permitted to admit the parameters and protocols into evidence in a malpractice case and it is this issue that has divided our Judiciary Committee along the lines of these two reports.

However, the supporters of the Minority Report believe it is essential to retain the admissibility standards developed in the legislation last April and not to change the rules now before the project has even begun. Certainly we cannot expect physicians to enthusiastically participate in this project, if before the project even begins, we make a fundamental change in the delicate balancing of interest that occurred here last April.

Were you to accept the competing report, Report A, the protocols could be admitted against physicians. This risk is even likely to cause physicians not to participate in the program because of the need to deviate from the protocols and parameters on occasion because of the unique physiological status of each patient.

Sometimes it will be necessary for the physician to deviate from those established protocols, usually in order to save the life of a patient. We cannot hold that against the physician if the physician chooses to save and to provide the best medicine and has to deviate from those protocols. That should not be used against them. That is what we are saying in Report "B."

In developing the protocols, the physician did not include the criteria for deviation because of the provision in the legislation that stated it was the option of the physician to assert the affirmative defense. If he did not assert the defense, the plaintiff could not use the practice parameter or risk management protocol unless developed from an independent source. At a minimum, if the competing report is accepted, all the protocols will have to be redrafted. If we were lucky enough to get the project going at all and if the doctor is not using the protocols as you heard, they should not be used against them.

In addition to the promulgation of the practice parameters and risk management protocols, the project requires reports by malpractice insurers to the Bureau of Insurance including enough information for the Bureau of Insurance to make adequate comparisons between the claims data collected during the project and the data in the five years preceding the project.

The Bureau of Insurance and the Board of Registration in Medicine must report the results of this project to the Governor and to the Legislature by December 1, 1997.

Ladies and gentlemen of the House, it is important for this project to go forward, both in the interest of controlling the cost of defensive

medicine and in the interest of providing some liability protection to physicians who choose within specific areas of medical care to conform their practice to standards that are consistent with existing appropriate standards of care and levels of quality. The law itself requires that the parameters and protocols be consistent with quality medical care and it is significant that there was no opposition, none at all, at the public hearings to any of the 17 protocols and parameters adopted by the three medical specialties.

In summary, I am sure you are all glad that I am at this particular point in my debate, it is important to leave the admissibility standards as they exist in the original legislation. It is also necessary to make an adjustment and allow the consideration of the affirmative defense issue and compliance with the practice parameters and protocols by the Pre-litigation Screening panel.

The signers of my Minority Report do not consider this to be a significant change but rather a response to an obvious omission from our original legislation last year. It literally makes no sense to allow a defense to be used at trial but not to have it raised at the screening procedure prior to the trial.

Opponents of this project, which include some of my very good and dear friends and people that I have worked with for many years in this field, the Maine Trial Lawyers and other members of the defense bar, have seized upon this opportunity to seek changes in the rules knowing full-well that this change has a possibility, the very real possibility, of destroying this project. I find that it is regrettable and I must disagree with them. I respect their disagreement but I feel that, at this time, this project has to be kept alive. The only way to keep it alive is to accept the Minority Report.

At a certain point, you come across in the debate after years and years of sitting on a particular committee and you make a decision that you are going to go in the best interest of what you feel is best for the State of Maine. I had to do that last year when I disagreed with some members of my caucus and I voted not to cosponsor this legislation and we got attacked by this body. I am not going to retreat from that vote. Once you have crossed the river, you really don't cross back.

I feel deeply about this legislation. I urge you to accept it. It is so important, it is important to the rural access medical care where those physicians are now being given some \$8,000 or so per year to help pay their liability insurance because of the savings from this project. It doesn't affect my constituents in Augusta because we are not considered rural, but I have a list of hundreds of towns in this state, only a few of them in Kennebec County, but many of them in our rural counties like Aroostook County, Oxford County, Somerset County and Washington County that are affected by this legislation and are affected positively. I urge you to accept the Minority Report.

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

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: Since this is my bill, I thought it appropriate that I should at least explain to you the difference between these two reports in as simple and clear terms as possible.

Both reports, as my bill did, make some technical

changes. That is what the original bill was all about. In addition now, the difference between these two reports — this bill has become a battleground of two conflicting points of view, one saying we should leave these so-called practice protocols the way they are which allows a doctor to claim conformance with what this practice protocol says as a defense but does not allow a plaintiff or plaintiff's attorney to raise the question of not conforming as some indication of not conforming to acceptable and appropriate medical practices. That is the existing situation.

Committee Amendment "A" would change that and say, "What's sauce for the goose is sauce for the gander." That is to say, if the doctors can claim that they conform to it, why can't the plaintiff's be able to claim that the doctor didn't conform to it? If these things make good sense as an approach of what defines good medical practice, then it seems to me either side ought to have equal opportunity to present that. It is that simple and that is the difference between the two reports. That is all the difference between the two reports.

Report A proposes to change the law to make it so that what one party can claim, the other party can claim also. Report B leaves it as it is which says, only doctors may raise that issue of conforming to the medical protocols as a defense. It doesn't seem to be basic fairness to me. That is why I went along with Committee Amendment "A." In every other way, the technical changes in both Report A and B are exactly the same.

I would urge you to go along with Committee Amendment "A", defeat this motion to accept the Minority Report and move on the Majority Report because it seems to be basic fairness of, "What's sauce for the goose ought to be sauce for the gander."

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

Representative STEVENS: Mr. Speaker, Ladies and Gentlemen of the House: I, too, will try to be brief. If we keep it up, the lawyers in the body are going to empty. There won't be one person left in this chamber.

Mr. Speaker, I request a roll call.

It is a simple matter. Do you think that one party in an action, be it a trial or be it a pre-litigation screening panel, do you think that one party ought to be able to introduce evidence that is useful to the fact finder but the other party should not be able to introduce the evidence? That is the only question you have to reach tonight. The other stuff is extraneous.

We can achieve anything at a cost in the body. We can eliminate malpractice altogether, we could just make physicians immune and some people would say that that would reduce the cost right away. There are lots of ways we can do it. You have to determine at what cost you are going to do it. In this particular instance, Representative Paradis is asking you to take away a basic right of people before a tribunal, the right to tell the story, the right to present the facts. Here we are saying, one party can present these facts, but not you, not the other party. That is not fair.

What is going to stop the demonstration project? It is not what we do here tonight ladies and gentlemen.

I would like to read to you from the American Medical Association Newsletter, May 1991, very

current. In this newsletter, they interview lawyers who work for Medical Mutual who insures most of the doctors in the State of Maine. Do you know what Medical Mutual is saying to its insured physicians? It is saying, "Don't join the project." The reason physicians aren't joining is not because of what we do here, it is because their insurance company is saying, "don't join." Why are they saying don't join? They are saying that what you look for to be a shield perhaps can be turned as a sword against you and it has got nothing to do with the bill we pass here tonight.

Also, the lawyer for Medical Mutual says in this same article, "Simply stated, allowing only one party to introduce the evidence is unconstitutional."

There are those who feel very, very certain that when it reaches the court, the court is going to say that, this is unconstitutional folks, we can't let one party have it in and the other party not be allowed to put it in.

All the Majority Report says is, let's deal with this constitutional issue right now, get it out of the way, expend no more judicial time or legislative time. Let's just say both sides can use the information. We cannot exclude it for one and let it come in for the other.

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

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

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

Representative MACBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: Last year, I served on the Judiciary Committee as I had served there for a number of years. During those years, we were really always faced with the high cost of health care, medical malpractice, access to physician care in rural areas and struggled with just what to do about it. We made a number of changes that we hoped would take care of medical malpractice. We established a Pre-litigation Screening Panel which has really been very successful. They were to be used to screen out frivolous cases and to make the process of the trial more efficient.

Last year, we just seemed to be so bogged down with so many problems of health care that people were urging us to do something about it and we did resolve that we were going to try to come forth with a package before the session was over. It was a difficult task. As you can see, it was the last bill that was passed in the session last year. But we did come forth with that package to make access more available for physicians in rural areas, to cut the cost of health care and we were really pleased with our efforts. It was a bipartisan effort, we really worked hard on it and felt it was going to be very successful. We did design the Medical Liability Demonstration Project to aid the physicians. Really, without the cooperation of the physicians, we really won't be able to go very far. We do need that affirmative defense. There is just no doubt about that.

