

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
 61st Legislative Day
 Wednesday, June 12, 1991

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

Prayer by Reverend Doctor Peter Misner, Belgrade Lakes Union Church.

The Journal of Tuesday, June 11, 1991, was read and approved.

SENATE PAPERS

Divided Report

(Later Today Assigned)

Majority Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act Concerning the Regulation of Electronic Video Credit Machines by the State Police" (S.P. 423) (L.D. 1135)

Signed:

Senators: KANY of Kennebec
 MILLS of Oxford

Representatives: BOWERS of Sherman
 STEVENS of Sabattus
 TUPPER of Orrington
 RICHARDSON of Portland
 HICHENS of Eliot
 LAWRENCE of Kittery

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-351) on same Bill.

Signed:

Senator: SUMMERS of Cumberland

Representatives: POULIN of Oakland
 PLOURDE of Biddeford
 JALBERT of Lisbon
 DAGGETT of Augusta

Came from the Senate with the Minority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-351).

Reports were read.

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

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

Representative PLOURDE: Mr. Speaker, Men and Women of the House: I urge you to support the "Ought to Pass" Minority Report.

I rise this morning because the Legal Affairs Committee spent a lot of time on this particular bill. When it first came to us, there was much discussion about the original proposal. Since that time, which was approximately four to six weeks ago,

we carefully crafted a bill (which is before you now) to protect the consumer, to protect the citizens of this state. We were able to receive assistance from the AG's office as well as the Public Safety Department. I feel that we have put a bill together that is fair and reasonable.

What does it do? It provides a very tight security system which we presently have with our Lottery and because of the technology today and the future enhancement of technology, we will continue to provide the safety mechanisms that are necessary to make this a safe activity in the State of Maine.

Why I support this bill is because we have a fledgling industry out there to hospitality that has been hurt by taxes and other regulations that have prevented them to operate in the State of Maine. This activity, this new program, will increase economic activity, will create jobs and, therefore, it will translate to additional revenues to the state coffers in sales as well as income.

Another reason why I feel this is a good bill is because it will provide revenue for the State of Maine as well as municipalities.

Once again, there have been enough safeguards placed in this bill to protect all parties concerned.

The approximate revenue that will be generated for the state is \$16 million, that is including income sales as well as money that will be received in the actual operations of the games.

Once again, I urge you to vote against the pending motion and to support the Minority "Ought to Pass" Report.

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

Representative TUPPER: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to go with the Majority "Ought Not to Pass" Report.

I would like to quote from the Manchester, New Hampshire paper about video poker. "Video poker is like shoveling against the tide at trying to control the poker machines proliferation by limiting the number of amusement devices in private clubs and other establishments licensed for alcoholic beverages", says the State Liquor Commissioner.

The Commissioner and the Commission have finally given up trying to enforce its three machine limit, which is what this bill offers too.

Please think about legalizing poker machines for gambling because it would attract an element into the community that is not necessarily the element that you would want in your town.

Please vote with the Majority "Ought Not to Pass" Report.

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

Representative LAWRENCE: Mr. Speaker, Men and Women of the House: Let me just put into perspective what we are considering here and what it is the Legal Affairs Committee rejected.

These video slot machines are a radical expansion of gambling in this state. It would put gambling into 1,600 different locations in the state. Anyone who has a liquor license to sell liquor on premises will be able to put these video slot machines into their establishment. In order to generate the \$11 million they are talking about generating here for the state, \$220 million would have to be spent by the people of Maine on gambling in addition to what is currently being spent. All games of the lottery, the instant games, Megabucks, Tri-State Lotto, less than

\$100 million is spent on these currently. We are talking about over twice that amount. We are talking about every man, woman and child in this state having to spend \$200 a year on these video slot machines in order for this state to get \$11 million back in revenue. The payback to the state is atrocious, it is less than five percent of the gross going into the machines. On the lottery we make much more per ticket sold.

People say, why if we have one type of gambling why don't we have all types of gambling? The question is not all or none, the question is the type and quality of the gambling we want in this state and the character it takes.

Several years ago, slot machines were allowed in this state and there was a referendum put out to the voters and the voters decided overwhelmingly to outlaw slot machines in this state.

The technology has changed but the idea is still the same. These video slot machines are no different than those slot machines. What happened with those slot machines? The Governor's Office received numerous calls, legislators received numerous calls of people leaving their work on Friday and going and spending their entire paychecks on these slot machines. That is what will happen with these video credit machines. It will take advantage of people, people will become addicted to them and the state will become dependent on the revenue. Not only that, we will be expanding gambling far beyond, far, far beyond what it is in this state currently.

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

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

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: The bill before us authorizes the Maine State Police and the Maine State Lottery to regulate coin-operated video games of chance that award credits that are redeemable for cash. Each game, as you heard from Representative Plourde, will be linked to a state of the art computer system that is run off the lottery for reporting revenue and other data.

I believe that this is an opportunity for the State of Maine to enter an area that can help our hospitality industry, our tourism industry and, indeed, help our budget at this stage.

As Representative Plourde has indicated, I think we can envision the creation of many, many new well paying jobs. South Dakota which has been on line now for two years has seen the creation of 800 jobs in the hospitality industry. The State of Maine with a population in excess of 500,000 more people than South Dakota and with greater tourism emphasis, I think will be well-served by the creation of new jobs that will occur from this particular legislation.

Also, a new profit center will be established for many of these smaller businesses, a profit center not dependent upon alcohol sales for Maine's more than 1600 licensees. There has been some discussion that the use of these facilities would somehow increase the consumption of alcohol. In my opinion, I think exactly the opposite would occur. In fact, the beer and wine wholesalers in the state did not support this measure and considered opposing this measure because they realized it is going to be in competition with their sales for the sale of alcohol.

We are talking about capital investments of more

than \$25 million initially and some \$6 million to \$8 million annually for video credit game machines, related equipment, vehicles, and location improvements by the 20 Maine based operators who will bear the bulk of the cost for setting up the system.

I want to talk about the fiscal note for a moment. We have seen fiscal notes come and go to some extent over the years and this has got to be probably the most comprehensive fiscal note that I have ever seen. It is several pages, they have done a very good job. The dollars that I see are approximately \$17 million annually as the state's share in additional dollars. There will obviously be additional dollars from licensing fees, sales tax and income tax revenues. In terms of state revenues from this aspect itself, we are talking in the vicinity of some \$17 million. Keep in mind that that figure is net from what they are projecting to be a loss in lottery. The Office of Fiscal and Program Review is projecting a current loss in Lottery operations of \$2.4 and \$5.4 million in the next two years. They do say that Lotto revenues are expected to recover slowly in subsequent years. The bottom line is you are talking at least \$17 million. I happen to think that is conservative. I think that is a very conservative amount. You heard the dollar amount that Representative Lawrence talked about, \$225 million does seem like a lot of money, it is only \$140,000 for establishment when you consider Maine's 1600 establishments, considering that there are three machines in each establishment which is the limit in this legislation, you are only talking about \$46,000 per machine.

It is also going to be a new source of revenue for Maine's cities and towns. The state will pass on 25 percent of the revenues from video machines annually or approximately \$4.25 million annually. These monies can help solve a great deal by easing the local property tax burden, albeit in a small amount, but it certainly a commitment to the local property tax amount.

I want to give some credit to the Joint Standing Committee on Legal Affairs who spent a considerable amount of time on this piece of legislation. Some members were quite upfront and indicated that they were opposed to it on philosophical grounds but they stuck with this bill and spent many hours and fine-tuned it to the point that, even at this stage, some of the opponents would acknowledge that it is a sound, secure and well-designed proposal. The State Lottery and the State Police participated in the shaping of the security and regulation of this during the deliberations.

There has been some discussion as to what is the appropriate public policy for us to take in this area. I guess I would suggest that we are a very diverse society in the State of Maine in the forms of amusement that we enjoy as individuals are also as equally diverse. Whatever the nature of our jobs and family responsibilities are, we all look forward to an opportunity for some leisure time and time for recreation and relaxation in a wide variety of leisure time activities that do bring us that enjoyment. For some, it is spending \$35 or \$50 at a fancy restaurant, for others it may be spending \$8 each to go to the movies or maybe spending a considerable amount of money to go to Sunday River skiing for the weekend. For others, they will engage in other forms of gaming that we currently allow in the State of Maine.

Keep in mind that Maine has not only legalized but we have encouraged other forms of gaming such as harness racing. There is a bill flying through this chamber now on off-track betting. We have beano, we have Lucky-7's, we have pull-tabs, we have Megabucks, pick three, pick four, we have scratch and win tickets, we have Lotto*America. The question from a perspective of public policy is no longer, if we will have some sort of gambling or gaming in Maine, that question was solved many years ago by the public's acceptance of these very issues. The issue from my perspective is, how do we regulate these to ensure honesty, oversight and a fair accounting of the revenues?

I applaud this legislature for taking the courageous action they have ever done so far on Lotto*America, a bill I was happy to cosponsor because we are spending hundreds of thousands of dollars on advertising as Representative Ketover said, we are sending hundreds of thousands of millions of dollars out-of-state. I would rather put money into programs that invest money into our municipalities and to our small businesses. I think that is exactly what this will do.

There has been some discussion of the budget. You know as I know that we are in for an incredible time with our budget between now and the end of this fiscal year. Departments have told us that we need some \$3.8 million to keep the store open. We know that we are only going to take in in revenues probably about \$2.8 or about \$300 or \$400 million less than we took in in the last two years. We have proposals before us to generate taxes in the amount of \$277 million, revenue enhances of \$150 million, proposals for retirement, refinancing, debt service retirement, state employee retirement in the amount of \$165 million, cuts of \$328 million, it goes on and on and on. I am not sure any of us want to be in a position at this stage in the game of tossing or rejecting out-of-hand any source of income that might help us get out of this.

I understand that there are those who will say this is just an inappropriate way to raise revenue. When you look at the budget that has been presented so far and what the Appropriations Committee is dealing with, I think it is not unreasonable to suggest that perhaps I don't like capping local aide to education to the extent that we are because I know it is going to be a transfer onto the property tax at the local level. Perhaps we can say that raising property taxes isn't an appropriate way to raise revenue. Perhaps we can say that laying off state employees isn't an appropriate way to raise revenue. Perhaps it is not unreasonable to suggest that refinancing our retirement system is not an appropriate way to raise revenue. Now we can agree or disagree on some of these issues and, frankly, when it comes to the retirement system and some of these other things, I hope we can make some major changes in terms of what is currently in front of us.

There was a discussion about the hospitality industry and I just want to follow up on that. As you know in the past couple of years, the legislature has enacted legislation that has resulted in increased costs and revenues to those who are within the hospitality and tourism industry, dramshop Laws, we have toughened OUI laws, all bills that I passed, as did many of you, and enthusiastically supported those, because we believed it to be the best for public policy for the State of Maine. This year

alone under the current budget proposal, the tourism industry is being hit with over \$99 million in increased taxes on meals, lodging, amusements and seasonal gasoline. This legislation would provide a much needed boost to Maine's hospitality and tourism industry. It would mean a better chance of survival for many of the smaller business members in this industry who are finding it very difficult to make ends meet in these recessionary times. It would enhance their ability to attract non-alcoholic revenues and that is important. The experience in some of the other states like South Dakota have shown a tremendous ability to attract non-alcoholic revenues. It is a sound proposal. It is tied into a state of the art computer system with the lottery. They have worked on it extensively within the committee. I believe it to be a sound, tamper-proof facility. There are always better or worse ways to raise money but, given the scenario where we are with the budgetary situation today, given the benefits to the hospitality industry, the jobs that will be created, tax revenues that will be created, I think it is an appropriate policy for us. I would certainly hope that we wouldn't begin at this stage in the game rejecting any \$17 million pot out-of-hand because sooner or later, we are going to need these monies.

I would urge your adoption of this measure. I urge you to vote against the "Ought Not to Pass" Report and, indeed, join us supporting this bill after we defeat that motion.

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

Representative HICHENS: Mr. Speaker and Members of the House: I think the previous speaker has given you a great many reasons why you should vote for the "Ought Not to Pass" Report. Inadvertently, he has mentioned all of these different gambling things that we have in the state now. I think we have enough of them and we don't need any more. He didn't mention Lotto*America which has proven unsatisfactory and we repealed that law and he was one of the sponsors to repeal that law.

We have been given misleading facts about how much revenue we are going to have in the State of Maine. The speaker ahead of him told how much it was going to cost to even initiate these programs with the 1300 machines listed throughout the state, they will be in locations all over the state and there is just so much money available. No matter which way you look at it, we are in this time of recession and people just don't have that much money and we don't want it going out in this way.

Maine was described the other day by one of our fellow legislators as a state that people visit because of its beauty, its friendship, and all of the opportunities that it gives. They can go to Atlantic City or Las Vegas if they want their gambling. We don't want them to come to Maine and call it vacationland because of the opportunities they might have given to them, if you call that opportunity.

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

Mr. Speaker, I request a roll call.

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

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to oppose the motion on the floor. In the State of Maine, we have got to balance the intake with the outgo and it

seems to me we have got more going out than coming in. If we can find any reason, any method that we can use to bring more money in the state, I think we should use every possible way we can find and also cut on the other end.

Gambling is going to be here. We are not going to do away with gambling. Whether or not we approve of this, gambling will stay. We have junkets that leave the State to Maine, fly to Vegas, they give free rooms, they have round-trip flights for \$139, there is money in the State of Maine.

The people that don't believe in gambling can just stay away from gambling. The thing is, if they are going to gamble, they can spend their money here and we will put some money in the coffers.

I would urge you to oppose the motion on the floor and go with the Minority Report.

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

Representative RICHARDSON: Mr. Speaker, Men and Women of the House: All the speakers up to now have mentioned the issue of money. Money is the core of what we are talking about in this bill and it has to be looked at straight on.

We are talking about two different kinds of money here today, one is the disposable income that is going to come out of the pockets of Mainers and be transferred from them. The Mainers who will walk into the places where only alcohol is served and take money out of their pockets — their final, end of the line, disposable income, not money that they have raised from a New York banker, new investment money, not money that generates jobs but final, end of the line, disposable income and they are going to put it into these machines.

It is not generally in terms of quarters, incidentally, because it takes dollars and ten dollar bills and more than that and builds up huge credits. If they are lucky, they may get a half hour of entertainment. If they are not so lucky, the ten dollars will be gone in a minute or two because the machine is built that way. In the end, they get back maybe six bucks on the ten they put into it, guaranteed by the State of Maine.

These are probably folks who come from work because they are the ones that are going to have it and those well-funded consultants who worked with the lobbyists who are with us everyday as we went through this on the Legal Affairs Committee and did all their studies, shows that it is going to be basically the lower middle income group, 24 to 35 years of age, mostly men, who are going to walk into establishments that (remember) serve alcohol. They must serve alcohol and, instead of buying a drink that may pay eight, nine or ten percent sales tax to the State of Maine, they are going to put it into the slots. They are going to take it from that end of the line, disposable income. They might have bought milk with it and then the State of Maine wouldn't have gained any money. They might have bought a widget for their car and then the State of Maine would gain five percent. They might have bought some other things that would have paid a bit more to the State of Maine and they might have even bought a product that was made by working people in the State of Maine.

Instead, they are going to put it into these slots with their network of non-productive distributors, manufactured out-of-state, controlled by a distributing network that we saw plenty of as we

journeyed through this on the Legal Affairs Committee. Those people in those environments where (remember) alcohol must be served are going to be putting lots of money into this and it is going to come out of their consumable income.

People are making appeals, "We are in a weakened condition." People are making appeals on the grounds of "revenue from the state." Let's look at that one for a second. Depending on how you calculate it, this distributors bill produces maybe six to nine percent, some would argue 11 to 13 percent, in net revenue for the state. This is moving money for the State of Maine from one pocket to the other. When you talk about ripple effects that are manufactured and secondary income and distributing networks, you are talking about a whole different impact.

When we had our hearing on this at the Elks Club here in Augusta, I looked out at the audience, I saw a lot of lobbyists, yes, a lot of distributors, a lot of guys who were very much involved in the financial side of it. I also saw another group of people who were in a weakened condition and I felt an enormous empathy for them. Some years ago when construction was booming in Maine, tavern owners with guys who had money in their pockets, thought what a good idea, I will open a tavern. Taverns opened all across the State of Maine — and I will sell alcohol to my friends and sit and kibitz with them, talk with them around the bar, what a great way to make a living. Banks in the State of Maine weren't under very much control as to what they were doing or what they were lending to, there was a willing banker here and there to give them loans so they could establish these taverns. Now these guys are like us, they were sitting out there because there isn't money jingling in those pockets any more. Those individuals are in a tough time. They were badly overextended. They were misled by their bankers and given loans beyond their means and beyond the ability of the communities across the State of Maine to support these enterprises. Now they have been grabbed as we are in a position of being grabbed by this magic bullet that is going to bring money in and solve problems allegedly in the State of Maine, when in fact it is going to do nothing like that. It is going to move it from one pocket to another and, ultimately, it is going to take it out of the end of the line disposable income, that rock bottom dollar, that provides the basis of a little bit of income that might be there for a family. No, they are not going to go to the movie which we will now tax. There is going to be a lot of money going into this kind of environment. We hear \$200 million, where is it coming from? It is coming out of the pockets of Mainers, it is not coming out of an investment bank, it is coming out of working people by and large and it is going to hurt them and a lot of families. That is not patronizing or condescending on my part to say I have gambled a little bit and I could afford it but a lot of people are going to do this and they can't afford it. Remember, it has to go into establishments that have alcohol. That is the ground rule! Those work together and you know darn well a lot more money is going to go into these things than ought to go into them.

With the emotion that I have begun to feel as I have watched this process happen in front of my committee, I might have overstate myself.

This is a sham on the State of Maine. It is a money sham on the State of Maine and it is a shame if

we (providing the roles that we do) on the appearance, the phantom, that somehow this change in money from one pocket to another is going to generate new revenue — that is a fiscal note sham. It is not going to be there.

If we want to raise some money, we will allow the lottery which is going to be undercut in this to develop a 31 percent in net revenue for the State of Maine and not allow that money to be pulled away from the 11 to 13 percent or the 6 to 9 percent that is going to come through these things.

If we want to raise some money, we can put some heavy fines on the gray gambling environment in the State of Maine. It is there, there is illegal gambling in the State of Maine. I don't think it is as big — much of it is built around the social network of football pools. Some of us had a pool last night when we were going to get out of here. That was a social thing, it was a human interaction thing. This is not it. This is lonely, standing (remember) in a place that must serve alcohol in which you feed these machines.

I have seen some bills in which I disagreed since I have been here but I understood that many legislators felt strongly about it. I have been on the losing side quite a bit. I know I am a freshman from Portland, but I hope this bill that is truly a sham, the worst piece of legislation I have seen, will receive what it deserves, that we will do what is right so that we, unlike those poor tavern owners for whom I have a tremendous empathy, will not be grabbing at a phantom in thoughts that we will be generating some magic money and doing in many of our fellow Mainers.

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

Representative KERR: Mr. Speaker, Men and Women of the House: I just so happen to be in the hospitality industry. I realize that I also am a freshman in this body. I also realize that the philosophy that this legislature in the past has taken is about to come to an end (I hope) and that philosophy is mandate, spend and tax.

