

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
60th Legislative Day
Tuesday, June 11, 1991

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

Prayer by Father Christian Roy, St. Bernard's Catholic Church, Rockland.

The Journal of Monday, June 10, 1991, was read and approved.

SENATE PAPERS

The following Joint Order: (S.P. 750)

Ordered, the House concurring, that Bill, "An Act to Improve Grading and Inspection of Maine Sardines," H.P. 552, L.D. 789, and all its accompanying papers be recalled from Engrossing to the Senate.

Came from the Senate, read and passed.

Was read and passed in concurrence.

Resolve, Authorizing the Transfer of a Portion of Allagash Public Lot 1 to the Town of Allagash (S.P. 747) (L.D. 1943)

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 Energy and Natural Resources.)

On motion of Representative Jacques of Waterville, tabled pending reference and later today assigned.

Non-Concurrent Matter

Bill "An Act to Amend the Maine Consumer Credit Code" (S.P. 708) (L.D. 1884) on which the Minority "Ought Not to Pass" Report of the Committee on Banking and Insurance was read and accepted in the House on June 10, 1991.

Came from the Senate with that Body having insisted on its former action whereby the Majority "Ought to Pass" as amended Report of the Committee on Banking and Insurance was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-313) in non-concurrence.

Representative Mitchell of Vassalboro moved that the House Adhere.

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

Representative HASTINGS: Mr. Speaker, I move that the House recede and concur.

Ladies and Gentlemen of the House: We discussed this bill last night very briefly in the hot hours

and I hate to carry it again to any length. However, I would like you to know a few facts.

Basically, the Committee on Banking and Insurance elected to change, by amendment through the Majority Report, the fee charge on credit cards. The reason for it was very simple, there had been no change in that portion of the credit card law for nine years. For nine years, banks had been held to an annual charge of \$12. We regulate credit cards in the State of Maine more stringently than any other state. We have lost practically all of our credit card business. We have even been told that the last of two large credit card issuers may very well leave the state in another year. This involves thousands of jobs. We have many small banks that issue credit cards and they are locked in by the same rules.

This doesn't necessarily require banks to charge \$24, although I suspect many of them will. It is still a very competitive market out there and \$24 per year, that is \$2.00 a month for the privilege of owning a card, the bank is telling us that it will give us all the service and, if you pay your bills on time in a certain manner, you won't even get charged interest.

As any businessman knows and most of us all suspect for \$2.00 a month, you can't even bill the card out, you can't even afford to do that, but they do it because many of us run credit and we charge interest. Again, the interest that they charge in Maine is low compared to others and it is regulated by statute.

If for any reason we want to try to keep credit cards as a business in this state, then I suggest this is a way to help do so. It is a very insignificant cost to the holder of the card to pay \$24 per year, \$2.00 per month. Admittedly, it is 100 percent from the \$1.00 that is being charged today because we mandated that. If you really want to say to your banks in this state that we would like you to grow, we would like you to prosper, we would like to help you in some small way, then I suggest that this bill does that. The small banks in this state do ask for it, do demand it, do need it. We should support it.

I urge you to recede and concur.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: I must respectfully disagree with my honored colleague on the Banking and Insurance Committee.

I would like to share with you some testimony at the committee which was very persuasive to me and I think it may be to you.

Mr. Will Lund, who is the Superintendent of the Bureau of Consumer Credit Protection, testified against this bill. He did so for the following reasons, if we raise the fee, the banks gave us no guarantee that they would slow their exodus to other states. No one said they would stay here because we doubled the fee. No one said they would come back if we doubled the fee. I think it is important that the men and women of this House know where they are going with the credit card business and then you must decide whether you are prepared to do what a state like South Dakota has done. They are selling their credit card businesses to states like South Dakota because they have no consumer credit protection code that says there will be limits on interest and there

will be limits on annual fees. I do not believe that is a decision this House is prepared to make at this time.

If you vote for this bill, do not vote for it in the belief that you are going to keep Maine's credit card industry here.

I would also like to remind you or ask you to think about before you vote, how many of your constituents have written to you asking you to double the fee that they are privileged to pay to a Maine bank in order to have a credit card? My guess is the only people you have heard from are a banking lobbyist or perhaps a few banks in your area. I think we are here to represent a balanced interest so think about what you are trying to do in your votes you are casting here.

Finally, I would believe that a progressive Maine Bank would use the opportunity to have a lower fee as a marketing device. I think the credit card market is very saturated. I know my son and daughters, who really shouldn't be getting a credit card from anybody because their only income is mine, have been offered all kinds of credit cards. No money down, no this, that, and the other and I don't like that at all because I am the one who is responsible for their bills.

It seems to me in a market when anybody is willing to give you a credit card that you would want to be as aggressive as you possibly could. I would think the Maine banks would advertise "buy local, buy Maine, buy a credit card from me and you will only pay half the fee that you are paying in other states." I can't understand why the Maine banks aren't taking that tact because you know there is zero fee for Discover Card and the AT&T Card started out as a zero fee. I think those are issues that you should consider. I don't want anyone to be voting for this bill under the illusion that there is suddenly going to be a proliferation of Maine banks selling credit cards. That just isn't the case. If you believe the banks need more money, that is another issue, but make sure you know what you are voting for.

I would urge you to vote against recede and concur and let's keep the fee at a reasonable rate for Maine consumers.

The SPEAKER: The Chair recognizes the Representative from Jay, Representative Pineau.

Representative PINEAU: Mr. Speaker, Men and Women of the House: I stand today to support the motion of the good Representative from Fryeburg and opposed to my good friend and chairlady from Vassalboro.

I believe her point is sound and strong that the banks didn't tell us that anyone would come back because of an additional \$12 a year on a credit card. I think she is very right and I don't think any banks would. I think that shows you how small a plus this would be for the banks but it is a plus.

In our current economy, the place where we are going to be stimulated is in our banks. What this does and, remember ladies and gentlemen, right now we do not regulate out-of-state credit card fees or rates, all we do is regulate (stringently) Maine credit cards. That is why there was an exodus out of state, that is why jobs were lost simply because they could do it cheaper somewhere else.

I think all of us here have plastic in our pocket and when we use the term "double the fee", I think that is a catchy term. I know when I was a police

officer, one year we had 100 percent investigation and convictions on rapes in my town. That is how I reported it when I went into negotiations for pay raises for my people. What I didn't bother to say was, we had one reported rape that we solved, you see the difference.

I don't think \$2.00 a month is much to ask for the banks to do the work they do for those people in billing and running the accounts of a credit card.

Yes, a progressive Maine bank would not charge. I know the banks in my area were saying this would give them the advantage. If the bigger Maine banks went to an increase up to \$24, they could hold it low, that would be another edge they could have on the big guys, something to invite their local people back into their banks.

Yes, this bill isn't going to create zillions of jobs and it is not going to be a windfall for the banks. What it is is a small plus that is needed and with other things we can do this session will add up and maybe we can get this economy back on the road.

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

Representative KETOVER: Mr. Speaker, Men and Women of the House: Yesterday you overwhelmingly supported the Minority Report not to increase the credit card fee. I think that was a very wise decision. I would hope that you would continue to give me that wise decision of not supporting this piece of legislation.

I think you all know the reasons why we should not do that at this time. One, it is interesting that every time the bankers come to the Banking and Insurance Committee, they always say that this is the only thing that we need to keep alive, we need this revenue, we need an increase in automatic teller machines, we need an increase in checking accounts, we annuities, we need, we need, we need or they are not going to survive.

You know and I know that they are surviving and they are doing very well here in Maine and the United States. Yes, they have had many problems, yes they brought a lot of that on themselves, but the people cannot continually bail out the banks. I think we are bailing them out now through tax dollars for all the banks that have failed.

We can get credit cards in the State of Maine. As a matter of fact, there has been legislation before the Banking and Insurance Committee to have a Maine Credit Card. There are ways of doing that.

To increase them to \$24 is unfair when we are in economic bad times in the State of Maine. I don't want to see the State of Maine go like Bridgeport, Connecticut or any other state that is considering bankruptcy.

This is a poor way to do it at this time. Maybe next year things will be different, maybe we will consider it then but at this point, I think we need to stick with the Minority Report and have it "Ought Not to Pass" and I hope you will do that.

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

Representative CROWLEY: Mr. Speaker, Men and Women of the House: I would like to pose a question to Representative Hastings. For 25 years, I have had a credit card with Casco Northern Bank and they convinced me that I should have both a Master Card and a Visa Card. I may be a sucker but I said that sounded like a good idea to me so I have both now.

Does that mean I am going to be increased on both cards?

The SPEAKER: Representative Crowley of Stockton Springs has posed a question through the Chair to Representative Hastings of Fryeburg, who may respond if he so desires.

The Chair recognizes that Representative.

Representative HASTINGS: Mr. Speaker, in answer to Representative Crowley, it is, of course, the decision of the bank how much it charges per card. This is a maximum amount the bill proposes.

Also, I believe the Casco cards are issued out-of-state and, therefore, they are not within the purview of the state law. I don't know where they actually come from, I don't have a Casco card. But, if they come from out-of-state, they are not subject to this law. If they come within the state, then I would tell you that if you have a card issued by a Maine bank that they would be bound to limit you to what the statute says. It could be \$24 per card if you have two different credit cards. I am told by somebody else and I only know this by a note that the Casco cards are issued out of Maryland. If they are out of Maryland, they are not even subject to this law, they are subject to whatever the State of Maryland allows them to charge and that is why most of the credit cards have left the state because in the other states that they have chosen to leave to, there is no limit on the amount of annual fee. That is why we are losing our business in Maine. It is not just the big banks, it is the small banks that are hurting from this too.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: I have heard two previous speakers refer to the \$24 being a maximum, suggesting that banks may not charge that. I would like to inquire of Representative Pineau or Representative Hastings if they know of any banks who charge less than the maximum annual percentage rate allowed by Maine banks?

The SPEAKER: Representative Mitchell of Vassalboro has posed a question through the Chair to Representative Pineau of Jay or Representative Hastings of Fryeburg who may respond if they so desire.

The Chair recognizes the Representative from Fryeburg, Representative Hastings.

Representative HASTINGS: Mr. Speaker, Men and Women of the House: I cannot answer that because I can tell you there are as many credit cards as there are banks that are licensed to do business in the State of Maine. In fact, many of our credit cards don't even come from Maine, most of them do not. Therefore, we have no control over the interest rates that these different banks charge. Frankly, I don't know what anyone charges on the cards other than my own. So, the answer is I don't know what they charge.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: My point is, we have a maximum interest rate that we allow Maine banks to charge. I ask you to look at the prime rate now and ask you if you think it is anywhere close to 18 percent. I suggest that it is not. So, if the banks really need more money, they have gotten it by keeping the

interest rates as high as it can possibly go.

I urge you to vote against recede and concur.

Mr. Speaker, if a request for a roll call has not been made, I do so at this time.

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

Representative LUTHER: Mr. Speaker, I would pose a question through the Chair to Representative Hastings.

Representative Hastings has stated that the banks that now do this business in the state may leave if they don't get the \$24. Does that also mean that they may not?

The SPEAKER: Representative Luther of Mexico has posed a question through the Chair to Representative Hastings of Fryeburg who may respond if he so desires.

The Chair recognizes that Representative.

Representative HASTINGS: Mr. Speaker, Men and Women of the House: We were told in Banking and Insurance at the time we had our public hearing on this that Key Bank had made an initial decision to remove its credit card business from the State of Maine, effective one or two years in the future. They would do that and make that the final decision based upon what was economically in the best interest of the bank. That would mean that as many banks — and perhaps some of you have Fleet cards, they were sold to North Dakota or South Dakota, one of those states because basically those states have attracted that type of business in that their interest rate that they allow is much higher and the rate for their annual fee is unlimited. So, it is only controlled by the market place.

The banks that really are now telling me — I can only speak to two small banks, one in Damariscotta and one in Camden who want this particular change, to issue their own cards. Their concern has been that it is a very marginal business for a small bank. They need some kind of help to maintain it or at least have it become economically advantageous for them to compete against a larger bank. As Representative Pineau suggests, it might be to charge a lesser fee than the big banks if they all go to \$24.

I don't think any banks are suggesting that they will leave as a bank, but I will tell you a great many of them have and I believe will leave with their credit card business. That is what we are talking about, that portion of the banking industry because they can go to another state, have their card issued out of another state and shipped back in through that bank and still charge the rates of a non-resident card. That is what happening and that is what continues to happen if we don't in some way help the smaller banks particularly, as well as the two big banks which continue to write cards in this state, Key Bank and Peoples Heritage Bank, if we don't try to do something to entice them to keep their business here.

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 Hastings of Fryeburg that the House recede and concur. Those in

favor will vote yes; those opposed will vote no.

ROLL CALL NO. 138

YEA - Aikman, Anderson, Anthony, Ault, Bailey, H.; Barth, Bowers, Carleton, Carroll, D.; Carroll, J.; Daggett, DiPietro, Donnelly, Duplessis, Erwin, Farnum, Farren, Foss, Garland, Greenlaw, Gwadosky, Hanley, Hastings, Heino, Hepburn, Hichens, Kilkelly, Kutasi, Lapointe, Larrivee, Lebowitz, Libby, Look, MacBride, Marsano, Marsh, Mayo, Merrill, Nash, Norton, Nutting, Ott, Pendexter, Pendleton, Pfeiffer, Pineau, Pines, Plourde, Reed, G.; Reed, W.; Richards, Richardson, Savage, Sheltra, Small, Spear, Stevens, A.; Stevens, P.; Stevenson, Townsend, Tupper, Waterman, Whitcomb.

NAY - Aliberti, Bell, Boutilier, Cahill, M.; Cathcart, Chonko, Clark, H.; Coles, Constantine, Cote, Crowley, Dore, Dutremble, L.; Farnsworth, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gurney, Handy, Hichborn, Hوجلund, Holt, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketover, Lawrence, Lemke, Lord, Luther, Macomber, Mahany, Manning, McHenry, McKeen, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Poulin, Pouliot, Powers, Rand, Ricker, Rotondi, Saint Onge, Salisbury, Simonds, Simpson, Skوجلund, Strout, Swazey, Tamarro, Tracy, Treat, Vigue, Wentworth, The Speaker.

ABSENT - Adams, Bailey, R.; Bennett, Butland, Cashman, Clark, M.; Duffy, Hale, Heeschen, Ketterer, Kontos, Lipman, Martin, H.; Parent, Ruhlin, Rydell, Tardy.

Yes, 63; No, 71; Absent, 17; Paired, 0; Excused, 0.

63 having voted in the affirmative and 71 in the negative with 17 being absent, the motion did not prevail.

Subsequently, the House voted to Adhere.

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

Non-Concurrent Matter

An Act to Clarify Board Membership Qualifications and Make Necessary Fee Adjustments to Meet Board and Departmental Operating Expenses for the State Board of Licensure for Professional Foresters (EMERGENCY) (H.P. 919) (L.D. 1316) (S. "A" S-221 to C. "A" H-312) which was Passed to be Enacted in the House on June 10, 1991.

Came from the Senate Passed to be Engrossed as amended by Committee Amendment "A" (H-312) as amended by Senate Amendment "A" (S-221) thereto and Senate Amendment "A" (S-334) in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act Relating to the Education of Homeless Students (EMERGENCY) (S.P. 466) (L.D. 1249) (C. "A" S-274) which was passed to be enacted in the House on June 10, 1991.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-274) as amended by Senate Amendment "A" (S-335) thereto in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Appropriate Funds for a Study of the Effectiveness of Education Reform in Maine (EMERGENCY) (S.P. 154) (L.D. 366) (C. "A" S-286) which failed of passage to be enacted in the House on June 10, 1991.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-286) and Senate Amendment "A" (S-337) in non-concurrence.

On motion of Representative Crowley of Stockton Springs, the House voted to recede.

Senate Amendment "A" (S-337) was read by the Clerk.

On motion of Representative Crowley of Stockton Springs, Senate Amendment "A" (S-337) was indefinitely postponed.

Representative Norton of Winthrop requested a roll call vote on passage to be engrossed.

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

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

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

Representative NORTON: Mr. Speaker, Men and Women of the House: For two days in a row, this procedure has eluded me and for that I apologize to the Speaker and members of this body.

This study which will require no new money is one of the most desperately needed approaches that this House could approve.

We have had all sorts of talks on the floor of this House about mandates and the waiving of those mandates. I submit to you that we should be looking at what we have mandated. Many of these have been in effect since 1984.

We are now talking about restructuring the schools. Many people don't know what we would be restructuring and that isn't a matter of criticism but I want to tell you what some of the people would be looking at. We would be looking at the the cost of the Certification Law. Most of you have had complaints about that law. I think it has a place in the scheme of things. I think it needs to be looked at, however. We ought to be looking at what we require in the curriculum. Yes, we ought to be looking at our testing program. We should be looking at the use and abuse of computers in the schools. We are requiring computer literacy. It is very important to be on the right track on that and be on the right track in restructuring.

On this committee, I would like to inform you, that it has already been put in place and the Chairs

of the Education Committee serve on it. These are not all inclusive but I want you to hear it because they are from all around the state. They represent everyone from the Education Committee to the Department of Education, Governor's selections, state boards, secondary principals, school boards, elementary principals. I will name a few of them in addition to Dr. Richards and our Senate and House Chairs; Jane Amero, the State Board of Education; Ann Anctil, President of the Maine Teachers Association; Don Sturgeon, Principal of Old Town High School; Bob Paradis, elementary Principal, South Portland; Al Hall, Superintendent of Schools in Waterville; and James Roach, President of the University of Maine. If that is not enough, I am also on that committee. If that is too much, then I would be willing to reconsider my membership. Actually, while levity is somewhat in order, the seriousness of this question is not debatable.

I wish that I had been a little more attuned yesterday when it came up and saved you from this discourse today. However, today is certainly never too late and, remember with no new money and the committee in place, I certainly hope you will go along with this emergency provision and enact this bill. Let's get on and do the job that we need to do to inspect the programs that our children in the schools, elementary and secondary in this state, are having put before them.

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

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to try to add to the eloquence of Representative Norton, he covered the waterfront. I do want to add the fact that we have spent billions of dollars since 1984 in education and this is simply a study and evaluation of all those monies we spent to make sure they were spent wisely and to change anything that might need to be changed. I hope you go along with this motion.

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

ROLL CALL NO. 139

YEA - Aliberti, Anderson, Anthony, Ault, Bailey, H.; Barth, Bell, Boutilier, Cahill, M.; Carleton, Carroll, D.; Carroll, J.; Cashman, Cathcart, Chonko, Clark, H.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Dore, Dutremble, L.; Erwin, Farnsworth, Farnum, Farren, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gurney, Gwadosky, Handy, Heino, Hepburn, Hichborn, Hichens, Hogleund, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, Lapointe, Larrivee, Lawrence, Lemke, Libby, Lipman, Look, Lord, Luther, Macomber, Mahany, Manning, Marsh, Mayo, McHenry, McKeen, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pendexter, Pendleton, Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Powers, Rand, Reed, W.; Richardson, Ricker, Rotondi, Ruhlin, Saint Onge, Savage, Sheltra, Simonds, Simpson, Skoglund, Spear, Stevens, P.; Stevenson, Strout, Swazey, Tammaro, Townsend, Tracy, Treat, Tupper, Vigue, Waterman, Wentworth, The Speaker.

NAY - Aikman, Bowers, Donnelly, Duplessis, Foss, Garland, Greenlaw, Hanley, Hastings, Holt, Kutasi,

Lebowitz, MacBride, Marsano, Merrill, Nash, Ott, Pines, Reed, G.; Richards, Salisbury, Small, Stevens, A.; Whitcomb.

ABSENT - Adams, Bailey, R.; Bennett, Butland, Clark, M.; Duffy, Hale, Heeschen, Kerr, Ketterer, Kontos, Martin, H.; Parent, Rydell, Tardy.

Yes, 112; No, 24; Absent, 15; Paired, 0; Excused, 0.

112 having voted in the affirmative and 24 in the negative with 15 absent, the Bill was passed to be engrossed as amended by Committee Amendment "A" (S-286) in non-concurrence and sent up for concurrence.

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

Non-Concurrent Matter

Bill "An Act to Require Country of Origin Labeling on Fresh Produce and Labeling of Produce Treated with Post-harvest Treatments" (S.P. 606) (L.D. 1610) which was passed to be engrossed as amended by Committee Amendment "A" (S-225) as amended by House Amendment "A" (H-581) thereto in the House on June 6, 1991.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-225) as amended by Senate Amendment "A" (S-336) thereto in non-concurrence.

The House voted to recede and concur.

PASSED TO BE ENGROSSED WITHOUT REFERENCE TO COMMITTEE

Bill "An Act to Remove Certain Investment Restrictions Concerning Namibia" (H.P. 1344) (L.D. 1941) (Presented by Representative JOSEPH of Waterville) (Cosponsored by Representative HEESCHEN of Wilton, Representative LARRIVEE of Gorham and 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 had suggested the Committee on State and Local Government.)

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

PETITIONS, BILLS AND RESOLVES REQUIRING REFERENCE

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

Transportation

Bill "An Act Making Additional Allocations from the Highway Fund for the Expenditures of State Government for the Fiscal Year Ending June 30, 1991" (EMERGENCY) (H.P. 1349) (L.D. 1942) (Presented by Representative STROUT of Corinth) (Cosponsored by Representative MACOMBER of South Portland, Senator GOULD of Waldo and Senator THERIAULT of Aroostook)

Ordered Printed.
Sent up for Concurrence.

the First Regular Session, join our French-speaking citizens in welcoming these distinguished visitors and wishing them continued success in the furtherance of cultural exchanges with our State; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted forthwith to l'Amicale des Sarthois de Paris and Le Club Calumet with our warmest commendation for their successful endeavors.

Was read and adopted and sent up for concurrence.

ORDERS

PASSED TO BE ENGROSSED

As Amended

On motion of Representative PARADIS of Augusta, the following Joint Resolution: (H.P. 1351) (Cosponsors: Speaker MARTIN of Eagle Lake, Representative BOUTILIER of Lewiston, Representative CHONKO of Topsham, Representative MADEAU of Saco, Representative PARADIS of Frenchville, Representative PARENT of Benton, Representative PINEAU of Jay, Representative ST. ONGE of Greene, Representative POULIN of Oakland, Representative COTE of Auburn, Representative DUPLESSIS of Old Town, Representative DUTREMBLE of Biddeford, Representative GEAN of Alfred, Representative JACQUES of Waterville, Representative JALBERT of Lisbon, Representative LAPOINTE of Auburn, Representative LARRIVEE of Gorham, Representative PLOURDE of Biddeford, Representative POULIOT of Lewiston, Representative RICHARDS of Hampden, Representative RICKER of Lewiston, Representative LUTHER of Mexico, Senator THERIAULT of Aroostook, Senator BERUBE of Androscoggin, Senator GAUVREAU of Androscoggin, Senator DUTREMBLE of York, Representative MARTIN of Van Buren, Representative MELENDY of Rockland, Representative MICHAUD of East Millinocket, Representative SHELTRA of Biddeford, Representative TRACY of Rome, Representative TARDY of Palmyra and Representative PENDEXTER of Scarborough)

Bill "An Act to Clarify the Solid Waste Landfill Remediation and Closure Program" (S.P. 639) (L.D. 1687) (S. "A" S-309 to C. "A" S-296)

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" (S.P. 705) (L.D. 1876) (C. "A" S-325)

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

ORDERS OF THE DAY

UNFINISHED BUSINESS

JOINT RESOLUTION RECOGNIZING THIS STATE'S HISTORICAL AND CULTURAL TIES WITH THE SARTHE REGION OF FRANCE

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

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

SENATE REPORT - "Ought to Pass" as amended by Committee Amendment "A" (S-291) - Committee on State and Local Government on Resolve, to Allow the Department of Marine Resources to Convey Land (S.P. 691) (L.D. 1837)
TABLED - June 10, 1991 (Till Later Today) by Representative MITCHELL of Freeport.
PENDING - Acceptance of Committee Report.

The SPEAKER: The Chair recognizes the Representative from Southwest Harbor, Representative Carroll.

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

Mr. Speaker, Men and Women of the House: I don't fully understand L.D. 1837. At this time, I feel that there are many people in this House that don't understand L.D. 1837. It is a Resolve to Allow the Department of Marine Resources to Convey Land and buildings in Boothbay Harbor and McKown Point. If

WHEREAS, our State is the only state in the union named after a region in France; and

WHEREAS, the descendants of France who came to this State via Quebec and Acadia constitute an important part of Maine's cultural identity; and

WHEREAS, Sarthe is the region of modern France from which Maine takes its name; and

WHEREAS, l'Amicale des Sarthois de Paris is an association that has been sponsoring cultural exchanges with Maine and in particular with Le Club Calumet of Augusta since 1978; and

WHEREAS, a large delegation of Sarthois will be visiting Augusta to join in the celebration of the annual Festival de la Bastille; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Fifteenth Legislature now assembled in

you look this bill over (and the amendment) every day we are trying to find money to buy land. What this bill does is asking to give away a piece of land and buildings in Boothbay Harbor. This complex they want to give away is located at McKown Point, it is less than 20 years old. I was there when it was built. Bigelow Laboratory — they are already built in to the lease program at Boothbay.

I am not a real estate agent but there is a deep water dock there, probably worth anywhere from \$1 million to \$2 million — the land that they want to swap for Bigelow is located on Southport, approximately three miles away. It is 22 acres of land, there is no road to it, no sewage, no water, 22 acres of wooded land located on Southport Island.

If you read the amendment it says in Section 1, "The transfer must also provide for public access to a parcel of land located in the Town of Southport owned by Bigelow Laboratory for Ocean Sciences." It would be a joint development. If you read the fiscal note, "the cost associated with conveyance would be absorbed by the Department of Marine Resources, utilizing existing budget resources."

I guess what I am asking the House is to go along with me and indefinitely postpone because I don't understand why we are giving away \$1 million to \$2 million worth of property located at McKown Point in Boothbay Harbor or swap for 22 acres of land. We are not getting the land on Southport, we can have access to it. As I said earlier, there is no road, no water, no electricity, there is nothing there, just a parcel of land. It doesn't help the town of Southport, they pay no taxes on this land whatsoever and for us to take it over and swap this complex located at McKown Point in Boothbay, which is a beautiful complex — if you have not been there, I wish you would go down and take a look at it, there are offices, wetland, a garage and boat storage. It is a beautiful piece of land and a beautiful piece of real estate in the town of Boothbay Harbor.

I wish I had more time to look into it but some of the questions I asked, if we give this to Bigelow, which is a non-profit organization, they are ocean scientists, they do work with the Department of Marine Resources and we have given these buildings and land worth I don't know how much (expensive) — if we give it to them, who says they can't use it for security and go get a loan.

I understand they have to have these buildings to acquire federal grants and things like that. Well, I am sure they have received federal grants in the past and private donations, but why should the State of Maine give away this complex located at McKown Point? They are built into the lease program.

I can explain a little bit more to you, Bigelow Labs are located in different buildings on McKown Point now and they are working. If we move them out of these buildings so we can go ahead with the \$8 million we gave them last time to build their new complex, why can't we move them into the new complex of the Department of Marine Resources buildings, which are located there now, put them in there, keep the lease the way it is and then we can go along this summer with our new construction for the Department of Marine Resources located at McKown Point in Boothbay.

Mr. Speaker, I request a roll call.

The SPEAKER: The Chair recognizes the Representative from Freeport, Representative Mitchell.
Representative MITCHELL: Mr. Speaker, Men and

Women of the House: I hope you don't indefinitely postpone this bill. It is my belief that the state is going to be adequately and fairly compensated in this transfer of land. The proposal is to swap two acres of land at the Bigelow Laboratory, land that is already leased to the Bigelow Laboratory, for half interest in 20 acres of land on Cameron Point at a distance from the lab. I think the deal is in the best interest of Maine. The State Government Committee amended the bill to say that if Bigelow Lab should not need the facility anymore, it would revert back to the state.