I think that this demonstration project has had a

lot of work, we put a tremendous amount of effort into the protocols to get those to be accepted, to decide which specialties could and would be included, and we do feel that we were really on our way, but we do need this one piece. I do hope you will support Report B.

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

Representative LIPMAN: Mr. Speaker, Ladies and Gentlemen of the House: Let's first discuss what we are not doing and what we are doing. First of all, this amendment, whether you pass A or B, does not affect rural health care. Rural health care is funded by the modification of the Collateral Source Rule. We are not talking about the change in the Collateral Source Rule here. All we are talking about in this particular amendment between A and B is whether the physicians ought to be able to show that they complied with the standards and that the injured party is not allowed to show if they didn't comply with the standards. Now, it doesn't take a lot to figure out that it isn't fair that, if you comply with the standard that you set, to not let the other side show, you deviated from it. That is all we are asking and I would urge you to support the Majority Report and vote against the pending motion.

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

Representative RICHARDS: Mr. Speaker, Ladies and Gentlemen of the House: The bottom line on this bill is the fact that we don't know what cost savings are going to have to health care. One of the major costs in health care is defensive medicine — you have a doctor that because of our litigious society will use every procedure that is out there to cover his or her butt.

What the protocols do is it sets up a standard in which doctors can rely on. What you are giving the doctors is you are also giving equal treatment to the other side. It is a matter of fairness. If you are going to give some safe haven to say that, if you peel back on the type of medicine you do, not all defensive medicine, not all unnecessary medicine and you fall within a protocol which is essentially a standard of care that is developed by the medical profession nationwide and you stay within that and you choose to go within that, then it shouldn't be held against you that you didn't deviate from that.

How it fits in on a trial process is — I guess the first step goes to the attorney making the decision representing the doctor that is being sued for malpractice — do I allege the affirmative defense of do I not? If I don't allege the affirmative defense, then in that circumstance what you are dealing with in a trial is a standard of care. What it is saying is that you are not raising the affirmative defense, despite the fact that he might have used the protocol but what is happening is that the other side is apt to come in and say, you should have deviated from the protocol. The fact of it is you can argue how the operation was done, what was done during that procedure and so forth, but the fact of it is, you can't use it because you have that safe haven of the protocol against the individual.

Now, if the attorney chooses in the counterclaim to raise the affirmative defense that he did comply with the protocol, it's a free game. The fact of it is that it can be used by the other side to say that "Doctor, you used this protocol, perhaps you should have deviated." In effect, what you are doing, the

bottom line accomplishment that was hammered out at 2:30 in the morning last year after many, many hours — and I might say that, since we have developed this and passed this law, that thousands of hours have been devoted between the medical profession trying to establish what the protocols would be. They met over the summer without compensation, without being paid by the legislature. Legislators involved weren't given any per diem, this is out of some comradery to get this bill in fashion to work. The oversight (and it was an oversight) was agreed by all sides that it was an oversight is that we did not include it within the screening panel. We should have. It only makes sense, if you are going to include it at the trial phase, you should also include it at that first step dealing with the screening panels which have been in place since 1987, so that was the oversight.

The bottom line again is the fact that it cuts down on defensive medicine, it doesn't cut down on the quality of care of the medicine.

One last thing that was raised and that was dealing with the constitutionality of this issue. It is my understanding that you have got to show some rational purpose and the fact of it is that we did show a rational purpose why this should change.

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

Representative HASTINGS: Mr. Speaker, Men and Women of the House: To those of you who are willing to listen to a bunch of lawyers talk tonight, but I don't blame you if you don't want to stay.

About 2:30 when it was pitch black, about a year ago, we passed the bill which was revolutionary in the country and certainly in this state. Afterwards, I remember getting an article from the trial lawyers written by somebody who lobbys out in the hall that the good Representative from Fryeburg — and he didn't call him the good Representative, believe me — didn't seem to like trial lawyers and this bill passed, how it did was beyond his understanding.

This is the bill that we passed last year to try an experiment in the State of Maine. Admittedly it is an experiment but the health care system is fast failing in this state. This is a way to try to get a handle on costs in the health care system. It is an experiment and, because it was an experiment, people said, I will not join that experiment as a doctor unless I have some protection. We mitered out that protection in a very delicate balanced way. It passed overwhelmingly in this House and in the other body.

I urge you to make this change to keep that experiment on course. If you want to try anything in this state, get it out of the trial lawyers and into the hands of the people who are going to try to make it work. That is what this bill does. The change that it does today ensures that and let's us get on with the project. I urge your support of the Minority Report.

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

Representative RYDELL: Mr. Speaker, Men and Women of the House: I know it is warm and the hour is getting late and everyone is tired but I feel it necessary to call to your attention, first of all, some misconceptions and some misstatements that have been made during the course of this debate.

Secondly, I want to tell you why I would ask you to support the Minority "Ought to Pass" Report.

Those of you who were here last year should

remember that there was much dissension, much disagreement, and much difficulty in coming to a package on medical malpractice. Several of us representing different interests were asked to sit together in the Banking and Insurance room and try to come to an agreement that we could present to the Judiciary Committee and to this body, taking into consideration all the work that the Judiciary Committee had done over the course of many months. There were representatives of physicians, lawyers, consumers and practitioners of medicine in rural areas of our state who sat together, literally locked into that room, until we did reach agreement.

I would ask those of you who were here last year and who know how difficult it was to let us get on with this experiment, which is now recognized around the country as an enlightened and innovative attempt to deal with what is probably the most difficult problem we in this country face today, the increasing cost of health care.

Secretary Sullivan in an article in the newspaper just this morning said, we spend over \$650 billion on health care in our country now and, in a few short years in this decade, that will probably double. Does that mean that people will have access to health care, to the health care that they need, despite whether or not they have the ability to pay for it? No, it does not. It probably means that many of us will receive more health care than we need. We will be subjected to tests that we don't need, the repetition of tests that we just had two months ago, an expensive test upon expensive test to protect physicians who really are trying to help us.

The demonstration project is very carefully crafted. It applies only to certain specialties and it is meant to be used as an affirmative defense by physicians who decide to join the project and then to use it. Why? Because medicine is not just a science. Medicine is a science and an art. There is room for judgment, there is room for decision making and there must be room for differences if physicians are truly to treat each and every one of us as individuals. We are not all the same. We wouldn't react in the same way even to the exact same disease. Each of our physicians must have the latitude to make certain decisions that are right for me or for you. What is right for me may not always be right for you.

My interest here has to do with access to affordable health care and I think you all know that. I would say to you that this particular project helps to fund the rural medical access. It is not just the reform of the Collateral Source Rule that funds that. According to Public Law, Chapter 931 for policy years beginning on or after July 1, 1990, the superintendent (meaning the superintendent of insurance) shall determine the amount of the savings in professional liability insurance claims and claim settlement costs to insurers anticipated in each 12 month period as a result of the Medical Liability Demonstration Project and reform of the Collateral Source Rule. It is both of these that will help us to help physicians who are willing to provide prenatal care and deliver babies in areas of our state that are underserved. It will help them pay their medical malpractice premiums. Each qualified physician is entitled to an annual premium credit equal to the difference between the physicians medical malpractice insurance premiums with obstetrical care coverage and the physicians premium

without obstetrical care coverage.

The amount of premium assistance must be at least \$5,000 but not more than \$10,000. That may not seem to be a lot of money for a physician practicing in Portland or in Brunswick but it is a lot of money to a physician practicing in a rural area. It can mean the difference between that physician continuing to practice obstetrical care, paying his or her bills and medical liability or deciding not to continue to practice obstetrical care.

We need those physicians, we need them to be practicing obstetrical care and we need to help them. We need both of these projects, the Medical Liability Project and we need the reform of the Collateral Source Rule to be able to offer the kind of assistance, financial assistance, to those physicians.

Let me speak for just a moment as to why the lawyers are, for the most part, opposed to this. The lawyers in this body, why the trial lawyers and the defense bar outside seem to have not let up on their opposition to this — well, it is very interesting. I wondered why and I have done as much reading as I could and I have read the comments of lawyers, I have heard a couple of very interesting comments. What would be the consequences of Medical Mutual lawyers not supporting this project? Then it occurred to me that Medical Mutual lawyers, lawyers for an insurance company, need to be able to defend any physician insured by that company. Will there be serious consequences for the minority of physicians who may be ineffective or unprofessional? Will it make it more difficult for a defense attorney if these parameters are available? Will it make it more difficult to defend a guilty physician? Well, I came to the conclusion that I think that may happen, that we may be taking a step in this state that may make it more difficult for guilty physicians to be defended.