This bill does not mandate any tavern owner or anyone in the hospitality industry to put this machine in. We do not twist arms for these people to play. We are not spending money to develop these machines or this program. There is very little, if any, risk to the state and, no, we are not raising taxes from this same industry that many of us have criticized. This bill generates new revenue and not just from the people of the State of Maine, from tourists that come here.

In the operations that my family and I own and people in my community are only open during the summer months, so the revenues that we generate are going to be coming from tourists, not from the people of the State of Maine.

The hospitality industry has suffered in the past. It has been very, very tough for us to survive. We have had to make alternatives to our businesses. We have lost our discounts. You have raised our taxes on drinks and lodging. We used to get, in the alcohol industry, a reduction of what would normally pay in the liquor store but you took that away. The industry is facing tough times as is the State of Maine. This bill generates revenue without increasing taxes or cost shifting. The industry has reduced its reliance on alcohol by

adding compact disks, pinball machines, pool tables and other varieties that create extra revenue.

I can't say that I am entirely happy with this bill the way it came out of committee. I can tell you that we are looking for revenue and the people of the State of Maine are not going to be the only ones to play these games, if they so choose to do that. We are in the gambling business, we promote the lottery, we promote off-track betting and the gray machines are on the market now. They are out there.

If this legislature decides to go along with the pending motion, I only hope that we take those gray machines off the market, but I would urge you to support the Minority "Ought to Pass" Report.

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

Representative HALE: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to vote against the pending motion on the floor.

This certainly is not anything that we as legislators can stop people from utilizing.

As far as attracting an undesirable element, I suppose an undesirable element is in the eye of the beholder.

As far as taking disposable income out of the pockets, we certainly cannot force them to keep it in their pockets. Video games are here to stay. This is certainly a way to enhance our coffers.

As far as serving liquor, I do not believe that it will encourage the consumption of more liquor because the disposable income will be going into the slots to play the games. It is certainly not going to take away from anyone who wants to participate in off-track betting. Off-track betting will not take away income that people want to utilize for these video games. I, myself, don't even know how to play them but I certainly don't want to take it from the people that would like to play them. I have a lot in my area that do want this bill to go through, a lot that don't want the off-track betting to go through.

I urge you to vote against the pending motion.

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

Representative TOWNSEND: Mr. Speaker, Ladies and Gentlemen of the House: I will be very brief. I didn't intend to speak on this but here I am.

A number of things about the opposition to this bill bothers me. As a working person and as the product of working parents, I resent the implication that anybody other than myself needs to decide how I spend my money. I have the intelligence and the moral fortitude to make priorities in my life and spend my money according to those priorities. I know that it is not meant in an insulting way but to somebody that works very, very hard for every penny he gets, I, and only I, will decide how that money is spent.

I will tell you something else too, if I have an inclination to gamble, killing this bill isn't going to stop me. If I want to gamble, I will get together with the boys on the weekend and we will have a poker game and my paycheck can go just as fast in that as anywhere else and you will never know about it because I won't tell you because it is my money and I will spend it as I please.

To move on to another point because I don't want to get too emotional about this — they talk about taxing alcohol eight percent and that is a money maker. Well, I question that. Does that take in the cost of drunken driving? Does that take in the cost

of the accidents and insurance? Perhaps the tax on alcohol is not a money maker.

They also point out that 11 percent of this is going to come to the state and that is not a very high percentage. Well, I will tell you something, I have only been here a short period of time but I have never seen taxes go down. If we get 11 percent this year and we need money next year, guess what? I don't even need to tell you the answer to that.

I live on the border of Maine and our wonderful Canadian neighbors in New Brunswick. I have to tell you that in a lot of ways New Brunswick folks (and I don't mean to put them above us but in my opinion only) seem to be taking the moral high ground over us on a lot of issues. I think a lot of people would agree with me and some will disagree. They have this in place in New Brunswick and I believe in Nova Scotia as well, it works fine. A lot of people from my area when they are over in Canada don't do a whole lot of shopping there because of that new "go south tax", but nonetheless, we have friends and relatives over there and we find ourselves on that side of the border occasionally and we played them. I have been in a couple of places where these are set up and I didn't see any — I don't know what you would call an unsavory person — I did see a lot of husbands and wives in there playing, a lot of regular working people in there playing, those type of people are desirable to me.

I don't care what you have set up, you are occasionally going to get undesirable people. In every walk of life right on the street, you can leave here today and walk on the street and probably come across somebody that you may consider undesirable. As a former speaker said, that is probably in the eyes of the beholder.

I don't ask anyone to go against their morals on this. However, to oppose it on moral grounds as far as a legislature or state government is concerned is, in my opinion, at best a double standard. I would say, let's grow up on this bill and let people decide how they spend the money they earn and oppose this Minority "Ought Not to Pass" and let's go on to pass this much needed revenue enhancer.

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

Representative SHELTRA: Mr. Speaker, Ladies and Gentlemen of the House: To begin with, I am not a freshman, and I know you know I have been around a few years because you heard about my birthday last week. However, the first issue here, as I see it, it is an honorable exchange. We are doing away with Lotto*America, we are bringing in another industry whereby the monies are going to stay within the state as they should.

It continues to gall me a little how some continue to underestimate the intelligence of us Mainiac's, that we don't know what to do with our money, that we are going to be enticed to spend it here and spend it there foolishly.

Let me give you another case in point. In my town for instance, and I am sure it exists in other York County and Cumberland towns or wherever, there are these people that leave the city, drive into Massachusetts, pick up hundreds of tickets of the Massachusetts Lottery, take them back to home base and sell them at a cost of \$1.25 each. Those are monies that we are losing. People aren't going to stop gambling just because we decide that they shouldn't based on a moral issue.

For instance, we have a sales tax. How do we sell the sales tax? We sell the sales tax on the principle that the tourists are going to pay for the sales tax. Well, what do we have on our plates? Vacationland, isn't that so? We have done away with the smokestack industries because of our stringent environmental laws, we have got to do something to create jobs, we have to do something to stimulate the economy. Frankly, I think this is the way to go.

By the same token, I think as far as this type of lottery is concerned or mechanism or whatever you want to call it, I think the tourists are really going to pay the bundle and they are going to be the greater part of the support that we get from it. I hope that you decline to vote for indefinite postponement of the present bill so we can go on and approve this measure.

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

Representative DAGGETT: Mr. Speaker, Members of the House: I speak to you today as a cosponsor of this legislation. I would just like to speak to you briefly about some of the issues that I thought about personally before I decided to put my name on this bill.

I am not a person who gambles. I don't buy lottery tickets, so it is not a personal issue for me.

When I took a look at the kinds of activities which the State of Maine is already involved in, it didn't seem to me that this particular activity was one that varied greatly from the state-sponsored gambling which we already have. We have harness racing, Megabucks, instant tickets, beano, bingo, a pretty good mix and a pretty good variety of ways that people can spend their money if they choose to do it in that fashion.

We have heard some allegations that the linkages to drinking and linkages to poverty and they are kind of obscure linkages but I would suggest to you that if you look at some of the history of these machines in other states and the history in our own state that your mind would be pretty much put at ease. In fact, the slot machines that were unregulated were around for a while and because of the lack of regulation and the concerns over control, they were no longer legal but the miracles of modern technology have rendered that somewhat of a moot issue as far as these machines are concerned.

Frankly, the bill was very well worked. We spent a lot of time in committee working on it to deal with those very issues which were of concern to the State Police and the Attorney General's Office. There is a very good system of control here and a very good system of accountability.

This segment of the gambling industry is considered more of a recreational activity because of its relatively low stakes as opposed to something like the Megabucks which in fact offers you the opportunity to become wealthy for the rest of your life. These machines don't offer that.

There were some suggestions that it would be taking money from one pocket and putting it into another. That really isn't the case here. We talked in committee and we heard a lot about the different gambling opportunities that are offered through our Lottery and it was suggested to us that these machines are more comparable to the lower end of the scale which is our instant ticket end and that careful placement of the machines would prevent them from being competitive. In fact, that is exactly

what we have in this legislation, appropriate placement of the machines so they are not competitive with our instant tickets.

I would just like to remind you that this is a discretionary activity. I think it is time that, instead of trying to decide for people what they should and shouldn't do, we allow them the opportunities to spend their money in a discretionary fashion, recognizing that there will be addictive personalities. If this is not available for addiction, I am sure there are plenty of other things that are. We can't take responsibility for every single piece of every single person's life. As far as I can see, a well educated citizenry is in fact the best to have. If we are truly interested in having that citizenry that is capable of making appropriate decisions, we should be providing the appropriate funding in areas such as education.

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

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

Representative HICHENS: Mr. Speaker, Members of the House: I can't help but respond to the statements made by the good Representative from Eastport, Representative Townsend, when he was relating about going to New Brunswick and Nova Scotia and seeing the gambling machines over there and he mentioned the lottery. I am very familiar, going to Nova Scotia as often and for as long as I do during the summer months, about the lottery. I don't frequent the bars so I don't know anything about the gambling machines, but I do know they apparently do not take in that amount of funds that he thinks we might take in in the State of Maine.

I also know that they have an 18 percent sales tax in New Brunswick and a 17 percent sales tax in Nova Scotia. Let's follow their example on that if we want to raise some money.

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

Representative TOWNSEND: Mr. Speaker, Men and Women of the House: I appreciate the good comments of my good colleague, but if he had listened to my testimony, I said nothing about the amount of money that was raised in New Brunswick or Nova Scotia. As a matter of fact, that is not the issue to me. The issue to me is freedom of choice. I have people telling me or attempting to tell me how I am going to spend my money, whether it is a nickel or a pay check. I resent that. I will spend my money as I see fit.

As far as the 18 percent sales tax in New Brunswick, I won't second-guess those folks over there as far as taking care of their own politics. I most certainly will agree with the good Representative that I wouldn't want to follow that example but I am not going to say that they are wrong. They know their country and their problems much better than I do. As a matter of fact, I have all I can do to keep up with my own. The issue here is not the money, the issue here is the fact somebody else is attempting to decide for me what my morals will be and how I will spend my money. You can pass all the laws you want, that decision will have no effect on me, I will spend my money as I see fit.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: Many of my good friends,

conservative friends, have been dismayed that I would vote "Ought to Pass." From a nostalgic point of view, I remember as a young boy we had no drug problems, we had no homeless problem, we had no alcoholic problem but we had the one-armed bandits and that kept going.

I was very torn on which way to vote on this. The thing that persuaded me was the fact that I have seen the days of the one-armed bandits, I have seen the days of the so-called machines that they had a few years ago that was turned down — the main thing is if you look at the bill, it will be controlled and regulated by the State Police, directly to the State Police.

Also, the revenue from the machines will be split three ways between the owners of the machines, the establishment that has the machine and the State of Maine. The amount for the State of Maine, one percent of it, will go back to the municipalities to help with the tax situation.

I wanted, at the time, that one percent of the 33 1/3 percent be earmarked for education but that caused a problem as to the administration of it. I say now that this will be controlled by the State Police — I know, I have seen how the State Police control the beano and all the other gambling gadgets so I have no concern that this will get out of hand because I believe the State Police will have a strong control on it.

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

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

To any member on the Legal Affairs Committee, I am particularly interested in testimony that was given at the public hearing and would like to know what areas the support came for this bill and what areas the opposition came from?

The SPEAKER: Representative Paul of Sanford has posed a question through the Chair to any member of the Legal Affairs Committee who may respond if they so desire.

The Chair recognizes the Representative from Kittery, Representative Lawrence.

Representative LAWRENCE: Mr. Speaker, Ladies and Gentlemen of the House: The proponents of the bill (and they did pack the audience) were essentially the lobbyists hired to work on this bill, the technical expert they hired — I must admit they were a very professional group and there was a heck of a lot of money spent on lobbying this bill and hiring technical professionals.

The other group that testified were the restaurant owners, the hospitality industry you heard mentioned.

The Department of Public Safety for the state, the Attorney General's Office and several private citizens testified in opposition to this bill. It was also my understanding that the State Police (I don't believe they took a position on this) but were not too thrilled with this idea.

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

Representative SIMONDS: Mr. Speaker, Men and Women of the House: As a member of the Human Resources Committee, who along with my colleagues on the committee, worked very hard to restore services to the aged, to find some way of keeping work

incentives in place, namely the GAP, to extend our human services generally and to prevent the drastic cutbacks that are in store and it is very tempting to seize on this proposal to help fund just those kinds of shortfalls.

However, I would be opposing this motion and I will state briefly why. It has nothing to do with the recreational aspects of what is proposed. It has nothing to do with the quality of regulation, I think that is satisfactory and certainly has nothing to do with morality. I am not debating that. I have made more than my share of contributions to one-armed bandits in my time.

However, my concern is with this as a method of funding basic public services. It seems to me that, if we have decided on what the floor of valued public services should be, then we should have a floor of funding through taxes to which we all contribute our fair share, not just a segment. I think this probably is one of the most regressive forms of taxation but we should all be contributing to the basic valued floor of public services in this state.

In consideration of the efforts of the sponsors of this bill who I know are trying very hard to help bring more revenue to prevent cuts, I admire those efforts. I think this ethical issue may go across both sides of the aisle and I would hope that those of us who believe this is an inappropriate way to fund public services and I spoke to this in my campaign last fall when my opponent was saying now "let's play now or pay later." I criticized it as unethical and not the way to pay for public services. I would say that all of us in this body who believe in a more appropriate way to fund services ought to be able to get our heads together and find that better way.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: Very seldom does the Representative from Cape Elizabeth and I disagree but on this issue we do. When I arrived here this morning, on my desk was House Amendment "B" to Committee Amendment "A" of L.D. 944, An Act to Permit Off-track Betting. If someone can convince me that there is a difference between off-track betting or what this is doing and what this proposal that we are debating about is doing, I would like to know.

I think off-track betting, from what I have been told, is going to allow (within a certain radius of race tracks) you to go into the back room of a restaurant and bet on what it going on either at Scarborough Downs or maybe Bangor raceway or perhaps if Presque Isle has a racing season (which I think they do occasionally), I am not sure because I don't go to the race tracks — snowmobiles I understand. If we are going to be passing off-track betting, what is the difference? As we all talk about going into bars, I have been in a few bars in my life. I think the majority of us have. How many of you have seen people throwing down a dollar and dealing with Liar's Poker? I have sat at the Sportsman's a few night in my life in Portland and I have seen more money cross that bar on Liar's Poker than probably what went on at Scarborough Downs that night. They are doing it, and they are doing it in many different fashions. If this legislature is going to pass off-track betting, then I think we ought to take a look at this particular piece of legislation, it is just adding onto it.

I don't disagree with my good colleague from Cape Elizabeth on things that we are going to be missing. Many of you have come in front of our committee this year with absolutely tremendous needs. Quite frankly, people in our committee struggle to try to find the needs. You can ask any one of them, both sides of the aisle. We did a tremendous job to try to find the needs. The needs are in our local communities and, for once, I guess I am speaking up for my good old friends, the restaurants. I guess the needs are for the restaurants too, because I am hoping if they get more business, they will have less smoking areas and it will be better and healthier.

I guess the point is, if we are going to extend the off-track betting, it is identical, absolutely identical. I haven't read this, I have no problem with it, but if we are going to extend it, we ought to take a look at "what is the difference?" I think more money could be lost in this off-track betting than in the one-armed bandits.

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

Representative BELL: Mr. Speaker, Ladies and Gentlemen of the House: Many good points have been taken up this morning but I have some concerns and I am in favor of the Majority "Ought Not to Pass."

As was stated, over 1,000 locations for this video poker, the State Police are the ones to police it. As you all know, the State Police are getting a reduction in their force and I just wonder how you expect the State Police to be able to really cover the video poker locations.

I will read you one little thing out of the Manchester paper that I got about a month ago. This is the police chief of Manchester talking about video poker, "I think it is out of control," said Louis Craig said, "of the ease which the machines can be used as a device for illegal gambling. What will happen, you put in your dollar and you get your poker hand. I put in a dollar and get a poker hand and will bet \$20 on the side. That is where they are having a lot of the problems."

I will admit that the New Hampshire poker does not have the State Police control that this one would have, it is awfully loose. Their major problem is with the sideboard gambling.

On off-track betting, which my good friend, Representative Manning brought up, that happens to be within the realm of my committee and I would tell him that the off-track betting is nowhere near video poker gambling because there will be four to a maximum of eight locations in the state. The restaurants in which they are located will have gambling windows. Just like at the track, you can go up and put a bet in just before the race starts. There is no way you are going to be able to manipulate that gambling.

As you all know, we have decided to eliminate Lotto*America. When Lotto*America was presented to us, it was going to raise \$7 million, it raised \$2.6. Megabucks lost about the same amount, so we netted zero. My concern with the video poker is we will get all kinds of fancy figures thrown at us and I would love to think that we are going to make that kind of money but, in my opinion, the people who are going to make the money on this deal are the manufacturers of the video poker machines and the distributors.

I would like to be a distributor in one of the counties because this is going to be a bonanza, they

are going to make as much money as the state does.

My concern is, how much money will we actually get, and is it worth getting into it?

Representative Lawrence of Kittery was granted permission to address the House a third time.

Representative LAWRENCE: Mr. Speaker, Men and Women of the House: I just want to answer the good Representative from Portland, Representative Manning, about what the difference is between off-track betting and video slot machines. The simple answer is \$190 million and 1,600 locations. That is the difference between off-track betting and this type of gambling. Off-track betting would need the people to bet approximately \$37 million in order to work. This gambling will need \$220 million in order to work. Off-track betting will be in eight locations in this state, this will be at approximately 1,600 different locations in the state.

Somebody mentioned they took offense to the fact of working class families — I was raised in a working class family as well and I agree with the Representative, working class people aren't anymore susceptible to becoming addicted to gambling than anybody else but the fact is gambling is addictive and people who live on marginal incomes will be hurt more when they become addicted to gambling. My concern is we have a moral responsibility to our constituents and to the children of this state. They are the ones who are going to have no choice if their parents go out and spend all their paychecks on video gambling in this state.

I just want to make sure you understand that, if we pass this bill here today — and I can get a sense of the House just as well as everybody else — we are doubling everything, what every other legislature, the entire 114 other legislatures, have done for gambling. We are doubling the size of gambling in this state. There are better ways to help the hospitality industry, there are better ways to help the restaurants and I urge you not to pass this bill.

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

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

Representative LORD: Mr. Speaker, my Learned Colleagues: You all know I don't drink so I won't be going into these places. I would like to make one point that I think is necessary. If a fellow goes into a lounge and spends \$10 or \$20, he goes in and buys the first drink, won't he? Maybe he will take that first drink, then go over to the machine and may spend the rest of that \$10 or \$20 on gambling. Maybe if he goes out and he is broke, he won't be drunk and just maybe, maybe, we might save a few lives in this state from drunken driving. Let's think about that for a minute. Human life — I understand some of this is going back to the towns — it isn't going to do my town any good but I know it certainly will help Old Orchard, it will help Biddeford and all of those coastal towns on some revenues. Some of these towns are having a hard time. You know as well as I do, people are going to gamble. They are going to gamble legal, illegal, but they are going to gamble. They

are going to do it in the backrooms so let's let them do it out front and get some money returned to the state coffers.