The land in question is of limited value on the open market because it was a gift of the federal government and can only be used for public purposes. Furthermore, I think the most important issue is, if you look across this country, you will find that areas where there are a lot of economic prosperity and growth are usually areas where there is a lot of interest in science and research. The Bigelow Laboratory is our only scientific research institute in the state that specializes in marine research. I think that to tie their hands and make it difficult for them to operate would adversely affect the long-range economy of the state.

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

The SPEAKER: The Chair recognizes the Representative from Boothbay, Representative Heino.

Representative HEINO: Mr. Speaker, Ladies and Gentlemen of the House: This indefinitely postponement request comes after the majority of the State and Local Government Committee has approved this bill unanimously. Most of the members of the Marine Resources Committee would support this.

It has been stated here this morning that the value of this land is somewhere between \$1 million and \$2 million, that at best is a wild guess. The entire ten acres there is only valued at something over \$3 million and the piece of land and the buildings that Bigelow would be moving into can only be used for scientific and marine uses. So, it is not a commercial piece of property such as we normally would think shore property to be.

Twenty years ago, the wisdom of the legislature passed legislation which stated that the Marine Resources Department should hold hands and support and encourage scientific development there. That is how and why Bigelow is currently located at that particular point.

It has been stated that the buildings where Bigelow would move into are 20 years old. That is true. What hasn't been stated is the fact that they miserably malfunctioned so far as meeting OSHA regulations. As the state, if we continue to stay in that area in those buildings, we would have to put thousands and thousands of dollars into those buildings to bring them up to OSHA standards. Bigelow is a world-renowned science lab and I think it is a feather in the cap of the State of Maine, to the environment, and to the oceanography studies. I think this is something that we want to hold and as the representative of that area, I would certainly like to see Bigelow continue there. There are about 50 people working there and I would like to continue to see the Marine Resources in the State of Maine support that area.

The question is then, why does Bigelow not continue with the normal 20 year lease? Bigelow is attempting to build a new lab in the two buildings

that they would be moved to and, in order to qualify for the National Science Foundation monies, they need to own the land and the buildings, it is just that simple. If we are going to have a world-renowned oceanography lab down there, we need to do that.

I would hope that this body would support the concept of science and defeat the motion that is pending.

The SPEAKER: The Chair recognizes the Representative from Southwest Harbor, Representative Carroll.

Representative CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: Bigelow moved to McKown Point in 1974. Since that time, the State of Maine has been giving them every year (other than the access to the buildings owned by DMR in the state) \$100,000 a year of taxpayer money. This year, it did come down to \$90,000 a year.

I rise to explain what is going on down there, we are giving them \$100,000 or \$90,000 a year, providing building access, they are in a lease program already with DMR. As I said earlier, if they are in the buildings that the department wants to tear down now and give them the newer lab, which is called the Ronald Green Laboratory, why can't we just move them in there? If this is a problem with the Department of Marine Resources, I understand that. But, move them out of the buildings that they want to take down, move them into the newer complex which was built in 1972 and let them lease that.

As I said, I would like to start a business somewhere along the coast of Maine and be given \$90,000 to \$100,000 a year.

Mr. Speaker, I would like to pose a question to anyone who can answer. As far as the 22 acres of land located in Southport, I know where it is because I have a general sense of the land — what can we do with that land as far as public access, state park, etcetera? If we inherit this, what can the State of Maine do with this land located in Southport?

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

The Chair recognizes the Representative from Boothbay, Representative Heino.

Representative HEINO: Mr. Speaker, Ladies and Gentlemen of the House: The 22 acres that is talked about that is located on Cameron Point at Southport will be and can be developed in a cooperative effort through Bigelow and the Marine Resources Department for scientific studies, for building educational facilities and that sort of thing.

One other thing that I would like to have you keep in mind is the fact that the wisdom of this legislature, about 16 years ago, this body approved the Marine Resources Department in giving \$100,000 a year to Bigelow. This body and the other body approved that. They felt it was important enough for Bigelow to be there and what Bigelow would bring to the State of Maine. They not only bring world-renowned science to the State of Maine, they bring jobs. Those people have good paying jobs, these are funded by private funds, they pay taxes. The wisdom of this legislature years ago supported that.

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

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House: I would urge this House to

go very slow today as we consider transferring what I consider to be some very beautiful, valuable real estate to a private concern.

Since I have been in this legislature, it has been my occasion to witness many times the state saying to itself, I wish we hadn't done that. I wish we hadn't given that piece of land up. We are talking about a private concern that has received numerous amounts of support, as Representative Carroll has pointed out. I think that there is another way that we could work this out to help them get their grants. Previous speakers have suggested that in order to support science we have to support this bill and I don't think that is the case.

I think we need to take a very cautious approach, go very slow, be very deliberative when we talk about giving away a very valuable piece of land.

I would urge you support the motion to indefinitely postpone.

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

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair, please.

This issue was of a great deal of controversy during the budget and bond issue discussion last year because we issued a certificate of participation for bringing the McKown facility up to OSHA standards. I am confused now as to what that money is being used to do? If a supporter of this plan might answer that?

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

The Chair recognizes the Representative from Waterville, Representative Joseph.

Representative JOSEPH: Mr. Speaker, Men and Women of the House: When we heard testimony on another piece of legislation, we did hear that that facility was being upgraded according to the OSHA standards and we were hearing testimony at that time from employees who were part of that facility.

If I could turn back to this piece of legislation, I understand the concerns of all of you hear about moving forward with this bill. I must say to you that the State and Local Government Committee had these same concerns. If you would look at the amendment, you would see that Section II addresses these concerns, that if this property were not used for the purposes of marine research, if the Commissioner of Marine Resources or this commissioner's successor determines that the conditions of this section are not being met, the title and ownership of the property does revert back to the State of Maine.

I know this may seem like an imprudent step but having heard the testimony of those previous speakers who support this, this is the same testimony that we did hear. We also heard testimony from the Commissioner of Marine Resources, but even more than that, the concerns of the Chair of the Marine Resources Committee were heard and I understand a meeting took place between that committee and those people involved in this piece of legislation. As you have heard the House Chair say to you today that he now supports this piece of legislation, I would urge you to vote against the motion to indefinitely postpone this bill.

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

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: I served four years on the Committee of Marine Resources and I can't believe in what we are trying to do with that property on McKown Point in Boothbay Harbor. Bigelow labs have always worked compatibly with the Department of Marine Resources.

Another thing we are not talking about is the Department of Marine Resources has a research and development arm that are very important to the fishermen in the State of Maine. I can't see why they can't continue living together compatibly down there without us giving away the whole store. Here we are buying land all over the State of Maine for Maine's future and all of a sudden we are turning around and giving away some of the most desirable property in the State of Maine.

I think this bill is a mistake and we should indefinitely postpone it.

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

Representative TUPPER: Mr. Speaker, I would pose a question to anyone who may answer. I would like to know if the land in question is the same land where the fish hatchery and the lobster bearing area and the seal unit is?

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

The Chair recognizes the Representative from Southwest Harbor, Representative Carroll.

Representative CARROLL: Mr. Speaker, Men and Women of the House: The land Representative Tupper is talking about is going to be part of the land that is going to be torn down and rebuilt. This is the new complex as you drive onto McKown Point, it was built and completed in 1972.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: Our committee and Representative Carroll met with the Commissioner of Marine Resources yesterday and it was my understanding at that meeting that the old fish hatchery and the aquarium building would remain state property. The property at the end of the point where people like to go and visit the aquarium. It is only two other acres at Bigelow that would be transferred for this land on Southport Island.

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

Representative KILKELLY: Mr. Speaker, Ladies and Gentlemen of the House: As a member of the State and Local Government Committee, I can assure you that we asked a lot of the same difficult questions that you are asking now. As someone who grew up in Boothbay Harbor, one of the concerns that I had was, are we going to continue to have public access at this absolutely beautiful piece of land? I certainly agree with Representative Carroll that it is one of the most beautiful pieces of land along the coast. That access will continue, so we will still continue to have public access at the picnic area. It is my understanding, along with Representative Mitchell, that the aquarium will still be available and the seal pens will be there.

I think it is important to bring this back down to what the basic concern is. The land that we are talking about is under a federal restriction to be

used for marine research. I would assume that the value of the land is then significantly reduced because we are not talking about being able to build condo's on it or being able to use it for anything that we want to do, it is limited to marine research. It will return to the state for \$1.00 if at some point it is not being used for marine research, so we are not really losing it.

There are 22 acres that are being exchanged, access to 22 acres in Southport. Now, 22 acres is a large piece and it is important to those of us who live on the coast, any part of the coast, that any kind of public access that we can provide is important. This kind of a trade is not unreasonable.

Marine research has been brought up as an issue. One of the meetings of the coastal caucus we held during the winter time, the Commissioner of Marine Resources came over and talked to us. One of the concerns that he had was the inability of the department to do as much research as they wanted to and how important it was to have cooperative ventures with organizations such as Bigelow.

I would suggest that this bill in fact meets all of those, it provides access to the public, it provides a cooperative venture with a worldwide, world-renowned organization doing marine research and also provides us with an opportunity to continue to use that particular piece of land for public access.

I would urge you to vote against indefinitely postponing this bill.

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

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

The SPEAKER: The pending question before the House is the motion of Representative Carroll of Southwest Harbor that the bill and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 140

YEA - Aikman, Aliberti, Anderson, Ault, Bailey, H.; Barth, Bell, Boutilier, Bowers, Cahill, M.; Carleton, Carroll, D.; Carroll, J.; Cathcart, Chonko, Clark, H.; Clark, M.; Cote, Crowley, DiPietro, Donnelly, Dore, Duplessis, Dutremble, L.; Erwin, Farnum, Farren, Foss, Garland, Gean, Gould, R. A.; Graham, Greenlaw, Gwadosky, Hanley, Hastings, Hochborn, Hoglund, Hussey, Jacques, Jalbert, Ketover, Ketterer, Kontos, Kutasi, Lapointe, Lawrence, Libby, Lord, MacBride, Macomber, Mahany, Marsh, Mayo, McHenry, Merrill, Michaud, Mitchell, E.; Morrison, Murphy, Nadeau, Nutting, Paradis, J.; Parent, Paul, Pendexter, Pendleton, Pineau, Plourde, Poulin, Pouliot, Powers, Reed, G.; Reed, W.; Ricker, Rotondi, Sheltra, Simpson, Small, Stevens, A.; Stevenson, Strout, Tamaro, Tardy, Tracy, Tupper, Vigue, Wentworth, The Speaker.

NAY - Adams, Anthony, Cashman, Coles, Constantine, Daggett, Farnsworth, Goodridge, Gray, Gurney, Handy, Heino, Hepburn, Hichens, Holt, Joseph, Kerr, Kilkelly, Larrivee, Lebowitz, Lemke, Lipman, Look, Luther, Manning, Marsano, McKeen, Melendy, Mitchell, J.; Nash, Norton, O'Dea, O'Gara, Oliver,

Paradis, P.; Pfeiffer, Pines, Rand, Richards, Richardson, Saint Onge, Salisbury, Savage, Simonds, Skoglund, Spear, Stevens, P.; Swazey, Townsend, Treat, Waterman, Whitcomb.

ABSENT - Bailey, R.; Bennett, Butland, Duffy, Hale, Heeschen, Martin, H.; Ott, Ruhlin, Rydell.

Yes, 89; No, 52; Absent, 10; Paired, 0; Excused, 0.

89 having voted in the affirmative and 52 in the negative with 10 absent, the bill and all accompanying papers were indefinitely postponed in non-concurrence and sent up for concurrence.

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

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)

TABLED - June 10, 1991 (Till Later Today) 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 third 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 10, 1991 (Till Later Today) by Representative GWADOSKY of Fairfield.

PENDING - Passage to be Engrossed.

Subsequently, L.D. 1341 was passed to be engrossed as amended by Committee Amendment "A" (S-176) in concurrence.

The Chair laid before the House the fourth 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 10, 1991 (Till Later Today) by Representative JOSEPH of Waterville.

PENDING - Motion of same Representative to accept Minority "Ought Not to Pass" Report.

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

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

HOUSE DIVIDED REPORT - Majority (9) "Ought to Pass" as amended by Committee Amendment "A" (H-454) - Minority (4) "Ought Not to Pass" - Committee on State and Local Government on Bill "An Act to Promote Fully Informed Legislation and Rulemaking" (H.P. 913) (L.D. 1310)

TABLED - June 10, 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 Mayo of Thomaston, retabled pending the motion of Representative Joseph of Waterville 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:

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 10, 1991 (Till Later Today) by Representative GWADOSKY of Fairfield.

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

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

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

HOUSE DIVIDED REPORT - Majority (8) "Ought Not to Pass" - Minority (5) "Ought to Pass" as amended by Committee Amendment "B" (H-588) - Committee on

Aging, Retirement and Veterans on Bill "An Act Concerning Access to Maine Veterans' Homes and the Veterans' Memorial Cemetery" (H.P. 964) (L.D. 1391)

TABLED - June 10, 1991 (Till Later Today) by Representative JALBERT of Lisbon.

PENDING - Acceptance of Either Report.

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

Representative JALBERT: Mr. Speaker, I move the House accept the Majority "Ought Not to Pass" Report.

Mr. Speaker, Ladies and Gentlemen of the House: This is not the first time these bills affecting the Veterans' Cemetery have come before the committee. In the seven years I have been here, I think we must have had it at least a dozen times.

The Veteran's Memorial Cemetery here in Augusta and the three veterans homes that were constructed, one in Augusta, one in Scarborough and one in Caribou were constructed for the purpose of taking care of the burial or war time veterans and the homes were built to take care of war time veterans. Specifically, it has been determined that the

veterans of war time service would be eligible to be buried in the Veterans' Cemetery or to be taken care of in the veterans homes.

What this bill does — and I think the amendment probably changes this cemetery part — it says that the veterans homes would have to admit any person who served in the armed forces. Congress has designated certain dates from December 7, 1941 to December 31st of 1946 as World War II and from 6/27/50 to 1/31/55 as Korea and from 8/5/64 to 5/7/75 as Vietnam.

The original bill which was voted by this body stated in the bill "The primary purpose of the homes shall be to provide support and care for honorably discharged veterans who served in the United States Armed Forces during war time, including the Korean Conflict and the Vietnam War. Well, maybe someone who served in the armed forces other than war time feel they should be buried there in the cemetery or have to be taken care of in the veterans homes. If you do that, you would need about 50 veterans homes and about 2,000 acres for the Veterans' Cemetery. This was well decided, certain periods of conflict shall be.

One thing that was completely overlooked here — that if we allow anyone who was in the armed forces but not during war time to be buried in the Veterans' Cemetery or to be taken care of in the veterans' home, you will have a fiscal note that the federal government will not subsidize. Any veteran who is not a war time veteran who is in a veterans' home — which means that the state in this time of fiscal constraint will have to cough up the money to help put the veterans in the home.

This was built to take care of the veterans who answered the call to their country in war time. The majority of the young men and women (but the women were not drafted) were drafted in World War II, the Korean and Vietnam war. In between were volunteers, they have since accepted the Desert Storm but what doesn't make sense is the committee members who are on the Minority Report, once before in this session, voted against allowing the veterans of Desert Storm to be able to buy military time when they are state employed because they said that Congress had not yet declared Desert Storm as a war time conflict. Yet, they are saying now that it is perfectly all right that we allow the veterans who did not serve in war time to be admitted to the veterans' homes.

Here is the thing — in the amendment that they have, they say on availability, as it is available. What will happen if the veterans' home in Caribou is full and a veteran who qualifies to go into the home in Caribou cannot go in, what are they going to do, take the non-war time veteran out? They sure as heck aren't going to do it.

The intent of the legislature to create these veterans' homes was to take care of the veterans who served in war time, times which Congress has declared periods of conflict.

I would ask that you support the Majority "Ought Not to Pass" Report.

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

Representative GRAHAM: Mr. Speaker, Men and Women of the House: This is my bill. Unfortunately, the amendment which is before you replaces the bill and that is not my language. If that is of any comfort to you, the language that is before you is none that I had anything to do with. However, it is acceptable to me.

It is kind of unfortunate that my good friend from Lewiston keeps referring to the cemetery since the cemetery has been removed from the bill, although the word remains in the title. So, you need not concern yourself with the Maine Veteran's Cemetery at all, there is nothing in here that will affect it.

What we are going to try to do is allow access to the Maine Veteran's Homes to veterans who served in other than those specified periods of conflict on a space available basis.

As I said, this is not my language but I think it is important that you know where the language came from. The language that is before you in H-588 says, "The homes must give priority and admissions to veterans who served during war time but may admit veterans who did not serve during war time if space is available." That language comes from Mr. Carney who is the administrator of the veterans' homes. It was his suggestion that we do this. The reason he made that suggestion is that we have quite a high turnover at the Maine Veteran's Home and they go by three month periods and some three month periods they have as many as 27 turnovers in the beds and the lowest they have ever had in a three month period is three beds.

The second thing to remember is that there are frequently anywhere from six to 12 beds empty, most of them at Caribou. Mr. Carney's point was that it is kind of a shame to let these beds go empty when there are people out there who have served their country in the armed forces who could occupy those.

This came to my attention two years ago when a fellow named John Hurley, who is from Houlton, called me from Togus. John needed long-term nursing home care but he was not eligible for the Maine Veteran's Home and he had to go to a regular private nursing home. John served in the U.S. Air Force from 1957 to 1959. He is not eligible for the Maine Veteran's Home and he is not eligible for the Veterans' Cemetery. I recently found out that he is not eligible for the Maine Vets low-interest business loan and I am still discovering other things that he is not eligible for.

The interesting thing is that John Hurley's daughter is not eligible for any of these things either. You may remember when the two aircrafts crashed into each other at the air show in Germany, she was on duty as a Sergeant in the Air Force at the air field that day and received a broken leg from debris from those airplanes. She is not eligible.

When John was finally moved from Togus to the Augusta Convalescent Center which is on Rt. 17 on the right heading out towards Togus, his roommate was a gentleman in his 80's (and I forget his name) but he served in the U.S. Army from 1923 to 1928. He is not eligible for Maine Veteran's Home or the Maine Veteran's Cemetery. I am not eligible for the Maine Veteran's Home, I am not eligible for Maine Veteran's Cemetery or the business loan program even though I served four years of active duty in the Navy, two and a half years overseas, when I could not come home to be with my family for holidays, birthdays and those sorts of things because of the prohibitive expense. Even though I was on an airplane that almost crashed within sight of the Soviet Union when the engine quit for a period before it came back on. You know who else is not eligible? Any of the marines who were in Lebanon when the barracks got blown up, but who were lucky enough to have not been in there, are not eligible. For every man at the front, it takes seven

in support. If we really wanted to get the the heart of the matter, then why aren't we in here proposing language that you have to prove you were in combat to qualify? What is the difference between a guy who spent two years during the Second World War at a supply depot in Jersey and the people who are serving in the military who volunteer to serve, who don't have to wait for someone to tell them they have to go in the service? What is the difference?

Let's refer back one more time to H-588, the amendment replaces the bill. It is permissive language that would allow for people who served on active duty outside of those particular dates to have a bed if the administrator of the veterans' homes agrees and if there are spaces available. There is no requirement, there is no mandate, and you will notice there is no fiscal note.

I think it is the only fair thing to do. I think it is a shame for those beds to go wanting month after month when we have people out there who have served the country and want access to them.

I would encourage all of you to vote for this as a small step towards recognizing all of the people who serve and protect the country.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I wish to thank the good gentleman from Houlton, when he compared my service in World War II with his service on board a ship in peace time. I would have gladly given up had God waited a while to put me on, to give up my \$50 a month and sleep in the mud in France and Belgium.

The point that he brought out that the Marines in Lebanon do qualify as soon as Congress will declare those periods. Now, they have said that it is pending in Congress that they will declare those periods of conflict, Lebanon, Granada, Panama and Desert Storm, that is coming, and that is exactly what the Minority Report members were objecting to, the fact that we could not include them with the rest of the veterans in Maine for military service when they buy state time.

The question now is, where are we going to put them? I sympathize with everyone, anyone served in the armed forces, fine, but where are we going to put them? They say there are four or five beds empty in Caribou — I haven't seen a hospital yet that didn't have at least three or four beds empty. Suppose you have an emergency? It is a brand new home in Caribou and there was a problem at first about the people in the upper St. John Valley who were a little hesitant about going down to Caribou to be in a veterans' home and that situation has been ironed out. I am saying that that in Caribou is the only one around and the purpose for the one in Caribou is because the nearest place that any veteran from the Aroostook area could go to was Augusta. We built one in Scarborough because people in York County had to come all the way to Augusta and Augusta was full.

As we go along, the age of the World War II veterans is getting older. They will be going in, the demand will be more and more. After World War II, you will have Korean veterans who will want to go in, you will have the Vietnam veterans who want to go in. I would hate to think when someone who served in the jungles of Vietnam, who was in Korea, and there wasn't a question that the Russians were over there, the Russians had the Chinese right there in Korea shooting at American boys, the same way in Vietnam

and World War II, I would hate to think that some veteran who deserves to go in there will go in and they will say, "Sorry, we have to take in somebody who served in peace time." I would ask that you would support the Majority "Ought Not to Pass" Report.

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

Representative ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: In response to Representative Graham who spoke of the fact that some of the people who served in the service as he did were in elements of danger, I am a Korean War veteran. I volunteered, I wasn't drafted. I would have been willing to go overseas had they sent me. I am eligible for the veterans' home, I have already filled out my application to be buried in the Veterans' Cemetery and it has been accepted. Congress sets the eligibility dates and, if we want to include any more, then Congress should change the dates.

Representative Graham said there was no fiscal note on this bill, there should be, because if it is opened up to all veterans and they are allowed to go in, they will not be subsidized by the federal government, it will cost the state money.

I will repeat what Representative Jalbert said, what if a Vietnam veteran has a bad case of agent orange and needs to go into a home and it is filled with peace time veterans, do you think they are going to turn out a veteran that is in a bed? I don't believe so, but I think it is unfair to the war time veterans. I urge you to support the position of Representative Jalbert.

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

Representative LAPOINTE: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. There are two other issues that have not been mentioned here. In the original bill, two other individuals may be included to go to the hospital and this is the Gold Star mother, a woman who has lost her son during the war and a widow, a woman who has lost her husband. I have spoken to several veterans counselors and they are very concerned about this, that they may be locked out.

Also, one other issue that was brought out to me, there are 28,000 veterans from the Korean war, agent orange is coming out very strongly, it is a latent type of cancer and they need help, very costly help. This is why the veterans feel very, very strongly about this, the hospital beds should be made available to the Vietnam veterans of agent orange by priority.

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

Representative GREENLAW: Mr. Speaker, Ladies and Gentlemen of the House: There are many members of this House that have been members of major conflicts. I have never heard of one that I was ashamed of but I am certainly embarrassed by some of the remarks.

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

Representative O'DEA: Mr. Speaker, Men and Women of the House: I signed the Minority "Ought to Pass" Report which simply gives the veterans' homes the option of allowing some non-combat veterans in.

One thing I have learned from serving on the Joint Standing Committee on Aging, Retirement and Veterans is that the veterans groups are most

vigilant about protecting what they would consider to be their lot. I trust if the veterans homes were in a position to develop any rules to permit non-combat veterans in that they would be very fair and would be prioritized to allow those who served in some of the other military actions we've have been involved in besides Granada, Lebanon, World War II, Vietnam, Desert Storm, those recognized periods of conflict. I think this could probably be administered in a way that was fair and equitable for everybody.

If there is one thing that we don't want to see, it is people who need to be in nursing homes right now who are being turned away because of the lack of recognition from Congress. That is all this Minority Report will attempt to do.

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

Representative FARNUM: Mr. Speaker, Members of the House: Thirty years ago or more, I was up in Aroostook County as a school principal and some Aroostook County veterans of foreign wars asked me to put a bill in here so they could have a home up in Aroostook County. I told them at the time I couldn't do it, I wasn't a member of the House.

A few years ago, a bill was put in and I stood on the floor of this House and I stood on the floor of the Civic Center and fought for it. The people who backed me were the Veterans of Foreign Wars from Aroostook County, South Berwick and from York County. I stand by that.

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

Representative PAUL: Mr. Speaker, Ladies and Gentlemen of the House: I just want to say that in the previous session where the bill was submitted to make possible the Veterans' Home in Caribou and York County, I was one of the cosponsors of that bill. I hope you will support the Majority "Ought Not to Pass" Report.

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

Representative GRAHAM: Mr. Speaker, Ladies and Gentlemen of the House: I would like to follow up on something Representative Lapointe said a few minutes ago that spouses are allowed in the Maine Veteran's Home along with their spouses who are veterans. Do we kick out those spouses and make room for a vet who has problems from Agent Orange, even though that spouse is not a veteran in any way? I don't think so.

I think the key to this whole matter is that there is a high turnover at all of the vets homes, which means that there are beds opening up frequently. There is not a long wait to get in. I must remind you for the third time to look at H-588, which only has permissive language, there is no requirement that non-wartime vets be allowed and that this language comes from Mr. Carney who is the Administrator who feels that it is a shame that beds go empty when there is a need out there. That is all it does.

The red herrings that are being thrown about here that there won't be room and there will be horrendous fiscal notes just don't hold up.

I was sorry to hear Representative Greenlaw express embarrassment and disappointment but you know, maybe, Mr. Greenlaw now you know what I feel like after having voluntarily joined and served overseas, having been told before I joined and before I was in there, of all the great benefits that would

accrue to me being a veteran and then finding out that I had been excluded from so many things. I hope that I never have to have use of the Maine Veteran's Home. I don't need the vets low interest loans for business because I already have owned a business and I don't intend to be buried at the Maine Veteran's Cemetery. As a matter of fact, I think the percentage of veterans who are buried there is quite low. Remember, the heart of this whole matter is permissive language only so that when there is a need, we can keep the beds full. That is all this does and it is not my language anymore.

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 Houlton keeps referring to the amendment. One thing he conveniently keeps avoiding is, if you look on the back page, there is a fiscal note. This bill would expand a number of veterans eligible to be residents of the Maine Veteran's Homes by allowing veterans who did not serve during war time to be admitted on a space available. This may result in future requests for General Fund appropriations for the Veterans' Homes to meet the demand of additional space, which is something you don't have to do now because the homes are run by the income derived from the patients' trust of federal subsidy.

He mentioned Mr. Carney who is the Administrator of the Augusta Veteran's Home. Mr. Carney is only the Administrator of the Augusta home. The Board of Trustees of the Veterans' Homes voted "no" and that is something that has never been brought up. If the Board of Trustees say no, Mr. Carney can say yes if he wants. The Administrator in Caribou can say no and the Administrator in Scarborough can say no. He mentioned the fact of the widows as a subsidy — it was the wives of the spouses of the veterans who sat home in war time and we just recently saw what it was like for them and the children to go through when the head of the house is gone (in the case of Desert Storm, we saw both).

I was very fortunate I was not married at the time but if he wants to mention about what anybody did, I would have gladly swapped time and been a younger person and not have had to serve in war time. I say that this is something that this body and the other body determined years ago, we owe this to the war time veterans. Maine was one of the few states who never got a bonus for their veterans. I don't believe I deserve one because I did get a good education from the government under the GI Bill of Rights. I am fortunate that the State of Maine is one of the leaders in this country to have a proper burial place for their veterans and a proper place when they get older.

If you go over to any of these veterans homes, and I have been to every one of them, they are really beautiful, they would make any nursing home, even the modern ones that you see, look sick. I think that is what it should be, it shouldn't be for someone who did not serve in war time. There is one big difference and I would ask anybody, if you want to serve in peacetime or war time, you know what the answer will be.

I would ask again, in due respect to anybody who served in the Armed Forces to follow through with the "Ought Not to Pass" Report.