I think we need to take that step. We need to get on with the work of putting into practice these parameters and allowing physicians to make the choice of whether or not they will join this project. The project does not go ahead until at least 50 percent of the physicians in the specialty decide to join. That is very important, we need to have the majority of the physicians in that specialty a part of the project before it gets underway.

The constitutionality — well, we as a legislature do not decide that. It is inappropriate for us as a legislature to decide constitutionality issues, that is an issue to be decided by the courts and I would ask you to remember that as you cast your votes.

I would ask you to please accept the Minority "Ought to Pass" Report so that we can assure rural access for the citizens of this state and so that we can give the physicians of our state in a few specialties a chance to help reduce the cost of medical care for all of us.

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At this point, Speaker Martin resumed the Chair.

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The House was called to order by the Speaker.

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The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative Paradis of Augusta that the House accept the Minority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 134

YEA - Aikman, Anderson, Ault, Bailey, H.; Barth, Bell, Bennett, Bowers, Carleton, Carroll, J.; Cashman, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Daggett, DiPietro, Donnelly, Duplessis, Dutremble, L.; Erwin, Farnum, Foss, Garland, Goodridge, Gould, R. A.; Gray, Greenlaw, Gurney, Gwadosky, Handy, Hanley, Hastings, Heino, Hepburn, Hichborn, Holt, Hussey, Jacques, Jalbert, Joseph, Kutasi, Lebowitz, Look, Lord, MacBride, Macomber, Manning, Marsano, Marsh, Martin, H.; Mayo, McHenry, Melendy, Merrill, Michaud, Mitchell, J.; Murphy, Nadeau, Nash, Norton, Nutting, O'Dea, Oliver, Paradis, J.; Paradis, P.; Parent, Paul, Pendexter, Pendleton, Pines, Poulin, Pouliot, Powers, Reed, G.; Richards, Richardson, Rydell, Saint Onge, Salisbury, Savage, Simonds, Skoglund, Small, Spear, Stevens, A.; Stevenson, Swazey, Tammaro, Townsend, Tupper, Vigue, Whitcomb, The Speaker.

NAY - Anthony, Cahill, M.; Carroll, D.; Cathcart, Cote, Crowley, Dore, Duffy, Farnsworth, Farren, Gean, Hوجلund, Kerr, Ketover, Ketterer, Kilkelly, Kontos, LaPointe, Larrivee, Lawrence, Lemke, Lipman, Luther, Mahany, Mitchell, E.; Morrison, O'Gara, Ott, Pfeiffer, Pineau, Plourde, Rand, Rotondi, Ruhlin, Simpson, Stevens, P.; Tracy, Treat, Waterman, Wentworth.

ABSENT - Adams, Aliberti, Bailey, R.; Boutilier, Butland, Graham, Hale, Heeschen, Hichens, Libby, McKeen, Reed, W.; Ricker, Sheltra, Strout, Tardy.

Yes, 95; No, 40; Absent, 16; Paired, 0; Excused, 0.

95 having voted in the affirmative and 40 in the negative with 16 absent, the Minority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "B" (H-587) 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 "B" (H-587) and sent up for concurrence.

The Chair laid before the House the following matter: Majority Report of the Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-567) on Bill "An Act to Increase Fees for Licenses Issued by the Department of Marine Resources" (H.P. 1148) (L.D. 1673) and Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill which was tabled earlier in the day pending adoption of Committee Amendment "A" (H-567) and later today assigned.

Representative Mitchell of Freeport offered House Amendment "A" (H-626) to Committee Amendment "A" (H-567) and moved its adoption.

House Amendment "A" (H-626) to Committee Amendment "A" (H-567) was read by the Clerk and adopted.

Committee Amendment "A" (H-567) as amended by

House Amendment "A" (H-626) 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-567) as amended by House Amendment "A" (H-626) thereto and sent up for concurrence.

The Chair laid before the House the following matter: Resolve, to Authorize Oxford County to Issue Bonds for Improvements at the County Airport (H.P. 1285) (L.D. 1855) (C. "A" H-538) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Erwin of Rumford, under suspension of the rules, the House reconsidered its action whereby L.D. 1855 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-538) was adopted.

The same Representative offered House Amendment "A" (H-625) to Committee Amendment "A" (H-538) and moved its adoption.

House Amendment "A" (H-625) to Committee Amendment "A" (H-538) was read by the Clerk and adopted.

Committee Amendment "A" (H-536) as amended by House Amendment "A" (H-625) thereto was adopted.

The Resolve was passed to be engrossed as amended by Committee Amendment "A" (H-536) as amended by House Amendment "A" (H-625) thereto in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter: An Act to Regulate Sales of Malt Liquor in Kegs (H.P. 1142) (L.D. 1667) (C. "A" H-490) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Lawrence of Kittery, under suspension of the rules, the House reconsidered its action whereby L.D. 1667 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-490) was adopted.

The same Representative offered House Amendment "A" (H-621) to Committee Amendment "A" (H-490) and moved its adoption.

House Amendment "A" (H-621) to Committee Amendment "A" (H-490) was read by the Clerk and adopted.

Committee Amendment "A" (H-490) as amended by House Amendment "A" (H-621) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-490) as amended by House Amendment "A" (H-621) thereto in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter: An Act Authorizing Changes to the Budget

Process in York County (H.P. 1196) (L.D. 1749) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Plourde of Biddeford, L.D. 1749 was recommitted to the Committee on State and Local Government in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter: Resolve, to Name the Interstate Bridge over the Piscataqua River the "David H. Stevens Bridge" (S.P. 530) (L.D. 1408) (C. "A" S-234) which was tabled earlier in the day and later today assigned pending passage to be enacted.

The SPEAKER: The Chair recognizes the Representative from St. George, Representative Skoglund.

Representative SKOGLUND: Mr. Speaker, I move the indefinite postponement of L.D. 1408 and all accompanying papers.

Mr. Speaker, Ladies and Gentlemen of the House: This bill is a Resolve to Name the Interstate Bridge over the Piscataqua River the "David H. Stevens Bridge."

The Piscataqua River Bridge, as you all know, is quite an imposing structure. I find it convenient going to Boston. I find it even more convenient coming back. It has a symbolic significance to me. When I cross that great bridge, I thank goodness that I am back in Maine and I am sure that many of you share my feelings.

The name that goes on that bridge is very important to me. I think we should give it careful consideration. It is the gateway to Maine so we should think carefully before we put a name on the Piscataqua River Bridge.

I spoke to one of my esteemed colleagues and said, "What do you think of naming the Piscataqua River Bridge, the David Stevens Bridge?" He asked, "Who was David Stevens?" I asked an even more esteemed colleague the same question and he responded, "Who was David Stevens?"

I would suppose that unless you have been around quite some time you don't know who David Stevens was. He was the Commissioner of Transportation for some years and that was some years ago. I remember David Stevens when I was a citizen and he was Commissioner of Transportation. I must tell you from my own personal experience and memory that dealing with the Department of Transportation as a private citizen, when it was under the command of David Stevens, was to have experienced state government at its worst.

There was a sharp corner in the town of St. George in the village where I live and it was determined that the corner should be bypassed. There was no doubt that the corner should have been bypassed but, when the highway builders came through St. George, they came through like the panzers through Poland. They had no regard for aesthetics, for the historic significance of the buildings or for the needs of the people in the village.

There used to be a sidewalk through St. George and thinking about it just tonight, I have never seen another one like it anywhere. It was made of granite chips, granite blocks lined the whole village and

between these granite paving blocks, they filled in with granite chips, grout from the quarries. It was very pleasant to walk on that sidewalk, crunch, crunch, crunch. It was overhung by great maple trees and oak trees. They are gone today, there is no sidewalk, most of those trees are gone. Where the sidewalk used to be in front of my house is a ditch.