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

Representative JOSEPH: Mr. Speaker, Men and Women of the House: I am in total support of the proposal and I urge you to vote against the Majority "Ought Not to Pass" Report.

I have thought about this piece of legislation since its inception by the group who has presented this to the Maine Legislature. I want to alleviate many of your concerns and respond to some that I have heard here today.

First of all, if you read the piece of legislation before you, you will see and hear that the players must be 21 years old, that the minimum investment will be 25 cents and the maximum is \$2.00. The maximum payoff is \$1,000. There are safeguards to prevent cheating, skimming of profits and tampering. Yes, these 1,600 potential locations are licensees, already being regulated in this state.

We are talking about new revenues but what we are not talking about is that these activities of betting on games are currently going on. We are looking at \$30,000 of new revenue perhaps. But another issue that has not been mentioned here today is that 25 percent of the revenues will be passed on to municipalities. Yes indeed, that will help your municipality as far as property taxes are concerned.

I don't consider Vermont a radical state. Vermont has this same piece of legislation before it. It is probably having the same discussion today or in this season. We have beano in this state and beano supports churches, benevolent and service organizations.

Already this particular proposal has had one strike against it, the media has portrayed this as a one-armed bandit. I would hope that as you and I discuss this issue we can clearly define this issue as video games of chance.

We need to ask ourselves as we decide to vote against the "Ought Not to Pass" Report and accept the Minority Report, is Beano regulated poorly or is it regulated well? Is the Lottery regulated poorly or is it regulated well? Is alcoholic beverages and the Bureau of Alcoholic Beverages regulating the consumption of alcohol in this state poorly or are they doing this well? Video games of chance will be regulated well because the same people involved will be regulating this activity.

We currently have horse racing in this state. As I mentioned earlier, we have unregulated pools, betting pools. If you go into sports bars — we already have heard of the number of dollars that illegally exchanges hands in sports bars. The one way I look at this is we are now regulating an industry that is currently going on where the state is receiving no benefits from it.

I urge you to support the Minority "Ought to Pass" Report and vote against the pending motion.

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

Representative OLIVER: Mr. Speaker, Men and Women of the House: I urge you to support this bill. In my neighborhood, it would be hard to find a family, and these are families that range from poverty to richness on the Western Prom, it would be very, very difficult to find a family that is not gambling.

I know one of the traditions in our neighborhood is to take buses and they travel sometimes 150 to 200 miles to a beano game. These are people that are responsible, respectable citizens who go to church on Sunday after the Saturday night beano game in New Hampshire. So, I think it is very contradictory to talk about whether we are introducing or encouraging gambling.

I think if you went back (let's say) 100 years ago in Maine, you would find farmers in a rural area getting their horses, laying out a track and making bets, it was a form of recreation, it always has been.

I think that what we are dealing with here is two factors, (1) are we encouraging people to gamble? My seatmate here, Representative Mitchell, sold me a raffle ticket on a quilt. Is he encouraging me to gamble? Took me 20 years in my neighborhood, you have to wait until someone passes away to get into Eddie Murphy's football pool. I finally made it. Did he really encourage me?

I think that Maine is a gambling state, it has been done discreetly. We don't set up large casino's. The citizens enjoy it. There is no public outcry against this bill. It is a form of recreation.

I would also like to mention that gambling to me is not whether it is coming but whether I have a choice. If I am going to have recreation, I may buy a lottery ticket for fun and watch television, I may go to the local community meeting and buy a raffle and this just gives me another choice. This could be considered, in my mind, a small business support bill, a local property tax bill, a state revenue bill and certainly an entertainment bill.

It is hard for me to believe when people stand up and say that (in some way) we are encouraging poor people and we are putting a tax on them. Poor people in my neighborhood, I don't know about your neighborhood, are gambling as well as middle-class people. Maine is a gambling state, we have a lot of options, this is just another option.

More important to me is I know a number of bars that I can now go into, legally, and illegally gamble. They have the machines. We all know it, we can name the bar. The point is that this adds five new public safety workers and puts gambling under tighter state control. So, let's not turn our face and pretend in some way it is not happening, it is happening.

I wanted to address the term "addiction." I think that addictive personalities will turn to something and if you go too heavy into something whether it is ping pong and your wife is saying "why don't you come upstairs and talk to the kids" or "there is too much chocolate and your adding 50 pounds" — addictive personalities have to make compensations for the addiction whatever it is. Addictive personalities in Maine who tend toward gambling are already gambling. You are not going to stop that and you are not going to increase the addiction.

The real issue in this case is the fact that our federal government, through the lack of good priorities and public policy, have literally broke the bank and now have passed that check (federalism) down to the states and we are in the process of passing it down to the locals. As a nation we are broke, we are looking for options. Certainly we can talk about better options but the point is there are few options left. We don't want to raise taxes too high, we certainly can't cut state government to the

point where we are not functioning and meeting our mandates to our citizens. So, this is an option but it is an option that adds nothing new to Maine because Maine has been gambling for hundreds of years whether it were those five or six farmers laying out a track 100 years ago or those groups of people who are getting on buses and traveling 200 miles to a beano game. Let's not kid ourselves, we have been gambling, we have done it discreetly. What we are saying here is we want to put it under state control, much closer supervision, and we want to save essential services that our people are really crying for.

When I talk about education and I see what is happening, general purpose aid to education is devastating our communities. There is not a headline or an editorial day that passes that we don't see the disaster. Yet, I don't see a flood of letters or editorials or citizen groups organizing to prevent one more choice of entertainment called gambling in this state. But I do see citizens organizing and protesting the fact that we have decreased, dramatically, the standard of living in this country and in this state by cutting essential social services to our people.

I hope you can support this bill.

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

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

In looking at this bill, I note that the revenues that are going to be generated to the General Fund are roughly \$2 million in 1991-92 and roughly \$11.5 million 1992-93. My question would be of the total amount of revenue that is going to be generated from the creation of this industry, what percentage of that is going to the General Fund?

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

The Chair recognizes the Representative from Kittery, Representative Lawrence.

Representative LAWRENCE: Mr. Speaker, Men and Women of the House: To answer the question, the \$11 million is all going to the General Fund to the best of my recollection.

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

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

The total amount of money generated from the creation of this industry overall, I believe a percentage of that would amount to \$11 million for the General Fund in the second year — my question is, what percentage is that from the total amount of money generated from that particular industry that is going to the General Fund.

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

The Chair recognizes the Representative from Kittery, Representative Lawrence.

Representative LAWRENCE: Mr. Speaker, Men and Women of the House: If I understand your question, the gross amount of sales which is \$220 million is going to be a payback of approximately 60 percent. Of the 40 percent left over, the state's cut of that after expenses (the expenses are going to be taken

off the top) for running the computer system and everything, is going to be approximately one-third. I believe it starts out at 30 percent and then goes up to one-third. That is where the \$11 million comes from.

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

Representative FARNUM: Mr. Speaker, Members of the House: Smoking is a disease, we are paying a lot of money through Human Services to take care of it. Drinking is a disease, we are spending a lot of money through Human Services to take care of it. Now we are encouraging gambling. Gambling is recognized as a disease in the United States, how much money will we spend to take care of these people who become addicted to gambling?

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

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: I have been sitting here thinking of the words of John Houseman in that wonderful add which he says, "We make money the old fashioned way, we earn it."

There is something that bothers me greatly about gambling. Honestly, as I listen and think about the issue, what bothers me about gambling is the state-sponsored gambling. It is the lottery. It is the encouraging of gambling because it undercuts what has made this state great, what has made this country great, the concept of earning your way in life.

I have to say that this is not a state-sponsored activity. This is having machines in bars where individuals can have the choice, as the Representative from Eastport has pointed out. It is different. So, as much as I would like to be in the state lottery and Lotto*America because of the activity of the state in promoting that approach to life, I have to take a different approach to this where I do say it becomes hypocritical to, on the one hand allow a whole range of gambling by upper-class and middle-class and not allow these machines to go into bars so that blue collar workers can go there and gamble if they wish.

I will support this bill. I am deeply troubled about the issue of gambling but it is the promotion of gambling that troubles me more than anything else. This, I don't see as promoting gambling and that is why I will support this.

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

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I would pose a question through the Chair to anyone who would answer.

I hear figures of 5 percent and 33 percent and I would like to know for myself what it is that the state is going to be getting. Is it 5 percent of the gross or is it 33 percent of what is left over after administrating this program? What is it, what is the actual amount of the gross that the state is going to be receiving? Is it 5 percent of the gross or is it 33 percent of what is left over after we pay the people who supply the machines? What is the answer?

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

The Chair recognizes the Representative from Kittery, Representative Lawrence.

Representative LAWRENCE: Mr. Speaker, Men and

Women of the House: I apologize for confusing it, the answer is 5 percent of the gross, approximately five, six, maybe seven percent of the gross, it varies.

The 33 percent is of the net and that is the same 5 percent so, after you have netted it out, it amounts to about 30 to 33 percent, but it is 5 percent of the gross, approximately the sales tax.

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

Representative ALIBERTI: Mr. Speaker, Men and Women of the House: Not only has this become a problem to the legislature, it is a problem for me too. I took the responsibility of circulating a questionnaire. I wanted a sampling, I wanted to know what my constituency thought about the video games. To my amazement, they were overwhelmingly opposed to it.

I tried to face it objectively and how it addresses the many problems that we have. I bothered to ask the people involved and they were very courteous to me. They gave me a whole book of how they addressed objectively the video credit games. Then they had an attitudinal study that they made available to me. I don't want to admonish them for this but I think they missed the boat by not having every member of this House have a copy of this. It helped me make up my mind.

All I want to share with you is the conclusions of this report, and it is a creditable company, the consultant company, they have a whole list of credits to them, The Maine Department of Education, the Maine Department for Professional Regulation, Maine State Lottery, Maine Development Foundation, Bangor Hydro-Electric, Central Maine Power, the Maine Housing Authority, the Town of Scarborough, Maine Maritime, Georgia-Pacific, Casco Northern, Fleet Bank, Maine Medical Center, Eastern Maine Medical Center, Public Cable and various political candidates. So, they are creditable. They became even more creditable as I went through this executive summary. The three most important conclusions to be drawn from this study are, about one-fourth of the population of Maine, 28 percent, are opposed to the video credit games in the state and (I think they are all in my district). But, the remaining 72 percent are neutral to positive regarding the games. These figures are based on people's opinions upon being informed about video credit games and how they would operate in the state.

Video credit games appeal to a significant proportion if the Maine population. Twenty-two percent say they would definitely play and could very well be a major source of revenue for the state and municipalities.

Finally, there are no significant differences between the general sample and the low-income sample. This applies to current gaming behavior as well as to anticipated play of video credit games.

If you want to know how I am going to address my dilemma, you will have to watch the board.

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 Lawrence of Kittery that the House accept the Majority "Ought Not to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 154

YEA - Adams, Aikman, Anderson, Bell, Bowers, Chonko, Constantine, Dore, Duplessis, Dutremble, L.; Farnum, Farren, Foss, Hanley, Hichens, Lawrence, Lebowitz, Libby, Look, Luther, MacBride, Marsano, Marsh, McKeen, Merrill, Mitchell, J.; Murphy, Nash, O'Dea, Parent, Pineau, Pines, Powers, Richardson, Salisbury, Savage, Simonds, Skoglund, Stevens, A.; Stevenson, Strout, Tracy, Treat, Tupper, Wentworth, Whitcomb, The Speaker.

NAY - Aliberti, Anthony, Ault, Bailey, H.; Barth, Boutilier, Cahill, M.; Carleton, Carroll, D.; Carroll, J.; Cashman, Cathcart, Clark, H.; Clark, M.; Coles, Cote, Crowley, Daggett, DiPietro, Donnelly, Duffy, Erwin, Farnsworth, Garland, Gean, Goodridge, Gould, R. A.; Graham, Gray, Greenlaw, Gwadosky, Hale, Handy, Hastings, Heino, Hepburn, Hichborn, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kontos, LaPointe, Larrivee, Lemke, Lipman, Lord, Macomber, Mahany, Manning, Martin, H.; Mayo, McHenry, Melendy, Michaud, Mitchell, E.; Morrison, Nadeau, Norton, Nutting, O'Gara, Oliver, Ott, Paradis, J.; Paradis, P.; Paul, Pendexter, Pendleton, Pfeiffer, Plourde, Poulin, Pouliot, Rand, Reed, G.; Reed, W.; Richards, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Sheltra, Small, Spear, Stevens, P.; Swazey, Tamaro, Tardy, Townsend, Vigue, Waterman.

ABSENT - Bailey, R.; Bennett, Butland, Gurney, Heeschen, Kutasi, Simpson.

Yes, 47; No, 97; Absent, 7; Paired, 0; Excused, 0.

47 having voted in the affirmative and 97 in the negative with 7 absent, the motion did not prevail.

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

Committee Amendment "A" (S-351) was read by the Clerk.

On motion of Representative Lawrence of Kittery, tabled pending adoption of Committee Amendment "A" (S-351) and later today assigned.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative O'DEA from the Committee on Education on Bill "An Act to Forgive Indebtedness of a Certain School Administrative Unit" (H.P. 1290) (L.D. 1865) reporting "Ought Not to Pass"

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

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

Representative JOSEPH from the Committee on

State and Local Government on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Somerset County for the Year 1991 (EMERGENCY) (H.P. 1355) (L.D. 1947) reporting "Ought to Pass" - Pursuant to Joint Order (H.P. 101)

Report was read and accepted, the Resolve read once.

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

CONSENT CALENDAR

First Day

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

(H.P. 1321) (L.D. 1912) Bill "An Act to Promote Long-term Economic Development" (EMERGENCY) Committee on Housing and Economic Development reporting "Ought to Pass" as amended by Committee Amendment "A" (H-657)

On motion of Representative Richards of Hampden, was removed from the Consent Calendar, First Day.

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

Committee Amendment "A" (H-657) was read by the Clerk and adopted and the bill assigned for second reading later in today's session.

(H.P. 95) (L.D. 136) Bill "An Act to Enhance the Filing of Documents in the Registry of Deeds" Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "B" (H-656)

(H.P. 1152) (L.D. 1677) Bill "An Act to Recodify the Adult and Secondary Vocational Education Laws" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-658)

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.

PASSED TO BE ENACTED

Bond Issue

An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 to Help Municipalities with the Purchase of Equipment and Construction Costs for Solid Waste Disposal and Recycling Facilities (H.P. 787) (L.D. 1119) (H. "A" H-623 to C. "A" H-609)

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

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

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will vote against this bond issue so we can go on to pass an issue that will be coming up later on our calendar.

I want to update you on where we stand with bond issues. We have already approved in this body \$54.5 million dollars worth for the November ballot with a potential for \$12.5 million more without even considering this bond.

During our negotiating session on Saturday in committee, we tried to get a unanimous package. We also agreed that if we had a unanimous package that we would support it with our caucus. However, we did refuse to go above a total of \$70 million in that package. In fact, our caucus later told us that even that was too rich for their tastes and you see us on some unanimous reports which an overwhelming number of our caucus members asked us to oppose when we discussed the bonds in caucus on Monday. We did tell the Chairs repeatedly that, if we did have a unanimous position, we would support those bonds; if not, we would vote with our caucus.

We do believe in a limited bond package this year because the public is demanding that we be cautious about new debt obligations. As you know, in the proposed budget which we have yet to really begin to do, we are already planning to refinance some present debt in the next budget. We need that money for other things. We will be borrowing more on a short-term note to address our cash flow problems.

Just yesterday we were informed in committee by the State Treasurer that we need to find over \$400,000 for debt service payments for this fiscal year. I want to remind you that ends in only a few weeks and that may be money that we do not have unless we resort to more gimmickry.

I urge you to vote against this bond so that we can move ahead on a similar bond which appears later on our calendar. That later bond includes \$5 million for recycling grants and \$3.5 million for the municipalities to help with the closure and remediation of landfills. Probably over 200 landfills will be helped under that bond.

The later bond is also at a level of \$8.5 million instead of \$10 million on this bond and we believe that lower number will help passage of the bond during a year when I think many of us fear that voters will vote down most, if not all, the bonds in even the few critical issues that all of us agree need to be done.

I request a roll call.

The SPEAKER: The Chair recognizes the Representative from East Millinocket, Representative Michaud.

Representative MICHAUD: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will vote for this bond issue. I think it is very important for the state to recycle. I also think it is very important for the municipalities to close their landfills that are currently polluting.

The difference between this bond issue and the one that Representative Foss has mentioned is only \$1.5 million. That extra \$1.5 million will go to closing, capping roughly around 30 more landfills that are currently polluting. \$5 million of this bond issue was for recycling and the other \$5 million deals with the landfills. Out of that other \$5 million, \$2.1 million will be used for site evaluation and planning, the rest will be going for actual closing.

The additional landfills that have a potential to be closed are Amity, Allagash, Athens, Aurora, Belmont, Bingham, Bowdoinham, Brooklin, Burlington, Cambridge, Cherryfield, Coburn Gore, Corinth, Hartland, Jonesboro, Kenduskeag, Leeds, Lily Bay, Lubec, Masardis, Northfield, Oakfield, Passadumkeag, Otis, Phippsburg, Readfield, and Shirley. These are potential landfills that will be capped with that additional \$1.5 million. I think the bond issue is very worthwhile and I hope that this body would enact the current bond issue.

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

Representative LORD: Mr. Speaker, My Learned Colleagues: I really am in a pickle on this one, I don't mind telling you. I really am in a pickle and I will tell you why.

We in this House have passed a recycling bill and we told the communities that we were going to give them some aid to get their recycling programs going. There were no monies through taxation or anywhere else that would help the recycling programs, only a bond issue. The bond issue that I sponsored was \$8.5 million, not quite as generous as this one, but if we don't get one of them, recycling programs in the State of Maine, you might as well say as far as improving or expanding, is dead.

I don't know what the devil I should do, I will be frank. I don't want to see both of them go down. I know that the people on the Appropriations Committee made a commitment to follow through with my bond issue but, folks, it is hard, it is really going to be hard for me to vote and I will probably be one of the last one voting. I feel that we have got to have one or the other and if we down both of them, we are in a mess.

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

Representative TREAT: Mr. Speaker, Men and Women of the House: I would urge you to vote to support the pending bond issue. The \$5 million for the landfills minus I believe \$1.5 million that goes for evaluation (which will go to the DEP) and all of the \$5 million for the recycling money goes straight to towns to help them fund important solid waste programs. I think you know that solid waste is one of the most expensive items on municipal budgets right now. As a proportion of what towns spend, it is getting up there with education as a very expensive item.

I would also like to point out to you that the program that we have now is one of the most frugal, well-run programs when it comes to doling out recycling money.

I would like to give you a little bit of information about how the money that has been bonded for in the past has been spent. There has only been one other bond issue for recycling money and that was several years ago. That money is all spent. There was some additional money from fees. No more money from fees will be going towards recycling. If you want to support recycling, you must support a bond issue.

So far, 243 towns have been funded but that leaves a great number of towns in the State of Maine that have not gotten any money recycling. There are currently 81 grant applications pending at the Waste Management Agency and those pending applications cannot be funded unless additional bond monies are voted for by us and also by the voters. Those 81

grant applications actually includes larger numbers of towns than that because many of those are regional applications.