Representative Dutremble of Biddeford 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 Lisbon, Representative Jalbert, that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 141

YEA - Aikman, Aliberti, Anderson, Ault, Bailey, R.; Barth, Bell, Bowers, Carleton, Carroll, D.; Carroll, J.; Cashman, Cathcart, Chonko, Clark, H.; Constantine, Cote, Crowley, Daggett, DiPietro, Donnelly, Dore, Duffy, Duplessis, Dutremble, L.; Erwin, Farnum, Farren, Foss, Garland, Gean, Goodridge, Gould, R. A.; Gray, Greenlaw, Gwadosky, Hanley, Hastings, Heino, Hepburn, Hichens, Hoglund, Holt, Hussey, Jacques, Jalbert, Kerr, Ketover, Ketterer, Kilkelly, Kontos, Kutasi, Lapointe, Larrivee, Lebowitz, Lemke, Libby, Look, Lord, MacBride, Macomber, Mahany, Manning, Marsano, Marsh, Mayo, McKeen, Melendy, Merrill, Michaud, Mitchell, E.; Mitchell, J.; Murphy, Nadeau, Nash, Norton, Nutting, O'Gara, Ott, Paradis, J.; Paradis, P.; Parent, Paul, Pendexter, Pendleton, Pineau, Pines, Plourde, Poulin, Pouliot, Powers, Rand, Reed, G.; Reed, W.; Richards, Richardson, Ricker, Rotondi, Saint Onge, Salisbury, Savage, Small, Spear, Stevens, A.; Stevens, P.; Stevenson, Strout, Swazey, Tammara, Tardy, Townsend, Tupper, Vigue, Waterman, Whitcomb, The Speaker.

NAY - Adams, Boutilier, Cahill, M.; Clark, M.; Coles, Farnsworth, Graham, Gurney, Handy, Hichborn, Joseph, Lipman, Luther, McHenry, O'Dea, Oliver, Simpson, Skoglund, Tracy, Treat, Wentworth.

ABSENT - Anthony, Bailey, H.; Bennett, Butland, Hale, Heeschen, Lawrence, Martin, H.; Morrison, Pfeiffer, Ruhlin, Rydell, Sheltra, Simonds.

Yes, 116; No, 21; Absent, 14; Paired, 0; Excused, 0.

116 having voted in the affirmative and 21 in the negative with 14 being absent, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

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

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

TABLED - June 10, 1991 (Till Later Today) by Representative MELENDY of Rockland.
PENDING - Passage to be Enacted.

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

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

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)

TABLED - June 10, 1991 (Till Later Today) by Representative SKOGLUND of St. George.
PENDING - Passage to be Enacted.

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

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

HOUSE DIVIDED REPORT - Majority (9) "Ought Not to Pass" - Minority (4) "Ought to Pass" as amended by Committee Amendment "A" (H-608) - Committee on Appropriations and Financial Affairs" 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)

TABLED - June 10, 1991 (Till Later Today) by Representative MAYO of Thomaston.
PENDING - Motion of Representative CHONKO of Topsham to accept the Majority "Ought Not to Pass" Report. (Roll Call Requested)

On motion of Representative Mayo of Thomaston, retabled pending the motion of the Representative from Topsham, Representative Chonko, that the House accept the Majority "Ought Not to Pass" Report and later today assigned. (Roll Call Requested)

TABLED AND TODAY ASSIGNED

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

HOUSE DIVIDED REPORT - Majority (10) "Ought Not to Pass" - Minority (3) "Ought to Pass" as amended by Committee Amendment "A" (H-598) - Committee on State and Local Government 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)

TABLED - June 10, 1991 by Representative JOSEPH of Waterville.
PENDING - Motion of same Representative to accept the Majority "Ought Not to Pass" Report.

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

Representative MAHANY: Mr. Speaker, Men and Women of the House: I encourage the House to vote against the "Ought Not to Pass" Report.

My concerns for introducing this bill reflect my concern for government by Majority Rule in this state as well as my concern regarding the balance of power between the Legislature and Executive Branches and what has happened over the course of the years to upset that balance.

Historically, the founding fathers, the patriots, who put the model of our government in place in Massachusetts, did certain things to ensure that the Executive Branch would not get too powerful in its relationship with the Legislative Branch.

First of all, as I have said before in this body, a majority mandate was required for a Governor to be seated. If a gubernatorial candidate does not get a majority mandate, and when I say majority mandate I mean 50 percent or more of the vote, the legislature proceeded to decide who the Governor would be. Moreover, the Executive and Legislative Branches had terms of equal length so that each branch and the two Houses of each branch considered legislation together, acted on it together and went out to the people together to get the people's response. Moreover, there existed for many years an Executive Council, which sat with the Governor and was appointed by the legislature. Now I know that people have different opinions about that Executive Council but at least the patriots, who had some very unique experience, felt they needed to put something in place to keep check on the Executive Branch, on the Governor, and this was one step that they took to do that.

We have proceeded since 1880, in my estimation, to dismantle those legislative checks on the Executive Branch that was put in place by the patriots. In 1880, the requirement for a majority mandate for the Governor was discarded. In 1957, the Governor was given a four year term, which of course gives the Executive Branch more leverage. In the early 1970's, the Executive Council was eliminated so that the balance of power has shifted from the legislature to the Governor, from the Legislative to the Executive Branch to the extent that any of these things influenced that balance, which of course they did.

The Executive Branch in our times is further enhanced by the fact that the Governor sits year-round but the legislature doesn't. Modern media such as TV further enhance the power of the Executive Branch in my judgment. Everybody knows that it is easy to focus on one Chief Executive, on one person, especially if that person sits year-round, and that person has easier access to the media such as TV to get a message out. There is no conspiracy on the part of the media to do that, it is just something that happens as a result of the Governor's position.

In recent years, in addition to those things that I have mentioned, a new problem has developed. In the past 20 years we have had a Governor elected by a majority mandate, which I understand to be 50 percent or more of the vote, only once. That was in Governor Brennan's second term. Nevertheless, in spite of the fact that we have this new trend of the Governor being elected by less than 50 percent of the vote, sometimes less than 40 percent of the vote, the power of the veto and its power comes from the fact that it requires a two-thirds vote of members of both Houses to override it, remains in place. We have done nothing to redress the balance, as it were, between the branches. I want to remind you that when the patriots put that two-thirds override vote in place,

they also put in place a majority mandate for the Governor, among other things that I have already mentioned.

I remind you too that electing a Governor by less than 50 percent of the votes duly cast is a new trend, at least since the 1880's, because between 1882 and 1974, a Governor was elected by a minority mandate that is less than 50 percent of the vote only once. That is called a plurality.

I believe that this election of a Chief Executive with less than 50 percent of the vote undermines the majority rule the way our institutions are currently set up precisely because the veto, requiring a two-thirds override rule, remains in place and is very seldom overridden. For example, if we exclude Governor Longley's term of four years, the legislature has managed to override gubernatorial vetoes only 3.2 percent of the time. Broken down into numbers, that means 222 vetoes and only 7 overrides since 1929 when vetoes and their overrides were first recorded.

If you include Governor Longley's term, who was an Independent, then the average rises from 3.2 percent to 19.6 percent. Governor Longley exercised the veto 103 times and was overridden 57 times so there was a rather high percentage of overrides of his veto, namely 55.5 percent. All in all, this indicates that, unless we have an Independent Governor, a gubernatorial veto is not just a healthy check and balance for the legislative action, but a virtual stifling of it. If a Governor has a minority mandate, this adds up to minority rule on very crucial questions.

This brings me to L.D. 1369. The bill as first introduced would reduce the two-thirds override requirement to three-fifths or 60 percent. I am still not against that, ladies and gentlemen, but I come up with what I thought was a better idea. People might disagree with me and put in an amendment which is on the Minority Report and I would ask you, for a second reason, to vote against the pending motion so that we can briefly consider what is on the Minority Report which is in House Paper H-598. I guess I am not allowed to talk about what is in it while we are dealing with the pending motion.

I want to make clear though that I am not against the bill as originally put forth which would lower the two-thirds override requirement to three-fifths. I want you to know that it isn't some radical idea, there is one state that has such a rule already in place and that is the state of Illinois.

I would also like to point out that not every state requires a two-thirds vote to override a Governor's veto, a number of them, four, require only a majority vote to override a Governor's veto. One requires a majority vote only with the exception of Appropriations bills. One state doesn't allow a gubernatorial veto at all, the state of North Carolina.

You might say, oh yes, the patriots did that but those were other times and other circumstances. That is true, they were other times and other circumstances but, at any time and no matter what the circumstances are, there are certain universals operative, ladies and gentlemen, and I submit to you that, by requiring a majority mandate and those other conditions, those patriots were addressing one of those universals, namely the universal weakness or tendencies of somebody who has too much power concentrated in his hands and being inclined to abuse

that power or to take undue advantage of that power or to disregard what is supposed to be operative in a republic and represented democracy, namely the majority rule. They learned that lesson very well and that is precisely what they were responding to and that I submit to you is a universal as true today as it was then. If you concentrate too much power in the hands of one person, representative democracy, majority rule, is in trouble.

Bear in mind when you vote on this issue that a bill goes through a long and arduous process in this legislature before it passes both Houses, a very long and arduous process. How well we know that. Bear in mind too that this legislature, any legislature, represents statewide the majority will of the people at all times, willy-nilly.

Bear in mind that political consolations change but rule and government by majority ought never to change in a representative democracy. I say that it is time that we call to the attention of the people of the State of Maine the erosion of legislative power as compared with that of the Executive Branch. An erosion has taken place in little increments and big changes in the course of history take place often enough in little increments so they are not noticed but if you compare the point of departure to where you end up, there is sometimes a great change.

I think it is time we pointed this out to the people of Maine and encourage a debate and discussion and that we let them decide whether they want to let Governor's with minority mandates exercise that kind of veto which requires a vote of two-thirds in both House of the legislature to override it. Please bear in mind when you vote that the Minority Report has an amendment which uses a little different approach from reducing the two-thirds of a climate to 60 percent.

Ideally, it would be great if we could find the magic number which really does equal a healthy check and balance on the legislature. I submit to you that two-thirds is not that number because if it were, after the arduous process the bills go through in our body and the other body, we would be able to override the gubernatorial veto more than 3.2 percent of the time when the Governor is a member of one party or the other, no matter what the political constellation is. Please follow my light and vote against the pending motion so that we can consider the Minority Report.

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

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: I think we are treading on very, very thin ice here. If we were to look and find any one of us that were elected by three-fifths of the votes necessary in each and every one of our districts, this place would be more empty than it is right now. I think we probably should leave well enough alone.

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

Representative LOOK: Mr. Speaker, Ladies and Gentlemen of the House: I wish to speak on behalf of the Majority Report, which is "Ought Not to Pass."

As everyone here knows, this proposed amendment to our Constitution would lower the threshold for the override of the Governor's veto from two-thirds to three-fifths. This means that, instead of needing 101 votes to override a veto in the House of Representative and 24 votes in the Senate, only 91 votes in the House would be required and 21 votes in

the Senate. The two-thirds vote requirement to override the Governor's veto has been the rule in Maine since we became a state in 1820. This is the rule at the federal level as well. I believe it is a fair level and should not be lowered. Maybe some people in this House feel that lowering the amount of votes required would make things easier for the Majority Party to override the Governor's veto. That is true, but maybe it is only for the present.

What happens over the long-term? Any advantage that any of us think we might be gaining by supporting or opposing this bill is short-term only, since our roles as minority or majority party will reverse many times in the future as it has in the past.

The Constitution is written for the long-term. It is our safeguard and that is how we should evaluate this proposed amendment. The two-thirds vote has served us well over the long-term and should remain that threshold.

I urge you to support the "Ought Not to Pass" motion.

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

Representative MAHANY: Mr. Speaker, Men and Women of the House: I would just like to say that there is nothing in this bill that would require a three-fifths vote for members of the House to be elected. I don't really see what the connection is.

The difference is that we have no new trend or problem or indication that there is any problem except perhaps in one or two cases of securing the majority vote in the various House races for the various candidates.

I agree with Representative Look that this is something for the long-term for the future that political parties, things shift, constellations shift, it doesn't make any difference to me whether the constellation as viewed from the present point in time is reversed or not. I just don't think that it is right. I think that something is out of kilter if we are unable, virtually, to override a gubernatorial veto.

It is true that if the Governor happens to be an Independent, things look up and there is no question that party politics is part of the problem or part of the equation here. That is obvious, I would say, if we look at Governor Longley's term.

The two-thirds override rule has served us well -- well, I don't know, I don't think it has served us so well. It depends perhaps on which side of the aisle you are on but I think if we are not overriding the veto anymore than 3.2 percent of the time that it is not serving us well. If it were around 30 percent at least or 40 percent, then I might think that is good enough. Probably between 45 and 55 percent of the time would be ideal.

It was not my intention to bring up the present administration but the matter of fact is that this administration of its first four years exercised the veto 40 times and, although one House or the other on a couple of occasions did override that veto, the two Houses, since we have our own built-in check and balance, was not even once able to override one of those vetoes. There were four pocket vetoes in addition to those 40. I don't think that is working and I don't think that is serving the state. I don't think it bodes well for the future to have the governor or to allow the possibility for a governor getting a minority mandate to exercise a veto which

virtually kills any and all of the bills that come out of this body and the body down the hall. I think it is unreasonable in fact. I think we need to take a really serious look at it and ask ourselves, what function is it really serving? Is it serving the function of check and balance only? No, I think it is serving the purpose of killing. You say check and balance, I assume that sometimes a veto will be overridden a fair number of times. It doesn't have to be 50 percent but it ought to happen.

Once again, I would urge you to please vote against the pending motion so that we can take a look at the amendment on the Minority Report and vote it up or down. I think this is an issue where a little consciousness-raising needs to be done. I would agree with Representative Look that we have a Constitution in place but the Constitution has been changed and it can be changed again. It has been changed in such a way that it has tipped the balance in favor of the Executive Branch. I would like to see it changed again to redress that balance, to reestablish it. There is nothing wrong with that. It is permitted by the Constitution.

I, for one, believe strongly that representative democracy has to do with majority rule and you have to be sure that is guaranteed. That is all I am looking for. I know that some governors are wiser than others. I do not think it is wise or shows good judgment for a governor to frustrate majority rule and I think the temptation is very much there, the circumstances being such as to encourage it if we do not put something in place to ensure institutionally that majority rule will be the kind of government guaranteed for the State of Maine.

I would ask you again to please vote against the pending motion.

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

Representative HOLT: Mr. Speaker, Ladies and Gentlemen of the House: I have just heard one of the most thoughtful, well researched, messages to this body of this session on a subject of such importance to a democratic form of government that I want to stand and express my disappointment that so many Representatives of the people have spent this time in the lobby listening to the lobbyists and talking among themselves. It is a great disappointment to me that an issue of this magnitude to our form of government is paid so little honor.

The members of the Minority Party may well take to heart the thought that one day they will be the Majority Party and face this kind of situation themselves. I commend to you the idea of fair representation and the idea behind Representative Mahany's speech to you here. Those who have not attended will regret it, I fear, one day.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the Representative from Waterville, Representative Joseph, 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.

Representative Mahany of Easton 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 the Representative from Waterville, Representative Joseph, that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 142

YEA - Aikman, Aliberti, Anderson, Anthony, Ault, Bailey, H.; Bailey, R.; Barth, Boutilier, Bowers, Carleton, Carroll, J.; Coles, Constantine, Donnelly, Duplessis, Dutremble, L.; Farnsworth, Farnum, Farren, Foss, Garland, Goodridge, Greenlaw, Gurney, Hanley, Hastings, Heino, Hepburn, Hichens, Hussey, Jalbert, Joseph, Kilkelly, Kontos, Kutasi, Larrivee, Lawrence, Lebowitz, Lemke, Libby, Lipman, Look, Lord, MacBride, Macomber, Manning, Marsano, Marsh, Merrill, Morrison, Murphy, Nash, Norton, Nutting, O'Gara, Ott, Parent, Pendexter, Pendleton, Pines, Plourde, Reed, G.; Reed, W.; Richards, Richardson, Ricker, Ruhlin, Saint Onge, Salisbury, Savage, Simonds, Skoglund, Small, Spear, Stevens, A.; Stevenson, Strout, Swazey, Tammaro, Townsend, Treat, Tupper, Vigue, Waterman, Whitcomb.

NAY - Adams, Bell, Cahill, M.; Carroll, D.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Cote, Crowley, Daggett, DiPietro, Dore, Duffy, Erwin, Gean, Gould, R. A.; Graham, Gray, Gwadosky, Handy, Hichborn, Hoggund, Holt, Jacques, Kerr, Ketover, Ketterer, Lapointe, Luther, Mahany, Mayo, McHenry, McKeen, Michaud, Mitchell, E.; Mitchell, J.; O'Dea, Oliver, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Pineau, Poulin, Pouliot, Powers, Rand, Rotondi, Sheltra, Simpson, Stevens, P.; Tardy, Tracy, Wentworth.

ABSENT - Bennett, Butland, Hale, Heeschen, Martin, H.; Melendy, Nadeau, Rydell, The Speaker.

Yes, 86; No, 56; Absent, 9; Paired, 0; Excused, 0.

86 having voted in the affirmative and 56 in the negative with 9 being absent, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

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

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

- In House, Passed to be Engrossed as amended by Committee Amendment "A" (H-407) as amended by House Amendment "A" (H-478) thereto on June 6, 1991.

- In Senate, Bill and Accompanying Papers Indefinitely Postponed in non-concurrence.

TABLED - June 10, 1991 by Representative ANTHONY of South Portland.

PENDING - Motion of the same Representative that the House Insist.

On motion of Representative Gwadosky of Fairfield, retabled pending the motion of Representative Anthony of South Portland that the House Insist and later today assigned.

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

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)
TABLED - June 10, 1991 by Representative GWADOSKY of Fairfield.
PENDING - Passage to be Enacted.

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

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

SENATE PAPER

The following Joint Order: (S.P. 749)

ORDERED, the House concurring, that Bill, "An Act to Make Technical Adjustments to Various Licensing Board Laws and to Adjust Budgetary Constraints Affecting Various Boards," H.P. 1151, L.D. 1676, 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.

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

BILL RECALLED FROM GOVERNOR

(Pursuant to Joint Order - House Paper 1350)

An Act to Amend the Exemption of Certain Divisions from the Definition of Subdivision (EMERGENCY) (H.P. 407) (L.D. 590) (C. "A" H-257)
- In House, Passed to be Enacted on June 4, 1991.
- In Senate, Passed to be Enacted on June 5, 1991.

On motion of Representative Jacques of Waterville, under suspension of the rules, the House reconsidered its action whereby L.D. 590 was passed to be enacted.

On motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby L.D. 590 was passed to be engrossed.

On motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-257) was adopted.

The same Representative offered House Amendment "A" (H-612) to Committee Amendment "A" (H-257) and moved its adoption.

House Amendment "A" (H-612) to Committee

Amendment "A" (H-257) was read by the Clerk and adopted.

Committee Amendment "A" (H-257) as amended by House Amendment "A" (H-612) thereto was adopted.

The bill was passed to be engrossed as amended by Committee Amendment "A" (H-257) as amended by House Amendment "A" (H-612) thereto in non-concurrence and sent up for concurrence.

(Off Record Remarks)

(At Ease)

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

Ought to Pass as Amended

Report of the Committee on Judiciary reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-328) on Bill "An Act to Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY) (S.P. 735) (L.D. 1926)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-328).

Report was read and accepted, the bill read once. Committee Amendment "A" (S-328) was read by the Clerk and adopted and the Bill assigned for second reading later in today's session.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative MITCHELL from the Committee on Banking and Insurance on Resolve, Directing the Department of Education and the Bureau of Insurance to Develop a Proposal to Allow Schools in Maine to Self-insure for Property, Fire and Theft (H.P. 1182) (L.D. 1725) reporting "Ought Not to Pass"

Was 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. 3 were taken up out of order by unanimous consent:

PASSED TO BE ENACTED

Emergency Measure

An Act to Create a Single Uniform Summons and Complaint That Must Be Used by All Law Enforcement Agencies in the State (S.P. 653) (L.D. 1720) (C. "A" S-307)

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 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 Amend the Composition of the Animal Welfare Board (S.P. 694) (L.D. 1859) (C. "A" S-305)

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

ENACTOR

Emergency Measure

(Later Today Assigned)

An Act to 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 (S.P. 743) (L.D. 1935)

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.

PASSED TO BE ENACTED

Emergency Measure

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 (H.P. 820) (L.D. 1174)

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 16 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 Limit Liability for Participants in Recycling Programs (H.P. 1205) (L.D. 1761) (C. "A" H-585)

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 Charter of the Farmington Village Corporation (H.P. 1270) (L.D. 1841) (C. "A" H-605)

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Create the Plymouth Water District (H.P. 1314) (L.D. 1900) (H. "A" H-606 to C. "A" H-530)

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.

ENACTOR

Emergency Measure

(Later Today Assigned)

Resolve, to Provide Additional Funding and an Extension of Time to Allow Phase 2 of the New Capitol Area Master Plan to Be Completed (S.P. 507) (L.D. 1345) (C. "A" S-239)

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

Emergency Measure

Resolve, to Extend the Schedule for Recodification of the Motor Vehicle Laws (S.P. 673) (L.D. 1787) (C. "A" S-233)

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 none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

FINALLY PASSED

Emergency Measure

Resolve, to Extend the Reporting Deadline of the Commission on Maine Lakes (S.P. 675) (L.D. 1789) (C. "A" S-316)

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 2 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

ENACTOR

Emergency Measure

(Tabled Unassigned)

Resolve, to Adjust the Amounts of Money Allocated to Certain Projects for Site Acquisition, Construction, Repair and Renovation of Public Safety Facilities (S.P. 710) (L.D. 1893) (C. "A" S-321)

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

On motion of Representative Mayo of Thomaston, tabled Unassigned pending final passage.

ENACTOR

Emergency Measure

(Later Today Assigned)

Resolve, to Study the Feasibility of a Statewide Health Insurance Program (H.P. 1184) (L.D. 1727) (S. "A" S-312 to C. "A" H-406)

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

Emergency Measure

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1991 (H.P. 1334) (L.D. 1927) (H. "A" H-575)

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 2 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 Franklin County for the Year 1991 (H.P. 1335) (L.D. 1928) (H. "A" H-562)

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 1 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 Penobscot County for the Year 1991 (H.P. 1345) (L.D. 1938)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 105 voted in favor of the same and none against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

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

PASSED TO BE ENACTED

Bond Issue

An Act to Authorize a General Fund Bond Issue in

the Amount of \$16,500,000 for Capital Construction to Protect Public Water Supplies and Capital Construction of Water Pollution Control Facilities (S.P. 502) (L.D. 1340) (C. "A" S-326)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken. 73 voted in favor of same and 23 against, and accordingly the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Bond Issue

An Act to Establish a Higher Education Loan Program and to Make Certain Amendments to the Laws Affecting Education Programs of the Finance Authority of Maine (S.P. 642) (L.D. 1690) (H. "A" H-604 to C. "A" S-308)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken. 74 voted in favor of same and 19 against, and accordingly the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

FINALLY PASSED

Emergency Measure

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1991 (H.P. 1346) (L.D. 1939)

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 2 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 York County for the Year 1991 (H.P. 1347) (L.D. 1940)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 105 voted in favor of the same and 3 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Amend the Fair Credit Reporting Laws (S.P. 203) (L.D. 530) (H. "A" H-573 and C. "A" S-199)

An Act to Strengthen Municipal Borrowing Alternatives (S.P. 331) (L.D. 887) (C. "A" S-299)

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 Establishing a Lobster Management Task Force (S.P. 365) (L.D. 967) (C. "A" S-290)

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.

ENACTOR

(Later Today Assigned)

An Act to Provide Employee Protection in the Event of Closure or Reduction in Capacity of State Facilities, Programs or Services (S.P. 370) (L.D. 995) (S. "A" S-331 to C. "A" S-271)

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

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

Representative REED: Mr. Speaker, Men and Women of the House: I would like to pose a question through the Chair, please.

A question to any member of the State and Local Government Committee relative to the contents of this item which speaks to the procedures that would be used, as I understand it, in replacement when state facilities are downsized or closed. In Section 2 of S-271, the language is "except when clear and significant savings can be achieved" and it goes on. My question would be, what standards would be applied as to what would constitute a significant savings and what entity would render the judgment to the significance of the savings?

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

PASSED TO BE ENACTED

An Act to Amend the Schedule of Fees for Permits,

Licenses and Certificates Issued by the Department of Public Safety (S.P. 451) (L.D. 1227) (C. "A" S-319)

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)

An Act Related to the State Board of Substance Abuse Counselors (S.P. 505) (L.D. 1343) (C. "A" S-294)

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

ENACTOR

(Later Today Assigned)

An Act to Clarify the Maine Juvenile Code (S.P. 588) (L.D. 1541) (H. "A" H-597 to C. "A" S-267)

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.

ENACTOR

(Later Today Assigned)

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 Engrossed Bills as truly and strictly engrossed.

Representative Handy of Lewiston requested a roll call.

On motion of Representative Lawrence of Kittery, tabled pending passage to be enacted and later today assigned. (Roll call requested)

PASSED TO BE ENACTED

An Act to Improve the Returnable Beverage Container Laws (S.P. 698) (L.D. 1863) (C. "A" S-289)

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.

ENACTOR

(Later Today Assigned)

An Act Concerning Abandoned Property (H.P. 462) (L.D. 653) (C. "A" H-475)

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.

PASSED TO BE ENACTED

An Act to Amend the Law Concerning the Maine High-Risk Insurance Organization (H.P. 546) (L.D. 783) (S. "A" S-310 to C. "B" H-316)

An Act to Modify the Ban on Plastic Rings and Other Plastic Holding Devices (H.P. 591) (L.D. 842) (C. "A" H-205 and S. "A" S-320)

An Act to Require that Employee Leasing Companies Register with the State and to Amend the Employment Security Law (H.P. 704) (L.D. 1008) (H. "A" H-543 to C. "A" H-438)

An Act to Amend Fire Insurance Premiums and the Schedule of Fees in the Office of the State Fire Marshal (H.P. 706) (L.D. 1011) (C. "B" H-592)

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. "D" H-599 to C. "A" H-305)

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 Establish a Fund to Promote Lobster Marketing (H.P. 818) (L.D. 1172) (H. "A" H-572 to C. "A" H-364)

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.

PASSED TO BE ENACTED

An Act to Improve Outdoor Lighting (H.P. 824) (L.D. 1178) (H. "A" H-559 to C. "A" H-455)

An Act to Amend the Laws Pertaining to Asbestos Removal (H.P. 937) (L.D. 1357) (S. "A" S-323 to C. "A" H-579)

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 Improve Motorcycle Driver Education (H.P. 1026) (L.D. 1499) (C. "A" H-457 and H. "A" H-582)

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.

ENACTOR

(Later Today Assigned)

An Act to Amend the Unfair Trade Practices Act to Allow Consumers to Recover Damages (H.P. 1057) (L.D. 1546) (C. "A" H-447)

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.

PASSED TO BE ENACTED

An Act to Provide Identification Cards for Persons 18 to 20 Years of Age (H.P. 1073) (L.D. 1567) (H. "A" H-546 to C. "A" H-492)

An Act to Amend the Waldo Sewer District Charter (H.P. 1225) (L.D. 1783) (C. "A" H-370; H. "A" H-387; H. "B" H-430 and H. "C" H-550)

An Act Concerning the Bonding Authority of the Cumberland County Recreation Center (H.P. 1238) (L.D. 1804) (S. "A" S-327 to C. "A" H-537)

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

An Act to Amend the Boundaries Between the City of Saco and the Town of Old Orchard Beach (H.P. 1269) (L.D. 1840)

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

An Act to Increase the Minimum Amount of Insurance Coverage Required for Limousines to Conform with Federal Law (H.P. 1313) (L.D. 1899)

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.

ENACTOR

(Indefinitely Postponed)

An Act Concerning Security Deposits (H.P. 1332) (L.D. 1923)

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, I move that this bill and all accompanying papers be indefinitely postponed.

Mr. Speaker, Ladies and Gentlemen of the House: This bill has been before us before and we have considered that. It was submitted, I am sure, to correct a problem that does exist in some areas. However, in trying to solve the problem, this makes it much more complicated for a great many other people.