There was no consideration given when that highway was put through for a place for children and older people to walk. The only concern was a nice wide, high speed road and that is just what went through. The speed limit is 35 through there, it is twice as wide as it needs to be but it is a good road. The oldest house was removed in building this highway.

Of course, there was a public hearing on this before it went through, people were given to understand that if there was no opposition, they would be paid well for their damages to their land. There was an alternative, it could have been done differently but we were given to understand by the Department of Transportation, it was their way or no way. So, it was determined that that highway should be put through.

Some of my land was damaged, I lost access to a piece. I got the great total of \$50 damages. After I had taken it to the Land Damage Board, I think I got \$400 or so.

A widow called me and said, "Jim, I understand you got a little more for damages?" I said, "Yes, I did." She said, "I wonder if you would help me try to get a little more? I got \$25." When that road went through, they severed her property, they put the freeway right behind her house, left her on an island surrounded by asphalt, and gave her \$25 damages. That woman is still working in the fish factory, she is over 75 years old. Time had elapsed, it was too late for her to collect any more or take it to the Land Damage Board. But that was the kind of management there was at that time. It was secretive, arrogant, at best it was condescending.

I speak from my own memory, my own experience. No doubt some of you have different memories. I would like each of you now to just stop and think for a few minutes of three people whose name you would much prefer to see on that Piscataqua River Bridge. If you can't think of three more, you need some instruction in Maine history and government.

Mr. Stevens was, indeed, a road builder but during his administration public transportation languished and, in many parts of the state, died.

I hope you will join me in indefinitely postponing this bill and all accompanying papers and having a careful discussion on what we should name the Piscataqua River Bridge.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: In reference to what my good friend, Representative Skoglund said, I have been around here long enough to know Mr. David Stevens. I worked for David Stevens for close to 20 years. Prior to David Stevens coming into the picture, there was no Department of Transportation.

The way the roads were built was a pork barrel system that you have heard about. Each and every member of the legislature had their pet project and that is how things were built. David Stevens was not just the Commissioner of the Department of Transportation, he was the State Auditor and head of

Human Services (what was known then as Health and Welfare in those days). David Stevens established a three member Department of Transportation. They handled all the financing and the contracts. David Stevens took the Department of Transportation or the highway system in this state away from the pork barrel system and set it up so that what you have today is the Department of Transportation. They called it the State Highway Commission in those days and he was the chairman. You might as well say he was the chief engineer, he did all the work. He had two other commissioners with him.

Through his insistence, we were able to get federal funding for the interstate system. Any of you people who are logically minded will remember it was David Stevens that insisted that the State of Maine abide by the beautification program which came into effect in the middle 1950's.

If you have a highway system that is working and you have a proper system of disbursement, you can thank David Stevens.

I was amused when my good friend, Representative Skoglund, said that when he went to the DOT, he saw government at its worst. I was working for them at the time, so he may blame me for it if he wants to, but David Stevens was one of the most capable men that this state has ever seen. The reason was because he ran the system the way it should be.

Representative Skoglund mentioned the fact that some land was taken and that somebody got just a few dollars. The system is run not because of friendship or who you are. They do have a system of appraisers and attorneys that handle the whole thing. Many times, (I worked in the Right-of-Way Division) if you talk about valuation, somebody had land taken away from them, I can assure you there were many instances that, after the highway went through, the property was worth more.

One example, if you look at Waterville where you have the Oakland Road, when I-95 went through, that was just a farm. The owners screamed blue murder how the valuation of that land was gone. Today, if you stop, you will see the shopping malls there and just imagine what the property owner did get after the highway went through.

To condemn David Stevens for all of the ills the way the department was run is like condemning Governor McKernan for everything that is wrong in the State of Maine, condemning Speaker Martin for everything that happens in this House or Senator Pray for the other body. When you have 2,000 or 3,000 employees, you are not to be blamed. We had a dedicated, capable administrator. I tell you, I wish we had more of them.

I would ask in honor of the late David Stevens that we do honor the man and name the bridge in his memory.

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

Representative HICHBORN: Mr. Speaker, Men and Women of the House: My father always taught me one lesson that I well remember. He said, if you can't say something good about anybody, don't talk. I happen to have known David Stevens as a personal friend. I knew him 60 years ago. He was autocratic but he was a doer and he got a lot of things done. He served under at least five, maybe six, governors of the State of Maine, each of whom had the right to replace him if they so chose.

I heard one of the best administrators we have

had for a Governor in the last half century, Ken Curtis, tell what happened when he came into office. He said David Stevens walked into his office and put a letter of resignation down on his desk. The Governor looked at him and said, "What are you giving me that for?" David Stevens said, "Well, I thought you would want somebody else." Ken Curtis, showing the good judgment that he usually chose, tore the letter up and threw it in the wastebasket and said to David, "I want you to stay on."

Maybe he was autocratic but he got things done. That is the kind of people that have helped make history here in Maine that we like to remember. Maybe some things didn't go the way we as individuals would like, but if you walked into his office and asked him a question, you got an answer you could understand whether you liked it or not. I like people like that, they are easy to deal with. He didn't pussyfoot around and say one thing to your face and something else behind your back. If David Stevens were here today, (of course he is no longer here) I would be glad to shake his hand once more because I considered him a very good friend. I think he was a good friend to the people of the State of Maine because he did take us out of the pork barrel days of road building and brought us into the present day.

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

Representative LEBOWITZ: Mr. Speaker, Ladies and Gentlemen of the House: I, too, knew David Stevens, but that is not the reason I rise to address this matter.

I rise to address the fact that Maine has many beautiful rivers, those rivers mostly carry the name that were given to them by the original people of this state, the Indians. Those names will last forever and the names of individuals will be long forgotten. As a matter of fact, we have already heard that the name of David Stevens is not known to everyone.

I think because we do have a great deal of respect for our rivers, we should leave the names that are already there.

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

Representative LAWRENCE: Mr. Speaker, Men and Women of the House: This is kind of a bizarre bill for me to get up and speak on because I am one of the cosponsors of the bill and I never met David Stevens and never knew him. I put this in as a request of some constituents. For those people who live on a border, they know how difficult it can be getting two states to come to an agreement to do anything.

For those people who worked on the interstate bridge authority between New Hampshire and Maine and worked on the building of the Piscataqua River Bridge, there is a great deal of respect for David Stevens on both sides of the border among those people who worked on the bridge. I must say it is kind of bizarre for us to be voting on it here tonight because I think it is a great tribute that the bridge be named in honor of somebody from Maine. I think an even more important reason for me to vote for this bill is that the State of New Hampshire has already said, they will not name the bridge the David Stevens Bridge. So, I think anything New Hampshire doesn't want to do is a good idea for Maine to do.

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



Representative HASTINGS: Mr. Speaker, Men and Women of the House: The good Representative from Kittery has already told me the answer in a way, I wondered how we were going to name half a bridge. If you have been down there, I am sure you have seen that the state line runs in the middle of that bridge. I would suspect that, if we name one side, they may name another on the other side. I suggest that the bridge has a good name. My children, as we used to cross it, always started out singing the grand State of Maine song, so if you were going to name it, perhaps you should name it that. To me, its present name is well known by all.

David Stevens, I understand was a great man for this state but I say, let him rest in peace. I am sure that is all he would ask for.

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

Representative FARNUM: Mr. Speaker, Members of the House: Several years ago when the bridge was being built, the bridge authority asked the citizens and the school children of Maine and New Hampshire to name it and hundreds and hundreds of names were sent in. The name Piscataqua River was the name finally chosen. It was the people on both sides of the river and the children on both sides of the river that named that bridge.

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

Representative MACOMBER: Mr. Speaker, Men and Women of the House: I felt I should rise, the bill was a unanimous committee report out of the Transportation Committee. I hope you will not vote the indefinite postponement of the bill.

I knew David Stevens and I know many of the people here did not know him. I think that he was probably one of the men, as Representative Jalbert said, who put this state on the right path as far as the transportation program was concerned.

David Stevens was no Mr. Personality, believe me. I did business with him several times. He was one of the most difficult men that I ever did business with but I always had a great deal of respect for him.

As Representative Hichborn said, if he was with you, he said he was with you. If he was against you, he said he was against you. There were no ifs, ands or buts.