In addition, there are 140 towns who have yet to submit any applications for recycling funding. Many of these towns are towns that do not yet have any infrastructure for recycling. Some of the earlier towns that got funded were towns that already had some kind of recycling program going and what that means is that some of these 140 towns and the 81 applications that are pending may actually need more money to do a good program than the ones that have been funded so far. Even by very conservative estimates, I was able to come up with \$12 million that is needed to get those towns started with a recycling program. I would say that a couple of years ago when the 1989 Solid Waste Bill was enacted, the estimates were for \$40 million would be needed to fund recycling programs and that is with a community match of at least 25 percent. The 25 percent match is just for capital costs, the cost of personnel and those kinds of costs are going to be entirely funded by the communities.

In the long run, recycling is saving towns money. To not do this is really a "penny-wise and pound-foolish" kind of measure.

I do support the pending motion and I hope you will too. It is going to help your towns and it is going to help the state in the long-run.

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

Representative WHITCOMB: Mr. Speaker, Ladies and Gentlemen of the House: It is the last point of the previous speaker that causes me to jump to my feet because this is "wish list" time. We are not approving this money to be spent, we are not approving this money to go out to bond, we are approving an item that will go out to the people. It is the people who make the decision and it has impressed me over the last two days that this body has failed to take note of what the people did last Fall. All of us or the majority of us, although there were some who refused to participate in the process last time around, who said that people would never approve the amount of bonded indebtedness that we suggested and put on the ballot for this past November.

Augusta has a little bit of a creditability problem and I know there are some who would like to suggest that it is only the Governor's problem, but it is a problem of the third floor as well. We cry poverty, we cry that things cannot continue as before and then, all of a sudden, we come up with these strange and imaginative schemes to escape reality. One could cynically suggest that in this body and perhaps the other chamber that we are not dealing with what the economic pressures have brought upon the people of Maine. We have a financial problem and then we have an entity who finds the pot of money that can solve this financial problem. We have a financial problem here in Augusta and we come up with a new scam to get more money out of Washington. We might come up with a new delay — you see here in Augusta we have creative imaginative ways to get out of our financial problems or we pass a new tax or a new gambling enterprise to get out of it. That's not so back home.

It seems to me what we have seen, and I get some chuckles across the aisle, because that is an indictment of both political parties, on bond issues

it is the people back there that feel the purse strings being tightened day-by-day who approve these items. I have heard, as I have walked the halls the last few days and nights, criticism of the stance of our political party in being those "hardened Republicans" who refuse to support these worthwhile efforts. That is not the case at all. I think maybe we should extend an invitation from members of the other party to attend our caucuses (I wish you had been there and perhaps we should have recorded the event on the bond issue discussion we had the other day) because the serious discussion in our caucus is to come up with a package that we could sell to the people, a package that would be realistic, that would be restrained to the extent that maybe the people would accept this time. It is in that vein that I stand and urge you to vote against the proposal before us.

It brings to mind the old Washington phrase "Well, a million here and a million there, after awhile it adds up." In this body sometimes we seem to lose sight of that fact because we are dealing with so many millions, but the people who, ultimately, approve these bond issues are very, very sensitive to that fact. It is with a sincere desire to see something approved by the voters next November that we urge you to take the lesser amount, that we urge you to reject the issue before us and then continue with the item that doesn't address all the towns, including towns in my district that the good Representative from Millinocket just listed, but at least gets it somewhat smaller. In the opinion of many of us who had to listen to voters continually criticize us as we campaigned this past Fall about the inability of the legislature to exercise greater restraint in putting bond issue items before the people. It shows that we will pick and choose and place higher priorities and try to restrain our spending initiatives.

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

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: We keep hearing that our constituents are upset with us sending out referendums but I assure you they are not from my district that I hear it, I hear it from the press. I hear it from the big press and the media but not from my rank-and-file people.

I remember being an ordinary citizen, not being in this House, and I assure you that I love to vote on bond issues, I love to kill those that I don't like, I like to support those that I do like, and I love to vote. The more that I have to vote on, the happier I am. The less that I have to vote on and the more decisions that are made over here upsets me when I am a regular citizen. We don't always make the right decisions for our citizens so let's send these bond issues out.

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. 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. 155

YEA - Adams, Aliberti, Anthony, Bell, Boutilier, Cahill, M.; Carroll, D.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Daggett, DiPietro, Dore, Dutremble, L.; Erwin, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gwadosky, Hale, Handy, Hichborn, Hogle, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Ketterer, Kilkelly, Kontos, LaPointe, Larrivee, Lawrence, Lemke, Look, Lord, Luther, Macomber, Mahany, Manning, Martin, H.; Mayo, McHenry, McKeen, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Nadeau, Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Pineau, Poulin, Pouliot, Powers, Rand, Richardson, Ricker, Rotondi, Ruhlman, Rydell, Saint Onge, Savage, Sheltra, Simonds, Skoglund, Stevens, P.; Strout, Swazey, Tammaro, Tardy, Townsend, Tracy, Treat, Wentworth, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, H.; Barth, Bennett, Bowers, Carleton, Carroll, J.; Donnelly, Farnum, Farren, Foss, Garland, Greenlaw, Hanley, Hastings, Heino, Hepburn, Kerr, Lebowitz, Libby, Lipman, MacBride, Marsano, Merrill, Morrison, Murphy, Nash, Ott, Parent, Pendexter, Pendleton, Pines, Reed, G.; Reed, W.; Richards, Salisbury, Small, Spear, Stevens, A.; Stevenson, Tupper, Vigue, Waterman, Whitcomb.

ABSENT - Bailey, R.; Butland, Crowley, Duffy, Duplessis, Farnsworth, Gurney, Heesch, Hichens, Kutasi, Marsh, Plourde, Simpson.

Yes, 92; No, 46; Absent, 13; Paired, 0; Excused, 0.

92 having voted in the affirmative and 46 in the negative with 13 being 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 to Appropriate Funds for a Study of the Effectiveness of Education Reform in Maine (S.P. 154) (L.D. 366) (C. "A" S-286)

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

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

Representative SMALL: Mr. Speaker, Ladies and Gentlemen of the House: I just wanted to clear up something mentioned on the debate on this before. I don't know if it was an error or just that some of us misunderstood the information but, on this Advisory Committee, it said that no new monies would be allocated. I guess it depends on how you look at new monies but this says, "provides for the deappropriations of funds no longer required by the Student Financial Aid Transition Advisory Committee who appropriates the funds for the special committee to study and evaluate the status of education reform in Maine." While they are not new monies, they are

certainly not anybody else's money other than the General Fund's when those monies are no longer needed so actually we will be taking \$9,000 on this that could be used for other programs and putting it into a summer study.

I request a roll call when the vote is taken.

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

Representative NORTON: Mr. Speaker, Ladies and Gentlemen of the House: This study will cost probably \$50,000. We are going to have to go out and raise that money from the business community. The money not spent from the transfer seems to me not to negate the seriousness of the needs nor impinge upon anybody's integrity and I didn't hear that mentioned in my friend's remarks.

I do want to make a case that this probably is the most overdue study of any ever conducted in this state in recent times. No longer will it be just a review of the reform measures passed in the 1984 session, it must look beyond those to what education should be. It will include a massive review of education and a repositioning of it. It will bring meaning to the term restructuring, if at all successful.

When you are spending a half a billion dollars on education in a biennium, it seems to me to be folly not to be willing to spend \$50,000, \$41,000 of which will have to be raised outside. It is equal folly not to have the state participate directly. If times were any different, I would be proposing some kind of a scheme that would have the state participate to a far greater degree. If we are to forge a meaningful relationship between the work place and businesses in this state, education must play a key role in that forging. I believe this study will pave the way to do that.

If I knew how to urge you more to support this issue, I would, but I have given it my best shot. I hope that you let this become enacted, become law, and let us get on with trying to raise the rest of the money needed to make this assessment.

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

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

This question is to anyone on the Education Committee who care to answer. In this study effort, if it is voted on positively, is there provision for public hearings throughout the state so ordinary citizens and students can participate or is it confined to industry and educational professionals?

The SPEAKER: The Representative from Bath, Representative Holt, has posed a question through the Chair to anyone on the Education Committee who may respond if they so desire.

The Chair recognizes the Representative from Lewiston, Representative Handy.

Representative HANDY: Mr. Speaker, Members of the House: To answer the good Representative from Bath's question, it is the intent of the commission's work to reach out to all sectors of, not only education, but business, communities and families to get their input. We hear so often about the need for accountability in education and mostly that is directed toward those who actually deliver educational services. I think we have a responsibility as a government to be accountable to those reforms that we have tried to put in place, to assess those, to put aside those that haven't worked,

that haven't achieved the outcomes that we had hoped and to look toward new restructuring and new kinds of education for the State of Maine. We hope that everyone in the State of Maine will be equal partners in that effort.

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. 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. 156

YEA - Adams, Aliberti, Anthony, Ault, Barth, Bell, Boutilier, Cahill, M.; Carleton, Carroll, D.; Carroll, J.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Farnum, Farren, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gwadosky, Hale, Handy, Hastings, Heino, Hichborn, Hichens, Hوجلund, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kontos, LaPointe, Larrivee, Lawrence, Lemke, Lipman, Look, Lord, Luther, Macomber, Mahany, Manning, Marsh, 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, Reed, W.; Richardson, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Sheltra, Simonds, Simpson, Skoglund, Spear, Stevens, P.; Strout, Swazey, Tammaro, Tardy, Townsend, Tracy, Treat, Tupper, Wentworth, The Speaker.

NAY - Aikman, Anderson, Bailey, H.; Bennett, Bowers, Donnelly, Duplessis, Foss, Garland, Greenlaw, Hanley, Hepburn, Holt, Lebowitz, Libby, MacBride, Marsano, Merrill, Murphy, Nash, Ott, Parent, Pendexter, Pendleton, Pines, Reed, G.; Richards, Salisbury, Savage, Small, Stevens, A.; Stevenson, Waterman, Whitcomb.

ABSENT - Bailey, R.; Butland, Gurney, Heesch, Kutasi, Vigue.

Yes, 111; No, 34; Absent, 6; Paired, 0; Excused, 0.

111 having voted in the affirmative and 34 in the negative with 6 being absent, the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

ORDERS OF THE DAY
UNFINISHED BUSINESS

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

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

HOUSE DIVIDED REPORT - Majority (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 11, 1991 (Till Later Today) by Representative MAYO of Thomaston. PENDING - Motion of Representative JOSEPH of Waterville to accept Minority "Ought Not to Pass" Report.

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

The Chair laid before the House the second 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 11, 1991 (Till Later Today) by Representative MAYO of Thomaston. PENDING - Motion of Representative JOSEPH of Waterville to accept the Minority "Ought Not to Pass" Report.

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

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

HOUSE DIVIDED REPORT - Majority (8) "Ought Not to Pass" - Minority (5) "Ought to Pass" as amended by Committee Amendment "A" (H-277) - Committee on Legal Affairs on Bill "An Act to Impose a Limit on Campaign Contributions" (H.P. 785) (L.D. 1117) TABLED - June 11, 1991 (Till Later Today) by Representative MAYO of Thomaston. PENDING - Motion of Representative LAWRENCE of Kittery to accept the Majority "Ought Not to Pass" Report. (Roll Call Requested)

On motion of Representative 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.

The Chair laid before the House the fourth 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 11, 1991 (Till Later Today) by Representative MAYO of Thomaston.
PENDING - Passage to be Enacted.

The SPEAKER: The Chair recognizes the Representative from St. George, Representative Skoglund.

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

I speak with some reluctance on this because I do feel that the sponsors of the bill and the Committee on State and Local Government were motivated by fine considerations.

It is the intention of the bill to modify language, to make language less offensive, it is called "person first" language but I think there are three aspects of the bill that I would like to have you consider.

This bill and the amendment would substitute some words for others. As we all realize, there are some words that have become offensive, words that are derogatory, words by which we don't call things. I think this bill carries it to a point where the language required in the bill would confuse rather than simplify. For example, the word "poor", according to the language in this bill would no longer be acceptable. Yesterday I recall the Representative from Eagle Lake describing "needs of the poor" but according to this bill, he should have said the "needs of people in poverty." The word "poor" and "people of poverty" are not the same thing. There are little nuances there and if we are bound to use "people in poverty", we lose the meaning of what we really want to say and convey.

Another word that is not supposed to be used is "afflicted." Instead of the word "afflicted" we are to use "affected." Now the word "afflicted" is a good old word — "Job was afflicted with boils." He was not "affected" with boils, he was afflicted.

I don't mean to make fun of or downplay this because I realize it is done in all seriousness and with good intent but I do want to point out that the English language would suffer if we should adopt this bill.

It also calls for rather awkward configurations in speech. Instead of saying "a blind person", you would say "a person with blindness." The oldest inhabitant in my town is 98 years old. He is blind. When one goes to call on him, one walks in and gives your name. If you don't give your name immediately, he will say "Who are you? I am blind and can't see you." It would be absurd for him to say, "Who are you? I am a person with blindness." If we can't say it, how can we write it?

A second point, other than being awkward, is that by selecting certain terms as being unacceptable, I think we do exactly the opposite of what we intend to do. If we say that certain words must be used, then those conditions must be unacceptable to us. If we refuse to say that a person is blind, then we imply there is something wrong with that condition.

I would also like to point out that we did use "person first language" formerly. We used to refer to person's of color but that was so obviously

denigrating to person's of color that they insisted on using the correct terminology. They will no longer be called "person's of color." They want to be called "Blacks" so this "person first language" has been tried and had exactly the opposite effect of what was intended.

Another thing that concerns me about this is the use of euphemism. We use euphemisms only for words or conditions or situations that embarrass us. If we are going to use euphemisms for certain human conditions, blindness, deafness, being disabled, being a drug addict, being poor — if we must use euphemisms, to me that indicates that those things embarrass us, we don't want to say them, we don't want to accept them. I know that is not the feeling of the sponsors of the bill but I think that is something we should consider and should be discussed.

I hope you will join me in voting reluctantly, I think, to indefinitely postpone this bill and all accompanying papers.

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

Representative JOSEPH: Mr. Speaker, Ladies and Gentlemen of the House: I understand Representative Skoglund's concern but I don't agree with him and neither does the State and Local Government Committee nor the people who testified before our committee. We feel, in many cases, how we describe people today has become discriminatory. In some cases, people have lost their identity as people when, in fact, some of the disorders that you have heard mentioned or the descriptions that you have heard mentioned, become their only descriptions.

This piece of legislation asks that the Revisor of Statutes, when updating the Maine Statutes, would use the language that is in the amendment to this piece of legislation.

We all understand that sometimes change is difficult. For example, many people are still calling Workers' Compensation, Workman's Compensation. Just a few years ago, we updated Maine's statutes not to include "he or she" but to make them neutral.

I urge you to vote against the pending motion and to support this unanimous report of the State and Local Government Committee.

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

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: What are we worried about? We are simply saying that we will be calling people what they want to be called. As a Franco-American and having French speaking children with French names in my classroom, I was always sensitive to the way they wanted me to pronounce their names. It is really none of my business how I want to say it, it is how they want it to be said.

This is going to happen sooner or later, we might as well be sooner.

I was very proud of myself recently because on the floor of this House, I was speaking about a domestic violence bill and I used all gender neutral language for the first time. I was so sensitive to it. It doesn't happen overnight, you have to work at it.

I have no doubt in my mind that the good Representative from Eagle Lake will use the terminology that you stated. We are all in the process of learning. As lawmakers, policy makers, we

are just going to make life a little easier, a little quicker, for the people that we are serving. I have no doubt in my mind that we are not always conscious of the fact that we are doing serious damage when we are calling people names and we don't need to, we don't know any better.

I love the list, I think it is great, it is impressive and I hope you support this bill.

The SPEAKER: The Chair recognizes the Representative from Greenville, Representative Gould.

Representative GOULD: Mr. Speaker, Ladies and Gentlemen of the House: I will try to be extremely brief. I find it difficult to follow Representative Skoglund's speech but I do want to say that it really doesn't matter, I really don't care whether you call me a "handicapped person" or a "person with a handicap." I am what I am, you can call me anything you want to call me, but don't let's play around with the English language just for the sake of trying to make ourselves feel good.

I am a handicapped person, that's it, that's the way I am. It doesn't make me feel any better if you call me a "person with a handicap." I am not ashamed of what I am, I don't care what you call me as long as you don't call me "late for supper." Call me anything you want to call me but let's not make change to make ourselves feel good. Let's treat people the way we want to be treated. If you want to call me a "person with a handicap", that's fine. If you want to call me a "handicapped person", fine, just treat me with a little dignity and a little respect and that is all I ask and I don't care what you call me.

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

Representative DUFFY: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to vote to indefinitely postpone this bill. Although I think it is cute that we put in these changes into the statutes, I think what bothers me the most is the fiscal note that costs \$67,000. I know with the program I had in Fisheries and Wildlife because of the budget problems they had to give it up, that employed high school kids during the summertime, to keep a biologist or a warden employed and that program only cost \$8,000 to \$10,000.

I guess it is offensive to me to put cute language into the statutes in a year when we don't have an extra dollar and we are laying people off. I think that is what bothers me the most about this. If you think about that and what we are going through, just to make it cute for \$6,000 or \$7,000 doesn't buy it.

I urge you to vote in favor of indefinite postponement.

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

Representative SWAZEY: Mr. Speaker, Men and Women of the House: I would just like to say that I agree with the Representative with real short sleeves.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I am in a quandry, I don't know what I should call my seatmate, "a man who is bald" or "a man who suffers baldness."

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

Representative MARSANO: Mr. Speaker, Ladies and Gentlemen of the House: As many of you know, I am a

lawyer.

Not long ago, we passed sort of a drafting manual with a concept that we should "shall" and "must" instead of "may." We should put "may" into a different position and so on and that language has ever since been drafted that way as you will notice when you read these things and it all seemed like a really good idea. I said to one of the people in the Revisor's Office that, at some point, we ought to codify that just so everybody will know that we changed "shall" to "must" that we mean the same thing and that seemed to be a simple thing.

The bill went through Council and when I walked into the Judiciary Committee blindly, not having prepared much and there was the Attorney General to tell me that I was really causing a lot of trouble because "shall" and "must" didn't mean the same thing. They cited five or six different cases, which indicated that "must" can mean "shall" and "shall" can mean "may" and so on. The problem is that our language is enacted into statutes at a specific point in time and, to change that at any time with an eye on just doing for a procedural nicety, creates some really complex situations. What I have said at the Council whenever we talk about recodifying these statutes is, every time you do that, you force some "poor lawyer" or a "lawyer who is not wealthy" or whatever you would want to call it under the statutes, to confront the fact that he or she or "that lawyer" must resolve the language in a fashion that will, somehow, indicate whether or not the legislature made a change. If the legislature made a change, some of the cases may have been developed under the other language and wouldn't apply to this.

The long and the short of this is that as a result of that experience which turned out to be relatively pleasant in the Judiciary Committee that afternoon, I decided that I would not vote for anymore of these bills. I shall not vote for this one and I would urge the House to support the Representative from St. George, Representative Skoglund, and indefinitely postpone.