What this bill really is doing is it is telling an apartment owner when and how he can collect the rent from the tenant. It really is dictating to private business just how they can receive the money from the tenants and I don't think that is fair and I think it will cause a great many problems. Those of you who have apartments know that tenants often pay their rent very erratically. They pay a small amount at times or maybe they will pay quite a lot at a time. You may have to wait two or three months for the rent but, nevertheless, that is an issue that exists between the apartment owners and the renters for that apartment.

This bill says that an advance rent payment is part of a tenant's security deposit. Well, if your tenant has already paid the security deposit and if he or she is going away on vacation and decides to pay you in advance, then just what do you do with that money if you aren't supposed to collect it unless it is a security deposit? On the other hand, that is part of the rent so I think that creates a very difficult situation.

In addition to that, it limits the security deposit to two months rent. There may be circumstances where the owner feels that he needs a larger security deposit, then two months rent. This situation really is an issue that does exist between the owner of the apartment house and the renter. I hope you will indefinitely postpone this bill.

I would request a roll call.

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

Representative O'DEA: Mr. Speaker, Ladies and Gentlemen of the House: I can't think of a bill in recent history that has as much misinformation circulating around as this one has.

This bill is very simple. I would say those of you who are landlords (I am sure you are very familiar with this as are many of the tenants are in here) — but currently, the existing law with regards to security deposits is that you are permitted to charge up to two months security deposit. Some people call it "first and last months rent" or "a security deposit" but two months is the limit under the current law.

This bill would not change that one bit. I repeat, this bill would not change that one bit. What this bill will do is help alleviate a situation

that is occurring in some part of the state including my district whereby landlords are saying to prospective tenants, "Please come in, sign this one year lease, and by the way, when you move in, I would like to have the first six months rent upfront." Now that is going on everyday.

What has happened is, a typical period of tenancy in these cases would be September, October, November, December and then the second rent payment would be due again on January 1st and that would cover the following six months. The landlord is never without at least two months security deposit that remains in holding, in some cases, up to four months rent in advance. The argument being fostered by the landlord is that, if it is called rent in advance, it really is not a security deposit.

If somebody is going to stand up and say that the State of Maine thinks that it is permissible for you to have a pre-condition of having six months rent upfront when you move into an apartment, I would take exception with that. This is a loophole in the law that has been exploited by a number of unscrupulous landlords and it is a problem that needs to be taken care of.

I would suggest that the issue and the problem isn't so much the charging of the rent in advance as it is the problem that occurs when the landlord has money upfront and it gets to be January and February, the landlord has very little incentive to provide heat and hot water in those apartments. Believe me, we have four buildings in the town of Orono right now that have been condemned for this very reason. It is a very real problem. Every single district in this state sends people to Orono and Old Town to go to school. With this loophole in the law, as it is now, these landlords are allowed to take advantage of these people.

If somebody comes from New Jersey and their parents are writing the check, it is probably not a problem for them to come up with \$2,000 upfront to move into an apartment. However, I would suggest if somebody comes from Aroostook County or Kennebec County or Androscoggin County, that it might be something of a hardship. This is the reality in this rental market right now and I think it is time that we take steps to stop it.

With that, I would ask that you vote against the motion to indefinitely postpone and go on to enact the bill.

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

Representative STEVENS: Mr. Speaker, Men and Women of the House: I hope you will support Representative MacBride's motion on this bill because it definitely is not needed.

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

Representative DIPIETRO: Mr. Speaker, Ladies and Gentlemen of the House: I would just like to make a brief comment on this bill that Representative O'Dea seems to have brought before us once again. I thought we had put this thing to bed but I guess not.

My concern is that Representative O'Dea has a problem in Orono, Maine and I think Orono, Maine should take care of the problem and not bring it here to us. My reason for this is that lots of us have cottages on the ocean and this means that you no longer can lease your cottages out for six months. You can but you can't collect your rent six months in

advance and the same with you people that have camps up north. You lease these camps out to people for six months at a time, you collect your money, and I think once this bill is passed, you no longer can do that. You can lease it out for six months but you no longer can collect your money.

I just think that the landlords in the State of Maine should have the same opportunities as the University of Maine. The University of Maine collects their tuition six months in advance and the landlord should be able to do the same thing. He has the same problems. If the University is going to do it, I think the landlord should do it.

I ask you to follow Representative MacBride's motion.

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

Representative O'DEA: Mr. Speaker, Ladies and Gentlemen of the House: I would suggest to you that we deal with issues from all around the state — here is one from Lincoln County, here is one from Plymouth, here is one from Morrill Village and this goes on everyday, we deal with these issues from different places from all around the state.

This is an Orono problem, we have heard this time and time again, but the reality is that, if we allow this loophole to remain and we sanction this sort of activity, it is not hard to envision situations when a single mother goes into an apartment house and is told by the landlord (in Lewiston or in Portland or any place else) that she is welcome to move in any time she wants to as long as she has the first six months rent upfront. That is a very real possibility. In some of the tight housing markets, it is one that I suggest we would see soon without this measure.

The difference Representative DiPietro between the University charging six months rent upfront or four months upfront is, with the University, you have at least a reasonable degree of probability that the residence will be maintained in a way that is fit for human habitation. However, as the case with some of the landlords in our part of the state, in particular one of the ones who you spoke to me about, that is not always the case. You have people living in conditions that are less than adequate.

Again, if we don't take care of this problem now, it is going to come back to haunt us around the rest of the state and I would just ask, please, that we enact this measure today.

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

Representative DAGGETT: Mr. Speaker, Ladies and Gentlemen of the House: I would like to share with you the several reasons why I will be voting to indefinitely postpone this bill.

One reason is embodied in the number of reasons why I opposed it, the L.D. we had before us once before that had identical language. The committee had amended a bill which had the identical language as the one that you are asked to vote on now and that was, I believe, indefinitely postponed.

Imagine my surprise when a week and a half ago I saw the identical language sitting on my desk with a new L.D. number. The only difference was that it didn't have an emergency on it, but we had in fact moved on that same language once before. So I am going to be opposing this for the reasons why I opposed it before and for my distrust over the way this bill had come to us the second time.

The other reason is because it would eliminate the possibility of seasonal property renters collecting their rent in advance. I think if there are problems with buildings in any community, we have codes, we have code enforcements that is possibility through the municipalities and that is the appropriate way to get to property owners that are renting substandard property, not through an all encompassing bill such as this one.

I hope you will join me in indefinitely postponing this bill.

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

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

The SPEAKER: The pending question before the House is the motion of the Representative from Presque Isle, Representative MacBride, that L.D. 1923 and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 143

YEA - Aikman, Aliberti, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Boutilier, Bowers, Carleton, Carroll, J.; Daggett, DiPietro, Donnelly, Duplessis, Erwin, Farnum, Farren, Foss, Garland, Gould, R. A.; Greenlaw, Gurney, Hanley, Hastings, Heino, Hepburn, Hichens, Hussey, Jalbert, Ketterer, Kutasi, Lebowitz, Libby, Lipman, Look, Lord, MacBride, Macomber, Marsano, Marsh, Martin, H.; Merrill, Morrison, Murphy, Nash, Norton, O'Gara, Ott, Paradis, P.; Parent, Paul, Pendexter, Pendleton, Pines, Plourde, Reed, G.; Reed, W.; Richards, Ricker, Salisbury, Savage, Sheltra, Simonds, Small, Spear, Stevens, A.; Stevenson, Strout, Tammaro, Tracy, Tupper, Vigue, Waterman, Whitcomb.

NAY - Adams, Anthony, Bell, Cahill, M.; Carroll, D.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Dore, Duffy, Dutremble, L.; Farnsworth, Gean, Goodridge, Graham, Gray, Gwadosky, Handy, Hichborn, Hogle, Holt, Jacques, Joseph, Kerr, Ketover, Kilkelly, Kontos, Lapointe, Larrivee, Lawrence, Lemke, Luther, Mahany, Manning, Mayo, McHenry, McKeen, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Nadeau, Nutting, O'Dea, Oliver, Paradis, J.; Pfeiffer, Pineau, Pouliot, Powers, Rand, Richardson, Rotondi, Rydell, Saint Onge, Simpson, Skoglund, Stevens, P.; Swazey, Townsend, Treat, Wentworth, The Speaker.

ABSENT - Butland, Hale, Heeschen, Poulin, Ruhlin, Tardy.

Yes, 76; No, 69; Absent, 6; Paired, 0; Excused, 0.

76 having voted in the affirmative and 69 in the negative with 6 being absent, L.D. 1923 and all accompanying papers were indefinitely postponed. Sent up for concurrence.

PASSED TO BE ENACTED

An Act to Amend the Quorum Requirements for

Special Town Meetings in Vassalboro (H.P. 1341) (L.D. 1933)

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

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

(Tabled Unassigned)

Resolve, Concerning Reauthorization of the \$16,000,000 Bond Issue for Construction of Correctional Facilities (H.P. 1201) (L.D. 1757) (C. "A" H-589)

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

On motion of Representative Mayo of Thomaston, tabled Unassigned pending passage to be enacted.

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

ORDERS

On motion of Representative MELENDY of Rockland, the following Joint Order: (H.P. 1352)

Ordered, the Senate concurring, that the Joint Standing Committee on Housing and Economic Development report out a bill, "An Act to Authorize a General Fund Bond Issue in the Amount of \$7,500,000 to Provide for the Maine Street Investment Program," to the House.

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:

(H.P. 1258) (L.D. 1826) Bill "An Act to Amend Maine's Underground Oil Storage Laws" (EMERGENCY) Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-629)

(H.P. 1083) (L.D. 1577) Bill "An Act to Amend Certain Laws Affecting the Department of Environmental Protection" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-630)

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

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

(At Ease)

The House was called to order by the Speaker.

The Chair laid before the House the following matter: An Act Concerning Abandoned Property (H.P. 462) (L.D. 653) (C. "A" H-475) which was tabled earlier in the day and later today assigned pending passage to be enacted.

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

The Chair laid before the House the following matter: Resolve, Authorizing the Transfer of a Portion of Allagash Public Lot 1 to the Town of Allagash (S.P. 747) (L.D. 1943) which was tabled earlier in the day and later today assigned pending reference. (Came from the Senate under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed)

Under suspension of the rules and without reference to any committee, the Resolve was read twice.

Representative Jacques of Waterville offered House Amendment "A" (H-633) and moved its adoption.

House Amendment "A" (H-633) was read by the Clerk and adopted.

The Resolve was passed to be engrossed as amended by House Amendment "A" (H-633) in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter: 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) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Paradis of Augusta, under suspension of the rules, the House reconsidered its action whereby L.D. 1618 was passed to be engrossed.

On motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (S-263) was adopted.

The same Representative offered House Amendment

"A" (H-634) to Committee Amendment "A" (S-263) and moved its adoption.

House Amendment "A" (H-634) to Committee Amendment "A" (S-263) was read by the Clerk and adopted.

Committee Amendment "A" (S-263) as amended by House Amendment "A" (H-634) thereto was adopted.

The bill was passed to be engrossed as amended by Committee Amendment "A" (S-263) as amended by House Amendment "A" (H-634) thereto in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter: 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 enacted. (Roll Call requested)

On motion of Representative Lawrence of Kittery, under suspension of the rules, the House reconsidered its action whereby L.D. 1682 was passed to be engrossed.

On motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (S-288) was adopted.

The same Representative offered House Amendment "A" (H-636) to Committee Amendment "A" (S-288) and moved its adoption.

House Amendment "A" (H-636) to Committee Amendment "A" (S-288) was read by the Clerk and adopted.

Committee Amendment "A" (S-288) as amended by House Amendment "A" (H-636) thereto was adopted.

The bill was passed to be engrossed as amended by Committee Amendment "A" (S-288) as amended by House Amendment "A" (H-636) thereto and Senate Amendment "B" (S-317) in non-concurrence and sent up for concurrence.

The following items appearing on Supplement No. 6 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. 557) (L.D. 800) Bill "An Act to Protect the Public Health by Strengthening Maine's Radiation Protection Program" Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "B" (H-631)

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.

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Correct Errors and Inconsistencies in the Laws of Maine" (EMERGENCY) (S.P. 735) (L.D. 1926) (C. "A" S-328)

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

Representative Paradis of Augusta offered House Amendment "A" (H-635) and moved its adoption.

House Amendment "A" (H-635) was read by the Clerk and adopted.

The bill was passed to be engrossed as amended by Committee Amendment "A" (S-328) and House Amendment "A" (H-635) in non-concurrence and sent up for concurrence.

On motion of Representative Lawrence of Kittery, the House reconsidered its action whereby 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 passed to be engrossed as amended by Committee Amendment "A" (S-288) as amended by House Amendment "A" (H-636) thereto and Senate Amendment "B" (S-317).

On motion of the same Representative, the House reconsidered its action whereby Senate Amendment "B" (S-317) was adopted.

On motion of the same Representative, Senate Amendment "B" (S-317) was indefinitely postponed.

The bill was passed to be engrossed as amended by Committee Amendment "A" (S-288) as amended by House Amendment "A" (H-636) thereto in non-concurrence and sent up for concurrence.

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

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Improve Grading and Inspection of Maine Sardines" (EMERGENCY) (H.P. 552) (L.D. 789) which was passed to be engrossed as amended by Committee Amendment "A" (H-584) in the House on June 10, 1991.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-584) as amended by Senate Amendment "A" (S-333) thereto in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Make Technical Adjustments to Various Licensing Board Laws and to Adjust Budgetary Constraints Affecting Various Boards" (EMERGENCY) (H.P. 1151) (L.D. 1676) which was passed to be engrossed as amended by Committee Amendment "A"

(H-583) in the House on June 10, 1991.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-583) as amended by Senate Amendment "A" (S-339) thereto in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act Concerning Access to Maine Veterans' Homes and the Veterans' Memorial Cemetery" (H.P. 964) (L.D. 1391) on which the Majority "Ought Not to Pass" Report of the Committee on Aging, Retirement and Veterans was read and accepted in the House on June 11, 1991.

Came from the Senate with the Minority "Ought to Pass" as amended Report of the Committee on Aging, Retirement and Veterans read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "B" (H-588) in non-concurrence.

The House voted to Adhere.

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-632) on Bill "An Act to Establish the Maine Civil Legal Services Fund" (H.P. 1147) (L.D. 1672)

Signed:

Senators: HOLLOWAY of Lincoln
GAUVREAU of Androscoggin

Representatives: CATHCART of Orono
KETTERER of Madison
STEVENS of Bangor
PARADIS of Augusta
ANTHONY of South Portland
COTE of Auburn

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

Signed:

Senator: BERUBE of Androscoggin

Representatives: FARNSWORTH of Hallowell
OTT of York
RICHARDS of Hampden
HANLEY of Paris

Reports were read.

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

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

Representative RICHARDS: Mr. Speaker, I believe there is an amendment H-632 — I have looked on my desk and the desks of my seatmates so I don't believe it has been passed out yet.

On motion of Representative Martin of Eagle Lake, tabled pending the motion of Representative Paradis of Augusta that the House accept the Majority "Ought to Pass" Report and later today assigned.

CONSENT CALENDAR

First Day

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

(S.P. 700) (L.D. 1870) Bill "An Act to Authorize Department of Transportation Bond Issues in the Amount of \$27,500,000 to Match Available Federal Funds for Improvements to Highways, State and Local Bridges and Airports" Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (S-342)

(S.P. 584) (L.D. 1537) Bill "An Act Relating to Sheriff's Fees for Civil Orders of Arrest" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-345)

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

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

Representative GRAHAM: Mr. Speaker, I move that the House reconsider its action whereby the House voted to adhere on Bill "An Act Concerning Access to Maine Veterans' Homes and the Veterans' Memorial Cemetery" (H.P. 964) (L.D. 1391).

Mr. Speaker, Men and Women of the House: I hope that you all give me a chance to reconsider our action whereby we adhered so that we can discuss the merits of going on to recede and concur.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I think we more or less made a decision this morning on how the House felt about it and I would ask that you stick to your first vote this morning and vote against the motion to reconsider.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the Representative from Houlton, Representative Graham, that the House reconsider its action whereby the House voted to adhere on L.D. 1391. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

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

The Chair laid before the House the following matter: Bill "An Act to Promote the Emotional Health of Children During Periods of Stress" (H.P. 210) (L.D. 301) (In House, Passed to be Engrossed as amended by Committee Amendment "A" (H-407) as amended by House Amendment "A" (H-478) thereto on June 6, 1991) (In Senate, Bill and Accompanying Papers Indefinitely Postponed in non-concurrence) which was tabled earlier in the day and later today assigned pending the motion of the Representative from South Portland, Representative Anthony, that the House Insist.

Representative Kilkelly of Wiscasset moved that the House recede and concur.

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

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: I would ask for a Division and I would remind members of this House that they voted to pass this bill before. There will be an amendment proposed in the other body that will make it even more favorable by exempting the victims of family violence. I would hope that you would stick with your earlier vote.

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

Representative KILKELLY: Mr. Speaker, Ladies and Gentlemen of the House: This bill is still onerous to me. It is still a requirement and I believe it is still judgmental. The only circumstance in which we are going to be requesting parents to take any kind of a counseling course on parenting their children is at the time those parents choose to divorce. Divorce is a difficult time, there is no question about that. However, we don't expect this kind of counseling from folks that have their children taken from them by the Department of Human Services, we don't ask that kind of counseling for people whose children are in open protective cases, we don't ask that kind of counseling for people that are going to be adoptive or foster parents, but only at the time people are making the choice to divorce.

For some people the choice of divorce is not a bad choice, it may be one of the better decisions that those people ever made in their lives. We should not expect that all people who are choosing to divorce are, in fact, making a poor decision and are not able to make good decisions for their children.

I would have no problem if this bill were voluntary and, then at the point where a judge would determine if the children were being harmed by the behavior of the parents, requiring those parents to go through a counseling process. I do, however, have a terribly difficult time with us mandating, requiring, those people that live only in three counties, don't forget, because this is a pilot project for the next two years, to go through this process. I have a terribly difficult time with that. I think we need to look at the difficulties that are facing many of the people going through divorce, the difficulties of determining how someone would get a waiver for this kind of counseling. At \$30 a person, we are looking at a \$60 divorce tax and I think we ought to take a look at that as well.

This is a situation that I believe needs to be voluntary and, if it cannot be voluntary, then I think we need to just look at something else in the

future. It is a decision that parents need to make and I personally believe that most parents are trying to do the best that they can for their children. If the information were presented to them that there is this kind of program available to them, then I think many parents would take advantage of it. As it currently stands, I feel that it is most important that we indefinitely postpone this bill in its present form and we should, therefore, recede and concur with the other body.

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

Representative RICHARDS: Mr. Speaker, Ladies and Gentlemen of the House: I only rise just to correct an error from the last speaker. When you have a child protective case, the court has the authority, and often does in situations where the children are taken out of the home, to impose a much more burdensome process. In fact, that may include a 16 week parenting course as well as therapy, counseling, or a psychological examination so that and this bill are two extremely different things.

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

Representative KILKELLY: Mr. Speaker, Ladies and Gentlemen of the House: The previous speaker has said the judge often does, the judge may, it does not say that every person must — that is what I object to in this bill is that every person must, regardless of their need, regardless of their circumstances, every person must.

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

Representative HOLT: Mr. Speaker, Ladies and Gentlemen of the House: As is the path to hell paved with good intentions, too often is bad public policy paved with good intentions, very good intentions in this particular bill I must say, the good intentions of counselors, lawyers, trainers and social workers, the people who brought us this bill. I think we should stop and think however that people have been telling us lately that they want mandates to be paid for and they want local control.

In reference to this bill, local control lies with the family members experiencing this troubling time of divorce. Some people do need this kind of program and some do not. The decision is taken away from the family here and given to the Director of the program who is rather powerful in this program. He or she can waive the requirement of attendance at the four hour training session, the parenting session. Choice is denied. As I said before, help that is forced is not as beneficial as help that is sought willingly. People will have to pay \$30 each whether they want this program or not, unless of course the Director finds them indigent. There are certain reasons why people can get out of the program and that is one of the discriminatory natures that are exhibited in this bill.

Are we really willing to vote for such beneficial beneficence strong arming?

I would like to call your attention now to the information we received this week from the Coalition for Maine's Children. I am speaking to you as a woman who has children, who has seen divorce in her own family and who has worked as a public health nurse. This "Moment's in America", it is entitled, and Maine has its share of these bad moments. Every 35 seconds a baby is born in poverty, and every 14

minutes an infant dies in the first year of life. We heard testimony here last week from caring people who say, if just one child can be saved an emotional setback in his or her life, we should pass this bill but listen to what is happening here that we have documented. Every 14 minutes an infant dies in the first year of life, we do not mandate available prenatal and postnatal care. Every 14 hours, a child younger than 5 is murdered. Every night, 100,000 children go to sleep without homes — can you think of some mandates that we ought to put in place if we are going to do this one? Every week in 1990, 327 children got measles, which could have been prevented by adequate immunizations. We do advocate that children are immunized, we have not mandated that, but I think schools require it. Those are some things that can cause stress in families and can cause death to children for serious fatal diseases can result from measles. Every month, at least 56,000 children are abused and every year at least 446,000 youths give up and drop out of school. We don't mandate alternative schools for young people who just cannot deal with public schools as they are nor teachers who cannot deal with them.

I really fear that if we pass this bill requiring some people to go who really don't want to go, fathers in particular I have in mind, who are apparently more the targets of this bill than the mothers because they don't seem to have as much nurturing abilities sometimes as mother, although that is certainly not true in all cases.

We might do more harm than good in many cases if we pass this bill, making people go to training sessions they don't want to go to.

We have got to save the children and work for children's rights in a much more fundamental way than this kind of bill. If we want to bring up a generation of children who make good citizens and have healthy lives, then we must be much more radical in our approach, we must see that schools help children learn about family responsibilities and involve parents more on a voluntary basis. I do believe we are making the wrong move here. Try to understand that there are many opportunities to recommend the program during divorce proceedings and I want to warn my honorable colleagues that passage of this bill would establish a bad precedent in mandating an adult educational program in order to pay for it through a fee.

Representative Kilkelly of Wiscasset 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 Wiscasset, Representative Kilkelly, that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 144

YEA - Aliberti, Anderson, Ault, Barth, Carroll, J.; Cathcart, Chonko, Clark, M.; Coles, Constantine,

Crowley, Dutremble, L.; Erwin, Farnum, Farren, Foss, Garland, Gean, Goodridge, Gould, R. A.; Gray, Greenlaw, Hale, Heino, Hepburn, Hichens, Holt, Hussey, Jalbert, Joseph, Kerr, Kilkelly, Kontos, LaPointe, Lebowitz, Libby, Lipman, Look, Lord, Luther, MacBride, Mahany, Martin, H.; Merrill, Nash, O'Dea, Pendleton, Pines, Poulin, Pouliot, Rotondi, Rydell, Saint Onge, Salisbury, Savage, Sheltra, Stevens, A.; Stevens, P.; Stevenson, Tamaro, Townsend, Tracy, Treat, Tupper, Waterman, Wentworth.

NAY - Adams, Aikman, Anthony, Bailey, H.; Bailey, R.; Bell, Bennett, Boutilier, Bowers, Cahill, M.; Carleton, Carroll, D.; Cashman, Clark, H.; Cote, Daggett, DiPietro, Donnelly, Dore, Duffy, Duplessis, Farnsworth, Graham, Gurney, Gwadosky, Handy, Hanley, Hastings, Hichborn, Hoglund, Jacques, Ketover, Ketterer, Kutasi, Larrivee, Lawrence, Lemke, Macomber, Manning, Marsano, Marsh, Mayo, McHenry, McKeen, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Norton, Nutting, O'Gara, Oliver, Ott, Paradis, J.; Paradis, P.; Parent, Paul, Pendexter, Pfeiffer, Plourde, Powers, Reed, G.; Reed, W.; Richards, Richardson, Ricker, Ruhlin, Simonds, Simpson, Skoglund, Small, Strout, Swazey, Whitcomb.

ABSENT - Butland, Heeschen, Pineau, Rand, Spear, Tardy, Vigue, The Speaker.

Yes, 66; No, 77; Absent, 8; Paired, 0; Excused, 0.

66 having voted in the affirmative and 77 in the negative with 8 being absent, the motion did not prevail.

Subsequently, the House voted to Insist.

The Chair laid before the House the following matter: An Act to Clarify the Maine Juvenile Code (S.P. 588) (L.D. 1541) (H. "A" H-597 to C. "A" S-267) which was tabled earlier in the day and later today assigned pending passage to be enacted.

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

The Chair laid before the House the following matter: An Act to Provide Employee Protection in the Event of Closure or Reduction in Capacity of State Facilities, Programs or Services (S.P. 370) (L.D. 995) (S. "A" S-331 to C. "A" S-271) which was tabled earlier in the day and later today assigned pending passage to be enacted.

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

Representative REED: Mr. Speaker, Ladies and Gentlemen of the House: As you may recall earlier today, I asked a question regarding this bill for which there seemed to be no response. I simply want to reiterate that briefly for you, I understand the purpose of the bill and I take no umbrage with the purpose. However, my concern is that this bill is so inadequately specific that it will provide nothing more than a source of perpetual grievances and continuing labor and management unrest because there are no standards with which to enforce this bill.

Therefore Mr. Speaker, I move indefinite postponement of L.D. 995 and all accompanying papers. I request a Division.

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

Representative JOSEPH: Mr. Speaker, Men and Women of the House: The good Representative, Representative Reed, did ask a question this morning and I was not prepared to answer that question because I didn't have the bill before me. I wish that he would repeat his question and I also would urge you to vote against indefinite postponement of this piece of legislation.

So, if the good Representative would repeat his question, I believe at this time I could respond.

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

Representative REED: Mr. Speaker, I would be pleased to repeat the question. In Section 2 of this bill it says "that except when clear and significant savings can be achieved" and then goes on with other verbiage. My question has two parts, what standards would be applied to determine whether or not a saving would be significant and what body, bureau, agency or entity would make that determination?

The SPEAKER: The Representative from Falmouth, Representative Reed, has posed two questions through the Chair to Representative Joseph of Waterville who may respond if she so desires.

The Chair recognizes that Representative.

Representative JOSEPH: Mr. Speaker, Ladies and Gentlemen of the House: I wonder if the good Representative is referring to the bill as the amendment which has replaced the bill? If he is referring to the amendment, I don't see those words in there but I do want to say that this piece of legislation was a result of a series of negotiating sessions with the Department of Administration and with the Labor Union that represents the State employees. This compromise that had been struck allowed contracts and temporary positions for up to 90 days if no permanent state employees are available within the department or the agency to perform the work. This continues to allow contracts which would achieve obvious savings. I believe that I heard him state the word "savings" and yes, if the contracts that are in existence currently do show savings, there will be savings.

This piece of legislation also exempts agencies from contract termination clause with a proof of financial hardship to that particular agency or department. This particular amendment provides clear and very responsible guidelines for the comparison of the cost of contracts with work that is done by state employees. If the good Representative is concerned about whether or not this would save money, yes, we believe that the work will be done expeditiously, efficiently, and at the least cost.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative Reed of Falmouth that L.D. 995 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.

46 having voted in the affirmative and 70 in the negative, the motion did not prevail.

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

The Chair laid before the House the following matter: An Act to Amend the Unfair Trade Practices

Act to Allow Consumers to Recover Damages (H.P. 1057) (L.D. 1546) (C. "A" H-447) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Chonko of Topsham, under suspension of the rules, the House reconsidered its action whereby L.D. 1546 was passed to be engrossed.

On motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-447) was adopted.

The same Representative offered House Amendment "A" (H-637) to Committee Amendment "A" (H-447) and moved its adoption.

House Amendment "A" (H-637) to Committee Amendment "A" (H-447) was read by the Clerk and adopted.

Committee Amendment "A" (H-447) as amended by House Amendment "A" (H-637) thereto was adopted.

The bill was passed to be engrossed as amended by Committee Amendment "A" (H-447) as amended by House Amendment "A" (H-637) thereto in non-concurrence and sent up for concurrence.