To answer Representative Hastings as to how we would name the bridge and perhaps Representative Lawrence, although he lives very close to the bridge, has not kept informed very well on what has been going on. We have talked to New Hampshire people several times, they have agreed — if you look at the bill, you will find it is a little different than some bills that you have. We had a sunset put on the bill. What the sunset says is, if the State of New Hampshire is not in agreement by a certain date, the bill to name the bridge after David Stevens will become moot, there is no more bill, no more David Stevens Bridge.

I have talked several times to the gentleman from New Hampshire, his title is Commissioner of Public Works which is the equivalent to our Commissioner of Transportation. At the hearing, we had several people who came from New Hampshire who testified in favor of the David Stevens Bridge. As I said, the committee had a good hearing, I don't recall any

opposition, if there was, I don't recall it.

I hope that you wouldn't let one person's personal dislike for somebody determine how we are going to name bridges or how we are going to do anything in this state.

David Stevens was not a personality person, he was a person who put his name on the line, he was a person who built the bridge over the Piscataqua River that we are all talking about. He considered it his greatest achievement and I think it is only fitting that the bridge should be named after him if the State of New Hampshire concurs.

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

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: What this debate has engendered tonight and what it has shown is a fundamental flaw in how we go about naming bridges in this state. This one is particularly vulnerable since it spans the waters of another state, our border with New Hampshire.

I have believed for several years now, and this only reinforces my belief, that we should not be naming bridges in this body. The Maine Historic Preservation Commission ought to be choosing names and recommending names for bridges, not a political body. There are always going to be problems.

I didn't know Mr. Stevens, I never met the gentleman, but regardless of who it is or whether we take David Stevens or take someone else that has been around here that we want to affix a name to a bridge, there are going to be problems because this is a political body and these are political decisions. They don't come out of the Holy Ghost coming down and writing on somebody's pad, please name this bridge such and such, it is a political decision. It is wrong for us to impose on the citizens of this state our political fancies especially when we name bridges. They pay for the bridges, not us.

Mr. Speaker, I would move that this bill be recommitted to the Committee on Transportation and that they look at the Maine Historic Preservation Commission and ask them in the future, from this moment on, to find suitable names for our bridges and take it out of the political process. Then we can put into law a non-political process to get rid of this haggling back and forth in the wee hours of the legislature.

I have a lot of respect for the Representative from St. George, he had every right to say what he wanted to say tonight. He had a bad experience and I know of members who whispered to me this evening some other bad experiences when Mr. Stevens was head of the Turnpike Authority or head of Health and Welfare and he dealt with our Indian Reservations. I will not defend Mr. Stevens' honor, he has his friends in this chamber who can do that.

I will not vote for this bill, it should be recommitted and the Maine Historic Preservation Commission ought to be naming our bridges so we don't get into this type of debate.

I move that this bill be recommitted to the Committee on Transportation.

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

Representative MACOMBER: Mr. Speaker, Men and Women of the House: Just to reply to the Representative from Augusta, Representative Paradis, I have been on the Transportation Committee for

eleven years now and every year that I have been on there, I have tried to get somebody else to take over the chore of naming bridges. If you can find anybody in this state who wants to name bridges, good Lord come and tell me about it.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: They have been talking about a third bridge over the Kennebec River here in Augusta and I was just thinking that some day I would come in a gray old man with a cane and try to persuade someone to name that bridge the Patrick Paradis Bridge. Since we may have to change the name of the Carlton Bridge in Bath, I hate to think if they should build another bridge in Lewiston — what would they name it, number 4? You have the North Bridge, which has been changed to the James B. Longley Bridge, the one in Lisbon, which I had changed to the Veterans Memorial Bridge, the one in Bangor was named the Veterans Memorial Bridge so I would hate to think of naming all those bridges the Veterans Memorial Bridge. Is that a hint that I should get going and get out of here? Does it mean that I have to wait until I go to my eternal reward before they name a bridge after me? I can name a lot of bridges in this state named after people.

Let's forget what somebody may not have liked. We keeping talking since we have had a budget crunch that these administrators did not lay a foot down. What Dave Stevens did, if you worked for Dave Stevens, you put in your day's work and I can assure you of that. He also became the head of the Maine Turnpike Authority, he didn't have the problems then that you have today with the Maine Turnpike Authority so let's forget what the past has been, that somebody didn't like the person, they are still a memory to his family. Someday, if you say that all bridges should be named after the river of which it crosses, we may have to eat those words.

Again, I wish the good Representative from Augusta would change his mind so I could come back as an old, old man and persuade somebody to name it the Pat or Patrick Paradis Bridge, which crosses the Kennebec.

The SPEAKER: The Chair recognizes the Representative from Ellsworth, Representative Salisbury.

Representative SALISBURY: Mr. Speaker, Ladies and Gentlemen of the House: Whether you recommit this bill, accept this bill, or reject this bill is immaterial because there will always be a David H. Stevens Bridge existing in Hancock County over the Blue Hill Falls.

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

Representative FARNUM: Mr. Speaker, Ladies and Gentlemen of the House: Piscataqua River was named after the Indian tribe that owned the land at one time on both sides of the river down there. I call the bridge named after them, not after the river.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the Representative from Augusta, Representative Paradis, that the Bill be recommitted to the Committee on Transportation. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Representative Macomber of South Portland

requested a roll call.

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

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

The SPEAKER: The pending question before the House is the motion of the Representative from Augusta, Representative Paradis, that the Bill be recommitted to the Committee on Transportation. Those in favor will vote yes; those opposed will vote no.

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

ROLL CALL NO. 135

YEA - Anderson, Ault, Bell, Carroll, J.; Cathcart, Chonko, Clark, M.; Constantine, Cote, Daggett, Dore, Erwin, Gould, R. A.; Gray, Gwadosky, Hastings, Heino, Jacques, Joseph, Ketterer, Kontos, LaPointe, Libby, Lord, Luther, Mahany, Marsh, Mayo, Melendy, Michaud, Nash, Nutting, Oliver, Paradis, P.; Parent, Paul, Richardson, Rotondi, Rydell, Salisbury, Sheltra, Simonds, Spear, Stevenson, Treat, Waterman.

NAY - Aikman, Anthony, Bailey, H.; Barth, Bennett, Bowers, Cahill, M.; Carleton, Carroll, D.; Cashman, Clark, H.; Coles, Crowley, Donnelly, Duffy, Duplessis, Dutremble, L.; Farnsworth, Farnum, Farren, Foss, Garland, Gean, Goodridge, Greenlaw, Gurney, Handy, Hanley, Hepburn, Hichborn, Hoglund, Jalbert, Kerr, Ketover, Kilkelly, Kutasi, Larrivee, Lawrence, Lebowitz, Lemke, Look, MacBride, Macomber, Manning, Marsano, Martin, H.; Merrill, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Norton, O'Dea, O'Gara, Ott, Paradis, J.; Pendexter, Pendleton, Pfeiffer, Pines, Plourde, Pouliot, Powers, Rand, Reed, G.; Richards, Ruhlman, Savage, Simpson, Skoglund, Small, Stevens, A.; Stevens, P.; Swazey, Tammaro, Townsend, Tracy, Tupper, Vigue, Wentworth, Whitcomb, The Speaker.

ABSENT - Adams, Aliberti, Bailey, R.; Boutilier, Butland, DiPietro, Graham, Hale, Heeschen, Hichens, Holt, Hussey, Lipman, McHenry, McKeen, Pineau, Poulin, Reed, W.; Ricker, Saint Onge, Strout, Tardy.

Yes, 46; No, 83; Absent, 22; Paired, 0; Excused, 0.

46 having voted in the affirmative and 83 in the negative with 22 being absent, the motion did not prevail.

The SPEAKER: The pending question now before the House is indefinite postponement of the bill and all accompanying papers.

Representative Skoglund of St. George requested a roll call on indefinite postponement.

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

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

The SPEAKER: The pending question before the House is the motion of the Representative from St.