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

Representative HASTINGS: Mr. Speaker, Ladies and Gentlemen of the House: As this bill will not help the language of the prior speaker, I would hope you would join in the motion for indefinite postponement.

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

Representative DUPLESSIS: Mr. Speaker, Ladies and Gentlemen of the House: A few short weeks ago, I was sitting in Appropriations at a public hearing and I was appalled to see that we still use the term "crippled children" in DHS. They have a fund called "The Crippled Children's Fund" in 1991 calling these children with disabilities "crippled."

In working with those people with mental illnesses, I hear "Oh, they are schizophrenic" or "Oh, they are manic depressive." We need to start refocusing our attitudes towards people and changing the language we use is a first step.

I hope that you will defeat this motion.

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

Representative REED: Mr. Speaker, Ladies and Gentlemen of the House: I, like others who have spoken this morning, I am completely certain that L.D. 1845 was most nobly intended. My opposition to

it should not be construed, in any way, as casting aspersions, either on the sponsors or the members of the distinguished committee which reported this bill to us. If you happen to have the bill before you, you will note that the sponsorship is bipartisan so my position is not of a partisan nature either.

What does this bill do? L.D. 1845 directs the Revisor of Statutes to employ a legislative technician and I quote directly from the fiscal note, "a team of proofreaders to be ever vigilant for the occurrence of any one of a list of 75 or so terms in the statutes, wherever they may occur, and to replace them." This team of proofreaders must be ever vigilant to ferret out every occurrence of "handicapped individuals" and change it to "person with disability" or seek out every time "indigent client" appears and change it to "client who is indigent" and on and on. I think you understand probably more than you want to know already about what is required here.

My point is only that it is, indeed, noble to emphasize people and I think we all seek to do that. However, for the last (almost six months now) all of us, to a great degree and those of us on the Appropriations Committee to an even greater degree, have been listening to an ever growing list of needs and an ever diminishing pool of resources. It seems to me that, at this point in our process, it is extremely bad judgment with such a dearth of funds to spend even a dollar seeking slightly more semantics of sophistication.

Therefore, I would urge you to join with the distinguished gentleman from St. George and support indefinite postponement of this measure.

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

Representative RYDELL: Mr. Speaker, Men and Women of the House: I know that we have had a few chuckles over this bill but this is not a funny bill, this is very, very serious.

Those of us who decided to sponsor this bill have worked for many years with people with various types of disabilities. Across the country, these people have asked that they be recognized as "persons." We recently passed in this country "The Americans with Disabilities Act" and if you take the time to read that Act or read about it, it is very enlightening. The results of that Act will change our work places, our public buildings, our restaurants, our lives and the lives of people with all types of disabilities forever. It won't happen overnight and it won't happen just because the law was passed but it will happen because people want it to happen and the same thing with the language in our statutes.

I have worked for over 20 years with people with disabilities. There has been one recurring theme during the course of that time where people and their families have said to me, "Please recognize that I or my family member is a person first, that they may have disabilities, they may have different types and different levels of disabilities, but they are persons first." When someone says, "I am blind", that person by the use of the "I" first is recognized as a "person" first. In our statutes, we don't do that.

I have talked to the Revisor of Statutes and he says if we do it over a two year period, it will not take any additional people and it will be done in the course of the regular work and will not cost anything. We do need to amend this bill to allow it

to happen over a longer period of time.

It is extremely important to recognize that people feel they are not recognized as people, that only their disability, their infirmity, their negative aspects is implied. It is a negative implication — that is what people with disabilities all over this state and in fact all over this country say. We are not the only state to consider this. This is a request from organizations that directly represent and directly work with people with disabilities. It is a request from the people with disabilities themselves.

We could put a disclaimer in our statutes that says anytime any of these appear, we mean the "person first." We could have done that, continued to do that with gender, we could have just continued to say wherever "he" appears that "he" means "he or she." Well, that wasn't acceptable to me and apparently wasn't acceptable to anyone else in the legislature, here or around the country. We didn't want "he" to mean "she." We wanted to have language that would actually represent the fact that there are two genders, that there are both men and women and we wanted our statutes to reflect that.

Well, people with disabilities want the statutes to reflect that they are people first. The Crippled Children's Services is a line item in our budget. We have been trying to change that without success by just asking the Bureau of the Budget to do that. It appears that we have to change the statutes to do that.

The actual accounts in the Department of Human Services Bureau of Health, they call it Maternal and Child Health Services, they call it Special Children's Services, but in our statute it still has the old term, the term that does not recognize that these are "children first."

We have the term "the drug addict, the indigent, the poor." It is time that we remove those derogatory phrases, that we recognize that people have problems, that people have disabilities, that people are different but they are people first.

I recognize that we don't have any extra dollars and that is why I went to the Revisor of Statutes and I said, with all the computer equipment that we have and our duty to program those, is there a way that we can do this without a fiscal note? He said yes if we do it over at least a two year period, we don't need the fiscal note.

Perhaps I should ask and I guess I will that this bill be tabled so that we can add that amendment but I would ask you to consider that we who are sitting here who able-bodied, we are fortunate, we are always referred to as "people first." Some of our citizens around the state and around the country want to be referred to as the "person" that they are, the men, women and children that they are first.

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

Representative DONNELLY: Mr. Speaker, Ladies and Gentlemen of the House: This issue we have before us right now is a very important one and it is unfortunate that we have made light of it.

Our state budgetary problems are also very severe so, to pass any additional costs onto the taxpayers at this time, I believe is inappropriate.

I do believe, however, that as an example setting body and as leaders of each community within the state, that we can lead our communities away from

terms of discriminatory basis by our actions. We can be ever mindful and ever watchful of each bill that we put in to make sure that the language included in these bills are non-discriminatory.

I would urge you to support indefinite postponement and I would also urge you to be careful, cautious and watchful when presenting legislation and to make sure that it is not discriminatory.

On motion of Representative Mayo of Thomaston, tabled pending the motion of Representative Skoglund of St. George that L.D. 1845 and all accompanying papers be indefinitely postponed and later today assigned.

The Chair laid before the House the fifth 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 11, 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)

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

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

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

ROLL CALL NO. 157

YEA - Adams, Aliberti, Anderson, Anthony, Bell, Cahill, M.; Carroll, D.; Carroll, J.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Farren, Gean, Goodridge, Gould, R. A.; Graham, Gray, Greenlaw, Gwadosky, Hale, Handy, Hastings, Hepburn, Hichborn, Hichens, Hogle, Holt, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketover, Ketterer, Kilkelly, LaPointe, Larrivee, Lawrence, Lemke, Luther, Macomber, Mahany, Manning, Martin, H.; Mayo, McHenry, McKeen, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Nash, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Parent, Paul, Pfeiffer, Pineau, Poulin, Pouliot, Powers, Rand, Richards, Richardson, Ricker, Rotondi, Ruhlman, Rydell, Saint Onge, Salisbury, Sheltra, Simonds, Simpson, Skoglund,

Stevens, A.; Stevens, P.; Stevenson, Swazey, Tammaro, Tardy, Townsend, Tracy, Treat, Vigue, Waterman, Wentworth, The Speaker.

NAY - Aikman, Ault, Bailey, H.; Barth, Bennett, Boutilier, Bowers, Carleton, DiPietro, Donnelly, Duplessis, Farnum, Foss, Garland, Hanley, Heino, Kontos, Lebowitz, Libby, Lipman, Look, Lord, MacBride, Marsano, Marsh, Merrill, Murphy, Norton, Ott, Pendexter, Pendleton, Pines, Plourde, Reed, G.; Reed, W.; Savage, Small, Spear, Strout, Tupper, Whitcomb.

ABSENT - Bailey, R.; Butland, Gurney, Heeschen, Kutasi.

Yes, 105; No, 41; Absent, 5; Paired, 0; Excused, 0.

105 having voted in the affirmative and 41 in the negative with 5 being absent, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

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

Resolve, to Provide Additional Funding and an Extension of Time to Allow Phase 2 of the New Capitol Area Master Plan to Be Completed (EMERGENCY) (S.P. 507) (L.D. 1345) (C. "A" S-239)
 TABLED - June 11, 1991 (Till Later Today) by Representative GWADOSKY of Fairfield.
 PENDING - Final Passage.

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

TABLED AND TODAY ASSIGNED

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

Resolve, to Allow the Department of Marine Resources to Convey Land (S.P. 691) (L.D. 1837)
 - In House, Bill and Papers Indefinitely Postponed on June 11, 1991.
 - In Senate, that Body Insisted on its former action whereby the Resolve was Passed to be Engrossed as amended by Committee Amendment "A" (S-291).
 TABLED - June 11, 1991 by Representative KILKELLY of Wiscasset.
 PENDING - Motion of Representative HEINO of Boothbay to Recede and Concur.

On motion of Representative Gwadosky of Fairfield, retabled pending the motion of Representative Heino of Boothbay that the House recede and concur and later today assigned.

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

HOUSE DIVIDED REPORT - Majority (8) "Ought to Pass" pursuant to Joint Order H.P. 1348 - Minority (5) "Ought Not to Pass" - Committee on Banking and Insurance 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)

TABLED - June 11, 1991 by Representative MITCHELL of Vassalboro.

PENDING - Motion of same Representative that the House accept the Majority "Ought to Pass" Report.

On motion of Representative Mitchell of Vassalboro, retabled pending her motion that the House accept the Majority "Ought to Pass" Report and later today assigned.

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

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "B" (H-655) on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for the Recall of State Elective Officials (H.P. 1202) (L.D. 1758)

Signed:

Senator: BERUBE of Androscoggin

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

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

Signed:

Senator: EMERSON of Penobscot

Representatives: NASH of Camden
LOOK of Jonesboro
SAVAGE of Union

Reports were read.

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

Representative Whitcomb of Waldo requested a roll call vote.

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

Representative LEMKE: Mr. Speaker, Men and Women of the House: I urge you to affirm your votes of last week and support this measure.

I am having passed out at this time something that some of you may have already seen in the newspapers. During my research on this item, I learned that there were two sides of daunting parallels. One is the first time that Recall was brought up in the state legislature was in 1911 and, at that time, it was brought up by the Democratic

Representative from Westbrook. It did not pass. It was put in the legislative graveyard.

Yesterday, the good Representative from Jonesboro pointed out in now opposing this measure that, although she thought it was pretty good, to vote for it now would be a knee-jerk response. Ladies and gentlemen, this will be an 80-year long knee-jerk response if you vote for this bill.

I also learned that in 1921 one of the first people to be Recalled was the Attorney General of North Dakota whose name was William Lemke. I also found that somewhat daunting but not completely.

If this recall amendment had been in effect in North Dakota in 1921, that particular William Lemke would not have been Recalled because the state of North Dakota allows Recall for any particular reason across-the-board. The Recall Amendment that is now being proposed limits Recall to specific reasons and there are strong safeguards in this bill.

I am not going to revisit it and go all over it again unless you so desire. I would simply stress that this is a fair, practical, moderate measure that allows an element of accountability. If you will, it puts ultimate power where it always should be, with the people.

Having said that, there is an amendment to this bill. It was reconsidered in State and Local Government and the aim was to address concerns about things like time frames. What would be the time frame for the circulation of a petition of Recall, what would be the time frame for calling an election, what would be the time frame when an election could or could not be called. Language has been introduced so that that could also be covered. That is to meet concerns, apparently, about this bill. I say apparently, ladies and gentlemen, because the opposition to this bill to this date has sort of been a stealth or phantom opposition. It is opposed but you never know exactly why.

Last week when the measure was first brought up, the good gentleman from Waldo debated impeachment but he didn't talk directly about this Recall bill. So, I am not sure publicly if he is against it or not. We talked about impeachment but not Recall.

The next day the good gentlewoman from Bath proposed a sincere amendment to the bill but she did not attack or criticize the bill itself.

This weekend in the Bangor Daily News, there was further edification on the opposition to this bill. A quotation from the good Representative from Waldo, (quoting from the Bangor Daily News, June 8-9) where he stated, "Most Republicans are not going to support Lemke's Recall Bill because they see it as "a continuation of an attack we had earlier against Governor McKernan."

As I stated earlier, and I repeat, this bill is not aimed particularly at the Governor. If you will, it is aimed at all of us, members of the legislature, county officials and state constitutional officers. When I talk like that I feel like the ghost of Christmas future - I don't mean that.

The good gentleman from Waldo then goes on to say, "This bill, at another time, might have had a better chance." So, I am assuming that he likes the bill but he doesn't think the particular time is appropriate. I really would like to be informed what particular time he might think is appropriate. I am not sure what year, 1992, '93, '94 and potentially '95, I am not sure.

Then to come closer in the history of this

particular bill, the good gentleman from Waldo and I had a discussion a couple of days ago that I am sure he will confirm in which I stated to him that I was concerned about the concerns that he apparently had with the bill and that I was most willing to discuss with him or with the Republican caucus or with the Governor's Office whatever those particular concerns might be in order to work out whatever amendments or changes in the language were necessary.

The next day when this bill was recommitted to State and Local Government, no one appeared from the Governor's Office or anywhere else to state particularly what the concerns were with this bill. There was a change in the vote of the State and Local Government Committee which previously voted unanimously for this bill but, as you can see, that changed. Again, no particular reason was stated.

All of this is leading up to, if you are wondering — Mr. Speaker, I would like to address a question to the Representative from Waldo.

Would the good gentleman confirm our conversation? I do trust and I do believe that he was very sincere at the time that we tried to address whatever problems he might have with this bill — could he clarify precisely why that apparently was not followed up and what the precise objections to this particular bill are?

The SPEAKER: Representative Lemke of Westbrook has posed a question through the Chair to Representative Whitcomb of Waldo who may respond if he so desires.

The Chair recognizes that Representative.

Representative WHITCOMB: Mr. Speaker, my apologies to the maker of the question, I was speaking on the phone with the Clerk through part of that question. I missed a portion of what the Representative was asking, I know parts of it were concerning our previous conversation but could you please restate the question for me?

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

Representative LEMKE: Mr. Speaker, I would be glad to restate the question. I can understand if you didn't follow it because I was too long. This happens with history professors and I will try to keep it shorter and more to the point.

I would just like you to confirm, and I am sure you will, the conversation that we had, the subject of that conversation and I would just like it clarified why that was not followed up or what reason there was that was not followed up and what the particular problems with this bill are?

The SPEAKER: Representative Lemke of Westbrook has restated his question through the Chair to Representative Whitcomb of Waldo who may respond if he so desires.

The Chair recognizes that Representative.

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: I heard the beginning and the recap of the questions of the good Representative from Westbrook.

He also quoted an article that I, believe it or not, was a fairly accurate summation of some comments I made to a reporter from the Bangor Daily. I have attempted to deal with this piece of legislation in a sincere, straightforward manner. Unfortunately, a conversation in which I suggested that I could be a part of a further discussion and communications on the issue, I was not able to follow up with because of another matter that got in my personal way

yesterday.

I think the basis of your question is, what is wrong with this bill at this time? To be very sincere, there are a number of items that I have in my mind that other people in my caucus have brought to my attention that I personally, as well as others, have not had enough time to dwell upon.

The concern that I personally have is that we are embarking upon the subject of Recall at a time when all of us in state government are very unpopular, including other aspects of state government, without my own personal knowledge and understanding of the safeguards of this bill. I can understand the comfortableness of someone who has your research background and capabilities as a professor but I am not that comfortable with this piece of legislation.

We are now in the final hours of a session making some decisions, some right, some wrong perhaps, of monumental magnitude on issues like a budget that is monumental in its scope and the aspect of its changes and we have now before us — and until you and I began to talk and until this issue came before us, I was not even aware that we were dealing with the subject of Recall. Through your debate and through discussions we have had privately and with others, I, yes, have come to understand some differences between impeachment and Recall. I do not yet thoroughly understand all the differences.

In my personal uneasiness (and that of others that I have talked to in our caucus) with this bill, it is a subject of significant change that I am not ready yet to endorse. Around the fringes of that are the rather widespread and derogatory remarks about certain members of our party as this session began. I think that is the basis of the comments that were quoted in the Bangor Daily.

Again, I sincerely say as I did in that article, another time, a better opportunity for this legislator to understand the bill, might in fact even solicit my support and endorsement, but not now.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative Hepburn.

Representative HEPBURN: Mr. Speaker, Ladies and Gentlemen of the House: I have a little experience with a Recall situation. When I first got out of school, I moved to Seattle, Washington for a short time. I was attempting to gain employment in the Merchant Marines at the Union Hall. Unfortunately, shipping was slow at the time and I didn't get out right away.

A very interesting political situation developed in the State of Washington at the time, a state senator switched political parties. At that time, it happened to be at that the balance of power in the state of Washington was by one vote, the partisan balance of power. By this individual switching parties, he gave control to the opposite party and they elected a new President of the Senate. It was quite a traumatic experience, particularly for the political parties. The day that that individual switched parties, the Recall process began. It was used as a political weapon by the senator's former party.

Ladies and gentlemen, we don't know the meaning of nasty and derogatory campaigns and we will never understand them until we see a Recall campaign. It brings out the basest political motives in all of us. That senator's sexual preferences were questioned, his income tax filings were poured over and any kind of accusation all of a sudden started to

carry great weight, whether it was true or not. Television spots were produced bringing to light any aspect of his high school career, who he dated, what his business dealings were — ladies and gentlemen, this is not the way we want to go. This is not good government. The price that was paid, the price that the institution paid and the price that a state pays while an individual is being Recalled, particularly a prominent legislator or a statewide official, is very, very powerful indeed. It is an expensive process, it paralyzes government and it is not worth it. If an individual has truly committed serious offenses, then they can be impeached and we have that provision before us now.

Take my advice, you don't want to go through what a lot of western states go through from time to time, those states that have Recall. I implore you not to go down this road because it is a road that leads to a very bad place.

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

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I, for one, can tell you that what the former Representative alluded to — I, as a citizen, a person who would have voted for that person who switched parties, I assure you I would love to be able to vote again. I would love to be able to boot the person out of office. I would because I would feel betrayed as a citizen.

What we are saying here is, no, you shouldn't, you should wait another two years or four years or whatever the terms are in Washington. Well, I don't believe so, I believe that the citizens of Maine deserve to be represented. I have no fear, if they want to Recall me, great, fine. You people know I say what I feel and I mean what I say. If my citizens that I represent want to Recall me, it is their right and I will not be voting red. I am not afraid of Recall. If you are voting red I, think you have a fear for Recall. Why? I don't know.

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 Jonesboro, Representative Look.

Representative LOOK: Mr. Speaker, Ladies and Gentlemen of the House: You have heard that I did change my mind. I guess we all have to accept that some of us feel that we have the right to do that.

This is a very serious issue. When Mr. Lemke came before the State and Local Government Committee and gave his rationale for proposing this venture, I remembered back several years ago when in Washington County we had a specific problem which truly was an embarrassment to every citizen in the county. At that time, I was approached and asked, is there a provision for Recall? We did look at this, we thought about it and then we realized that, as serious as it was and the effects that it was having on the county, the provisions of Recall were really not exactly what we wanted to pursue. We did need some provision but that was not it.

Again when Mr. Lemke came, I looked at the situation and realized that that has really not been

resolved there and problems are still of a serious nature. However, that is not the way we need to do it.