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

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-632) on Bill "An Act to Establish the Maine Civil Legal Services Fund" (H.P. 1147) (L.D. 1672) 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 Paradis of Augusta that the House accept the Majority "Ought to Pass" Report.

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

Representative RICHARDS: Mr. Speaker, Ladies and Gentlemen of the House: This is a Divided Report out of our committee. Basically what we had was a bill that had suggested fundings on how we could raise money to fund this particular project. Currently, what came out of committee, which caused the Divided Report, was that the funding mechanism would be a negative checkoff on the registration of attorneys. That means that you have a box and if you don't check it off, you are automatically assessed a cost. So, I guess if you don't read your registration, you are going to get taxed for that particular cost to go into this fund.

The part that I disagree with is the fact it is a negative checkoff. I wouldn't mind a voluntary checkoff as a part of funding this particular project because it has a good intent. Philosophically, my problem this session and the prior session is the fact that we come here with great intentions of creating projects that would help people. If you just think for a second of all the projects that you would like to save this year that perhaps may not get

saved because of budget problems, this is one of those projects that will create and will not have enough money, that will eventually come back here year after year for more money and more people to administer the project that would have an increasing cost. Like some of the projects that we have created in the last ten years, it would be inadequately funded and would cost more and more because the demand becomes greater and greater but we just can't afford to do everything.

I think this has been a year that we can take and sort of draw back and look at those things that are essential, how we can downsize state government, how we can make state government more efficient and the problem that I have is, we are just creating another program that we have to look at, that perhaps by utilizing, we will have to cut in the future.

I would ask that you vote against the Majority "Ought to Pass" Report as amended so we can go on with the Minority Report, which is an "Ought Not to Pass" Report.

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

Representative MARSANO: Mr. Speaker, Ladies and Gentlemen of the House: I have risen in connection with this bill because I spoke against it at the committee level.

I am a member of the Board of Trustees of Governors of the Maine Bar Foundation and was at an earlier time a member of the Board of Governors of the Maine State Bar Association. I have also served on the Board of Overseers of the Bar of Maine, which is an adjunct of the Supreme Judicial Court and I have been involved in these issues that are before you with respect to this amendment for better than 25 years. I have spoken at about every level with respect to what lawyers should do as they recognize their obligations to the society of which they are a part in the State of Maine and I have always considered that concept of "equal justice under law" as that without which no democratic society can continue to function for long.

I have opposed measures similar to the funding mechanism which is produced by this amendment historically and I continue to oppose it for some of the reasons which have been stated by the Representative from Hampden. For the benefit of those members of the legislature who are not familiar with it, the lawyers of Maine already are asked at the time when they pay their annual registration fee to the court to make a contribution to the Board of Bar Overseers which is immediately transferred over in such a fashion as will allow some of the organizations or all of them and more to be funded as a result of actions taken by the Maine Bar Foundation.

The problem with the situation which is presented to us at this time is that shortly, sometime in June, as a matter of fact about June 21st if memory serves me, the Board of Governors of the Maine Bar Foundation will meet to determine whether or not they should approach the court to seek a change in the rule with respect to contributions by lawyers on IOLTA, which will do essentially the same thing — represent negative checkoffs. This is a negative checkoff of a different sort but is still a negative checkoff. I just feel as though the legislature is invading the province that the Constitution creates for the court.

When I spoke against the bill at the committee, it was because I felt that the legislature should not

be acting in that fashion. Indeed, one of the reasons that I came to the legislature was because I believed that the General Fund has an obligation to provide legal services that will see to the rights of Maine people being recognized, that is "equal justice under law" and will be obtained as a result of the necessary marshaling of funds to provide that in some way on a distribution basis that will, I hope, generate a system of justice. It is not only for people who need assistance from the legislature and the people of Maine through the General Fund as far as Human Services are concerned but also with respect to their needs for this illusory concept of justice which we seek to achieve here.

I am concerned because I think that the interrelationship that this bill would create between the legislature and the court is not a proper one. I think that the Appropriations Committee needs to consider these kinds of things on a general basis and that this fund is not a good idea for that purpose. I am taking a long time and am rambling about a lot of things that I would have been better prepared to say if I had seen the amendment at an earlier time. I came back into the House and it wasn't present when I got here so I have just read it and I am reflecting on it even as I speak to you.

I don't have an answer for "equal justice under law", I only know that we must seek it. At the same time, we must not endanger the Constitutional framework, which is what achieves for us the freedoms that we all seek in a society which tends to treat us all in a proper fashion. For that reason, I will vote against this. I am hopeful that the result, which the bill seeks ultimately to accomplish, will somehow come to pass, that that result which we so desperately need will be attainable for us but I am convinced that this is the wrong vehicle at the wrong time. With all due respect to those who have so hard to make a better bill than the one that was originally before it, I will vote against it.

I also want to say that I objected to the Legal Aid Clinic for the University of Maine. I have done that historically at times when I have seen the University of Maine attempt, as this bill originally attempted to do, to simply get an extra half a professor for the University of Maine. It did no more than that. This will probably, if it is funded in that fashion, do about the same thing. The University of Maine does not, in my view, do enough to service the rural areas of this state that are underserved legally. I live, as you well know, in the poor part of a county. We are fortunate because we have lawyers come in for various reasons and they have helped. I think we handle our problems better because we are rural poor perhaps, but there are lots of areas where people are not able to obtain legal services which are necessary for our justice system.

Again, I apologize to the House for taking the time to make these remarks since I intend to vote against this, but since I laud the purposes of the bill, I hope we will instead find some way to act responsibly and within the parameters of our legislative rights in order to provide legal services to the poor. The poor of Maine are increasingly being disadvantaged by the justice system. I rail against the insurance companies who I think are interested in "business at any cost" because it allows them to up the premiums and lots of people then can't afford legal services. We do ourselves and we do our people some disservice by some of the

bills that we pass here which make lots of remedies unaffordable for poor people. There must be an answer someplace but this bill is not it. I apologize for having taken your time and I appreciate you letting me speak. Thank you.

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

Representative FARNSWORTH: Mr. Speaker, Men and Women of the House: I would just like to clarify for the House why I voted against passing this bill. I deeply support the purposes of the funding of the bill and I just felt at the time that we should be carrying this bill over to properly fund it and my interest in speaking today is simply to clarify that, if and when we pass this legislation today, that we are not funding any of the items in here in all likelihood except for the Volunteer of Lawyers Projects which is expected to receive the same amount of contributions that it has been receiving. All of the other items in this fund, the Pine Tree Legal, Legal Services for the Elderly, and the Legal Aid Clinic are all expected to get almost nothing, if not nothing, until we find additional funds. I know that the purpose was to find additional funds and I assume that someday that will happen.

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

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: As a signer of the Majority Report, I kind of feel a certain reservation having to get up here and say what our obligations ought to be perhaps as citizens because this has a certain impact on the members of the legal profession in the state. Not being a member of that distinguished organization, I can say perhaps I feel a little at a loss to try to say I, as a teacher, think I know best what you people should be doing and I will not attempt to do that.

What this bill does, in a very modest fashion, is to request that the Law Court amend the rules for attorney fees when they register every year, that they be asked to contribute \$30 or \$40 and, if they request not to, they can check off a box called a negative checkoff, and they will be exempt, no questions asked. The money from this, the \$20,000 or \$30,000 that is raised, will begin a Legal Services Fund. That is what the Committee Amendment is, it is just a beginning, it is just a very modest attempt to try to provide civil legal services for the poor. This is the Muskie Commission. When Senator Muskie stood before us in a Joint Convention of this legislature on May 1st on Law Day he told us of the plight of our citizens in this state who cannot afford civil legal services.

This is a very modest attempt because the original bill, L.D. 1672, had a \$1.7 million dollar fiscal note. It would have called for a fee of \$10 or \$15 for every small claims filing, it would have called for an additional fee on every civil court filing and it would have called for a massive state appropriation. Now we know that there are no state dollars for this fund. I guess that is the reality of June 11, 1991.

We know that the Law Court has already put a \$300 filing fee on civil trials which has made a burden, and I don't agree that that is the best way of doing things on the civil process, but they have charged \$300 for any request for a jury trial and that money is going to the General Fund in order to fund the

judicial department deficit. We know that our committee has already upped the fees in small claims in order to provide greater access because it is costing more for us to run the Small Claims Court than what is being produced in revenue. So, those three avenues, small claims, civil trials, and state appropriations are out of the question so the only avenue left in the bill was this assessment on the attorneys in the state. Not being one, I don't feel correct in saying "I think I know what you people ought to do." However, as a member of this body and as a member of the Muskie Commission that is going on right now, and several members who have spoken are members of that commission, I would plead with you that we have to start at some point. If we are going to provide these legal services in a very modest way, let's start in 1991.

I would ask you to vote for the Majority Report that is presently before us.

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 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.

Representative Paradis of Augusta 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 Chair recognizes the Representative from South Portland, Representative Anthony.

Representative ANTHONY: Mr. Speaker, Men and Women of the House: I was a signer of the "Ought to Pass" Report also and I would echo the sentiments of my chair, he said it better than I could perhaps and I don't want to take any time but I do want to make clear that you can be a lawyer and be supporting this bill as a modest first step.

What really is needed is a tremendous amount more than what this bill does. We need to be putting General Fund appropriations into legal services for the poor, we can't do it this year, but I would urge support for this bill.

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

Representative RICHARDS: Mr. Speaker, Ladies and Gentlemen of the House: I just want to also indicate that I was a member of the Muskie Commission that dealt with the implementation of some of the legal needs and I feel a certain responsibility to that particular commission. I also feel a responsibility to this body and to the public of the State of Maine that when we create programs we should adequately fund them.

At this point, Representative Gwadosky of Fairfield was appointed to act as Speaker pro tem.

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative MARTIN: Mr. Speaker, Ladies and Gentlemen of the House: If you have not noticed, I happen to be the sponsor of this at the request of the people who were involved in the Commission. I would like to give you a little background and then tell you why I think the opposition has been mounted.

The purpose of the Commission was created by the Governor, the Judiciary and others to determine why the poor were not being adequately represented in court. The most drastic hearings, which may not come as a surprise, were in northern Maine, Penobscot and Aroostook in particular where people, unless they were AFDC recipients and might be able to get Pine Tree Legal and a few elderly who might be able to get Legal Services for the Elderly, the vast majority of them were going unrepresented. It became clear that the attorneys in Maine, some of them were doing an excellent job in donating pro bono time, but that overall, the poor were going unrepresented. In many instances, some of the advice that they were getting was not really adequate. It is that which led the Commission to recommend before you a piece of legislation which, in my opinion, attempts to begin to solve the problem. Yes, that is accurate, there is no appropriations to this legislation because, quite frankly, there is no money.

There was a number of other ways in which to approach this. Since most of the people who benefit financially, the attorneys, I felt it appropriate that they share some of that burden. I suggested to the committee that one way in which it could be done was to simply increase the registration fee that attorneys pay each year.

Very quickly, the attorneys pointed out that they were not part of the Legislative Branch, did not have to specifically follow our laws, they were part of the Judiciary. Unless the Supreme Judicial Court of Maine implemented that by law, by rule, that they would not have to do that and they would challenge the constitutionality. In case you haven't followed along, they also challenged a provision in the budget that we passed in late February which dealt with the funding of the law libraries in the counties in this state because they felt that the legislature had gone beyond their constitutional responsibilities and abilities. That has been challenged by, I believe, one of the arms of the bar (I don't know which one nor do I particular care) and that will, at some point through the process, get to the Supreme Judicial Court of Maine.

The question then arose as to how not to be challenged and what might we do? One of the ideas was a voluntary checkoff. There are two ways to do checkoffs, one is a voluntary checkoff, favorable, and the other is the opposite, where you have to checkoff not to pay. I felt that it would probably get to the conscience a little bit more of the attorneys in this state if they had to deliberately checkoff saying that they did not want to donate money to help indigent people in this state. That is why it was drafted that way. It is very simple, they will be forced to look at it and say, "I don't want

to give to help the poor."

The Representative from Belfast, Representative Marsano, did a pretty good job of confusing the issue but I would like to respond to the comments that, in case you didn't know, Maine has the highest per capita of attorneys of any state in the United States of America. It is quite accurate that most of them are located within a hundred miles of Portland and that rural areas do not benefit from the Law School to any great degree. That is why I suggested to the Appropriations Committee that the Law School be entirely self-supporting from fees and tuition for the entire cost of operating the Law School and that the taxpayers not pay.

If they go to a deprived area, which can be defined by law very easily as we do other areas, that they can then get a write-off for going to underserved areas. I can assure you, and there have been jokes about this before about my practicing law without a license, it is not the kind of thing that I want to do but frankly I do it because there is no one else there to do it. Anyone who lives in a rural area, any Representative who lives in a rural area in Maine knows what I am talking about where people come to see you about their Social Security disabilities, their AFDC denials, etcetera, etcetera, that ought to be handled by an attorney. Having none, they go to the town offices and they go to State Legislators and whomever they think might have any knowledge or might be able help them. They might want to go to an attorney but the attorney doesn't take the case because they want the money upfront and I understand the need to survive economically. I also see the need to help people who cannot help themselves and who are caught in a situation unbeknownst to anyone else perhaps and they get no help.

Let me tell you now about what attorneys are concerned about regarding this particular amendment. It is a provision in which the Supreme Judicial Court is requested to establish a contribution system as part of the registration requirements for attorneys and the possibility that the Supreme Judicial Court would establish a fee upon attorneys for which the money will then be used to correspond with the law. I personally feel very comfortable (how comfortable, I don't think I want to say at this point) that the Supreme Judicial Court of Maine will be responsible and will assess a fee that will make this program work. I can guarantee to the Representative from Hampden, Representative Richards, that if it doesn't, I will be back next year because I believe so strongly in this program and I believe that the poor need to be helped. I don't mean poor in the sense necessarily of someone who is on the streets and considered homeless, that is not the ones that I am referring to, even though they are part of that category. I am referring to the number of people on Social Security who get these letters from the Social Security Administration and from the bureaucracy that requires an attorney to figure out what it means. I am talking about those people who are constantly talking to you and I about the problems that face them. My office gets as many as ten cases a week from all over this state, dealing particularly with Social Security and AFDC and other bureaucratic messes that the system is creating upon them. I don't know how many of your relatives are elderly and who communicate with daily or weekly or even monthly but ask them what reaction they have when they get a letter from IRS or Social Security. It is like the

end of the world coming and they just simply cannot cope. The first thing they do is pick up a phone and look for help. I know a number of you who have talked to me in the past years have raised that same concern.

This is the vehicle and don't let attorneys tell you that they are fearful (or non-attorneys, I suppose) that this won't work. My response is that they are concerned that it will work. If I had my way, I would personally pass a law that every attorney in Maine ought to donate two hours per week every single week of the year, pro bono, and that they ought to have office hours to do just that. Then those people would be able to come and see them. I do not believe that they are giving to society what society has provided to them.

I wish members of the bar would donate as much of their time as members of my profession do when they teach elementary and secondary education, before and after school, coaching, and every other aspect. There are other professions that give of themselves as well. There are members who sit in this body who have worked and are part of municipal government and there isn't anyone who does it for money. I haven't seen too many town managers running around with Porsche's.

It seems to me that the time has come to make a start to help those people who need help. I certainly hope that we accept the Committee Report today, that you will be recorded "yes" in favor of helping the people that we are here to represent and not necessarily our own personal pocketbooks.

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

Representative RICHARDS: Mr. Speaker, Men and Women of the House: If Representative Martin from Eagle Lake is here next year introducing a bill and this does not pass, I will probably support him, but I guess the first question I would ask is, is there money enough to support this particular program, as I indicated earlier? It is easy to go ahead and hang the shirt or whatever you want to do on lawyers as being the problem for the poor in this state and people that need it — what about architects, what about doctors? Why not set up two hours for every architect to give advice on how to construct a house? How about doctors giving free medical advice on how to take care of preventive medicine? How about donating time with any particular profession to circumvent the legal needs when they have to go to an attorney to remedy the situation?

The best truism I have heard was from my uncle who said to me that "I hate" (and I won't use the middle word) "lawyers because in my day, when you had a deal, it was a handshake and that was it but what you need a lawyer for is to protect yourself from another lawyer." That is a fact of our society. The fact of it is that lawyers, like doctors, like any profession, like lawmakers here today that are creating laws, we are here as nothing more than plumbers or electricians to take care of a problem, something is broken down and we facilitate to find a remedy for that particular problem. That is where it fits into the picture.

When we talk about lawyers in Portland, I guess you can separate the southern part of the state from the northern part of the state as far as the density of lawyers but I know, at least in my area in Penobscot County, Hancock County, Washington County, Piscataquis County and Aroostook County that the

lawyers in those areas of the state, I would say, a majority of all lawyers do pro bono work that is not even through the Volunteer Lawyers Project and don't get credit for the time. I would also say that most lawyers, at least in my area, contribute some time to the Volunteer Lawyers Project and do get credit for that time, but I can guarantee you that sitting in your office, 10, 12, 13 hours a day, every dollar you make, you earn. The time that you spend in that office is better than probably two hours of giving free legal advice, speaking to people and saying, "I don't know if you have a case but I can give you suggestions where to go." It might be to call your Representative as far as maybe making a law change or a problem that really is not addressed in the laws so lawyers by and large do give a lot of free time already. To mandate that is only going to be counterproductive because then you are going to have lawyers saying, "Well, if I am only going to give an hour or two hours, that is all I am going to do because the state is saying when to do it." I can tell you that lawyers, on the average, give a lot more time than that.

When you get a call at three o'clock in the morning because somebody has gotten arrested or because there is a domestic situation and you ultimately do not take that case because the case resolved itself, you don't get paid. The fact of it is that you contribute your time.

As far as all lawyers, I don't know how many lawyers are driving a Porsche, I have a Dodge that has 99,000 miles on it. I also have a pair of shoes (as he holds one up) that has holes in the bottom. I guess when I get out of here, maybe I will have time to have them resoled.

I guess there are a lot of ways that we can take care of the funding problems of the state and the problems we have in society as being litigious. For example, we have a Workers' Compensation problem right now. Why don't we put a surcharge on all insurance rates as far as taking care of the problem? Can we do that? Do you think the insurance lobby would agree with that? I doubt it but I guess we could hang a lot on the insurance companies.

I think when we sit back and think about all the problems we have in society, we can't hang them all on lawyers, we have to hang it on to each individual member of society, we have to hang it on to a profession, we have to hang it on to people that precipitate the problem and that is where the problem lies.

Again, ladies and gentlemen of the House, I am opposing this bill, not because it is a bad idea, I think it is a good idea but I think I have a responsibility to the State of Maine, I think I have a responsibility to the constituents that I represent, that if we create a program that we ought to adequately fund that particular program so we can do an adequate job, so that we come back here and criticize a program to say that you are not doing an adequate job and they ask for more money and we still underfund them and we continue to criticize. That is what we have been doing with a lot of the new programs that we have. I think that is a disservice to the State of Maine.

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

Representative LAWRENCE: Mr. Speaker, Ladies and Gentlemen of the House: I rise to speak on this bill with mixed feelings because I will be voting for the

bill for many of the same reasons as Representative Anthony is voting for this bill. I believe very strongly in legal services being provided to people who can't afford it. I disagree with the funding mechanism but I see no other alternative.

I agree with the Representative from Hampden that we should, if you use the same logic to charge attorneys for funding legal services for the poor, the same logic should be applied to physicians and real estate agents as far as affordable housing. We tried to do that with the apartment owners regarding the security deposit bill and that was turned down by this body. Accountants should be charged to provide services to the poorer members of our communities but I guess what troubled me the most in what I have heard in this debate is the hatred and the animosity I have seen demonstrated for attorneys. That really troubles me very deeply and I can't help but feel that that is what is behind this bill. That is really what we are debating here. I happen to take that very personally because I thought very long and hard before I went to Law School about the opinions people had of attorneys and I don't think it has made one change in me, my outlook and my values, by going to Law School and becoming an attorney. I don't believe it ever will in my lifetime.

As far as attorneys donating their time, I have seen many attorneys, virtually all the attorneys I know, who donate their time. I donate a thousand hours of my time, unbillable time, to the legislature. There are numerous attorneys who donate time. As far as Maine having more attorneys than any other state in the nation, it is simply not true. Maine has slightly over 2,000 attorneys. Portland has the highest concentration of attorneys of any city but it is because of the geography of Maine.

I simply want to say that I support this bill, I support the idea of providing legal services for the poor, but I think those people who have animosity and personal anger and hatred toward a profession or toward individuals simply because of their profession, should reexamine their own feelings.

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

Representative MARSANO: Mr. Speaker, Ladies and Gentlemen of the House: I am disappointed that the gentleman from Eagle Lake would attempt to say that I was attempting to confuse the issue. I can assure you that I wasn't, I was thinking out loud as I went through the things I said and I said them because I believe them. I make no pretense about the fact that I came to the legislature because I recognized, first of all, that there weren't very many lawyers in this House, there were no Republican lawyers when I got here, that I recognized that lawyers had to suffer the kinds of slings and arrows that the Representative from Kittery was just talking about. I felt that there was no one who was in a better position than I to come and try and tell this House some of the things I thought they needed to know about lawyers and the way we function.

I agree with the Speaker. Everything that I have I owe to the fact that the people of Waldo County trusted me with their problems and their purses. I have tried to do my best as a lawyer in a small town. As I have told many people, I am proud to be the first Italian/American President of the Maine Bar Association, the first President of the Bar Association to come from my poor county, the only President in the 100 year history of my county to

become President of that association. I was very proud of that.

The thing that I want to tell the Representative from Kittery is something that I learned from the Chief Justice who is a farm boy from Guilford and from Senator Muskie who is a poor immigrant's grandchild from Rumford. It is the reason for the frustration that emanates from the Speaker, the gentleman from Eagle Lake, and that is that the quintessential fact that comes through all of this is that legal services to the poor will have a solution only from lawyers. The important part of our Constitutional system, which is what I use to try and get young lawyers to practice law, is the greatest and most rewarding of all the things that I have ever done. It surpasses even the wonderful experiences I have had here in the House and that is to stand beside a citizen of Maine or a citizen of another state before the courts of Maine recognizing that the Constitutional process, at some point, focuses upon a system that is based upon law and that the individual's dignity is directly connected with the capacity of the lawyer to protect that individual in the legal system. It is worth all of the slings and arrows that you people throw against me and us because it is the only way that the system of freedom of Constitutional balances will remain intact. Every citizen must have the right to be given equal justice because, unless we have equal justice under the law, we will have nothing. So, I have worked and striven to obtain that in my own bumbling way.

I don't know the answers to these problems. On the bill where I just reversed my vote and was chided by the Representative from Damariscotta, I don't know whether or not this education process that my friend from South Portland wants will be good, but as I told her in response to her chiding note, I was opposed originally to mediation in the divorce process; now I believe in it. Did I grow up? Am I a creature of experience? What do I know about the court process? All I know is that there are emotionally battered individuals that go to the divorce court. If the Representative from South Portland is right, then I will be pleased that I voted with him even though I think (still) that he was wrong. What I am interested in is the concept of justice for people but I am aware of the greatest danger that our society faces. The great problem that we have is the enthusiasm that the gentleman from Eagle Lake has in attempting to unravel the system which protects us, the balances that exist in this system, which we must recognize and respect with our breath, with our hearts and with our brains. Without it, the system will die and freedom will die along with it. Freedom and liberty are the most important ingredients that we have in our system. If this system works, it will work over what I consider to be an invasion that would be unfortunate. If it works and the poor are given equal justice, if the system somehow creates equal justice under law, then we will have survived one more attack.

I know that the gentleman from Eagle Lake remembers our conversation about another Representative of this House who, for years, had talked about sponsoring a bill which would allow a credit system at the University of Maine Law School. The University of Maine Law School is nothing but a grooming pasture for the Portland law firms.

Years ago, what happened was that everybody wanted to collect all the banks and everything in

Portland and lawyers, for the most part, followed those banks because that is where the good business was. What we have got down there is that we have Law School that generates lawyers and the Portland law firms kind of carefully look over who they want and pick them out and groom them and send them back to Law School to take this course and that course and everything works well for the Portland law firms. It doesn't work well in the country. We need to have a system, a system that the gentleman alluded to is one that we have discussed here before, of letting people who want to go to Law School have credits for working in the various areas so that they don't end up unable to practice with the people from whom they came and the people that they want to live with.

My own firm is composed of a boy from Belmont who went to Law School, was editor and chief of the Law School and wanted to come home and we were able to arrange that. He does a lot of the indigent defense work. This is one of the few counties in which the Editor and Chief for the Law Review does indigent defense work. That is what he wanted to do and we were pleased to have him come back and join us in our practice. My other partner is a Phi Beta Kappa graduate of the University of Maine who wanted to come back to Belfast to practice law with the people that he grew up with and he is a very successful lawyer there too. Maine people know that Maine people need lawyers in order to secure this justice.

I just hope that we will somehow move beyond the acrimony that the Representative from Kittery spoke about and that I heard in the voice of the Speaker, the gentleman from Eagle Lake. I worked with Senator Muskie on this Commission, not as much as I wanted to, but I went to a hearing in Rockland where he was a magnificent, and I heard him follow that up when he received his 50 year pin at the summer meeting of the Maine State Bar Association, a life membership in our association and his speech was wonderful. It was wonderful because he could reflect back on a society which was so good to him and he was aware of that blessing that had been given to him. He talked about lawyering in Maine. To listen to him talk about lawyering in Maine because he was a small town lawyer in Waterville, Waterville was not so big and he was not so successful back in the days when he did practice law. He has never forgotten that even though he works for some fancy law firm in Washington where he charges the oil people all kinds of money. He comes back to us because Maine nourishes all of its people.

The concepts in which we all believe, the things that make us give up everything we give up to come over here to try and help solve some of the problems — those are the things that are the loadstone of success for Maine's society.

This acrimony that the gentleman from Kittery articulates is one of those things that we must look beyond and we must decide as we vote for this bill whether or not we do anything to prejudice the system which depends upon the division between the three branches of government, the Executive, the Legislative, and the Judiciary so I shall vote against it, not withstanding the fact that I understand and sympathize with the position of both Representative Anthony and Representative Lawrence of Kittery.

I told the gentleman from Eagle Lake that there are lots of people in the State of Maine who are licensed to practice law who would not do as good a

job for a constituent as he would. I have also told him that he was wrong in not taking the advice of a former member of this body who was a former Justice of the Supreme Court from that same rural poor area in northern Maine from which he comes and who wanted him to go to Law School because he thought he would be a better human being. I would tell the gentleman from Eagle Lake that he would have been a good lawyer and I think he would have suffered the slings that he has thrown against us, and me in particular, well if he had just had the benefit of law training and the opportunity to practice law.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Eagle Lake, Representative Martin.

Representative MARTIN: Mr. Speaker, Members of the House: I need to respond to a couple of comments. First of all, in reference to the Representative from Belfast, I confess in a sense that, if certain things had not happened, I probably would have gone to Law School, but that year when I was making a decision, I was elected as the Minority Floor Leader of the Democratic Party and made a decision at that point to continue in that range, that career so to speak instead. I didn't take the advice of Retired Supreme Justice Elmer Violette.

Second, I fully agree with the comments of the Representative from Belfast in terms of the system. I think in terms of representation, my concern is, if we let the system go to a point where people who do not have the resources and have no ability to be represented, this third branch of government is going to fail. I am concerned about what is happening in one of the counties in eastern Maine where all of the judges have informed the bench that they are not going to take court appointed cases anymore because the legislature changed the reimbursement of \$5 down, \$5 an hour. What is going to happen to the requirement in our Constitution which says that a person who is potentially going to be thrown in jail has to be represented in the judicial system by an attorney? Are we going to change the Constitution? I hope not and I don't believe anyone in this room would want to do that and certainly not the Representative from Belfast, Representative Marsano.

Third, I am not attempting to impugn the legal profession. Some of my relatives and very close relatives happen to be in that profession. I happen to be sneak a lot of cases in that they do for free because they don't want to tell their uncle that they are not going to do it, I guess, but that is not the way in which it happens out there in the real world.