George, Representative Skoglund, that L.D. 1408 and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 136

YEA - Aikman, Anderson, Bailey, H.; Barth, Bell, Bennett, Bowers, Cahill, M.; Carleton, Carroll, J.; Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Daggett, Dore, Duffy, Dutremble, L.; Erwin, Farnum, Farren, Foss, Garland, Gean, Goodridge, Gould, R. A.; Gray, Gurney, Gwadosky, Handy, Hanley, Hastings, Heino, Hepburn, Holt, Jacques, Joseph, Kerr, Ketover, Ketterer, Kilkelly, LaPointe, Larrivee, Lebowitz, Lemke, Libby, Lipman, Lord, Luther, MacBride, Mahany, Manning, Marsano, Marsh, Melendy, Merrill, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Nash, Nutting, O'Dea, O'Gara, Oliver, Paradis, P.; Parent, Paul, Pendexter, Pendleton, Pfeiffer, Pouliot, Powers, Rand, Reed, G.; Richards, Richardson, Rotondi, Ruhlin, Rydell, Salisbury, Savage, Sheltra, Simonds, Skoglund, Spear, Stevens, P.; Swazey, Townsend, Tracy, Treat, Tupper, Vigue, Waterman, Wentworth.

NAY - Anthony, Ault, Carroll, D.; Cashman, Crowley, Donnelly, Duplessis, Farnsworth, Greenlaw, Hichborn, Hogle, Jalbert, Kontos, Kutasi, Lawrence, Look, Macomber, Martin, H.; Mayo, McHenry, Norton, Ott, Paradis, J.; Pines, Plourde, Simpson, Small, Stevens, A.; Stevenson, Tamaro, Whitcomb, The Speaker.

ABSENT - Adams, Aliberti, Bailey, R.; Boutillier, Butland, DiPietro, Graham, Hale, Heesch, Hichens, Hussey, McKeen, Pineau, Poulin, Reed, W.; Ricker, Saint Onge, Strout, Tardy.

Yes, 100; No, 32; Absent, 19; Paired, 0; Excused, 0.

100 having voted in the affirmative and 32 in the negative with 12 being absent, the bill and all accompanying papers were indefinitely postponed. Sent up for concurrence.

The Chair laid before the House the following matter: Resolve, to Clarify a Right-of-way to Raymond H. Fickett over Property of the Department of Inland Fisheries and Wildlife (H.P. 1191) (L.D. 1744) (C. "A" H-494) which was tabled earlier in the day and later today assigned pending final passage.

Subsequently, the Resolve was finally passed, signed by the Speaker and sent to the Senate.

The Chair laid before the House the following matter: Resolve, to Help Schools Incorporate Economic and Global Education (H.P. 1223) (L.D. 1781) (C. "A" H-515) which was tabled earlier in the day and later today assigned pending final passage.

Subsequently, the Resolve was finally passed, signed by the Speaker and sent to the Senate.

The Chair laid before the House the following

matter: Resolve, to Establish the Academy for Public Service Study Committee (H.P. 1224) (L.D. 1782) (C. "A" H-535) which was tabled earlier in the day and later today assigned pending final passage.

Subsequently, the Resolve was finally passed, signed by the Speaker and sent to the Senate.

The Chair laid before the House the following matter: Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-609) on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$15,000,000 to Help Municipalities with the Purchase of Equipment and Construction Costs for Solid Waste Disposal and Recycling Facilities" (H.P. 787) (L.D. 1119) and Minority Report of the same Committee reporting "Ought Not to Pass" on same Bill which was tabled earlier in the day and later today assigned pending the motion of Representative Chonko that the House accept the Majority "Ought to Pass" Report.

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

Committee Amendment "A" (H-609) was read by the Clerk.

Representative Gould of Greenville offered House Amendment "A" (H-623) to Committee Amendment "A" (H-609) and moved its adoption.

House Amendment "A" (H-623) to Committee Amendment "A" (H-609) was read by the Clerk and adopted.

Committee Amendment "A" (H-609) as amended by House Amendment "A" (H-623) 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-609) as amended by House Amendment "A" (H-623) thereto and sent up for concurrence.

The following items appearing on Supplement No. 16 were taken up out of order by unanimous consent:

**Divided Report**

Majority Report of the Committee on Aging, Retirement and Veterans reporting "Ought to Pass" pursuant to Joint Order S.P. 681 on Bill "An Act to Change the State Payment for Health Insurance Benefits for New State Employees with Less than 10 Years of Service and Provide for a Study of Retirement Benefits Provided to New Employees" (EMERGENCY) (S.P. 743) (L.D. 1935)

Signed:

Senators: McCORMICK of Kennebec  
CLARK of Cumberland

Representatives: HANDY of Lewiston  
JALBERT of Lisbon  
LAPOINTE of Auburn  
O'DEA of Orono  
WENTWORTH of Arundel  
DUTREMBLE of Biddeford

Minority Report of the same Committee reporting "Ought to Pass" pursuant to Joint Order S.P. 681 on Bill "An Act to Change the State Payment for Health Insurance Benefits for New State Employees with Less than 10 Years of Service, Provide for a Study of Retirement Benefits Provided to New Employees and Reserve the Right to Apply Future Changes to Employees Hired after July 1, 1991" (EMERGENCY) (S.P. 744) (L.D. 1936)

Signed:

Senator: WEBSTER of Franklin

Representatives: AULT of Wayne  
STEVENSON of Unity  
MERRILL of Dover-Foxcroft  
HEINO of Boothbay

Came from the Senate with the Majority "Ought to Pass" pursuant to Joint Order Report read and accepted and the Bill "An Act to Change the State Payment for Health Insurance Benefits for New State Employees with Less than 10 Years of Service and Provide for a Study of Retirement Benefits Provided to New Employees" (EMERGENCY) (S.P. 743) (L.D. 1935) passed to be engrossed.

Reports were read.

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

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

**Non-Concurrent Matter**

Bill "An Act to Amend the Laws Regarding Enhanced 9-1-1" (EMERGENCY) (H.P. 702) (L.D. 1006) which was passed to be engrossed in the House on April 17, 1991.

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

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

**Non-Concurrent Matter**

Resolve, to Develop a Statewide Health Insurance Program (EMERGENCY) (H.P. 1184) (L.D. 1727) which was passed to be engrossed as amended by Committee Amendment "A" (H-406) in the House on May 30, 1991.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-406) as amended by Senate Amendment "A" (S-312) thereto in non-concurrence.

The House voted to recede and concur.

**Non-Concurrent Matter**

Bill "An Act Concerning the Bonding Authority of the Cumberland County Recreation Center" (H.P. 1238) (L.D. 1804) which was passed to be engrossed as amended by Committee Amendment "A" (H-537) in the House on June 6, 1991.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-537) as amended by Senate Amendment "A" (S-327) thereto in non-concurrence.

The House voted to recede and concur.

**Non-Concurrent Matter**

Bill "An Act to Amend the Schedule of Fees for Plan Review and Issuing of Permits and Approval through the Office of the State Fire Marshal" (H.P. 706) (L.D. 1011) on which the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-591) Report of the Committee on State and Local Government was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-591) in the House on June 10, 1991.

Came from the Senate with the Minority "Ought to Pass" as amended by Committee Amendment "B" (H-592) Report of the Committee on State and Local Government read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "B" (H-592) in non-concurrence.

The House voted to recede and concur.

**Non-Concurrent Matter**

Bill "An Act to Promote the Emotional Health of Children During Periods of Stress" (H.P. 210) (L.D. 301) which was passed to be engrossed as amended by Committee Amendment "A" (H-407) as amended by House Amendment "A" (H-478) thereto in the House on June 6, 1991.

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

Representative Anthony of South Portland moved that the House Insist.

On further motion of the same Representative, tabled pending his motion that the House Insist and specially assigned for Tuesday, June 11, 1991.

**Non-Concurrent Matter**

Bill "An Act to Amend the Campaign Finance Reporting Laws" (H.P. 641) (L.D. 915) which was Passed to be Engrossed as amended by Committee Amendment "A" (H-489) in the House on June 5, 1991.

Came from the Senate with the Bill and

Accompanying Papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

**Non-Concurrent Matter**

Bill "An Act to Amend the Laws Pertaining to Asbestos Removal" (H.P. 937) (L.D. 1357) which was Passed to be Engrossed as amended by Committee Amendment "A" (H-579) in the House on June 6, 1991.

Came from the Senate Passed to be Engrossed as amended by Committee Amendment "A" (H-579) as amended by Senate Amendment "A" (S-323) thereto in non-concurrence.

The House voted to recede and concur.

**Non-Concurrent Matter**

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for the Recall of State Elective Officials (H.P. 1202) (L.D. 1758) which was Passed to be Engrossed as amended by Committee Amendment "A" (H-521) in the House on June 5, 1991.