Over the years, the ballot box has served its purpose. It takes time, but it does take care of the situation.

I still feel that perhaps something ought to be done as far as being able to address these issues but I am still convinced that it is the ballot box.

I do hesitate to simply pass through every proposed legislation even if the issues involved merit attention.

We need to make sure that we are comfortable proposing a change in the basic fabric of our state government because that is what our Constitution is. It is the basic fundamental law of this state. That doesn't mean we shouldn't amend it, but it does mean we should amend it only after careful consideration and debate.

There are some amendments before us that I intend to support. There are some amendments that I intend to disagree with. For some amendments, the time has come, but we should not amend wholesale or in haste. This legislature has considered 15 amendments. In the past when the legislature has considered amending the constitution in such a wholesale fashion, a special commission was selected to consider all the details and ramifications. In 1875, the first special commission proposed 17 amendments, nine of which were adopted by the next legislature and five of which have since been adopted. The second special commission met over a period of three years from 1961 until 1963 before coming out with only 16 recommendations and 9 of these recommendations were eventually adopted.

My point in raising this history is to relate how seriously amendments have been taken in the past and how we should look at this proposal now. If this proposal has merit, let us give it some time, think about it and perhaps in the future, we will all feel comfortable making it a part of our fundamental law. For right now, I, for one, simply cannot rush to support this proposal. I ask each of you to search your minds and give your serious consideration on this issue.

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

Representative LEMKE: Mr. Speaker, Men and Women of the House: I would simply point out two facts as far as discussion of this issue is concerned. Number one, there were several opportunities (most notably yesterday) to discuss this and raise the questions which now are raised on the floor and those opportunities were not taken.

Secondly and more importantly, if we support this, then it goes of course to the public in referendum and there will be full and adequate time to discuss all the ramifications of this particular amendment. I have full faith in the public that they will make their decision up or down on this issue. Quite frankly, I think they also have a right to have a voice and a say on this particular issue.

Several points were raised and I don't want to keep you but I will a few minutes. First of all, the good Representative from Skowhegan raised precisely examples of the type of thing which this bill is crafted to prevent. In some states it is true that you can, for any particular political reason, initiate Recall. This bill is drafted to limit the reasons through malfeasance, misfeasance and

violation of oath in office. There are a number of other safeguards in this bill to prevent its abuse.

I think you have to balance the chance in everything in life some particular abuse against the overall good. I sincerely believe (we are all using the word sincerely so much we are going to get sick on it) that the public, ultimately, can be trusted, should be trusted in a democracy to make decisions of this nature. The questions that have been raised, however sincere, again do not really address this bill.

Since 1908, only one Governor and seven legislators in all the state legislatures since that point, have been successfully Recalled. So, I think the nightmare that has been conjured up by the good Representatives who spoke is not really a reality based upon the historical record.

Once again, respectfully, I ask you to support this bill. I don't believe anybody in this room has anything to fear from this bill. I am not worried. I gave you the history of William Lemke on this. I will take my chances. This bill is applicable to the Governor, yes, but it is applicable anywhere in the State of Maine to any of us except on the municipal level. Some examples were given there, that is not in this bill as well. So, I respectfully ask you to support this bill and give the people of the State of Maine a chance to, ultimately, vote on it.

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

Representative SMALL: Mr. Speaker, Men and Women of the House: I am only speaking because I heard my name used when I was down at the snack bar getting a diet coke and I wanted to respond to Representative Lemke's remarks that I had nothing against this bill when I tried to amend it. That is true, I could go along with this Recall procedure for legislators and the Governor. Frankly, I think there have been times when the Recall could have and should have been used with some of the legislative members. However, I still have the problem which I attempted to amend that the Constitutional Officers are treated differently and because of that difference, I will not be voting for the bill. If on second reading, the bill is amended to take care of the problem that I raised earlier, then I will vote for this legislation.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative Hepburn.

Representative HEPBURN: Mr. Speaker, I would pose a question through the Chair. Could someone tell me what they think malfeasance means?

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

The Chair recognizes the Representative from Westbrook, Representative Lemke.

Representative LEMKE: Mr. Speaker, Men and Women of the House: Malfeasance in non-legal terminology — and I do have the legal terminology here, but in non-legal terminology, malfeasance would mean the performance of an unlawful act in office.

Misfeasance would mean the incompetent performance of a lawful act, the performance of it in such a way to prejudice what the duty should be under the state. Violation of oath in office, I think, is self-explanatory but that is the willful disregard of a duty imposed by the state constitution. I can get the legal language, I have checked it, it is put in statute in every state, once this is enacted. I hope that answers the question of the gentleman from

Skowhegan.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative Joseph of Waterville that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 158

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

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

ABSENT - Bailey, R.; Butland, Gurney, Heeschen, Hichens, Kutasi, Parent.

Yes, 93; No, 51; Absent, 7; Paired, 0; Excused, 0.

93 having voted in the affirmative and 51 in the negative with 7 absent, the Majority "Ought to Pass" Report was accepted, the Resolution read once.

Committee Amendment "B" (H-655) was read by the Clerk and adopted.

Under suspension of the rules, the Resolution was read a second time, passed to be engrossed as amended by Committee Amendment "B" (H-655) and sent up for concurrence.

ENACTOR

Bond Issue

(Failed of Enactment)

An Act Authorizing a Bond Issue in the Amount of \$7,500,000 for the Purposes of Job Retention and Creation in Maine's Natural Resource and Other Industries (H.P. 1324) (L.D. 1916) (C. "A" H-613)

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 Chair recognizes the Representative from Portland, Representative Richardson.

Representative RICHARDSON: Mr. Speaker, I would like to pose a question. May I ask whether the administering agency for this is DCD or FAME?

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

The Chair recognizes the Representative from Gray, Representative Carroll.

Representative CARROLL: Mr. Speaker, Men and Women of the House: FAME.

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

Representative RICHARDSON: Mr. Speaker, I would pose an additional question. In what I take to be the enabling language for this legislation, there appears this paragraph, Paragraph B, "The Authority" (which I take now to be FAME) "must determine that the borrowers are for a profit or non-profit commercial entity that it is credit worthy and likely to repay the loan." Then appears this sentence, "If the Authority determines that the proposed borrower is not credit worthy or not likely to be able to repay the loan, the municipality may either co-sign the loan or borrow the money directly and re-lend the proceeds to the business assuming the obligation to repay the loan to the Authority."

My question is, if FAME must determine creditworthiness before it makes a loan, why should those standards not also apply to other municipalities in the State of Maine?

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

The Chair recognizes the Representative from Rockland, Representative Melendy.

Representative MELENDY: Mr. Speaker, Ladies and Gentlemen of the House: I apologize, I was involved in another issue on another bill that is controversial coming out of our committee and I did not hear the question. I apologize.

This particular bill in front of you is the Governor's bill that went before Appropriations; however, our committee heard the language.

The response to Representative Richardson is what he was told before and apparently needed to have clarified and that is, when FAME makes loans, yes, they have to have all the backing that they need in order to present a loan. This bill merely deals with language, permissive language, for communities who find that there are businesses that they would like to have happen in their community and they know the people that are running the business and they are willing to take that risk because they know these people more personally than FAME would know them so it is just permissive language. I would doubt very much if any of your communities are just going to make a loan for the sake of making a loan. I think they act a lot more responsibly than that and they are there on the local level where people are

watching them closely.

The SPEAKER: 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. 159

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

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

ABSENT - Bailey, R.; Butland, Gurney, Heesch, Kutasi.

Yes, 94; No, 52; Absent, 5; Paired, 0; Excused, 0.

94 having voted in the affirmative and 52 in the negative with 5 absent, the Bond Issue failed of enactment. Sent up for concurrence.

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

PASSED TO BE ENACTED

Bond Issue

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 (S.P. 700) (L.D. 1870) (C. "A" S-342)

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

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

Representative MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will look upon this bond as a non-partisan issue. It is the Highway

Bond for the sum of \$27.5 million, we receive from the federal government over \$100 million. It is one of the main cogs in the Highway Investment Program. The Highway Investment Program treats Republicans and Democrats the same.

I hope you will support the bond.

I request a roll call, Mr. Speaker.

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. 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. 160

YEA - Adams, Aikman, Aliberti, Anderson, Anthony, Ault, Bailey, H.; Barth, Bell, Bennett, Boutilier, Bowers, Cahill, M.; Carleton, Carroll, D.; Carroll, J.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Donnelly, Dore, Duffy, Duplessis, Dutremble, L.; Erwin, Farnsworth, Farnum, Farren, Foss, Garland, Gean, Goodridge, Gould, R. A.; Graham, Gray, Greenlaw, Gwadosky, Hale, Handy, Hanley, Hastings, Heino, Hepburn, Hichborn, Hogle, Holt, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketover, Ketterer, Kilkeilly, Kontos, LaPointe, Larrivee, Lawrence, Lebowitz, Lemke, Libby, Lipman, Look, Lord, MacBride, Macomber, Mahany, Manning, Marsano, Marsh, Martin, H.; Mayo, McHenry, McKeen, Melendy, Merrill, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nash, Norton, Nutting, O'Dea, O'Gara, Oliver, Ott, Paradis, J.; Paradis, P.; Parent, Paul, Pendexter, Pendleton, Pfeiffer, Pineau, Pines, Plourde, Poulin, Pouliot, Powers, Rand, Reed, G.; Reed, W.; Richards, Richardson, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Salisbury, Savage, Sheltra, Simonds, Simpson, Skoglund, Small, Spear, Stevens, A.; Stevens, P.; Stevenson, Strout, Swazey, Tamaro, Tardy, Townsend, Tracy, Treat, Tupper, Vigue, Waterman, Wentworth, Whitcomb, The Speaker.

ABSENT - Bailey, R.; Butland, Gurney, Heesch, Hichens, Kutasi, Luther, Nadeau.

Yes, 143; No, 0; Absent, 8; Paired, 0; Excused, 0.

143 having voted in the affirmative and none in the negative with 8 being 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 to Amend the Exemption of Certain Divisions from the Definition of Subdivision (H.P. 407) (L.D. 590) (H. "A" H-612 to C. "A" H-257)

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

ENACTOR

Emergency Measure

(Later Today Assigned)

An Act to Increase Fees for Licenses Issued by the Department of Marine Resources (H.P. 1148) (L.D. 1673) (H. "A" H-626 to C. "A" H-567)

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

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

PASSED TO BE ENACTED

Emergency Measure

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) (S. "A" S-339 to C. "A" H-583)

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. 133 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 Provide Due Process To Participants in the Driver Education Evaluation Program (S.P. 614) (L.D. 1618) (H. "A" H-634 to C. "A" S-263)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 132 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 Correct Errors and Inconsistencies in the Laws of Maine (S.P. 735) (L.D. 1926) (C. "A" S-328; H. "A" H-635)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 116 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act to Improve Grading and Inspection of Maine Sardines (H.P. 552) (L.D. 789) (S. "A" S-333 to C. "A" H-584)

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

ENACTOR

Emergency Measure

(Later Today Assigned)

An Act to Amend Certain Laws Affecting the Department of Environmental Protection (H.P. 1083) (L.D. 1577) (C. "A" H-630)

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

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Amend Maine's Underground Oil Storage Laws (H.P. 1258) (L.D. 1826) (C. "A" H-629)

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

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

Representative BOUTILIER: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair, please. I would pose a question to anyone on the committee or anyone who could answer.

I was trying to find the amendment to read this.

My question is, would this bill in any way, shape or form change the time table for removal of oil storage tanks in this state?

The SPEAKER: Representative Boutilier of Lewiston 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 Jacques.

Representative JACQUES: Mr. Speaker, Men and Women of the House: I don't remember.

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

Representative COLES: Mr. Speaker, Men and Women of the House: The answer is no.

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Authorize Municipal Guarantees of Council of Government Obligations (S.P. 660) (L.D. 1736) (S. "A" S-340 to C. "A" S-269)

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

PASSED TO BE ENACTED

An Act Relating to Sheriff's Fees for Civil Orders of Arrest (S.P. 584) (L.D. 1537) (C. "A" S-345)

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

PASSED TO BE ENACTED

An Act to Protect the Public from Unsafe Industrial and Commercial Facilities (H.P. 258) (L.D. 349) (C. "A" H-590)

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

Representative Hastings of Fryeburg requested a Division.

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

A vote of the House was taken.

80 having voted in the affirmative and 35 in the

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

ENACTOR

(Later Today Assigned)

An Act to Permit Off-track Betting (H.P. 665) (L.D. 944) (H. "A" H-596 to C. "A" H-541)

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

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

PASSED TO BE ENACTED

An Act Concerning Extension of the Notice of Claim Period and Inclusion of Affirmative Defense Consideration in Medical Malpractice Proceedings (H.P. 943) (L.D. 1365) (C. "B" H-587)

An Act to Remove Certain Investment Restrictions Concerning Namibia (H.P. 1344) (L.D. 1941)

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

PASSED TO BE ENACTED

An Act to Amend the Laws Concerning Solicitation by Law Enforcement Officers (S.P. 634) (L.D. 1682) (H. "A" H-636 to C. "A" S-288)

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

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

Representative HANDY: Mr. Speaker, Members of the House: Back in January I presented a bill to the Legal Affairs Committee entitled "An Act to Promote Community Involvement in Law Enforcement Activities and to Provide Property Tax Relief." Today, I would hope you would oppose the enactment of this bill that you have before you as it goes against what I had proposed, not so much because I had proposed it but because my bill, I believe, would have been one small step that we as a legislature could take in helping towns cope with the ever pressing burden of property taxes. This would allow police officers to solicit for flak jackets and other needs of their police departments.

I would hope you would oppose the enactment of this bill which would prohibit that kind of solicitation to help our communities.

Mr. Speaker, I request the yeas and nays.

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

Representative DAGGETT: Mr. Speaker, Members of the House: I know that many of you have been

concerned about this bill because of your concern about solicitation of law enforcement officers.

In committee, I supported no bill because I was not comfortable with the bill that in fact is before you right now. I understand there are some people who do not want to see law enforcement officers soliciting because they do feel that it can be inherently coercive.

I would like to remind you that under this bill, I believe the law enforcement officers can still solicit albeit for charitable purposes but under circumstances which I would consider to be the most inherently coercive and that is on a one-to-one basis. I would maintain that whether or not you are soliciting for tangible items for your agency or for your own charity, the implication of coercion comes out of public and when it is on a one-to-one basis that would be allowed under this bill.

So, I would urge you to oppose the enactment. I think circumstances that would not be coercive, regardless of whether you are soliciting for your charity or whether you are soliciting for something for your organization, would require some language that would indicate that law enforcement officers could solicit only for example, civic organizations or groups. Then they would have to go through the similar process of whatever that organization had when they supported something. For example, if a police department wished to approach a local Kiwanis or Rotary for flak jackets for their officers which was an item that might have been turned down in a budget, I wouldn't consider that inherently coercive the way I would consider an officer or a person approaching a business person individually at his place of business. I think this bill does not address the individual solicitation. It would still allow law enforcement organizations to hire a fund raising organization. I think the only example that was given to us in committee of coercion or perhaps coercion was where a professional fund raiser that had called an elected official.

So, I would urge you to vote against enactment and perhaps, if this bill would eventually be in non-concurrence, we could work out some language that would be acceptable to all parties.

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

Representative LAWRENCE: Mr. Speaker, Men and Women of the House: I would urge you to stick with our previous vote and to enact this bill so we have some prohibition on solicitation. Just to get in the frame of mind of what happens if we don't enact this bill, there are no restrictions whatsoever in the State of Maine that are enforceable to prevent any law enforcement officer from soliciting in any manner.

This bill is a reasonable bill, it allows officers (on their own time) or anyone on their own time to participate in charitable events. They can volunteer for the Special Olympics, they can do anything but they can't go out and solicit for the benefit of a law enforcement officer or a law enforcement agency.

I hope you will stick with your vote to enact this legislation.

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. 161

YEA - Adams, Anthony, Bell, Boutilier, Bowers, Carleton, Carroll, J.; Cashman, Cathcart, Chonko, Coles, Constantine, Duffy, Farnsworth, Farnum, Foss, Garland, Gean, Goodridge, Gould, R. A.; Graham, Gray, Hale, Hanley, Hastings, Hepburn, Hoglund, Holt, Jacques, Jalbert, LaPointe, Lawrence, Lebowitz, Lemke, Lord, Luther, Macomber, Manning, Marsano, Marsh, Mayo, McHenry, McKeen, Mitchell, E.; Mitchell, J.; Nadeau, Nash, Ott, Paradis, J.; Paul, Pineau, Pines, Plourde, Pouliot, Rand, Reed, G.; Reed, W.; Richards, Richardson, Ricker, Rydell, Salisbury, Savage, Sheltra, Simonds, Simpson, Skoglund, Small, Stevens, P.; Swazey, Tracy, Treat, Vigue, Waterman, Wentworth, The Speaker.

NAY - Aikman, Aliberti, Anderson, Ault, Bennett, Cahill, M.; Carroll, D.; Clark, H.; Clark, M.; Cote, Crowley, Daggett, Donnelly, Duplessis, Dutremble, L.; Erwin, Farren, Greenlaw, Gwadosky, Handy, Heino, Hichborn, Hichens, Hussey, Joseph, Kerr, Ketterer, Kilkelly, Kontos, Larrivee, Libby, Lipman, Look, MacBride, Mahany, Martin, H.; Melendy, Merrill, Michaud, Morrison, Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, P.; Parent, Pendexter, Pendleton, Pfeiffer, Poulin, Powers, Rotondi, Saint Onge, Stevens, A.; Stevenson, Strout, Tamaro, Tardy, Townsend, Tupper, Whitcomb.

ABSENT - Bailey, H.; Bailey, R.; Barth, Butland, DiPietro, Dore, Gurney, Heeschen, Ketover, Kutasi, Murphy, Ruhlin, Spear.

Yes, 76; No, 62; Absent, 13; Paired, 0; Excused, 0.

76 having voted in the affirmative and 62 in the negative with 13 absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Protect the Public Health by Strengthening Maine's Radiation Protection Program (H.P. 557) (L.D. 800) (C. "B" H-631)

An Act to Continue the Dislocated Worker Benefit Program (S.P. 366) (L.D. 968) (C. "A" S-228; S. "A" S-341)

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

ENACTOR

(Reconsidered)

An Act to Amend the Unfair Trade Practices Act to Allow Consumers to Recover Damages (H.P. 1057) (L.D. 1546) (H. "A" H-637 to C. "A" H-447)

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

On motion of Representative Sheltra of Biddeford, the House reconsidered its action whereby L.D. 1546 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-663) and moved its adoption.

House Amendment "A" (H-663) was read by the Clerk and 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 and House Amendment "A" (H-663) in non-concurrence and sent up for concurrence.

PASSED TO BE ENACTED

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

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.