Fourth, I must say I do not feel that the time I spend in the legislature is pro bono. It is a public service item that I want to do and I believe everyone in this room wants to do.

Fifth, I think we have to remember that our ability to serve our people means that they have to be represented somewhere, somehow. It seems to me that this is one way in which we can start.

The bill that we originally had that the Commission asked to be put in was a bill which would have truly funded the needs of every person in this state. If you attended any of those hearings, you would have been shocked to see the needs where people whose rights, if they had just known where to go and had had an attorney who would have been able to listen to them, could have turned it around by taking the case. A person who, for example, that I am trying to help now and a couple of attorneys are doing all the work that they can involves a physician

who failed to do the correct procedure and the child died. Would you believe that there is yet to be anyone found to review that medical evidence? Gynecologists in this state have all refused to review it. Someone from out-of-state is willing to do it because they don't practice medicine in this state but they want upfront money to review it. The travesty of justice cannot go on and it should not go on, just because people do not have the money.

Finally to the Representative from Hampden, there are other provisions in the law that tax others. Workers' Compensation was raised. In fact, the Workers' Compensation Commission is entirely funded from a tax on insurance companies in this state. That is the procedure, that is the law. There are other examples that I could use.

I hope tonight that we pass this bill and if I upset an attorney, certainly I know that I did, the Representative from Kittery, I did not mean to but the point remains that we are not doing the job we should be doing.

I would point out that we are not the only state in the country where this is going on. I would point out that this is not the only state where poor people are not being represented. I don't mean poor in the sense of money because most of the people that I am talking about would refuse to be called poor. They are surviving on their \$300 Social Security check and by gosh, don't you dare call them poor because they will quickly tell you that they are not. It is still \$3600 a year and that is true more in my area perhaps than in Washington County and in Hancock County than it is in other parts. The people that are in that age bracket in my area are people who worked in the woods for the most part or worked along the coast as well and they didn't have much Social Security paid in. As a result, very little Social Security comes in the other way. It is there, I know that it is there and I know that many of you feel the same way I do. The money isn't there, I know, but we have got to make a start and I hope tonight we will make that start.

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

Representative TREAT: Mr. Speaker, Men and Women of the House: I just want to make a couple of points in support of this piece of legislation. I am a lawyer, I drive a Honda Civic. I say that because I think that we have to recognize that all lawyers aren't wealthy lawyers, but even those that aren't I think can support this piece of legislation.

I have read the Muskie Report, I did not sit on the Commission. I do think that if you spend the time to read that report or if you went to any of the public hearings on any pieces of legislation that came out of that report, you will see that the need for legal services for lower income people is really a crying need.

My only concern with this bill is that I think that it may say to people that we have solved the problem and I don't believe that we can pay for the entire solution out of fees on lawyers. There are many other states that have problems serving all the citizens of those states in terms of their legal needs. Many of those states have public defender services which we do not have. I think to expect a very small number of attorneys (let's say in Washington County) to basically represent every indigent person in that county may be asking too much when it turns out that there are hardly any attorneys

in the entire county.

Another reason to support this bill is that it does give funding to the Legal Services Clinic at the Law School. There were some comments earlier from the Representative from Belfast, Representative Marsano, that that is a reason not to vote for this. I would suggest that giving students experience representing low income persons is one way to make sure that the Law School is not in fact just feeding the big law firms that represent corporations only.

I would just point out that the Muskie Commission requested over \$1 million of funding to adequately fund low income legal services. This bill will not provide that. No matter how high the fees are on lawyers, I don't think we will in fact be funding legal services adequately for all of the people of this state. I think this state needs to make a commitment out of the General Fund that we are going to be supporting some of those legal services. I hope that this legislature will enact this piece of legislation today and go on in the next session, next year, to provide additional funds for legal services because they are needed and this bill will not provide all the answers.

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

Representative FARNSWORTH: Mr. Speaker, Men and Women of the House: Being a reasonable, flexible person, I have listened to this debate and I feel like I have made the point that I wanted to make when I voted against this bill which was, this bill does nothing except establish a vehicle for funding. I heard the Representative from Eagle Lake say that, if this bill did not result in adequate funding, he would be back next year supporting adequate funding for these programs. Since I initially supported carrying the bill over, that is essentially the same result.

I believe that people are now aware that this bill will not raise anywhere near the number of dollars needed. In fact, the original bill request, I believe, was for about \$1 million. There are about 2,000 lawyers in this state. The original proposal was to charge each lawyer \$500 and I think the reason that it is expected that it will produce very little more than the current checkoff produces, which is about \$26,000, is simply because the vast majority of lawyers can't afford that kind of contribution, the vast majority of lawyers do do pro bono work. For that reason, as long as people understand that we are essentially offering somebody hungry for these services and in great need, a bowl, but no rice, that is fine. I just really sincerely believe that we should be looking to the General Fund this year as well as next. Therefore, I am going to change my vote in favor of this bill.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Bangor, Representative Lebowitz.

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

I was wondering — Pine Tree Legal, I noticed, is supposed to get 60 percent of the funds. I have a question regarding that because I have had many people call me looking for legal assistance and when I referred them to Pine Tree Legal, they all said they had tried there and they are told they do not handle that type of case, no matter what kind of a case it is. Therefore, I do have a question as to whether or not they are serving the people we are

talking about here.

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

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

Representative ANTHONY: Mr. Speaker, Men and Women of the House: I will try to respond to the question. This bill funds a variety of legal service organizations that together provide the meager legal services that are provided in this state other than the voluntary work of lawyers.

Pine Tree, because of the limitations of its funds, are really restricted and have added restrictions as to categories of cases as a screening device and turned many of them towards the Volunteer Lawyers Project instead which is a project that also is funded through this bill. The Volunteer Lawyers Project consists of lawyers contributing their time and the money through this organizes that time by having some administrative expenses and also some training for volunteers, other volunteers, sometimes lay people who screen calls, determine eligibility, and then link them up with lawyers who provide free legal services. So, it is true that Pine Tree does have limitations as to types of cases that they take which they have imposed largely because of the limitation of their resources.

In addition, if you ever referred a person for a criminal defense, if they are entitled to free counsel, constitutionally, they should get that through the court and Pine Tree Legal Services does not provide criminal defense to misdemeanor offenses to which you are not entitled to appointed counsel, again, because of limitation of resources.

In addition, another category of cases they do not take is the so-called fee-generating case. That is a case where a lawyer should be available to take it on a contingency basis, taking a portion of whatever they are able to collect, that is a case in which you are trying to collect money. So, there are categories of cases that Pine Tree won't accept. What you will find for the most part when you call Pine Tree or you suggest that somebody call Pine Tree and they won't take the case is the reason they don't take the case is because of limitation of their resources.

At this point, Speaker Martin resumed the Chair.

The House was called to order by the Speaker.

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 Majority "Ought to Pass" Report. Those in favor of that motion will vote yes, those opposed will vote no.

ROLL CALL NO. 145

YEA - Adams, Aliberti, Anthony, Bell, Boutillier, Cahill, M.; Carleton, Carroll, D.; Carroll, J.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.;

Colles, Constantine, Cote, Crowley, Daggett, DiPietro, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gurney, Gwadosky, Hale, Handy, Hichborn, Hoglund, 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.; Morrison, Nadeau, Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Powers, Rand, Richardson, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Sheltra, Simonds, Simpson, Skoglund, Stevens, A.; Stevens, P.; Strout, Swazey, Tammaro, Tardy, Townsend, Tracy, Treat, Wentworth, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Bowers, Donnelly, Duplessis, Farnum, Farren, Foss, Garland, Greenlaw, Hanley, Heino, Hepburn, Hichens, Kutasi, Lebowitz, Libby, Lipman, Look, Marsano, Marsh, Merrill, Murphy, Nash, Ott, Parent, Pendexter, Pendleton, Pines, Reed, G.; Reed, W.; Richards, Salisbury, Savage, Small, Stevenson, Tupper, Waterman, Whitcomb.

ABSENT - Butland, Hastings, Heeschen, Lord, Spear, Vigue.

Yes, 101; No, 44; Absent, 6; Paired, 0; Excused, 0.

101 having voted in the affirmative and 44 in the negative with 6 absent, the Majority "Ought to Pass" Report was accepted, the Bill read once.

Committee Amendment "A" (H-632) was read by the Clerk and adopted.

Under suspension of the rules, the Bill was read the second time, passed to be engrossed as amended by Committee Amendment "A" (H-632) and sent up for concurrence.

(Off Record Remarks)

(At Ease)

The House was called to order by the Speaker.

The Chair laid before the House the following matter: 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) which was tabled earlier in the day and later today assigned pending passage to be enacted.

Representative Martin of Eagle Lake 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 passage to be enacted.

The Chair recognizes the Representative from Leeds, Representative Nutting.

Representative **NUTTING**: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with Representative Spear of Nobleboro. If he were present and voting, he would be voting nay; I would be voting yea.

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

Representative **PAUL**: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with Representative Heeschen of Wilton. If he were present and voting, he would be voting yea; I would be voting nay.

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. 146

YEA - Adams, Anderson, Anthony, Bell, Cahill, M.; Carroll, D.; Cashman, Chonko, Clark, H.; Colles, Constantine, Crowley, Dore, Dutremble, L.; Erwin, Farnsworth, Gean, Goodridge, Graham, Gray, Gurney, Gwadosky, Handy, Hichborn, Hoglund, Holt, Jacques, Jalbert, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kontos, LaPointe, Larrivee, Lawrence, Lemke, Lipman, Luther, Mahany, Manning, Martin, H.; Mayo, McHenry, McKeen, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Pineau, Poulin, Pouliot, Powers, Rand, Richardson, Rotondi, Rydell, Sheltra, Simonds, Simpson, Skoglund, Stevens, P.; Swazey, Townsend, Tracy, Treat, Waterman, Wentworth, The Speaker.

NAY - Aikman, Aliberti, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Boutillier, Bowers, Carleton, Carroll, J.; Cathcart, Clark, M.; Cote, Daggett, DiPietro, Donnelly, Duffy, Duplessis, Farnum, Farren, Foss, Garland, Gould, R. A.; Greenlaw, Hanley, Heino, Hepburn, Hichens, Hussey, Kutasi, Lebowitz, Libby, Look, MacBride, Macomber, Marsano, Marsh, Merrill, Murphy, Nash, Norton, Ott, Parent, Pendexter, Pendleton, Pfeiffer, Pines, Plourde, Reed, G.; Reed, W.; Richards, Ricker, Ruhlin, Saint Onge, Salisbury, Savage, Small, Stevens, A.; Stevenson, Strout, Tammaro, Tardy, Tupper, Whitcomb.

ABSENT - Butland, Hale, Hastings, Lord, Vigue.

PAIRED - Heeschen, Nutting, Paul, Spear.

Yes, 77; No, 65; Absent, 5; Paired, 4; Excused, 0.

77 having voted in the affirmative and 65 in the negative with 5 being absent and 4 having paired, the Bill was passed to be enacted, 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.

(At Ease)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 9 was taken up out of order by unanimous consent:

ORDERS

On motion of Representative GWADOSKY of Fairfield, the following Joint Order: (H.P. 1353)

Ordered, the Senate concurring, that the following specified matters be held over to any special or regular session of the 115th Legislature:

Committee: Aging, Retirement and Veterans

H.P. 374, L.D. 528
An Act to Permit Portability of Teacher Retirement Credits

H.P. 711, L.D. 1016
An Act Relating to Distribution of Retirement Benefits in Divorce

H.P. 926, L.D. 1323
An Act to Establish the Maine Volunteer Firefighters Retirement System

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

Committee: Agriculture

H.P. 73, L.D. 101
An Act Amending the Potato Branding Laws

H.P. 1163, L.D. 1704
An Act to Prohibit the Sale and Distribution of Certain Milk Products

S.P. 696, L.D. 1861
An Act to Expand the Membership of the Animal Welfare Board

Committee: Appropriations and Financial Affairs

H.P. 549, L.D. 786
An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 to Provide Funds for the Municipal Capital Investment Fund

H.P. 1046, L.D. 1519
An Act Authorizing a Bond Issue in the Amount of \$2,000,000 for the Purpose of Fostering Agricultural Development in the State

H.P. 1299, L.D. 1879
An Act to Reform the State Budget Process and Management of State Finances and Fiscal Policy

H.P. 1322, L.D. 1913
An Act to Authorize a General Fund Bond Issue in the Amount of \$18,225,000 to Construct a State Aquarium Situated Along the Gulf of Maine

Committee: Audit and Program Review

S.P. 626, L.D. 1630

An Act to Require Gender Impact Analysis as Part of All Audit and Program Reviews

S.P. 695, L.D. 1860
An Act to Require the Preparation of Impact Statements

Committee: Banking and Insurance

S.P. 92, L.D. 177
Resolve, to Provide Group Insurance Coverage to Maine's Foster Parents

H.P. 191, L.D. 284
An Act to Amend and to Clarify Confidentiality Provisions in the Maine Insurance Code

H.P. 362, L.D. 516
An Act to Include Smokers in Rehabilitation Treatment Insurance Coverage

S.P. 235, L.D. 626
An Act to Require Insurers to Provide Insurance Coverage for Newborn Hospital Care

H.P. 507, L.D. 701
An Act to Provide Community Rating of Health Insurance Providers

S.P. 289, L.D. 771
An Act to Provide Coverage for Chiropractic Services under Health Maintenance Organization Plans

H.P. 596, L.D. 847
An Act to Establish a Consumer Advocate for Insurance

H.P. 651, L.D. 925
An Act to Ensure that Health Care Insurance Policies Offer Discounts to Nonsmoking Consumers

H.P. 683, L.D. 982
An Act to Provide Equitable Insurance Reimbursement for Acupuncture Services Provided by Licensed Acupuncturists

H.P. 710, L.D. 1015
An Act to Provide for Increased Coverage of Mental Illness by Group Health Insurance

H.P. 790, L.D. 1122
An Act to Encourage Medical Cost Containment Measures by Enabling the Establishment of Preferred Provider Arrangements

H.P. 1064, L.D. 1553
An Act to Provide Equitable Insurance Coverage for Mental Illness

S.P. 609, L.D. 1613
An Act to Reform Maine Motor Vehicle Insurance

H.P. 1140, L.D. 1665
An Act to Facilitate the Purchase of Insurance by Purchasing Groups

S.P. 654, L.D. 1721
An Act Concerning Small Business Employer Health Coverage Reforms

S.P. 678, L.D. 1800
An Act Concerning Insurance Coverage for the

Diagnosis and Treatment of the Disease of Infertility

H.P. 1294, L.D. 1871
An Act to Amend the Banking Laws to Allow Nonprofit Groups to Develop Affordable Housing

Committee: Business Legislation

S.P. 369, L.D. 994
An Act to Amend the Maine Traveler Information Services Laws

H.P. 1136, L.D. 1661
An Act to Provide for Better Regulation of Commercial Driving Instruction Schools

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

S.P. 688, L.D. 1829
An Act to Transfer Responsibility for the Regulation of Home Service Contracts from the Real Estate Commission to the Bureau of Insurance

H.P. 1291, L.D. 1866
An Act to Prevent Certain Restraint of Trade Practices

H.P. 1319, L.D. 1909
An Act to Regulate Certain Warranty Practices for Repairs to Watercraft

Committee: Corrections (Jt. Select)

S.P. 518, L.D. 1396
An Act to Establish the Maine Correctional Institution - Warren

H.P. 998, L.D. 1447
An Act Transferring County Jail Operations to the State

Committee: Education

S.P. 72, L.D. 128
An Act Concerning Federal Impact Aid for Education

H.P. 754, L.D. 1088
An Act to Amend the School Finance Laws

H.P. 1152, L.D. 1677
An Act to Recodify the Adult and Secondary Vocational Education Laws

S.P. 671, L.D. 1785
An Act Regarding Reimbursement for Out-of-District Special Education Placements

S.P. 682, L.D. 1810
An Act to Provide for the Orderly Transfer of Contracts from Union Schools to Separate School Systems upon Dissolution

H.P. 1290, L.D. 1865
An Act to Forgive Indebtedness of a Certain School Administrative Unit

H.P. 1292, L.D. 1867
An Act to Provide for Direct Reimbursement of Special

Education Costs

H.P. 1316, L.D. 1902
An Act to Establish a Professional Standards Board for Maine Educators

Committee: Energy & Natural Resources

H.P. 747, L.D. 1051
An Act to Require the Department of Environmental Protection to Perform a Cost and Benefit Analysis of Permit Applications

S.P. 447, L.D. 1191
An Act to Amend the State Ground Water Classification System and Implement the Maine Wellhead Protection Program for the Protection of Public Water System Wellheads

H.P. 892, L.D. 1289
An Act to Promote Comprehensive and Consistent Statewide Environmental Policy and Regulation

H.P. 950, L.D. 1372
An Act to Establish the Environmental Appeals Board and to Amend Licensing and Permitting Procedures within the Department of Environmental Protection

H.P. 1040, L.D. 1513
An Act Relating to Best Practicable Treatment Determinations in Air Emission Licensing

S.P. 587, L.D. 1540
An Act to Improve Coordination of Municipal and State Review of Environmental Permits

H.P. 1062, L.D. 1551
An Act to Supplement State Environmental Enforcement

H.P. 1263, L.D. 1832
An Act Allowing Zoning Boards of Appeal to Grant Dimensional Variances Based On Practical Difficulty

Committee: Fisheries & Wildlife

S.P. 130, L.D. 232
An Act Concerning Road Kills

Committee: Human Resources

S.P. 169, L.D. 403
An Act to Enhance Medical and Social Services for Maine's Long-term Care Consumers (Reported Pursuant to Resolve 1989, chapter 58)

S.P. 225, L.D. 579
An Act to Appropriate Funds for At-risk Youths and Families

H.P. 620, L.D. 890
An Act to Require the Department of Human Services to Have a Regular Presence in Every County of the State

H.P. 871, L.D. 1257
An Act to Give Legal Effect to General Assistance Decisions Made by the Administrative Hearings Unit of the Department of Human Services

H.P. 977, L.D. 1420
An Act to Establish a Special Housing Allowance for

the Aid to Families with Dependent Children Program

H.P. 1054, L.D. 1543

An Act to Penalize the Department of Human Services for Failing to Make Prompt Child Support Payments to Obligees

S.P. 590, L.D. 1562

An Act Providing Nursing and Boarding Home Residents with a Right of Action for Violations of Their Resident Rights

H.P. 1125, L.D. 1650

An Act to Establish Minimum Standards for Special Relief for Border Hospitals

H.P. 1233, L.D. 1797

An Act to Establish a Trauma Advisory Committee and a Voluntary Trauma Reporting System

S.P. 720, L.D. 1910

Resolve, to Establish the Alternative Living Community Program

S.P. 721, L.D. 1911

An Act to More Clearly Define the Role and Responsibilities of the Department of Mental Health and Mental Retardation (Reported Pursuant to PL 1989, chapter 501, Part BB, section 8)

Committee: Judiciary

H.P. 126, L.D. 171

An Act to Strengthen the State's Role in Drug-related Prosecution

S.P. 133, L.D. 271

An Act to Replace Certain Criminal Fines with Community Service

H.P. 207, L.D. 298

An Act Regarding District Court Location

H.P. 253, L.D. 344

An Act to Establish a Limit on Noneconomic Damages in Medical Liability Actions

H.P. 254, L.D. 345

An Act Relating to Surrogate Parenting

H.P. 359, L.D. 513

An Act Requiring the Provision of Information to Victims of Gross Sexual Assault

S.P. 343, L.D. 933

An Act to Promote Equity in Court Filing Fees

H.P. 660, L.D. 939

An Act to Provide Funding for Sexual Abuse Victims and Offenders

S.P. 421, L.D. 1133

An Act to Amend Sentences of Imprisonment for Class A Crimes Other Than Murder

H.P. 1025, L.D. 1498

An Act to Promote Gun Safety

H.P. 1041, L.D. 1514

An Act to Limit the Liability of Nonprofit Food

Providers Who Supply Meals and Other Food to Low-income and Homeless Persons

H.P. 1061, L.D. 1550

An Act to Amend the Maine Indian Claims Settlement Laws to Clarify Land Use in Indian Territory

H.P. 1090, L.D. 1590

An Act to Establish the Maine Volunteer Service Act

H.P. 1093, L.D. 1593

An Act to Amend the Maine Health Security Act

H.P. 1129, L.D. 1654

An Act to Facilitate Criminal Enforcement of the Environmental Laws

H.P. 1172, L.D. 1713

An Act to Safeguard Money Held for Minors

S.P. 656, L.D. 1732

An Act to Require Certain Disclosures in Adoptions and to Provide Additional Protective Services for Children

S.P. 665, L.D. 1751

An Act to Require that Restrooms are Accessible to Persons with Disabilities

H.P. 1198, L.D. 1754

An Act to Increase the Penalties for Trafficking in or Furnishing Scheduled Drugs

H.P. 1218, L.D. 1776

An Act Concerning Indian Territory under the Maine Indian Claims Settlement Laws

H.P. 1222, L.D. 1780

An Act to Provide More Effective Recovery of Child Support

S.P. 677, L.D. 1791

An Act to Clarify Implied or Legal Malice for the Purpose of Awarding Punitive Damages

S.P. 680, L.D. 1802

An Act to Adopt a New Article for the Uniform Commercial Code

S.P. 684, L.D. 1812

An Act to Discourage Motor Vehicle Theft

H.P. 1254, L.D. 1822

An Act to Allow Admissible Evidence Concerning the Physical or Sexual Assault or Abuse of a Minor

H.P. 1265, L.D. 1834

An Act Creating the Victims' Compensation Board

H.P. 1267, L.D. 1838

An Act Amending the Definition of Murder in the First Degree to Include Homicide by Pattern or Practice of Assault or Torture of a Child under the Age of 16

H.P. 1287, L.D. 1857

An Act Concerning Authorization to Consent to Powers of Attorney

S.P. 704, L.D. 1875

An Act to Clarify the Role of Guardians Ad Litem and

Visitors in Guardianship and Conservatorship Cases

S.P. 706, L.D. 1881

An Act Concerning Limitations on Actions for Penalties

H.P. 1318, L.D. 1905

An Act to Authorize the Supreme Judicial Court to Provide a Record of Court Proceedings

Committee: Labor

H.P. 127, L.D. 172

An Act to Encourage Family Unity

H.P. 471, L.D. 665

An Act Concerning Prevailing Wages Established by the Department of Labor

H.P. 852, L.D. 1218

An Act to Extend the Jurisdiction of the Maine Labor Relations Board to Public Employees Who Have Been Employed Less Than 6 Months

S.P. 465, L.D. 1248

An Act to Amend the Municipal Public Employees Labor Relations Laws

H.P. 957, L.D. 1384

An Act to Protect the Integrity and Enforceability of Collective Bargaining Agreements

H.P. 1132, L.D. 1657

An Act to Open Teacher-employer Bargaining to the Public

H.P. 1180, L.D. 1723

An Act to Protect the Health and Safety of Public Employees

H.P. 1278, L.D. 1848

An Act to Prevent Unsafe Operation of Trains

Committee: Legal Affairs

H.P. 166, L.D. 251

An Act Concerning Liquor Licenses for Small Stores

H.P. 744, L.D. 1048

An Act Authorizing Presidential Primary Elections in the State

H.P. 821, L.D. 1175

An Act to Allow State Employees to Donate Funds to a Political Cause Through a Payroll Deduction Program

S.P. 506, L.D. 1344

An Act to Protect Children from Illegal Tobacco Sales

H.P. 1011, L.D. 1479

An Act to Protect the Copyright and Ownership Rights of Maine Artists

Committee: Marine Resources

H.P. 494, L.D. 688

An Act Concerning the Scallop Dragging Limit

Committee: State and Local Government

H.P. 574, L.D. 825

An Act to Clarify the Definition of State Employee in the State Employee Labor Relations Laws

H.P. 992, L.D. 1441

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Ensure State Recognition of the Rights of Victims of Crime

H.P. 1235, L.D. 1799

An Act to Clarify the Economic Impact Analysis in Administrative Rule-making Procedures

H.P. 1279, L.D. 1849

An Act Relating to Staff of the Maine State Retirement System

H.P. 1305, L.D. 1887

Resolve, to Override a Departmental Rule Imposing Certain ASHRAE Standards on Local School Districts

Committee: Taxation

H.P. 367, L.D. 521

An Act to Improve Collections of Sales Taxes on Mail Order Sales

H.P. 746, L.D. 1050

An Act to Authorize a Regional Tax

H.P. 1119, L.D. 1644

An Act to Amend the Maine Sales and Use Tax Law

H.P. 1168, L.D. 1709

An Act to Promote Motor Vehicle Fuel Efficiency

S.P. 664, L.D. 1740

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide Compensation when State Actions Diminish Property Values

H.P. 1320, L.D. 1906

An Act to Create the Maine Economic Recovery Trust

Committee: Transportation

H.P. 218, L.D. 309

An Act Regarding Truck Weights for Sand and Gravel Hauling

S.P. 189, L.D. 498

An Act to Modify Weight Limits for Farm Trucks

H.P. 508, L.D. 702

An Act Regarding the Relocation of Utility Facilities as a Result of State Highway Construction

H.P. 1033, L.D. 1506

An Act to Amend the Farm Truck Registration Laws

H.P. 1066, L.D. 1555

An Act to Establish Title for Snowmobiles and All-terrain Vehicles

Committee: Utilities

H.P. 1018, L.D. 1491

An Act to Authorize the Public Utilities Commission to Regulate Rates for Cable Television

H.P. 1059, L.D. 1548

An Act to Regulate Incineration Plants

H.P. 1118, L.D. 1643

An Act to Protect Telephone Customer Privacy

H.P. 1124, L.D. 1649

An Act to Promote the Access of Cable Television to Maine Citizens

H.P. 1135, L.D. 1660

An Act to Establish the Electric Facilities Siting Council

H.P. 1282, L.D. 1852

An Act to Encourage the Development of Alternative Energy Sources

S.P. 713, L.D. 1896

Resolve, Directing the Public Utilities Commission to Analyze the Minimization of Electric Rates as an Integral Factor in the State's Least Cost Energy Plan

Was read and passed and sent up for concurrence.

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

PASSED TO BE ENACTED

Bond Issue

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 (S.P. 705) (L.D. 1876) (C. "A" S-325)

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

Representative Whitcomb of Waldo requested a roll call vote.

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

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

The SPEAKER: The Chair recognizes the Representative from Bridgton, Representative Kutasi.

Representative KUTASI: Mr. Speaker, Ladies and Gentlemen of the House: We are going to be considering a lot of bonds here tonight and I think we really need to look at the big picture on this whole issue. Very soon, this body will be burning the midnight oil under the watchful eye of many Maine citizens to balance the state budget. What sort of testimony to Maine citizens is it, if prior to balancing the state budget, we recommend that we sink our state government further into debt through issuing more bonds? The state's bond rating agency, Standard and Poor, and State Treasurer Sam Shapiro have said the state can assume up to \$60 million in new bond indebtedness. Some members of this body want to assume \$80 million in new bond indebtedness.

I think the most responsible action we can take is not recommend any new indebtedness.

We have all heard the expression "being nicked and dined to death" — I am afraid that is what we are about to do with these bond issues. We have a tendency to consider these bond issues piecemeal.

The State of Maine, right now, has more than \$242 million of authorized unissued bonds. Twenty days from today, we will issue \$136 million worth of those bonds, leaving \$106 million in bonds on the shelf.

We are being asked to vote now on bonds for among others, the Land for Maine's Future Board, Department of Corrections, Environmental Protection and Transportation. How many of us know that on July 1, 1991, 20 days from today, we are already issuing a \$20 million bond for the Land for Maine's Future Board, a \$4 million bond for the Department of Corrections, a \$28 million bond for the Department of Environmental Protection for sewage treatment facilities, solid waste landfills, hazardous site cleanup and groundwater restoration, \$27 million in bonds for the Department of Transportation for highways and airport improvements?