Came from the Senate with the Bill and Accompanying Papers Recommitted to the Committee on "State and Local Government" in non-concurrence.

On motion of Representative Joseph of Waterville, the House voted to recede and concur.

**CONSENT CALENDAR**

**First Day**

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

(H.P. 631) (L.D. 901) Bill "An Act to Amend the Maine Judicial Retirement System Laws" Committee on Aging, Retirement and Veterans reporting "Ought to Pass" as amended by Committee Amendment "A" (H-618)

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

**ORDERS OF THE DAY**

**BILL HELD**

An Act to Provide Due Process To Participants in the Driver Education Evaluation Program (EMERGENCY) (S.P. 614) (L.D. 1618) (C. "A" S-263)  
- In House, Passed to be Enacted on June 10, 1991.  
HELD at the request of Representative GWADOSKY of

Fairfield.

Representative Gwadosky of Fairfield moved that the House reconsider its action whereby L.D. 1618 was passed to be enacted.

On further motion of the same Representative, tabled pending his motion that the House reconsider and specially assigned for Tuesday, June 11, 1991.

The following items appearing on Supplement No. 17 were taken up out of order by unanimous consent:

**SENATE PAPERS**

The following Communication:

Maine State Senate  
Augusta, Maine 04333

June 10, 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 Adhered to its former action whereby it accepted the Majority Ought Not To Pass Report on the Bill "An Act to Provide Interest on Community Agency Accounts" (S.P. 575)(L.D. 1529).

Sincerely,

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

Was read and ordered placed on file.

**Ought to Pass as Amended**

Report of the Committee on State and Local Government reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-271) on Bill "An Act to Provide Employee Protection in the Event of Closure or Reduction in Capacity of State Facilities, Programs or Services" (EMERGENCY) (S.P. 370) (L.D. 995)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-271) as amended by Senate Amendment "A" (S-331) thereto.

Report was read and accepted, the bill read once. Committee Amendment "A" (S-271) was read by the Clerk.

Senate Amendment "A" (S-331) to Committee Amendment "A" (S-271) was read by the Clerk and adopted.

Committee Amendment "A" (S-271) as amended by Senate Amendment "A" (S-331) 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" (S-271) as amended by Senate Amendment "A" (S-331) thereto in concurrence.

Report was accepted in concurrence.

**Divided Report**

Majority Report of the Committee on Labor reporting "Ought Not to Pass" on Bill "An Act to Raise the Family Allowance in Unemployment Compensation Benefits to a Reasonable Dependent Support Level" (S.P. 468) (L.D. 1251)

Signed:

Senators: CARPENTER of York  
ESTY of Cumberland

Representatives: AIKMAN of Poland  
HASTINGS of Fryeburg  
PINEAU of Jay  
RUHLIN of Brewer  
LIPMAN of Augusta  
BENNETT of Norway

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-229) on same Bill.

Signed:

Senators: CONLEY of Cumberland

Representatives: McKEEN of Windham  
McHENRY of Madawaska  
RAND of Portland  
ST. ONGE of Greene

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

Reports were read.

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

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

Representative PINEAU: Mr. Speaker, Ladies and Gentlemen of the House: I will be brief. What this bill proposes to do is increase the family allowance for Unemployment Compensation to a reasonable support level. Those of us on the committee on the Minority Report felt that was the action of the 114th increasing the amount an extra \$5 and was proper. It was the first time it had been done in many years. We thought with that action and additional action this time could put the fund in trouble, thereby, increasing the fees to employers. With the current rate of unemployment souring, we thought this wasn't the time for this bill.

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

A vote of the House was taken.

21 having voted in the affirmative and 69 in the negative, the motion did not prevail.

Subsequently, the Majority "Ought Not to Pass"

**Divided Report**

Majority Report of the Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-239) on Resolve, to Provide Additional Funding and an Extension of Time to Allow Phase 2 of the New Capitol Area Master Plan to Be Completed (EMERGENCY) (S.P. 507) (L.D. 1345)

Signed:

Representatives: HEESCHEN of Wilton  
NASH of Camden  
JOSEPH of Waterville  
WATERMAN of Buxton  
GRAY of Sedgwick  
KILKELLY of Wiscasset  
LARRIVÉE of Gorham

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

Signed:

Senators: EMERSON of Penobscot  
BUSTIN of Kennebec  
BERUBE of Androscoggin

Representatives: LOOK of Jonesboro  
SAVAGE of Union  
KERR of Old Orchard Beach

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-239).

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" (S-239) 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" (S-239) in concurrence.

**Non-Concurrent Matter**

Bill "An Act to Establish State Selective Purchasing Standards" (H.P. 1174) (L.D. 1715) on which the Minority "Ought to Pass" as amended Report of the Committee on State and Local Government was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-467) in the House on June 5, 1991.

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

On motion of Representative Joseph of Waterville,

the House voted to Insist.

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**Non-Concurrent Matter**

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide Greater Legislative Oversight over Agency Rulemaking (H.P. 1284) (L.D. 1854) on which the Majority "Ought to Pass" as amended Report of the Committee on State and Local Government was read and accepted and the RESOLUTION passed to be engrossed as amended by Committee Amendment "A" (H-534) in the House on June 6, 1991,

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

On motion of Representative Joseph of Waterville, the House voted to Insist and ask for a Committee of Conference.

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The Chair laid before the House the following matter: Majority Report of the Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$8,500,000 to Fund Grants and Loans to Municipalities and Regional Associations for Recycling Equipment and Facilities and to Protect Ground Water Quality and Public Health through the Cleanup and Closure of Municipal and Abandoned Solid Waste Landfills" (H.P. 1325) (L.D. 1917) and Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-608) on same Bill which was tabled earlier in the day and later today assigned pending acceptance of either report.

Representative Chonko of Topsham moved that the House accepted the Majority "Ought Not to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Yarmouth, Representative Foss.

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will not vote against this Bond Issue which was submitted by Representative Lord. It combines recycling grants and money for the closure and remediation of landfills.

I request a roll call.

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

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

On motion of Representative Mayo of Thomaston, tabled pending the motion of Representative Chonko of Topsham that the House accept the Majority "Ought Not to Pass" Report and later today assigned.

The Chair laid before the House the following matter: Resolve, to Establish the Commission to Study Secondary Vocational and Technical Education in Maine (H.P. 1243) (L.D. 1809) (C. "A" H-570) (Emergency) which was tabled earlier in the day and later today assigned pending passage to be enacted. (Roll Call Ordered)

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

Representative KILKELLY: Mr. Speaker, Ladies and Gentlemen of the House: I must say I was quite surprised by the vote earlier on this bill. I would like to give you some understanding of what, in fact, this bill does.

It is a bill that I presented to the Education Committee and it was my concern that there are many people in this state that do not have an opportunity to go on to Post-secondary education. Many of those people need to have the best that we can provide to them in vocational and technical education in their high school years during the secondary program.

There have been many studies, there have been a lot of opportunities to look at various aspects of vocational-technical education in the secondary program. This bill is an opportunity to bring together those various studies that have happened and work with the business community and the education community to put together a pilot project to make use of many of the recommendations that come out of the studies that have previously been done.

One of the concerns and one of the reasons I brought this bill forward is for example, in Lincoln County, in order for a student to take a secondary vocational-technical program, they need to go to Morse High in Bath to do that. For the students in Boothbay Harbor, in Newcastle, and in Wiscasset, this can mean up to an hour one way on a bus to go to that program and then an hour to return. They then lose many of the opportunities that they have to take other programs in high school because they are gone for half the day. Very few students are choosing that option, not because they don't need that program, but because they really feel that they can't make that choice.

There is one other thing that this bill is going to look at. I have worked very closely with Jack Dexter from the Chamber of Commerce because this was one of their second priorities. Their first priority is dealing with Workers' Compensation and some of the other issues but the second priority was to assure that there is a work force in this state that is able to meet the needs of business. So, I worked very closely with the Chamber of Commerce on this bill and it is something that they have supported very much.

The funding for this bill would come from private sources. If the funding is not available, it will not happen. If this is important enough to the business community of this state for us to take a look at this and, hopefully, develop a pilot project, the money will be there. If it is not important for them to do that, the study will not happen and the pilot project will not be developed.