FINALLY PASSED

Resolve, Authorizing the Transfer of a Portion of Allagash Public Lot 1 to the Town of Allagash (S.P. 747) (L.D. 1943) (H. "A" H-633)

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

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

SENATE PAPERS

Unanimous Ought Not To Pass

Report of the Committee on State and Local Government reporting "Ought Not to Pass" on Resolve, Establishing a Commission to Study the State of Maine Manual of Policy and Procedures for Maine State Employees Combined Charitable Appeal (EMERGENCY) (S.P. 661) (L.D. 1737)

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

CONSENT CALENDAR

First Day

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

(S.P. 491) (L.D. 1329) Bill "An Act Concerning

Salary Provisions for Automotive Industry Personnel" Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (S-354)

(H.P. 1340) (L.D. 1932) Bill "An Act to Correct a Conflict in the Law Relating to Sentencing Considerations and Appellate Review" (EMERGENCY) Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-662)

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

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Promote Long-term Economic Development" (EMERGENCY) (H.P. 1321) (L.D. 1912) (C. "A" H-657)

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

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

BILL HELD

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 (BOND ISSUE) (H.P. 435) (L.D. 618) (C. "A" H-600)
- In House, Failed of Passage to be Enacted.
HELD at the Request of Representative MELENDY of Rockland.

Representative Melendy of Rockland moved that the House reconsider its action whereby L.D. 618 failed of enactment.

On further motion of the same Representative, tabled pending her motion that the House reconsider its action whereby L.D. 618 failed of enactment and later today assigned.

The Chair laid before the House the following matter: Majority Report of the Committee on Legal Affairs reporting "Ought Not to Pass" on Bill "An Act Concerning the Regulation of Electronic Video Credit Machines by the State Police" (S.P. 423) (L.D. 1135) and Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (S-351) on same Bill - Came from the Senate with the Minority "Ought to Pass" as amended Report read and accepted and the Bill passed to be

engrossed as amended by Committee Amendment "A" (S-351) which was tabled earlier in the day and later today assigned pending adoption of Committee Amendment "A" (S-351).

Representative Lawrence of Kittery offered House Amendment "A" (H-665) to Committee Amendment "A" (S-351) and moved its adoption.

House Amendment "A" (H-665) to Committee Amendment "A" (S-351) was read by the Clerk.

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

Representative GWADOSKY: Mr. Speaker, Men and Women of the House: I wonder if the Representative from Kittery, Representative Lawrence, would be so kind to explain to the members of the House the purpose of House Amendment "A?"

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

The Chair recognizes that Representative.

Representative LAWRENCE: Mr. Speaker, Men and Women of the House: I would be happy to explain it to the good Representative from Fairfield. I am sure as soon as he sees the wisdom of the amendment, he will gladly support it.

The Representative from Lewiston, Representative Aliberti, raised some questions about what the public opinion on this issue was and he talked about his questionnaire that came back overwhelmingly opposed to it. He talked about the study by Pan-Atlantic, which incidentally was the group hired by the people supporting the video slot machines to do a study. He pointed out that about 28 percent were in favor of it and 25 percent were opposed to it and the rest were undecided.

What this amendment does is it puts the issue of video slot machines in this state out again to be decided by the voters. They have already decided it once back about a decade ago. They opposed video slot machines, this puts the entire issue of video slot machines back out to the voters for them to decide.

I hope you will support the amendment.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I have seen referendums that were worded such a way — one example was the nuclear referendum, you have to vote "yes" to say "no."

Read what this says — "should video gambling machines which operate much like slot machines" — that might just as well kill it. Everybody will say "What? We are not going to vote for slot machines."

I have got to give credit to whoever worded this referendum, "should video gaming machines which operate much like slot machines be legalized in Maine?" You might as well not have the referendum when people hear about slot machines. It is just like saying vote for John Jalbert, (that crook).

I move that the amendment be indefinitely postponed.

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

Representative LAWRENCE: Mr. Speaker, Men and Women of the House: I appreciate the comments of the Representative from Lisbon. Why I think the good Representative from Fairfield is going to support

this is because it was drafted by his staff. This is the exact same question they gave us to put on our questionnaires to send out to our constituents, except I changed the word from video "poker" machines to video "gaming" machines because I thought it was more fair to the people who are supporting the bill.

I have no problem with the public deciding. These are slot machines, they operate just like slot machines, the technology is just a little different.

If the Representative from Lisbon perhaps has different wording he wants to suggest to the referendum, I would be happy to consider that wording and refer it out to the voters.

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

Representative LUTHER: Mr. Speaker, Men and Women of the House: I urge you to support the amendment.

About 20 years ago, we had our first vote on whether or not to have legalized gambling in this state for a legalized lottery. The promise was that it would not open the door to more gambling. The way it got through was that it was earmarked for education, that is the only way it got through. About two years later, that dedication was taken off and now we have all sorts of gambling.

This is just like slot machines and the people should be able to decide it.

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

Representative JALBERT: Mr. Speaker, Men and Women of the House: I would like to give the kind lady from Mexico credit, she is much younger than I am, she doesn't remember the days of the slot machines. There are many people my age and older that the mere word slot machine is going to turn them off.

Again, I say we are arguing right now the amendment, period. This was passed this morning by almost a two to one margin. If we turn around and use this kind of language — I was very quiet this morning, I just let it ride — but this I don't particularly care for.

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

Representative ANTHONY: Mr. Speaker, Men and Women of the House: I just wanted to say briefly I did support the bill this morning but I am also supporting this amendment. I think it makes good sense giving this to the voters.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative Jalbert of Lisbon that House Amendment "A" (H-665) to Committee Amendment "A" (S-351) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

70 having voted in the affirmative and 43 in the negative, the motion to indefinitely postpone did prevail.

Subsequently, Committee Amendment "A" (S-351) 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-351) in concurrence.

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 to Amend Certain Laws Affecting the Department of Environmental Protection (H.P. 1083) (L.D. 1577) (C. "A" H-630) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Jacques of Waterville, the House reconsidered its action whereby L.D. 1577 was passed to be engrossed.

On motion of the same Representative, the House reconsidered its action whereby Committee Amendment "A" (H-630) was adopted.

The same Representative offered House Amendment "A" (H-666) to Committee Amendment "A" (H-630) and moved its adoption.

House Amendment "A" (H-666) to Committee Amendment "A" (H-630) was read by the Clerk and adopted.

Committee Amendment "A" (H-630) and amended by House Amendment "A" (H-666) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-630) and amended by House Amendment "A" (H-666) thereto in non-concurrence and sent up for concurrence.

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

ENACTOR

Emergency Measure

(Later Today Assigned)

An Act to Annex the Town of Richmond to Lincoln County (S.P. 683) (L.D. 1811) (C. "A" S-280; H. "A" H-549 and S. "A" S-346)

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 Allow the Department of Environmental Protection to Process an Application by Ivan Davis to Rebuild a Dam on the St. George River (H.P. 1329)

By unanimous consent, all matters having been

(L.D. 1920) (C. "A" H-643)

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

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

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

Would it be possible to have the sponsor of this bill explain its purpose?

The SPEAKER: Representative O'Dea of Orono has posed a question to the sponsor of the legislation who may respond if he so desires.

The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: In response to the question, this piece of legislation which was redrafted (I think twice — members of the committee can correct me if I am wrong) allows an application that was in place at the time of the law change to continue. The individual whose name is mentioned in the bill, a 76 year old man who owns a saw mill and a dam site on the St. George River in Liberty, Maine, through no fault of his own or no fault of the legislature, was caught in a situation where his application was rendered unforwardable. This bill allows that application to continue in the processing. It does not guarantee that the application will be accepted or rejected, it just allows the process to continue.

I would be pleased to answer any more questions if you have any further questions. It is a unanimous committee report, after several attempts to improve it in drafting.

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

PASSED TO BE ENACTED

An Act to Promote Work Activities in Correctional Facilities (S.P. 752) (L.D. 1945)

An Act to Establish State Selective Purchasing Standards (H.P. 1174) (L.D. 1715) (C. "A" H-467; S. "B" S-350)

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) (C. "A" S-281)

An Act to Improve Collections of Income Tax Due Upon the Sale of Real Property (H.P. 689) (L.D. 988) (C. "A" H-638)

An Act Establishing Procedures for Notice of Proposed Zoning Changes (H.P. 783) (L.D. 1115) (C. "A" H-644)

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 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 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 (BOND ISSUE) (H.P. 435) (L.D. 618) (C. "A" H-600) which was tabled earlier in the day pending and later today assigned pending the motion of Representative Melendy of Rockland that the House reconsider its action whereby L.D. 618 failed of enactment.

Subsequently, the House voted to reconsider its action whereby L.D. 618 failed of enactment.

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 this body will enact this bond issue this afternoon. It is a very important bond issue. You might not think so for yourself but for your children and your children's children, I think it is very important.

Last night there was a comment made that they had about \$20 million and I double checked again this morning with the State Planning Office and that figure is incorrect. Currently, they have \$7 million of unspent money but it is all earmarked for projects. It is all earmarked for projects, every bit of it.

Land now, since the boom has slowed down quite a bit, is a lot cheaper. I think it is important to get the land now at the prices that they are, which will be a long-term benefit.

I checked at the State Planning Office with the people who run the Land for Maine's Future program and they say that they still get anywhere from 20 to 30 calls a month on properties that the state should buy. Some of the land, as you know those in the Sebago Lake area, the Land for Maine's Future had purchased beach property on Sebago Lake.

The Governor has a \$5 million proposed bond issue. The Representative from Freeport, Representative Mitchell, also put in a bond for \$50 million which we cut down to \$5 million. There are a few legislators from Aroostook County that wanted to purchase some land. Senator Collins also put in a bond issue for \$5 million which was cosponsored by Senator Ludwig, Speaker Martin and Representative Anderson of Woodland. I think these people are looking to the future of Maine.

I hope that this body will support this bond

issue that you have before you. I would encourage those members who put bills in or cosponsored bills to also encourage this body to support this \$5 million bond issue for Land for Maine's Future.

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

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: For those of you who may be interested in a running tally, I think that you should know that this body has already approved, including the education bond, \$74.5 million in bond issues to go on the ballot with the potential to add this one as well as another one that I have heard discussed.

When we went back to our caucus, as I described earlier, this bond was the least palatable to them at a time when people in our state are suffering economically. They thought it was not an appropriate time to be making an investment in buying land. We have made a major investment in the past and this seems to be a clear case that can be deferred until the economy improves.

I urge you to vote against this bond.

I request a roll call.

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

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: I have three questions that I would like to pose. Perhaps the Representative from East Millinocket would be best qualified to answer, but anybody who has the information perhaps can help.

The first aspect of it is, (if anybody recalls) by how much the previous Land for Maine's Future bond issue failed? I personally would like to know if there is a specific amount of money in this proposal that now apparently includes some special mention of Aroostook that has been designated for one county or what is the more recent tie that we hear about to Aroostook County?

The SPEAKER: Representative Whitcomb of Waldo has posed a series of questions 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, Men and Women of the House: I do not know what the amount of the bond issue was that failed last time. That is comparing apples with oranges. I believe that bond issue was much higher than this bond issue, plus it included the Churchill Dam. So, you are competing apples with oranges.

My reference to Aroostook County was to another bill that was put in which was cosponsored by Speaker Martin and Representative Anderson who are both from Aroostook County that required \$5 million for northern Maine. This bill does not require it to all go to northern Maine.

This bond package -- we heard members of the minority party say they would try to keep it low, around \$70 million. Earlier today, this body rejected a \$7.5 million Bond Issue for FAME, so this bill will bring it below the \$70 million mark.

I might remind this body that this bill did come out of committee, unanimous. It was a unanimous report. The committee members felt it was a very good proposal. I hope that this body will go along with that unanimous committee report from the Appropriations Committee.

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

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House: Representative Whitcomb has asked a question, he shall have an answer. Bond question number five on last November's ballot read, "Shall a Bond Issue with the Purchase of Public Lands Provide Access for Maine's People and for Construction to Replace Churchill Dam in the Amount of \$19 Million be Approved?" \$19 million. The result was Yes, 205,454; No, 289,194.

I would concur with the remarks from the Representative from East Millinocket that this is a comparison of apples to oranges.

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

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: Perhaps it is apples and oranges, perhaps it is two different years, but it is the same people or a large portion thereof and it appears from the information from the good Representative from Thomaston that 80,000 more citizens of our state voted against the previous bond issue than voted for it. If my figures are correct, that is the way I understood it. That is a significant percentage of the voters.

This Representative sponsored portions of the last Land for Maine's Future collection of bond issue items. I think before we were done, we had tacked together four different items.

Again, as you and I circulated last Fall, attempting to collect enough votes for ourselves to be returned or be elected to this body, one of the most difficult aspects of that issue at that time was the designation of one specific item in the bond issue package. It seems to be now in this comparison of apples and oranges that there is again an attempt to pull together support by saying, now we are going to take this issue that was Aroostook County and we are going to tack it onto this bond issue for all the people of Maine. I certainly hope that it is not implied in there that Aroostook County is going to have some kind of favorable designation over any other application. My understanding of the process and I have spent some time with it and in fact have been very involved with some of the applicants in the past and probably will in the future when we again have monies to use the program, is that it is a fair and impartial judgment of the value of the property based on some specific criteria.

So, I would suggest to the good Representative from East Millinocket, when he says that now we have kind of added an Aroostook coalition to this that we have added apples and oranges to this package. There is nothing, if this program continues as it has in the past, that would designate specific parcels in Aroostook County to automatically receive money. If there is, that is a drastic change.

We must go back to what the people said to us before, great program, we were all enthusiastic for it. When this legislation passed, the two political parties were racing against each other in time trying to take credit for it. The Governor had his package, the Democrat party had their package, the Republicans, we had our proposals and we were all quite pleased with ourselves for having put a Land for Maine's Future program together.

I was out there trying to get some agricultural land in on it, which we did. Great program, we all supported it.

Last November the people said, halt, we do not feel that we can afford the money to continue. I

think it is a direct insult to go back again and say, well, let's try it again. For that reasoning, this legislator is opposing the issue as it comes back before us again.

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

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House: I rise to support this bond issue because I think it is important for the future of this state. It is kind of a strange position for me to be in advocating for the passage of a bond issue that the Governor of this state, who is not a member of my party, supports. I don't believe this is a partisan issue but we can turn it into one if we want.

I would call the attention of the House to L.D. 1101 which was sponsored this session by the good Representative from Waldo, Representative Whitcomb. Its title reads, "An Act to Authorize a General Fund Bond Issue in the Amount of \$5,000,000 to Finance the Acquisition of Farm Lands, to Preserve the Land for its Natural Open Space, Ecological and Aesthetic Value."

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

Representative GRAHAM: Mr. Speaker, Men and Women of the House: I was very glad to hear the good Representative from Waldo say that he was successful in getting some farmland set aside under this program in previous years. I wish that I had been as successful in getting some land in Aroostook set aside which is a very large tract and at a very affordable price. However, I have run into a wall in this matter because the land, the further south you go in Maine, is much higher priced and is in much more peril than in northern Maine. If the Representative from Waldo has information to show that Aroostook County has unfairly benefited or had an undue amount of land set aside, I would be pleased to see it. Otherwise, I would suggest that the good Representative put his head back in the sand so we don't have to listen to the noise.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: I am a little confused by the Minority Floor Leader's statement. I still don't understand what he is talking about. If there was a piece of land purchased with the Land for Maine's Future money in Aroostook County that he has a problem with, I would like to know what it is because one of the complaints that we did hear was that most of the money was being spent in southern Maine and not enough in northern Maine and I think that is a legitimate one.

The \$19 million bond issue that failed last year was a combination of a lot of reasons but I think the biggest one was that it was \$19 million. If you look, the people voted out the three largest bond issues on the ballot and passed some of the smaller ones. Now, when that bond issue was put together in Appropriations there were some of us that wanted to do it separately, Land for Maine's Future was separate from the Fish and Wildlife bond issue. We wanted Churchill Dam separate which was \$1 million. The committee was afraid that the Land for Maine's Future bond issue wouldn't pass and the Fish and Wildlife bond issue would so some of the members said, either it went out as one lump sum or it

wouldn't go. That is what happened, it went out as one lump sum.

A lot of people were confused by Churchill Dam. Churchill Dam is not in Aroostook County. Churchill Dam is a dam that helps make the Allagash Wilderness Waterway the Allagash Wilderness Waterway and it is falling apart. Ironically, this summer we will be celebrating the 25th anniversary of the establishment of the Allagash Wilderness Waterway which is a fairly unique piece of real estate in the United States and really sets the ground for other states following suit to protect such areas of waterways.

Clearly, if you don't fix the dam, you are not going to have the Allagash Wilderness Waterway because it will be a trickle most of the time. What the deal was supposed to be was, if we came up with a million, the paper companies who operate in that area would have come up with another million and built a good rugged dam that they could have driven across the top as part of their operations up there to transport wood to their various mills. I thought it was a very reasonable and sound offer on behalf of the paper companies to do that and I think, if the million dollars would have been separate and the people of the state would have understood what it was all about, it would have passed.

I also believe that the Fish and Wildlife bond issue would have passed because that money has all been spent. It has been used primarily for protection of fish and wildlife habitat. I think the reason it failed was not because they are against these particular issues but because it was \$19 million. They looked at the three big ones and they defeated them.

I am still a little confused on what these apples, oranges or potatoes or onions or whatever the case may be here as to what the problem is that has been reiterated by the Minority Floor Leader and I wish he would make it clear so maybe I could understand why I shouldn't vote for this bond issue.

The SPEAKER: The Chair recognizes the Representative from Skowhegan, Representative Hepburn.

Representative HEPBURN: Mr. Speaker, Men and Women of the House: I don't know what went on in the back rooms and who put the deals together to get whose votes on any given bond issue now or at any other time. I don't care on this particular bond. The problem is that we (as a state) are broke! We don't have any money and the people are broke, they don't have any money. There is a recession out there.

Borrowing money now to buy land is a great idea but it makes about as much sense as getting your pink slip at the mill, not having a job, going home and going out and getting a loan to buy a camp. You can't do it, we are not in the financial position to do it. It would be wonderful to do if we could but we can't. That is why I am voting no and I hope you will join me.

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

Representative MARSANO: Mr. Speaker, Men and Women of the House: I am going to vote against this bond issue just as I did before. I just simply want to say it is not a political statement. I had intended to vote against this when I thought this bill was going to pass. It is because of an episode which distresses me about the way the State of Maine is run by some of its bureaucrats. I had intended, since I didn't think this would become a political issue, not to say anything about it.

This spring I had an occasion — I live near a town which has two state parks in it and one of which is where the Penobscot River joins the Penobscot Bay, a beautiful piece of land called Fort Point Park. I had a boy scout leader tell me they were having some difficulty getting permission for his boy scouts to go over there without some kind of exception being made for some rules that the Commission on Parks that controls all these lands does. I couldn't believe that boy scouts in Maine couldn't use Maine parks. That is what I thought we were buying land for, I thought these children, these boy scouts, these good people were our future. I made a call to a person to whom I was directed to and I was told he would talk with this scout leader who was a friend of mine, a fellow small town lawyer. Nothing ever happened. In fact, when I had occasion to talk again with the scout leader, I was told that the parks were going to be run so they would be open and available for summer tourists and that this person didn't like the idea that anybody would have a legislator call about the boy scouts using state parks.