Furthermore, in 1990, Maine voters said "No" to bonds pertaining to waste site cleanup, land purchases, prison construction and historic preservation. I suggest that it would be poor stewardship for us to assume that these people were wrong. Please consider before you vote to recommend shackling our taxpayers with more debt. The other forms of debt like ghosts in the government machine that continue to haunt us, the state's short-term borrowing to address our cash flow problem that continues on an ongoing basis. The recycling bond just last night was amended up another million dollars to \$10 million.

The Governor's proposed budget which we have not yet considered recommends refinancing our current level of debt. Ladies and gentlemen, when the people of Maine voted "No" on the last election's bond issues, the people were voting their pocketbooks. When your income is about to be cut back or eliminated, you don't borrow money to add a new room on your house. As Benjamin Franklin said, "Think what you do when you run in debt, you give to another power over your liberty. It is hard for an empty bag to stand upright."

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

Representative NADEAU: Mr. Speaker, I would like to pose a question through the Chair to Representative Kutasi if I may.

The question would simply be this, does the gentleman intend to deprive the people of the State of Maine under the Constitution of this state the right for them to decide a bond issue as has always been the practice?

The SPEAKER: Representative Nadeau of Saco has posed a question through the Chair to Representative Kutasi of Bridgton, who may respond if he so desires.

The Chair recognizes that Representative.

Representative KUTASI: Mr. Speaker, Ladies and Gentlemen of the House: I feel that the people who voted and sent us here and asked us to be fiscally responsible, they have sent us a message last November, they voted most of the bond issues down. Let's adhere to that message.

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

Representative NADEAU: Mr. Speaker, Ladies and

Gentlemen of the House: It has always been this Representative's practice and I dare say will continue to be my practice to allow the people of the State of Maine the opportunity to vote up or down any particular bond issue. I don't feel it is my job necessarily to select what they shall and shall not vote upon. If certain bond issues are before us with the intent to go before the voters, I don't think that we should usurp their power and their judgment to take action. Therefore, I would strongly urge you to pass this and let's give it to the people.

The SPEAKER: The Chair recognizes the Representative from East Millinocket, Representative Michaud.

Representative MICHAUD: Mr. Speaker, Men and Women of the House: I hope that you will vote for enactment of this bill. Basically what this bond issue will do is that it will fix some of the surface water supply problems at some of the state parks. We are in violation of the Federal Safe Drinking Water Act at several of the state parks, Mount Blue, Rangeley Lakes, Sebago Lake, Peaks and Kinney, some of the money is for that because of the Federal Safe Drinking Water Act.

A lot of the money will be used for sewer and septic system replacement at many of the parks which are in violation of not only state environmental laws but federal laws as well. So, the money is to help make the state parks comply with the environmental laws of both state and federal government.

When I asked Rich Silkman from the State Planning Office what would happen if we did not pass this bond issue and the parks were not in compliance, his comment was that we could face the federal government coming in and requiring the state to close down some of the parks if we do not meet these requirements.

I would hope you would vote in favor of this bond issue.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative Murphy.

Representative MURPHY: Mr. Speaker, I would pose a question through the Chair to Representative Michaud.

On this list that I have, I find that under Water Facilities we have \$9 million in bonds that have not been issued and we have under Groundwater we have have another \$6 million. Could that be used for those parks for water? What were these for?

The SPEAKER: Representative Murphy of Berwick has posed a question through the Chair to Representative Michaud of East Millinocket who may respond if he so desires.

The Chair recognizes that Representative.

Representative MICHAUD: Mr. Speaker, Ladies and Gentlemen of the House: I don't have that list on how much money they have. All I have is the list that was put together and sent over to the committee on the monies and where it would be used for each one of the parks that are in the State of Maine.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: You heard a wonderful speech tonight about fiscal responsibility. I would say it is about two years too late. I think we either ought to pass no bond issues at all or, if you are going to pass them, throw them all out there. I have every bit of confidence that the people of the State of Maine are going to take care of most of them, just

like they did last time. Sooner or later, we will get the message loud and clear that you just can't keep spending as unusual.

It is unfortunate that this would be the issue that has brought this whole thing to a head because this is probably one of the ones I think the people will pass because we have some of the finest state parks in the country. We have done a super job taking care of those parks with very little money but we are down to the position now where those parks are becoming a sad state of repairs. We made all this tooting about tourism and people coming in and spending their money, quite frankly, if you don't take care of these parks, a lot of these people aren't going to come here because there will be no place for them to go. Most of them can't afford \$60 a night for motel rooms.

I have every bit of confidence that the people of the State of Maine will pass the ones they think they can afford and that are their priorities. The ones they don't think they can afford and they don't want, they will do just like they did last November. They are not shy, they are not bashful, they will make their voice clear.

To get up and attack this and say we are now becoming fiscally responsible is probably the biggest joke that I have heard in two years.

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

Representative BENNETT: Mr. Speaker, Men and Women of the House: The Representative from Saco poses a good question but we have to remember where these bonds come from, where they originate, they originate here in the Maine Legislature. When we put them to the people, they do carry the weight of the legislature behind them. Our responsibility is to look at the whole package we are putting out there. I fear, if there are some of these bonds which are more important to us, to state government, to the whole State of Maine, that they may be voted down because many voters will vote no on all of them rather than, as the gentleman from Waterville suggests, make their choices.

I encourage, when we are looking at all of these bond issues, to look at the package that we are creating.

The SPEAKER: A roll call has been requested. The pending question before the House is passage to be enacted. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House is necessary. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 147

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

Skoglund, Stevens, P.; Swazey, Tamaro, Tardy, Townsend, Tracy, Treat, Vigue, Wentworth, The Speaker.
 NAY - Aikman, Anderson, Ault, Bailey, H.; Barth, Bennett, Bowers, Carleton, Carroll, J.; Cashman, Donnelly, Duplessis, Farnum, Farren, Foss, Garland, Greenlaw, Hanley, Heino, Hepburn, Kutasi, Lebowitz, Libby, Lipman, Look, MacBride, Marsano, Merrill, Morrison, Murphy, Nash, Norton, Ott, Pendexter, Pendleton, Pines, Reed, G.; Reed, W.; Richards, Savage, Small, Stevens, A.; Stevenson, Strout, Tupper, Waterman, Whitcomb.

ABSENT - Bailey, R.; Butland, DiPietro, Hastings, Heesch, Hichens, Lord, Parent, Salisbury, Spear.

Yes, 94; No, 47; Absent, 10; Paired, 0; Excused, 0.

94 having voted in the affirmative and 47 in the negative with 10 absent, the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

ENACTOR

Bond Issue

(Failed of Enactment)

An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 for the Land for Maine's Future Program to Finance the Acquisition of Land for Conservation, Outdoor Recreation, Habitat Conservation and Public Access (H.P. 435) (L.D. 618) (C. "A" H-600)

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

Representative Whitcomb of Waldo requested a roll call vote.

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

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

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

Representative HANLEY: Mr. Speaker, I would like to pose a question through the Chair to anyone that knows the answer. Are there any monies still left to the Land for Maine's Future that has been authorized but not issued? If so, how much?

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

The Chair recognizes the Representative from East Millinocket, Representative Michaud.

Representative MICHAUD: Mr. Speaker, Men and Women of the House: This, as the other bill, is the Governor's bill on the bond issues. He suggested putting one in and rather than having printing costs, we decided to amend the bill that we already had in committee.

To answer the Representative's question, I believe that there is roughly around \$6 million that is out there but they are still working on -- I

wouldn't say commitments because they are still negotiating for all the amount of money that is out there right now.

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

Representative HANLEY: Mr. Speaker, Men and Women of the House: In a recent bond package that was just formalized on June 1st, in that, as authorized by voters and as of April 30, 1991, it had for land purchases \$20 million of authorized but unissued bonds still outstanding. I think at this point in time in the state's current fiscal situation, it would not be prudent for us to authorize another bond for another \$5 million in this regard. I hope you vote against this bond issue.

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

Representative CROWLEY: Mr. Speaker, could we have the committee report read please?

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

The SPEAKER: The Chair recognizes the Representative from East Millinocket, Representative Michaud.

Representative MICHAUD: Mr. Speaker, Men and Women of the House: The figure that the Representative had mentioned, the \$20 million, was not the answer that I received from Richard Silkman. He said there is roughly around \$6 to \$7 million but all that money has been committed, not issued, but committed for certain projects.

I would hope that you would go along with the \$5 million for the Land for Maine's Future. I think the voters turned it down last time but the amount was much higher. The concern I heard on the last one was because Churchill Dam was in the last bond issue that we passed out. I would hope you would vote for this. The economy has gone down and I think we should be able to get a lot of the land out there for a good decent price. I hope you vote for this \$5 million bond issue.

The SPEAKER: A roll call has been ordered. The pending question before the House is passage to be enacted. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House is necessary. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 148

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

NAY - Aikman, Anderson, Ault, Bailey, H.; Barth, Bennett, Boutilier, Bowers, Carleton, Carroll, J.; Clark, H.; Donnelly, Duplessis, Dutremble, L.;

Farnum, Farren, Foss, Garland, Gray, Greenlaw, Hanley, Heino, Hepburn, Hussey, Ketterer, Kutasi, Lebowitz, Libby, Lipman, Look, MacBride, Marsano, Marsh, Melendy, Merrill, Morrison, Murphy, Nash, Ott, Pendexter, Pendleton, Pines, Plourde, Powers, Reed, G.; Reed, W.; Richards, Savage, Sheltra, Small, Stevens, A.; Stevenson, Tupper, Vigue, Whitcomb.

ABSENT - Bailey, R.; Butland, DiPietro, Hastings, Heesch, Hichens, Lord, Nadeau, Parent, Pineau, Salisbury, Spear.

Yes, 84; No, 55; Absent, 12; Paired, 0; Excused, 0.

84 having voted in the affirmative and 55 in the negative with 12 absent, the Bond Issue failed of enactment. Sent up for concurrence.

ENACTOR

Emergency Measure

(Failed of Enactment)

Resolve, to Authorize Oxford County to Issue Bonds for Improvements at the County Airport (H.P. 1285) (L.D. 1855) (H. "A" H-625 to C. "A" H-538)

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

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

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I wonder if the sponsor of this bill could give the House a presentation of what these bonds would accomplish?

The SPEAKER: Representative Gwadosky of Fairfield has posed a question through the Chair to the sponsor of the bill who may respond if he so desires.

The Chair recognizes the Representative from Norway, Representative Bennett.

Representative BENNETT: Mr. Speaker, Men and Women of the House: This bill would allow the County of Oxford to bond for certain improvements at the Oxford County Airport involving the construction of a new facility which would enhance a business enterprise which is there that paints and refurbishes airplanes. This enterprise has been very successful in bringing much needed dollars into Maine. It has been very successful in expanding over the last couple of years. It has recently been recognized as being one of the nation's top aircraft refinishers and I am proud to stand here and be able to sing their praises. Mr. Horowitz, who is managing the airport and who started this enterprise there at the facility, has done an excellent job in overcoming the many hurdles that we as a legislature and as a state government place on small businessmen and small businesswomen who seek to create enterprise and create jobs here in Maine.

This bill will allow Oxford County to get 40 percent of the cost of building that new facility airport which will remain part of the Oxford County property and will be leased by Mr. Horowitz. The remaining 60 percent of the facility's cost will be paid through a Federal Economic Development Administration Grant. So, we are improving Oxford

County, we are creating jobs, and we are doing it without any cost to the taxpayer because the bond will be paid off by the long-term lease which Mr. Horowitz is entering into with Oxford County. This measure has the full support of the Oxford County Legislative Delegation and has a unanimous committee report.

Representative Gwadosky of Fairfield 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 Eastport, Representative Townsend.

Representative TOWNSEND: Mr. Speaker, Members of the House: My hat is off to the folks in Oxford County for wanting to create economic development but I would like to point out that we have been trying to do the same thing in Eastport now for ten years. We have been raising \$5,000 a year from local taxpayer groups, we have been after the federal government and any source for money we can get. We have made a big headway, we are going to have our airport reconstruction over the next year, which will go to 4,000 feet. This represents nearly \$100,000 of Eastport and Washington County funds either through taxpayer money that has been appropriated through the City Council and county. Also last year, local private donations equaled \$20,000. We raised nearly another \$10,000 this year.

I have nothing against bond issues that are going to help the economy of the entire state but I think when there is a project in a particular area that a big part of that should come from the local area.

I guess I would like to know how much has come from the local taxpayer and local and private interest before I give a vote for this?

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

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

I would like to know if the good people of Oxford will be voting for this bond issue and if the Representative believes they will have the wisdom to make the appropriate financial decision as voters and the information to make that decision as voters and residents of that county?

The SPEAKER: Representative Dore of Auburn has posed a question through the Chair to the Representative from Norway, Representative Bennett, who may respond if he so desires.

The Chair recognizes that Representative.

Representative BENNETT: Mr. Speaker, Men and Women of the House: Part of the problem with this particular program is that it does involve a 60 percent Economic Development Administration Grant which is a federal grant. The needs of that grant which is going to happen this fiscal year precludes going to the voters for this. We have made a great effort in bringing as many people on board as possible with this project. We have had extensive media coverage over it. We have had several county commissioner meetings which are open to the public where the commissioners have discussed this matter.

The delegation has reviewed it thoroughly and will continue to review it before the project is completely passed.

We are using our prerogative in this case necessary as elected Representatives of the people along with the elected county commissioners to get this project through.

To answer the gentleman's question, 40 percent of the total construction cost would be paid for by this bond. This bond would be paid back by Oxford County and hence would be paid back by Oxford County taxpayers. Sixty percent is through a Federal EDA grant.

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

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

I noticed something that came across the desk — this issue did come before State and Local Government Committee — I really have two questions and they will be short and brief.

The Oxford County Delegation, the State and Local Government committee had requested that the delegation make a two-thirds vote before the bond was issued.

The second question is, has Mr. Horowitz signed a lease that would indemnify the constituents of Oxford County or some type of letter of credit to cover the debt of the bond?

The SPEAKER: Representative Kerr of Old Orchard Beach has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Norway, Representative Bennett.

Representative BENNETT: Mr. Speaker, Men and Women of the House: To answer the gentleman's first question, the amendment that is before you was recommended by Mr. Hull, the Speaker's counsel, because of concerns over the constitutionality of the committee's amendment requiring action by the legislature as a part rather than as a whole. So, the delegation did meet on that and, with the help of Mr. Hull, crafted that amendment.

The last time I checked, which was several days ago, Mr. Horowitz was still negotiating with the County Commissioners, the application with the EDA is underway and is currently being put together for application later this month. That will be done and, again, will be reviewed, not only by the County Commissioners, but will be reviewed by the legislative delegation before this matter is put to bed and this bond can be issued.

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

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

If it was Mr. Horowitz's attorney that is dictating to the delegation that he does not want two-thirds vote from that delegation — is that what I understand from you?

The SPEAKER: Representative Kerr of Old Orchard Beach has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Norway, Representative Bennett.

Representative BENNETT: Mr. Speaker, Men and Women of the House: No, it is Mr. Hull, the counsel for the Speaker of the House, who suggested the

amendment.

The SPEAKER: A roll call has been ordered. The pending question before the House is final passage. This being an emergency measure, a two-thirds vote of all the members elected to the House is necessary. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 149

YEA - Adams, Aikman, Aliberti, Anderson, Ault, Bailey, H.; Barth, Bennett, Bowers, Carleton, Carroll, J.; Duplessis, Dutremble, L.; Erwin, Farnum, Farren, Foss, Garland, Greenlaw, Gurney, Hanley, Heino, Hepburn, Hichborn, Holt, Joseph, Kerr, Kontos, Kutasi, Lebowitz, Libby, Lipman, Look, Luther, MacBride, Macomber, Marsano, Marsh, Martin, H.; Melendy, Merrill, Morrison, Nash, Norton, Nutting, Ott, Pendexter, Pendleton, Pineau, Pines, Reed, G.; Reed, W.; Richards, Ricker, Ruhlin, Savage, Simonds, Simpson, Skoglund, Small, Stevens, A.; Stevenson, Strout, Tupper, Waterman, Whitcomb.

NAY - Anthony, Bell, Boutilier, Cahill, M.; Carroll, D.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, Dore, Duffy, Farnsworth, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gwadosky, Hale, Handy, Hoglund, Hussey, Jacques, Jalbert, Ketover, Ketterer, Kilkelly, LaPointe, Larrivee, Lawrence, Lemke, Mahany, Manning, Mayo, McHenry, McKeen, Michaud, Mitchell, E.; Mitchell, J.; Murphy, Nadeau, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Plourde, Poulin, Pouliot, Powers, Rand, Richardson, Rotondi, Rydell, Saint Onge, Sheltra, Stevens, P.; Swazey, Tannaro, Tardy, Townsend, Tracy, Treat, Vigue, Wentworth, The Speaker.

ABSENT - Bailey, R.; Butland, DiPietro, Donnelly, Hastings, Heeschen, Hichens, Lord, Parent, Salisbury, Spear.

Yes, 66; No, 74; Absent, 11; Paired, 0; Excused, 0.

66 having voted in the affirmative and 74 in the negative with 11 absent, the Resolve failed of final passage. Sent up for concurrence.

PASSED TO BE ENACTED

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

An Act Concerning the Franklin County Budget (H.P. 15) (L.D. 18) (S. "A" S-212 to C. "A" H-225; H. "A" H-610)

An Act to Ensure Early Intervention Services to Eligible Special Needs Children from Birth to Age 5 (H.P. 588) (L.D. 839) (C. "A" H-615)

An Act to Amend the Maine Judicial Retirement System Laws (H.P. 631) (L.D. 901) (C. "A" H-618)

An Act to Regulate Sales of Malt Liquor in Kegs (H.P. 1142) (L.D. 1667) (H. "A" H-621 to C. "A" H-490)

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. 10 were taken up out of order by unanimous consent:

SENATE PAPERS

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-281) on Bill "An Act to Place Certain Lands Recommended by the Special Committee on the New Capitol Area Master Plan under the Jurisdiction of the Capitol Planning Commission" (S.P. 508) (L.D. 1346)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-281) as amended by Senate Amendment "B" (S-343) thereto.

Report was read and accepted, the bill read once. Committee Amendment "A" (S-281) was read by the Clerk.

Senate Amendment "B" (S-343) to Committee Amendment "A" (S-281) was read by the Clerk and adopted.

Committee Amendment "A" (S-281) as amended by Senate Amendment "B" (S-343) thereto was adopted and the Bill assigned for second reading later in today's session.

Non-Concurrent 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) on which the Resolve and accompanying papers were indefinitely postponed in the House on June 10, 1991.

Came from the Senate finally passed in non-concurrence.

Representative Macomber of South Portland moved that the House recede and concur.

The SPEAKER: The Chair recognizes the Representative from St. George, Representative Skoglund.

Representative SKOGLUND: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will not support the motion of the Representative from South Portland to recede and concur. We had a lengthy discussion on this last night, I hope you will turn down his motion so that we may move to adhere.

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

A vote of the House was taken.

39 having voted in the affirmative and 64 in the negative, the motion did not prevail.

Subsequently, the House voted to Adhere.

Non-Concurrent Matter

An Act to Increase Mobile Home Park License Fees (EMERGENCY) (H.P. 392) (L.D. 566) (C. "A" H-556) which failed of passage to be enacted in the House on June 10, 1991.

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

On motion of Representative Lawrence of Kittery, tabled pending further consideration and later today assigned.

Non-Concurrent Matter

Bill "An Act Regarding Judgment Notices in Small Claims Proceedings" (H.P. 263) (L.D. 383) which was passed to be engrossed in the House on March 13, 1991.

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

The House voted to recede and concur.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative TARDY from the Committee on Agriculture on Bill "An Act to Amend the Laws Pertaining to Horsemen's Purse Accounts and Racetrack Improvements" (H.P. 246) (L.D. 337) reporting "Ought Not to Pass"

Representative TARDY from the Committee on Agriculture on Bill "An Act to Revise the Harness Racing Laws" (H.P. 282) (L.D. 402) reporting "Ought Not to Pass"

Representative TARDY from the Committee on Agriculture on Bill "An Act to Allow the State Harness Racing Commission to Allocate Dates for a Period of 3 Years" (H.P. 547) (L.D. 784) reporting "Ought Not to Pass"

Representative TARDY from the Committee on Agriculture on Bill "An Act to Repeal the Sunset Provision of Simulcasting Laws" (H.P. 582) (L.D. 833) 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. 11 were taken up out of order by unanimous consent:

SENATE PAPERS

Bill "An Act Appropriating Funds to Provide Civil Rights Liability Insurance Coverage to the Department

of the Attorney General" (S.P. 751) (L.D. 1944)

Came from the Senate indefinitely postponed.

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

The bill was indefinitely postponed in concurrence.

Non-Concurrent Matter

Resolve, Authorizing Sarah Leighton, Peter Nilsen and Linda Nilsen to Bring a Civil Action against the Town of Casco (S.P. 349) (L.D. 951) which was passed to be engrossed as amended by Committee Amendment "A" (S-200) as amended by House Amendment "A" (H-602) thereto in the House on June 10, 1991.

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

The House voted to recede and concur.

REPORTS OF COMMITTEES

Ought to Pass as Amended

Representative CASHMAN from the Committee on Taxation on Bill "An Act to Improve Collections of Income Tax Due Upon the Sale of Real Property" (H.P. 689) (L.D. 988) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-638)

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

Representative DORE: Mr. Speaker, Ladies and Gentlemen of the House: I just wanted to take a moment to explain this legislation. This is a unanimous report out of the Taxation Committee. I want to explain it because it brings in \$6 million and it doesn't raise taxes and it is not a gimmick.

It brings in \$6 million the old fashioned way, through hard work. We simply do a better job of collecting taxes. The fun part about this bill is that we do a better job of collecting income taxes all from out-of-staters. So, I am very pleased to have the unanimous support of the committee. I worked out a compromise in the language with members of the administration.

I would also like to point out that this bill is before you because I got this idea for this piece of legislation at an NCSL Conference last December. So, when people talk about the value of NCSL, I would like to point out that, in a bad real estate biennium, this bill is worth \$6 million. As the real estate market improves and out-of-staters speculate more in Maine, this bill will bring in a lot more money. Indefinitely this bill will continue to bring in money, so when people ask you what the value of NCSL is you can say, "To Maine in 1991, we can say NCSL was worth about \$6 million." I got the idea from staff from another state while I was at this conference last year. I would like to point out one other thing to you and that is that you might want

(when you are at an NCSL convention) to talk to staff people, particularly about fiscal matters. I think staff people have all the really great ideas.

Thank you, I appreciate this, no gimmicks, just improved collections and I would appreciate your support.

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

Committee Amendment "A" (H-638) 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-638) 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:

(H.P. 1329) (L.D. 1920) Bill "An Act to Allow the Department of Environmental Protection to Process an Application by Ivan Davis to Rebuild a Dam on the St. George River" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-643)

(H.P. 783) (L.D. 1115) Bill "An Act Establishing Procedures for Notice of Proposed Zoning Changes" Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-644)

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

PASSED TO BE ENACTED

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)

An Act to Establish a Budget Process for Sagadahoc County (H.P. 1193) (L.D. 1746) (H. "A" H-607 to C. "A" H-551)

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.

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

The Chair laid before the House the following matter: 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 (S.P. 743) (L.D. 1935) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Jalbert of Lisbon, under suspension of the rules, the House reconsidered its action whereby L.D. 1935 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-648) and moved its adoption.

House Amendment "A" (H-648) was read by the Clerk.

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

Representative WHITCOMB: Mr. Speaker, could we have an explanation of the amendment?

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

Representative JALBERT: Mr. Speaker, Men and Women of the House: I was hoping on a hot night like this that the good Representative wouldn't ask this question.

What the Committee on Aging, Retirement and Veterans did as part of the Governor's proposal on the change of the Retirement System is that we presented a proposal that the health insurance package starting July 1, 1991 would be a different setup. When you retire, you would have had to be working at least five years as a state employee before you get any health insurance paid after retirement. Then it goes up to 40 percent and up to 100 percent, so that means that you have got to have at least ten years in before you can get your health insurance paid for when you retire.

What we are trying to do is do away with the system where somebody comes in at 59 or 60, does one year of service for the state, retires, and has their insurance paid for life. That is something that has been the concern of many people.

In that same package, the committee suggested a commission be established to study the whole Retirement System. What this amendment does, in stead of the Committee on Aging, Retirement and Veterans having the whole say on who will be on it, this will be done through leadership or executive council.

Subsequently, House Amendment "A" (H-648) was adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" (H-648) in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter: Resolve, to Study the Feasibility of a Statewide Health Insurance Program (H.P. 1184) (L.D. 1727) (S. "A" S-312 to C. "A" H-406) which was tabled earlier in the day and later today assigned pending final passage.

On motion of Representative Mitchell of Vassalboro, under suspension of the rules, the House reconsidered its action whereby L.D. 1727 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-406)

and amended by Senate Amendment "A" (S-312) thereto was adopted.

On further motion of the same Representative, Senate Amendment "A" (S-312) to Committee Amendment "A" (H-406) was indefinitely postponed.

The same Representative offered House Amendment "A" (H-640) to Committee Amendment "A" (H-406) and moved its adoption.

House Amendment "A" (H-640) to Committee Amendment "A" (H-406) was read by the Clerk.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: All those motions take a lot more time to explain than what this amendment actually does.

It is a reenactment of everything that was adopted by the Senate in terms of the Constitution or the makeup of the committee that will be studying an effort to put Maine in the forefront of providing universal access to health care. The amendment simply adds to that a reporting date that will be in January of 1993 as opposed to July. It was our sense that in July the legislature would have gone home. It really makes more sense to have the reporting date in January, that is the reason for the amendment.

Subsequently, House Amendment "A" (H-640) to Committee Amendment "A" (H-406) was adopted.

Committee Amendment "A" (H-406) as amended by House Amendment "A" (H-640) thereto was adopted.

The Resolve was passed to be engrossed as amended by Committee Amendment "A" as amended by House Amendment "A" thereto in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter: An Act Establishing a Lobster Management Task Force (S.P. 365) (L.D. 967) (C. "A" S-290) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Mitchell of Freeport, under suspension of the rules, the House reconsidered its action whereby L.D. 967 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby the Committee Amendment "A" (S-290) was adopted.

The same Representative offered House Amendment "A" (H-647) to Committee Amendment "A" (S-290) and moved its adoption.

House Amendment "A" (H-647) to Committee Amendment "A" (S-290) was read by the Clerk and adopted.

Committee Amendment "A" (S-290) as amended by House Amendment "A" (H-647) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-290) as amended by House Amendment "A" (H-647) thereto in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter: An Act to Improve Motorcycle Driver Education (H.P. 1026) (L.D. 1499) (C. "A" H-457 and

H. "A" H-582) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Larrivee of Gorham, under suspension of the rules, the House reconsidered its action whereby L.D. 1499 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-457) was adopted.

The same Representative offered House Amendment "A" (H-645) to Committee Amendment "A" (H-457) and moved its adoption.

House Amendment "A" (H-645) to Committee Amendment "A" (H-457) was read by the Clerk and adopted.

Committee Amendment "A" (H-547) as amended by House Amendment "A" (H-645) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-547) as amended by House Amendment "A" (H-645) thereto and House Amendment "A" (H-582) in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter: An Act to Establish a Fund to Promote Lobster Marketing (H.P. 818) (L.D. 1172) (H. "A" H-572 to C. "A" H-364) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Townsend of Eastport, under suspension of the rules, the House reconsidered its action whereby L.D. 1172 was passed to be engrossed.

On motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-364) as amended by House Amendment "A" (H-572) thereto was adopted.

The same Representative offered House Amendment "C" (H-639) to Committee Amendment "A" (H-364) and moved its adoption.

House Amendment "C" (H-639) to Committee Amendment "A" (H-364) was read by the Clerk.

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

Representative TOWNSEND: Mr. Speaker, Men and Women of the House: Of all the bills that we received in front of the Marine Resources this year, this is probably the one that got bounced around the most. We have had a number of schemes in place in order to fund the Promotion Board. Finally what it came down to is a split with the committee.