I would urge you to pass this and give it an opportunity. It is not something that will cost the State of Maine money, it is something that will allow us to work with businesses and, hopefully, create a better business climate that we keep hearing about.

The other thing it will do is it will give some of the students in this state, students that don't

have an opportunity for Post-secondary education a chance to get a really quality secondary education so by the time they have graduated from 12th grade, they will be job-ready. We will do this in conjunction with business in this state.

I would urge you to support this bill and would suggest that it truly is an economic development issue. It is an issue of creating the people that will take the jobs so that the jobs can be created and kept within this state and not importing folks to take some of the jobs that are here.

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

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

To Representative Kilkelly or anyone else from the committee — is this still funded through private sources or is this fiscal note here incorrect?

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

The Chair recognizes the Representative from Wiscasset, Representative Kilkelly.

Representative KILKELLY: Mr. Speaker, Ladies and Gentlemen of the House: It is the intention of this bill that it be funded entirely from private sources. If those private sources are not forthcoming, the study does not happen.

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

ROLL CALL NO. 137

YEA - Anthony, Ault, Bailey, H.; Bell, Bennett, Cahill, M.; Carleton, Carroll, D.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Constantine, Cote, Crowley, Daggett, Dore, Duffy, Duplessis, Dutremble, L.; Erwin, Farnsworth, Farren, Garland, Gean, Goodridge, Gray, Gurney, Gwadosky, Handy, Hepburn, Hichborn, Hoglund, Holt, Jacques, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kontos, Larrivee, Lawrence, Lebowitz, Lemke, Lipman, Look, Luther, Macomber, Mahany, Manning, Marsh, Mayo, McHenry, Melendy, Merrill, Michaud, Mitchell, E.; Mitchell, J.; Nadeau, Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Powers, Rand, Reed, G.; Richardson, Rotondi, Ruhlman, Rydell, Saint Onge, Savage, Sheltra, Simonds, Simpson, Skoglund, Small, Spear, Stevens, P.; Stevenson, Swazey, Tammaro, Townsend, Tracy, Treat, Tupper, Vigue, Waterman, Wentworth, Whitcomb, The Speaker.

NAY - Aikman, Anderson, Bowers, Carroll, J.; Donnelly, Farnum, Foss, Greenlaw, Hanley, Hastings, Heino, Jalbert, Kutasi, LaPointe, Lord, MacBride, Marsano, Morrison, Murphy, Nash, Ott, Parent, Pendexter, Pendleton, Pines, Richards, Salisbury, Stevens, A..

ABSENT - Adams, Aliberti, Bailey, R.; Barth, Boutilier, Butland, Coles, DiPietro, Gould, R. A.; Graham, Hale, Heeschen, Hichens, Hussey, Libby, Martin, H.; McKeen, Reed, W.; Ricker, Strout, Tardy.

Yes, 102; No, 28; Absent, 21; Paired, 0; Excused, 0.

102 having voted in the affirmative and 28 in the negative with 21 absent, the Resolve was finally passed, signed by the Speaker and sent to the Senate.

The Chair laid before the House the following matter: Bill "An Act to Amend the Laws Concerning Solicitation by Law Enforcement Officers" (S.P. 634) (L.D. 1682) (C. "A" S-288 and S. "B" S-317) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Representative Handy of Lewiston offered House Amendment "A" (H-627) and moved its adoption.

House Amendment "A" (H-627) was read by the Clerk. Representative Lawrence of Kittery moved that House Amendment "A" (H-627) be indefinitely postponed.

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

Representative HANDY: Mr. Speaker, Members of the House: This amendment that we have before us this evening will put into law a set of standards by which solicitations by law enforcement officials, their associations and auxiliaries can make solicitations on behalf of their organizations and their communities. It provides a set of standards and not a set of exemptions and possible outs that may be called into question. It provides oversight by the governing officers of each of the organizations. It also puts into place a provision whereby solicitations may not take place in uniform or with the wearing of a badge of any law enforcement officer. A person may not offer to enforce the law any differently for any other person that may or may not be associated.

Furthermore, when any solicitation is scheduled to take place within 24 hours of that solicitation, the Attorney General's Office must be notified of the solicitation that is to take place.

The Attorney General's Office will be the recipient of any complaints that may be made as well as the head of the governing organization.

Lastly, the Attorney General's Office will report back to the legislature as to the number of complaints filed and so forth regarding this legislation.

This puts into place, I think, a system of checks and balances. The bill also explicitly prohibits outside professional solicitors from doing the fund-raising, while at the same time, building in a set of safeguards I think are necessary for solicitation in the State of Maine.

I would hope that you would oppose the motion to indefinitely postpone this amendment so that we can go on to accept it.

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

Representative LAWRENCE: Mr. Speaker, Men and Women of the House: This amendment is either exactly the same or roughly similar to an amendment that was considered before our committee and rejected. It was rejected for one very good reason, it is blatantly unconstitutional. The court has said that solicitation is freedom of speech and, whenever you try to put a prior restraint on freedom of speech, it is blatantly unconstitutional.

This amendment gives the power to a law enforcement officer, they call it the governing officer, to make the determination of who can solicit and who can't and that, according to the court, is a prior restraint on freedom of speech and thus unconstitutional.

I hope you will support the motion to



indefinitely postpone the Amendment.

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

Representative HANDY: Mr. Speaker, Members of the House: I am not an attorney like the good Representative from Kittery, nor am I a member of the Supreme Judicial Court. I would suggest and I think we have equal standing on this point that it is the court that will make the ultimate decision on whether something is unconstitutional. We can all have conjecture about a particular point of law.

I would submit to you that the reason that the law was struck down that we are trying to address here was because, as outlined in the magistrates recommendation to the court, there were so many exemptions allowed by the legislature in previous sessions that that in effect said the legislature really hasn't addressed the issue of police solicitation and solicitation by other law enforcement officers. This does not provide prior restraint, it provides a set of standards by which the solicitation can take place. That is basically what it does and it provides that system, which is an important system, of checks and balances in this system.

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

Representative STEVENS: Mr. Speaker, Men and Women of the House: I think this amendment makes a much better bill because, without this amendment, I would like to pose a question to the Chairman of the Legal Affairs Committee. If we pass the bill as is, would a police officer be able to solicit a pot of beans for a supper for another injured policeman in the line of duty?

The SPEAKER: Representative Stevens of Sabattus has posed a question through the Chair to Representative Lawrence of Kittery who may respond if he so desires.

The Chair recognizes that Representative.

Representative LAWRENCE: Mr. Speaker, Men and Women of the House: If I understand the question, it pertains not to this amendment but to the original bill. The question was, would a person be able to solicit a pot of beans for a supper where the money raised from the supper goes to the law enforcement agency? The answer is no. If it were to go to a third-party, a non-profit organization, yes. If police officers were involved, yes. But, if it is to raise money to buy a new police cruiser or pay the salary of a police officer, the answer is no.

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

Representative HASTINGS: Mr. Speaker, Men and Women of the House: As I look at this amendment, I think of 90 percent of the towns and cities in this state. There is no way that the fact that this man or woman comes to my door without a uniform on makes that man or woman any less known. We are still dealing with a police officer soliciting and I will be darned if I don't know every police officer in my town and I'll bet you 90 percent of the people in this room know every police officer in their town. You may think that the bill ought to be skewed in favor of the police officer making these solicitations. I think we have had a good law in the past, before we started toying with it and changing it. This is just another toy and a ploy that I would suggest changes the bill substantially so to get around what is a fair bill that they can only solicit

certain things that do not directly affect themselves. I would urge you to vote for the motion to indefinitely postpone.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative Lawrence of Kittery that House Amendment "A" be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

69 having voted in the affirmative and 37 in the negative, the motion to indefinitely postpone did prevail.

Subsequently the Bill was passed to be engrossed as amended by Committee Amendment "A" (S-288) and Senate Amendment "B" (S-317) in concurrence.

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

The Chair laid before the House the following matter: An Act Concerning Snowmobile Registration Fees (H.P. 996) (L.D. 1445) (C. "A" H-522) 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. 118 voted in favor of the same and 5 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

(Off Record Remarks)

On motion of Representative Richardson of Portland,

Adjourned at 9:57 p.m. to Tuesday, June 11, 1991, at nine o'clock in the morning.