I go with this amendment mostly because the way it was before it was a surcharge on the licenses of dealers, transporters and lobstermen. I had a problem, as some other members of the committee did, on charging the lobstermen an extra (I guess now it is going to be going to \$25 extra for a license) for this promotion. The reasons I have problems with that is, one, it does not take into effect the many Canadian lobsters that dealers bring into this state each year and will be promoting as American lobsters.

Many of the lobstermen in my area were very distrustful as if they were ever going to get any benefits of this promotion deal. They felt that it

was promoting lobsters for the dealers and Canadians on their backs.

I will point out that we have another bill in here that is going to raise the fees for warden services. This was accepted by most of our lobstermen because they want the warden service. They feel that is the number one priority in our state to protect the resources to keep them working. Most of our lobstermen in this state, as you know, have a very heavy investment in their business and the prices were dropping last year and there have been a number of reasons as to why that happened.

However, I asked each and every member of this House, if you went into a restaurant last year to buy lobster — my local restaurant, I never noticed any difference in the price, it stayed pretty much the same whenever I took my family in for lobster, I never seemed to get any break on that but I suspect that the only ones that were really getting hurt (this is just suspicion on my part) were the lobstermen themselves.

The way this amendment would work is it would put a two cent tax on the lobsters landed. The local lobstermen, if this promotion bill works, still have the option if the benefits of this promotion does not come down through the line to benefit them, they can still take their little pickup truck and go out on Route 1 and sell their own lobsters. They can't sell somebody else's but they can sell their own and this gives them a different opportunity than just going to the dealers.

There has been a lot of hollering about this tax. At first the dealers in committee reported to us that it would not work. We had a member of Taxation come down and very quickly and very simply showed us how it will indeed work.

My personal opinion is that the problem they have with this bill is they don't want to report what they are landing. I want to know what they are reporting and a lot of lobstermen in my area want to know what they are taking in and what they are reporting.

Lobstering is a very hard business and I have had a lot of people call me up and say the best thing we could do for them is nothing, leave them alone. I am tending to agree with them.

If this promotion bill is to go, and I think that lobster should be promoted nationally and internationally, but I think that everybody should pay their fair share. I don't think that we should be charging our lobstermen through their licenses to help promote Canadian lobsters and that dealers admitted in the hearing use all the time.

We don't want to take away the right for them to buy Canadian lobsters but we would like to have them pay a tax on that to help promote the industry as a whole if they are going to promote those lobsters.

There will be a split on this. In the committee, there was a lot of disagreement on it. I personally feel this is the fairest way to go and I am going to stick to my guns on this. I would like to see the two cent tax on it, this would tell us what is being raised out there, what is being brought in, it would tax the Canadian lobsters that are being used and it does not do it on the backs of the working man out there fishing every day for lobster.

I would ask you to please give this careful consideration. I would be happy to answer any questions.

The SPEAKER: The Chair recognizes the Representative from Cherryfield, Representative

Farren.

Representative FARREN: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will go along with this amendment as presented by Representative Townsend. I believe in promotion also. I also believe that this method of funding is the fairest and most equitable way of doing that.

The committee worked long and hard on this bill and, just when we thought we were reaching an agreement, outside influences seemed to erode the progress, thus the two positions.

At the final work session when this alternative funding proposal was offered, even many of the public in the audience said it was a good idea but not now. That was many of those who were promoting this lobster promotion project.

It was stated, maybe later, after the bugs are worked out. I submit, if we hope to work out the minor problems, we should put it in place now and identify those problems if any exist.

Again, I would request that the members of this House would go along with this funding proposal, one that many have stated is the fairest and most equitable way of funding the lobster promotion commission, even those that were the strong supporters of establishing this commission.

Mr. Speaker, when the vote is taken, I ask for the yeas and nays.

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

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

The SPEAKER: The pending question before the House is adoption of House Amendment "C" (H-639) to Committee Amendment "A" (H-364).

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

Representative MARSH: Mr. Speaker, pursuant to Joint Rule 10, I request permission to be excused from this vote.

The SPEAKER: The Chair will grant the request of the Representative from West Gardiner.

The pending question before the House is adoption of House Amendment "C" (H-639) to Committee Amendment "A" (H-364). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 150

YEA - Adams, Aikman, Aliberti, Anderson, Anthony, Ault, Bailey, H.; Barth, Bell, Bennett, Boutilier, Bowers, Cahill, M.; Carleton, Carroll, J.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Constantine, Cote, Crowley, Daggett, Donnelly, Dore, Duffy, Duplessis, Dutremble, L.; Erwin, Farnsworth, Farnum, Farren, Foss, Garland, Goodridge, Gould, R. A.; Graham, Gray, Greenlaw, Gurney, Gwadosky, Hale, Handy, Hanley, Heino, Hepburn, Hogle, Holt, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kontos, Kutasi, LaPointe, Larrivee, Lawrence, Lebowitz, Lemke, Libby, Lipman, Look, Lord, Luther, MacBride, Macomber, Mahany, Manning, Martin, H.; Mayo, McKeen, Melendy, Merrill, Mitchell, J.; Morrison, Murphy, Nash, Norton, Nutting, O'Dea, O'Gara, Oliver, Ott, Paradis, P.; Paul, Pendexter,

Pendleton, Pfeiffer, Pineau, Pines, Plourde, Poulin, Powers, Rand, Reed, G.; Reed, W.; Richards, Richardson, Ricker, Rotondi, Ruhlin, Saint Onge, Salisbury, Savage, Sheltra, Simonds, Simpson, Skoglund, Small, Stevens, A.; Stevens, P.; Stevenson, Strout, Swazey, Tammaro, Tardy, Townsend, Tracy, Treat, Tupper, Vigue, Waterman, Wentworth, Whitcomb, The Speaker.

NAY - Coles.

ABSENT - Bailey, R.; Butland, Carroll, D.; DiPietro, Gean, Hastings, Heeschen, Hichborn, Hichens, Marsano, McHenry, Michaud, Mitchell, E.; Nadeau, Paradis, J.; Parent, Pouliot, Rydell, Spear.

EXCUSED - Marsh.

Yes, 130; No, 1; Absent, 19; Paired, 0; Excused, 1.

130 having voted in the affirmative and 1 in the negative with 19 absent and 1 excused, House Amendment "C" (H-639) to Committee Amendment "A" (H-364) was adopted.

On motion of Representative Mitchell of Freeport, the House reconsidered its action whereby House Amendment "A" (H-572) was adopted.

On further motion of the same Representative, House Amendment "A" (H-572) was indefinitely postponed.

Subsequently, Committee Amendment "A" (H-364) as amended by House Amendment "C" (H-639) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-364) as amended by House Amendment "C" (H-639) thereto in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter: An Act Concerning Amendments to the Laws Affecting the Finance Authority of Maine and the Maine State Housing Authority (EMERGENCY) (H.P. 1149) (L.D. 1674) (C. "A" H-569) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Melendy of Rockland, under suspension of the rules, the House reconsidered its action whereby L.D. 1674 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-569) was adopted.

The same Representative offered House Amendment "A" (H-642) to Committee Amendment "A" (H-569) and moved its adoption.

House Amendment "A" (H-642) to Committee Amendment "A" (H-569) was read by the Clerk and adopted.

Committee Amendment "A" (H-569) as amended by House Amendment "A" (H-642) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-569) as amended by House Amendment "A" (H-642) thereto in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter: An Act to Increase Mobile Home Park License Fees (EMERGENCY) (H.P. 392) (L.D. 566) (C. "A" H-556)

which was tabled earlier in the day and later today assigned pending further consideration.

On motion of Representative Lawrence of Kittery, the House voted to Insist.

(At Ease)

The House was called to order by the Speaker.

The following items appearing on Supplement No. 12 were taken up out of order by unanimous consent:

SENATE PAPERS

The following Communication:

Maine State Senate
Augusta, Maine 04333

June 11, 1991

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

Dear Clerk Pert:

Please be advised that the Senate today Insisted and joined in a Committee of Conference on the disagreeing action between the two branches of the Legislature on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide Greater Legislative Oversight over Agency Rulemaking (H.P. 1284)(L.D. 1854).

The President appointed on the part of the Senate the following:

Senator Kany of Kennebec
Senator Dutremble of York
Senator Cahill of Sagadahoc

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-269) on Bill "An Act to Authorize Municipal Guarantees of Council of Government Obligations" (EMERGENCY) (S.P. 660) (L.D. 1736)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as

amended by Committee Amendment "A" (S-269) as amended by Senate Amendment "A" (S-340) thereto.

Report was read and accepted, the bill read once. Committee Amendment "A" (S-269) was read by the Clerk.

Senate Amendment "A" (S-340) to Committee Amendment "A" (S-269) was read by the Clerk and adopted.

Committee Amendment "A" (S-269) as amended by Senate Amendment "A" (S-340) 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-269) as amended by Senate Amendment "A" (S-340) thereto in concurrence.

Ought to Pass Pursuant to Joint Order (S.P. 75)

Report of the Joint Select Committee on Corrections reporting "Ought to Pass" Pursuant to Joint Order (S.P. 75) on Bill "An Act to Promote Work Activities in Correctional Facilities" (S.P. 752) (L.D. 1945)

Came from the Senate, with the report read and accepted and the bill passed to be engrossed.

Report was read and 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 Annex the Town of Richmond to Lincoln County" (S.P. 683) (L.D. 1811) which was passed to be engrossed as amended by Committee Amendment "A" (S-280) and House Amendment "A" (H-549) in the House on June 6, 1991.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-280), House Amendment "A" (H-549) and Senate Amendment "A" (S-346) in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act to Improve and Expand Job Training Opportunities for Maine Citizens (EMERGENCY) (S.P. 366) (L.D. 968) (C. "A" S-228) which was passed to be enacted in the House on June 10, 1991.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-228) and Senate Amendment "A" S-341) in non-concurrence.

The House voted to recede and concur.

CONSENT CALENDAR

First Day

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

(H.P. 750) (L.D. 1070) Bill "An Act to Improve Student Financial Assistance Services" (EMERGENCY) Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-646)

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.

PASSED TO BE ENACTED

Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$5,500,000 for Construction, Purchasing and Renovation of Correctional Facilities (H.P. 559) (L.D. 802) (C. "A" H-611)

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

Representative Whitcomb of Waldo requested a roll call vote.

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

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House: I am a realist and I realize this bond issue is going to go down to defeat tonight because there are not sufficient votes in this House to enact it. I am very disappointed in that because I thought this was an appropriate modest proposal that we should put out to Maine voters, but I understand that the votes will not be here to pass it.

We need to change direction in this state, relative to a correctional policy. This was a good first step in changing that direction. We will be back in this House, in this legislature, to revisit the issue of prison construction in the future. I look forward to working with the members of this House in the future to try to craft another bond issue that will take that appropriate step in the right direction.

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

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: I just wanted to say what this bond issue would do if we can put it out to the voters and the if the voters support it, it will buy more beds with this amount of money than with any bond issue in my recollection. It buys approximately 185 beds for \$5.5 million because of the way it is designed. I hope it will receive positive consideration by this body.

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

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

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

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

ROLL CALL NO. 151

YEA - Adams, Aliberti, Anthony, Bell, Boutilier, Cahill, M.; Carroll, D.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Gean, Gould, R. A.; Graham, Gray, Gurney, Gwadosky, Handy, Hichborn, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketover, Kilkelly, Kontos, LaPointe, Larrivee, Lawrence, Lemke, Look, Luther, Macomber, Mahany, Manning, Martin, H.; Mayo, McHenry, McKeen, Melendy, Merrill, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Powers, Rand, Richardson, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Salisbury, Sheltra, Simonds, Simpson, Skoglund, Stevens, P.; Strout, Swazey, Tamaro, Tardy, 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, Goodridge, Greenlaw, Hale, Hanley, Heino, Hepburn, Ketterer, Kutasi, Lebowitz, Libby, Lipman, Lord, MacBride, Marsano, Marsh, Murphy, Nash, Norton, Ott, Pendexter, Pendleton, Pines, Reed, G.; Reed, W.; Richards, Savage, Small, Spear, Stevens, A.; Stevenson, Tupper, Vigue, Whitcomb.

ABSENT - Bailey, R.; Butland, DiPietro, Hastings, Heesch, Hichens, Parent.

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

96 having voted in the affirmative and 48 in the negative with 7 absent, the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act Relating to the Education of Homeless Students (S.P. 466) (L.D. 1249) (S. "A" S-335 to 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. 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 to Remove Sunset Provisions on Laws Relating to the Labeling of Produce, Potato Variety

Labeling and Blueberry Theft (S.P. 606) (L.D. 1610)
(S. "A" S-336 to C. "A" S-225)

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

PASSED TO BE ENACTED

Emergency Measure

An Act to 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 and S. "A" S-334)

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 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 Encourage Business Investments (H.P. 1211) (L.D. 1769) (C. "A" H-603)

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

Representative Marsano of Belfast requested a roll call vote.

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

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

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

ROLL CALL NO. 152

YEA - Adams, Aikman, Aliberti, Anderson, Anthony, Ault, Boutilier, Cahill, M.; Carleton, Carroll, D.; Carroll, J.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Farnum, Farren, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gurney, Gwadosky, Hale, Handy, Heino, Hepburn, Hichborn, Holt, Hussey, Jacques,

Jalbert, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kontos, LaPointe, Larrivee, Lawrence, Lemke, Look, Lord, Luther, Manning, Martin, H.; McHenry, McKeen, Melendy, Merrill, Michaud, Mitchell, E.; Mitchell, J.; Murphy, Nadeau, Nutting, O'Dea, O'Gara, Oliver, Ott, Paradis, J.; Paradis, P.; Paul, Pendleton, Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Powers, Rand, Reed, W.; Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Savage, Sheltra, Simonds, Skoglund, Spear, Stevens, A.; Stevens, P.; Strout, Swazey, Tammaro, Tardy, Townsend, Tracy, Treat, Tupper, Vigue, Waterman, Wentworth, The Speaker.

NAY - Barth, Bowers, Donnelly, Duplessis, Foss, Garland, Greenlaw, Hanley, Lebowitz, Lipman, MacBride, Marsano, Marsh, Nash, Norton, Pendexter, Pines, Reed, G.; Richards, Richardson, Small, Stevenson, Whitcomb.

ABSENT - Bailey, H.; Bailey, R.; Bell, Bennett, Butland, DiPietro, Hastings, Heeschen, Hichens, Hogle, Kutasi, Libby, Macomber, Mahany, Mayo, Morrison, Parent, Salisbury, Simpson.

Yes, 109; No, 23; Absent, 19; Paired, 0; Excused, 0.

109 having voted in the affirmative and 23 in the negative with 19 absent, accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act Regarding Investment of State Funds in Corporations Doing Business in Northern Ireland (S.P. 446) (L.D. 1190)

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)

An Act to Amend the Tree Growth and Open Space Laws (H.P. 1273) (L.D. 1844) (C. "A" H-617)

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. 13 were taken up out of order by unanimous consent:

SENATE PAPERS

Non-Concurrent Matter

Resolve, to Extend the Reporting Deadline of the Commission on Maine Lakes (EMERGENCY) (S.P. 675) (L.D. 1789) (C. "A" S-316) which was finally passed in the House on June 11, 1991.

Came from the Senate failing of final passage in non-concurrence.

The House voted to Insist.

Non-Concurrent Matter

An Act Concerning Security Deposits (H.P. 1332) (L.D. 1923) on which the Bill and accompanying papers were indefinitely postponed in the House on June 11, 1991.

Came from the Senate passed to be enacted in non-concurrence.

Representative MacBride of Presque Isle moved that the House adhere.

Representative O'Dea of Orono moved that the House recede and concur.

Representative Small of Bath 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 O'Dea of Orono that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 153

YEA - Adams, Anthony, Bell, Cahill, M.; Carroll, D.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Gean, Goodridge, Graham, Gray, Gwadosky, Hale, Handy, Hichborn, Hoglund, Holt, Jacques, Joseph, Kerr, Ketover, Kilkelly, LaPointe, Larrivee, Lawrence, Lemke, Luther, Mahany, Manning, Mayo, McHenry, McKeen, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Nadeau, Nutting, O'Dea, Oliver, Paradis, J.; Paul, Pfeiffer, Pineau, Pouliot, Powers, Rand, Richardson, Rotondi, Ruhlin, Rydell, Saint Onge, Simpson, Skoglund, Stevens, P.; Swazey, Townsend, Treat, Vigue, Wentworth, The Speaker.

NAY - Aikman, Aliberti, Anderson, Ault, Bailey, H.; Barth, Bennett, Boutilier, Bowers, Carleton, Carroll, J.; Daggett, Donnelly, Duplessis, Farnum, Farren, Foss, Garland, Gould, R. A.; Greenlaw, Gurney, Hanley, Heino, Hepburn, Hussey, Jalbert, Ketterer, Kontos, Kutasi, Lebowitz, Libby, Lipman, Look, Lord, MacBride, Macomber, Marsano, Marsh, Martin, H.; Merrill, Morrison, Murphy, Nash, Norton, O'Gara, Ott, Paradis, P.; Pendexter, Pendleton, Pines, Plourde, Reed, G.; Reed, W.; Richards, Ricker, Salisbury, Savage, Sheltra, Simonds, Small, Spear, Stevens, A.; Stevenson, Strout, Tamaro, Tardy, Tracy, Tupper, Waterman, Whitcomb.

ABSENT - Bailey, R.; Butland, DiPietro, Hastings, Heeschen, Hichens, Parent, Poulin.

Yes, 73; No, 70; Absent, 8; Paired, 0; Excused, 0.

73 having voted in the affirmative and 70 in the negative with 8 absent, the motion to recede and concur did prevail.

Non-Concurrent Matter

Resolve, to Allow the Department of Marine

Resources to Convey Land (S.P. 691) (L.D. 1837) on which the Bill and accompanying papers were indefinitely postponed in the House on June 11, 1991.

Came from the Senate with that Body having insisted on its former action whereby the Resolve was passed to be engrossed as amended by Committee Amendment "A" (S-291) in non-concurrence.

Representative Heino of Boothbay moved that the House recede and concur.

The SPEAKER: The Chair recognizes the Representative from Southwest Harbor, Representative Carroll.

Representative CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: You heard the way I felt about this bill this morning. I am sure you all have the memo on your desk right now. I would like to take just a minute of your time and go over it with you and point out a few things. Number one, the condition of the State of Maine who now owns the present McKown Point, that is true.

Number two, the facility upgraded program — McKown Point has the following attributes and the question I ask here folks is, two buildings become surplus to the needs of the state, why then are we renting buildings all over the State of Maine? Questions like that — this is what I ask myself — that is why I am bringing it before you people.

I understand where these things are coming from but these are questions I ask. Surplus! The needs of the State of Maine! Beautiful!

Number three, the source of the federal funding of Bigelow Lab requires ownership — property of obstruction. Well, obstruction will occur. I don't know anything about that. I have always understood if you can get a 20 year lease or a 30 year lease from the federal government, that was good enough. Now I see here, ownership. I have discussed this with Commissioner Brennan and he has assured me they do have to have ownership. I didn't know that.

Bigelow Lab for Ocean Sciences, part of Maine's scientific capability — well, I may be a little sarcastic, maybe, but we have a Department of Marine Resources, it generates \$3 million in funds. What happens to the \$3 million? Is that all salaries and a little bit of research? These are questions I am asking myself. \$3 million!

Should the land transfer not be authorized even I would adopt more expensive programs to meet the safety and health requirements. I have discussed this with Mr. Brennan — why are we giving them \$90,000 a year of taxpayer money? These are questions I am asking myself.

I was associated with the outfit and these are questions I ask. There has been a lot of pressure put on you people tonight, all afternoon, I want you to vote your conscience, do what you feel is right.

I will leave you with this one thought, once we give this beautiful complex away, we will never get it back. We are going to give it to a non-profit organization, ocean scientists, science — I agree with all that, but I have discussed with Commissioner Brennan, why can't we just let them lease it? Evidently we can't according to this, they have to have ownership.

These are questions I ask myself. I won't feel bad — I got the support this morning and I felt good about it. I still feel strongly about this point. There has been an awfully lot of lobbying out in the

halls, so you vote your conscience.

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

Representative KILKELLY: Mr. Speaker, Ladies and Gentlemen of the House: I appreciate the questions that have been raised by the good Representative and I think many of them can in fact be answered. I think it is important for us to get down to the basics of what this bill is all about.

Many years ago, the federal government deeded this land over to the State of Maine for the prime purpose, the sole purpose, the only purpose — marine research. That is the only thing that can happen down there. If the State of Maine does not do marine research down there, this land goes back to the federal government.

The State of Maine is now in a position of forming a public/private partnership with Bigelow Lab to expand the state's capacity to do marine research, that is a good thing.

Where does the \$3 million go? Some of it goes to provide materials for the lab, salaries for the people that work in the lab, it provides expenses that goes to purchase supplies, whatever kinds of things they need. Where do those people live? Many of them live right around Lincoln County. Where are they spending their salary money? They are spending much of their salary money right in the State of Maine.

We are talking about economic development here at its best. We are talking about a non-polluting industry (if you will), jobs that are created, money that is being brought into this state. It is incredulous to me that there would be opposition to this issue.

We are talking about land in Boothbay Harbor that will be traded. Bigelow Lab will have access to two acres of land in which they will be able to access more federal money, bring that federal money in, and bring those labs up to OSHA standards and other standards so they can expand their project. In exchange for that, the people of the State of Maine will have access to 22 acres of land on the water on Cameron Point in Southport. Twenty-two acres of undeveloped land (at this point) in Lincoln County on the water is pretty hard to come by. If we can find a way to get public access to that without the Land for Maine's Future Board, which obviously isn't going far tonight, we ought to take advantage of doing that.

As to the point of whether or not we could do this on just a lease, I would like to share with you one quick experience. For four years, I was a Head Start Director. At that time, the Head Start money came from the federal government, directly from Boston. We would constantly be renting buildings and we would rent a building and we would put lots of federal money into that building and get it up to speed and it would be a wonderful building and then the people would say, never mind, we are going to raise the rent. Head Start then couldn't afford it, we would move on, get more federal money and redo more. I think it makes great sense for the federal government if they are going to be investing several million dollars into this building to assure that maybe those folks are going to be able to use it for a long period of time.

This is a win, win, win situation. The people of the State of Maine get access to 22 acres of land, we get to expand our marine research capacity within the

State of Maine which is essential to the fisheries in this state, which is an essential industry. We also have a very good public/private partnership. I think it makes sense for us to recede and concur and allow this to take place.

The SPEAKER: The Chair recognizes the Representative from Southwest Harbor, Representative Carroll.

Representative CARROLL: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair. Is there any way (and this is a shot in the dark) that we could get ahold of our Congressional Delegation in Washington to see what there is on lease of 20 years or ownership of property?

What I am saying to you is, I hate to kill this but I hate to give up the houses and the buildings and the property there.

I don't know, Mr. Speaker, I know you would like to move this so that is why I said this is a shot in the dark.

The SPEAKER: The Chair would assume that the delegation would probably know the answer to that question, if the question were posed to them.

The Chair recognizes the Representative from Southwest Harbor, Representative Carroll.

Representative CARROLL: Mr. Speaker, Men and Women of the House: The point being I don't have any problem with Bigelow using the land, the problem I have is giving it to them.

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

On motion of Representative Kilkelly of Wiscasset, tabled pending the motion of Representative Heino of Boothbay that the House recede and concur and specially assigned for Wednesday, June 12, 1991.

(Off Record Remarks)

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on Banking and Insurance reporting "Ought to Pass" pursuant to Joint Order (H.P. 1348) on Bill "An Act to Allow the Risk Management Division to Provide Insurance Services for Elementary and Secondary Schools in the State" (H.P. 1354) (L.D. 1946)

Signed:

Senator:

KANY of Kennebec

Representatives:

MITCHELL of Vassalboro
ERWIN of Rumford
TRACY of Rome
KETOVER of Portland
RAND of Portland
HASTINGS of Fryeburg
JOSEPH of Waterville

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

Signed:

Senators: THERIAULT of Aroostook
BRAWN of Knox

Representatives: GARLAND of Bangor
CARLETON of Wells
PINEAU of Jay

Reports were read.

Representative Mitchell of Vassalboro moved that the House accept the Majority "Ought to Pass" Report. On further motion of the same Representative, tabled pending her motion that the House accept the Majority "Ought to Pass" Report and specially assigned for Wednesday, June 12, 1991.

The following items appearing on Supplement No. 14 were taken up out of order by unanimous consent:

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative JOSEPH from the Committee on State and Local Government on Bill "An Act to Improve Records Management in Local Governments" (H.P. 994) (L.D. 1443) reporting "Ought Not to Pass"

Representative JOSEPH from the Committee on State and Local Government on Bill "An Act Authorizing Changes to the Budget Process in York County" (H.P. 1196) (L.D. 1749) reporting "Ought Not to Pass"

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

Ought to Pass as Amended

Representative PARADIS from the Committee on Judiciary on Bill "An Act to Establish the Maine Revised Uniform Limited Partnership Act" (H.P. 1276) (L.D. 1847) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-651)

Report was read and accepted, the bill read once. Committee Amendment "A" (H-651) 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 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:

(H.P. 1209) (L.D. 1765) Bill "An Act Amending Certain Motor Vehicle Laws" Committee on

Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-653)

(H.P. 1333) (L.D. 1924) Bill "An Act Concerning the Low-income Home Energy Assistance Program" (EMERGENCY) Committee on Housing and Economic Development reporting "Ought to Pass" as amended by Committee Amendment "A" (H-652)

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

The following items appearing on Supplement No. 16 were taken up out of order by unanimous consent:

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Establish State Selective Purchasing Standards" (H.P. 1174) (L.D. 1715) on which the House Insisted on its former action whereby the Bill was Passed to be Engrossed as amended by Committee Amendment "A" (H-467) in the House on June 10, 1991.

Came from the Senate Passed to be Engrossed as amended by Committee Amendment "A" (H-467) and Senate Amendment "B" (S-350) in non-concurrence.

The House voted to recede and concur.

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Place Certain Lands Recommended by the Special Committee on the New Capitol Area Master Plan under the Jurisdiction of the Capitol Planning Commission" (S.P. 508) (L.D. 1346) (S. "B" S-343 to C. "A" S-281)

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

The following items appearing on Supplement No. 15 were taken up out of order by unanimous consent.

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-649) on Resolve, to instruct the Department of Education to Eliminate the School System "Report Card" Program (EMERGENCY) (H.P. 1100) (L.D. 1599)

Signed:

Senators: ESTES of York
McCORMICK of Kennebec

(Off Record Remarks)

Representatives: OLIVER of Portland
O'DEA of Orono
PFEIFFER of Brunswick
CROWLEY of Stockton Springs
CAHILL of Mattawamkeag
HANDY of Lewiston

On motion of Representative Tracy of Rome,
Adjourned at 11:01 p.m. to Wednesday, June 12,
1991, at nine o'clock in the morning.

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

Signed:

Senator: BRAUN of Knox

Representatives: NORTON of Winthrop
BARTH of Bethel
O'GARA of Westbrook
AULT of Wayne

Reports were read.

On motion of Representative Gwadosky of
Fairfield, tabled Unassigned pending acceptance of
either report.

Divided Report

Majority Report of the Committee on Education
reporting "Ought to Pass" as amended by Committee
Amendment "A" (H-650) on Bill "An Act to Repeal the
Maine Educational Assessment Program" (EMERGENCY)
(H.P. 1081) (L.D. 1575)

Signed:

Senator: McCORMICK of Kennebec

Representatives: CROWLEY of Stockton Springs
OLIVER of Portland
O'DEA of Orono
PFEIFFER of Brunswick
CAHILL of Mattawamkeag
HANDY of Lewiston

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

Signed:

Senators: ESTES of York
BRAUN of Knox

Representatives: NORTON of Winthrop
BARTH of Bethel
O'GARA of Westbrook
AULT of Wayne

Reports were read.

On motion of Representative Gwadosky of
Fairfield, tabled Unassigned pending acceptance of
either report.