I have only one way to strike back and that is to say this on the floor and say that I think that executives in this state exist to deal with rules in an intelligent fashion and when we talk about Land for Maine's Future and we don't consider boy scouts a part of that future, I think we are making a big mistake. I think if that is the situation in which these bureaucrats find themselves, then probably we have enough land and we don't need any more and that is why I am voting against it. It is a personal vote and a personal statement.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: If the gentleman from Belfast is upset, then the first person I would talk to is the Governor of this state who happens not to be in my party but in his party.

The SPEAKER: The Chair recognizes the Representative from Casco, Representative Simpson.

Representative SIMPSON: Mr. Speaker, Men and Women of the House: Mother nature doesn't appear to be very happy with the tone of the discussion that is going on with this bond issue.

I think it was Henry Thoreau who said "that it was in wilderness that he saw the preservation of the world."

I really hope that the comments that are made about this program which we have in the past worked to see all that is accomplished and that we continue to do that.

There is one fact though that I think has not been said which is that Representative Michaud mentioned how much money was left, \$6 million or \$7 million that has been earmarked, that this program will run out of money in March of next year. What will happen then at a time when interest rates are starting to go up again? Call your banks and you will find that out. I am not predicting any recovery to the recession but we are saying that a program that has done so much good to preserve wilderness, to preserve and enhance the public lands in this state where we all realize we are the state in this country with the fewest amounts of public lands, this program will lie dormant.

I tried to figure it out, if it comes back and passes at referendum in 1992, we still won't have a program with any money in it until sometime in 1993.

At that time (two years from now) prices will start to go up and some of our unique natural areas that we are unable to afford to purchase right now (to even talk about right now) will not, once again, be available to us.

I hope that as you look at the total bond package issue you will be able to find the ability to include this. Let the voters have a choice on it, it is such an important program, it is such an important thing that we do as legislators to try and compete with 200 to almost 300 years of history of this state where most of our land is owned by private interests. Please support this bond issue.

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

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: I feel I need to respond to a couple of points that were made in my direction with some answers in regard to one, my proposal and previous involvement in this issue.

The good Representative from Thomaston asked or made the point that I would be in fact voting against a proposal that I made to have land purchased. That is exactly correct. I feel that is absolutely essential and I have a long history with this proposal (as I stated previously) that was before the Appropriations Committee and I asked them to vote it down. That particular proposal, an adjunct to the one before us now, represented hours and hours of work by a great many people. Why did I ask it be taken away? Because of the sincere belief that we must set priorities in this session of the legislature, financial priorities. This is what, as we stated before today, we have attempted to do.

The reference was made a few minutes ago about agricultural land in Aroostook County. I can tell you that this Representative and a number of other people from the Department of Agriculture conducted forums all over the State of Maine in an effort to include open space and agricultural land in the Land for Maine's Future program. We conducted a program in Aroostook County, invited all the legislators and a few of them attended, to include Aroostook County in that program. That is an effort that has not yet gained any amount of momentum.

A vote against this bill is not (from this Representative's point of view) in any way a vote against the Land for Maine's Future program. It is simply a decision made by many other Republicans that we cannot as a state afford this issue at this time. We do not subscribe to the suggestion to putting on the ballot is just simply throwing it out there for the people to decide.

I certainly was asked by many of the people who voted for me to make a decision on our own in the legislature and to set priorities.

I have had a great deal of involvement with the Land for Maine's Future program, I value it. If it runs out of money, this legislator and I suspect many others in this body, will make every effort to see it started again.

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

Representative CASHMAN: Mr. Speaker, Men and Women of the House: I don't like this bond issue either. Of all the bond issues that have been presented to the legislature, it is my least favorite because of the priorities that the gentleman mentioned. I think we do have to prioritize.

My good friend Representative Jacques got up a

few moments ago and said he was a little confused. I guess I am too because I understand that the state is having fiscal problems and is in a lot of trouble. I don't think that those problems have occurred since last Saturday because last Saturday this bond issue was voted out of committee, as I understand it, unanimously, unanimously by Republicans and Democrats. I guess that confuses me a bit now as people vote against their own committee report. It is a kind of a throwback to the adhoc committee that we had last winter when that happened, that confused me too. It is a little confusing when people vote against proposals that are exactly the same as bills that they put in in this same session.

I guess the other thing that confuses me most is the signals that seem to get crossed between the Executive Branch of government here, a Republican administration, and Republicans who sit here on this floor. I remember reading an article in the paper a few short months ago when the Governor, Governor McKernan, said we have to prioritize our bond issues and in fact the highest priority has got to be given to economic development bond issues because we have got to get this state out of the recession that we are in. I read that and thought, how marvelous. I would agree with that 100 percent and I do. That is my highest priority, not Land for Maine's Future, but when I look at the list of bond issues we have passed here, I don't see anything except for the Department of Transportation's bond issue that Representative Macomber spoke so eloquently to earlier today that can be construed as an economic development bond issue but yet we killed a \$7.5 million bond issue for economic development. I guess that I couldn't vote on this issue — and the Speaker tried to convince me to put my mike down and not speak — I couldn't vote on this issue without expressing my confusion at the mixed signals that come from the other side of the aisle.

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

Representative MACBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: We did vote unanimously for this bond in committee. I think that the Land for Maine's Future is an important program and I do strongly support it. I do feel, this year, it is one of these things like some of those luxuries that we have in our own lives that we can't afford, that we should wait until our finances are in better shape.

To go back to our vote in committee, we went back to our Republican caucus with the bond. There was not a member of our caucus who was supporting this bond, Land for Maine's Future. They voted against this bond so we decided to support our caucus whom we represent. That is what happened.

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

Representative CASHMAN: Mr. Speaker, Men and Women of the House: In response to that, I am reminded of an old saying attributed to Gandhi, "I am their leader, I must follow."

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

Representative RICHARDS: Mr. Speaker, Ladies and Gentlemen of the House: With respect to my colleague from Old Town, I am not confused and I wasn't confused when we had the adhoc committee. I had discussed with him earlier that I would go back to my caucus and if the caucus didn't buy the deal, then I

guess things would go sour. Essentially that is what happened, but if it is any consolation, I have made a decision, not in any partisan fashion, just on being responsible to this body and the State of Maine and I intend to vote against every bond issue except for one, the one I already voted for and that is the transportation bill.

The SPEAKER: The Chair recognizes the Representative from East Millinocket, Representative Michaud.

Representative MICHAUD: Mr. Speaker, Men and Women of the House: Just to clarify there is nothing in this bond issue that will give Aroostook, Penobscot and Cumberland Counties any preferential treatment, this bond issue, not only will buy land but it will also provide for public access to Maine people. It will give public access, not just to those people who own camps from out-of-state but for regular Maine people public access which I hear a lot members talk about because we have Japanese buying up land in the State of Maine, you have large corporations buying land and mergers, so I think it is important that public access is dealt with as well.

Representative Whitcomb says the voters turned it down. True, the voters turned it down, but I think it is a different issue. However, the voters also turned down two correction bond issues but this body passed a correction bond issue this morning and the public had turned that down.

Yes, it is true the bill came out of committee unanimous.

Representative MacBride made some good comments in committee of why we should pass this bond issue, how important it is for the people of the State of Maine.

The comments and the guidelines that the majority of the committee, if not all the committee, had dealt with as we tried to keep around the \$70 million mark, we will be under that mark since the \$7.5 million bond issue failed. We are under that.

I voted for this issue, not because my caucus wanted it, I represent the people in my district and how they feel, not for what my caucus wants. If I ever get in a situation where I have to come down here and do what my caucus wants, I will not run for reelection. We are sent down here by our people back home to lead, not to follow. I have no disagreements with anyone who disagrees on an issue on its merits but I do have a little concern when I hear people say, even though it is a good idea, I don't want it because my caucus doesn't want it. I am here to represent my people, not the Governor, not the Speaker, not the Majority Leader, not the Minority Leader, but the people back home. If you don't have the courage to stand up for what you believe in, what you actually believe in, I might suggest that next year you don't take any petitions out because, if you can't represent your people, then you should not be here.

I would hope that this body would vote to pass this bond issue.

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 Yarmouth, Representative Foss.

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: I made it clear this morning and I will reiterate what happened on Saturday. We worked to get a unanimous package and indicated that if we had one with a specific limit, we would defend that and fight for it with our caucus. However, we did not get unanimity except on a few bonds. So, we did go with the will of our caucus because some of those bonds which we supported were for the purpose of getting unanimity.

I would like to speak to the prior speaker's reference to the under \$70 million package, I would like to go over for you what has passed this House, which I add up to be \$74.5 million without this bond. We have passed a Transportation Bond for \$27.5 million; a Corrections Bond for \$5.5 million; State Parks, \$5 million; Sewage and Clean Water, \$16.5 million; Recycling/Landfills, \$10 million; Education Bond for the Loan of Last Resort, \$10 million. That is \$74.5 million without this bond.

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

Representative HASTINGS: Mr. Speaker, Men and Women of the House: I rise because of the remarks I heard the good Representative from Millinocket make relative to why one comes to this chamber. The people that live next to me have a nice house lot. I would like to buy it. I haven't bought it because I don't have the money to buy it. People in my town, in my district, are saying they don't have the money. I am told time and again, contrary to what I heard in earlier arguments regarding bond issues, why don't you decide these issues in Augusta, why do you continually ship these small items out to us when you are dealing in billions of dollars?

It seems to me that we have to decide what is going on in this state and take some responsibility for it right in this chamber. When we continually suggest bond issues to the people, we, by two-thirds vote of this body have suggested to the people, not necessarily that they have to do it, but two-thirds of us have said it is a good idea for you to seriously consider it. If that is not just about like a solicitation from a police officer with a uniform on I don't know what it is. We are the leaders of this state, supposedly, and when we put something on the ballot it has to mean something to somebody out there. I am not willing to put my name on a bond issue. I will tell you right now, for the Record, you have not seen me vote for any bond and you will not this year other than the DOT bond which has the contributing financing from the federal government. That is my vote and it will be my vote regularly.

The SPEAKER: 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 is necessary.

The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: 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. In accordance with

the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote is necessary. Those in favor will vote yea; those opposed will vote no.

ROLL CALL NO. 162

YEA - Adams, Aliberti, Anderson, Anthony, Bell, Boutilier, Cahill, M.; Carroll, D.; Cashman, Cathcart, Chonko, Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gurney, Gwadosky, Hale, Handy, Hichborn, Hogle, 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.; Morrison, Nadeau, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paul, Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Powers, Rand, Richardson, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Sheltra, Simpson, Skoglund, Stevens, P.; Strout, Swazey, Tamaro, Tardy, Townsend, Tracy, Treat, Vigue, Waterman, Wentworth, The Speaker.

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

ABSENT - Bailey, R.; Butland, Paradis, P.; Simonds.

PAIRED - Clark, H.; Heeschen.
Yes, 97; No, 48; Absent, 4; Paired, 2;
Excused, 0.

97 having voted in the affirmative and 48 in the negative with 4 being absent and 2 having paired, the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

The Chair laid before the House the following matter: HOUSE DIVIDED REPORT - Majority (9) "Ought to Pass" as amended by Committee Amendment "A" (H-454) - Minority (4) "Ought Not to Pass" - Committee on State and Local Government on Bill "An Act to Promote Fully Informed Legislation and Rulemaking" (H.P. 913) (L.D. 1310) which was tabled earlier in the day and later today assigned pending the motion of Representative Joseph of Waterville that the House accept the Minority "Ought Not to Pass" Report.

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

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: I sponsored this bill for the Portland Area Chamber of Commerce along with Senators Baldacci, Rich and Representative Small. There were many letters of support and testimony in the committee.

The bill requires an economic impact statement to be prepared for proposed laws and rulemaking. Those statements would be prepared at the request of a legislator serving on the committee hearing a bill and as part of any proposed rule coming out of an

agency.

At the present time, Florida, New Jersey and Colorado have similar statutes and Louisiana and Washington law also provide for the creation of economic impact statements as part of the rulemaking process.

I would like to read into the Record some of the testimony that was presented to the committee and also some of the concerns that one might expect from state bureaucrats. First of all, the National Federation of Independent Business in support states, "Dating back to at least the 1980 Brainhouse Conference on Small Business, there has been a keen interest among small business owners in Maine for paper work reduction, economic impact analysis of regulations and special consideration of potential disproportionate impacts of regulations on small business."

The Maine Chamber of Commerce wrote and presented testimony, "There was a time when Maine lawmakers could pass laws or make rules impacting Maine business with only a limited concern of the cost to those businesses. Maine businesses were largely Maine-owned and were selling within the state. A business could simply raise its prices to cover the increased costs caused by the legislation or regulation and pass that cost on to its customers. Those days are long gone. Today Maine manufacturers compete with companies across the country and around the world for customers. If they raise their prices to incorporate costs forced on them by unique Maine laws or regulations, they lose customers. Even retailers find themselves competing with out-of-state businesses because of ever growing catalog and mail order sales. Almost no Maine business can pass on governmentally imposed costs with impunity. If you can't compete on price, you can't survive."

"L.D. 1310 won't do anything to address the problems which already exist in Maine because legislators didn't know the size of the burden they were placing on business. It will, however, stop things from getting worse. Passage of L.D. 1310 would be a giant step towards making Maine business competitive during the last ten years of this century because it would give legislators the critical information necessary to make informed decisions."

I would also like to quote from a memo from Gary Wood, Director of Maine Municipal Association. "MMA supports the fundamental position that economic considerations should be taken into account in the creation of either legislation or rulemaking. It will help elected officials seek the least costly solution to a particular problem. The injection of some consideration of economic impact into both legislation and rulemaking is a healthy change that would help to restore some balance to those processes. They have been out of balance for several years and the results has been a rapid rise in both property taxes and the cost of doing business in Maine."

As I mentioned to you earlier, there were concerns raised at the committee level and not surprisingly they came from the Departments of Agriculture, Human Services, DEP and from the State Tax Assessor himself who complained about the inordinate burden that would be placed on his department. In a memo from the State Tax Assessor to those of us who sponsored this bill, he listed all the terribly burdensome duties he must perform in the complicated rulemaking process. To get a flavor of

what that criticism is and the terrible impact preparing an economic statement would be on his current job performance, this is a list of what his agency is now required to do: (1) draft the rule; (2) complete form, MAPA3; (3) complete top part of check list; (4) complete fact sheet; (5) file one copy of materials with Secretary of State; (6) file 20 copies of materials with Legislative Council; (7) send MAPA3 to affected persons and trade groups; (8) conduct a hearing; (9) assemble and consider comments made at the hearing; (10) prepare final version of rule; (11) prepare form MAPA1; (12) obtain certification from the Attorney General; (13) complete remainder of check list; (14) prepare basis statement; (15) prepare a brief summary of the rule; (16) update the fact sheet; (17) (and it gets more onerous) present three copies of materials to the Secretary of State; and (18) send one copy of materials to Attorney General. And for that burdensome list, he could not continue and add an economic impact statement.

State bureaucrats have flooded this issue and this request for new personal service lines, computers, capital, work space, work stations, the list goes on and on. At the end of this memo, the State Tax Assessor says, "At some point, a rulemaking process that is too complicated provides a disincentive to the promulgation of needed rules from a purely procedural point of view it is easier for an agency to secure a statutory amendment than to amend one of the agencies own rules. The proposed bill, L.D. 1310, would further discourage agencies from exercising their rulemaking authority."

I submit to you that that argument may be the strongest reason for the passage of this bill. I think it would be irresponsible (and it is irresponsible) not to know the economic impact of the laws and rules created by state government both by the legislature and by our state bureaucracies. You certainly would not run your own households that way and I hope we would not vote to kill this bill.

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

Representative GWADOSKY: Mr. Speaker, Men and Women of the House: During my legislative career, I have spent a fair amount of time dealing with issues of rules and regulations as a member of the Joint Standing Committee on State Government. We served on a committee on codification of rules, on legislative veto of rules and have always taken an interest when this issue has come up. I have in fact worked with NFIB on occasion on changing some of the existing statutes. I believe that the proposal before us has been advanced with great sincerity and I understand the support of various business interests whether it be certain chambers or NFIB.

However, I want to bring to the attention of the House a couple of concerns I have with this legislation. First of all, there is in existing law already a requirement by all agencies under our APA, Title 5, Section 805 - 8057A under preparation of adoption of rules, the various agencies when they promulgate rules and regulations are currently required to provide an impact statement when they promulgate those rules and regulations. That is currently in the law.

We can agree or disagree as to whether or not we think that is strong enough. In fact, if there are those individuals who are desirous of making stronger

changes as am I, I would draw your attention to a bill that we have already carried over this year, L.D. 1799. I believe it was sponsored by Representative Carroll, "An Act to Clarify Economic Impact Analysis." I think that that legislation will go a long way towards clarifying and giving the type of information we need. As I said, this is already on the books and the various agencies are supposed to be providing this when they promulgate rules and regulations.

Secondly, I want to talk about the fiscal impact of this particular legislation because we have heard discussed (a great deal this evening) that, despite the qualities of some of these bills, despite the greatest intention of some of these bills, given the fiscal crisis and, as you know, we are down a billion dollars in our deficit right now, some things, no matter how good they are, no matter how great they sound, we simply can't afford.

I would draw your attention to the fiscal note of this particular bill, L.D. 1310. As I read the Committee Amendment (I hope its accurate) for this bill, the fiscal note is \$200,000 over the next two years. This bill would create a \$40,000 bureaucrat within the Department of State Planning Office. It would create another \$40,000 bureaucrat within the Department of Economic and Community Development. That is a substantial amount of money to pay at a time when we are counting our pennies.

It is a great idea to some extent. I think we can all agree that we need to have this type of analysis but can we afford to be expending \$200,000 at a time when we are trying to find a billion dollars in our current fiscal year?

I also want to talk about this from the perspective of public policy. We in the legislature are members of a separate branch of government. If this bill were to be passed, we would become reliant on another branch of government, two separate agencies, the State Planning Office and the Department of Economic and Community Development to develop fiscal impact statements on our behalf. I would much rather prefer to have that expertise in-house. Keep in mind that the State Planning Office are the people who told us two years ago that we would have \$500 million extra in available revenues during the last two years and they were off by \$455 million. Are these the people we want to be making economic impact statements for the next two years at \$200,000 a pop?

There is a bill that is being carried over, Representative Carroll's. That bill will clarify our ability to get the type of information we need from the economic impact statements.

Representative Gray has another bill that is currently in a Committee of Conference dealing with allowing the legislature greater authority over rules. L.D. 66, An Act Relating to Mandates is in the other body and will at some point be in this chamber. I think there are several tools to use if we are really concerned about this issue of mandates and the best way to approach them. But, for this legislature and speaking as a Representative from Fairfield, at a time of tight economic conditions, I can't advocate spending \$200,000 when we are down a billion dollars to have economic impact statements produced by the State Planning Office and the Department of Community and Economic Development on our behalf.

I would hope down the road that we could move in

the direction that Don Carter set forth many years ago that the legislature get in the business of creating its own financial impact statements, independent of any other branch of government because I think that is the best route for us to take.

I appreciate the manner in which this bill has been brought forth. I know it is a sincere attempt to provide us with the information. I happen to think it is a flawed technique.

I would urge you to support the motion of Representative Joseph of Waterville to accept the Minority "Ought Not to Pass" Report.

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

Representative JOSEPH: Mr. Speaker, Men and Women of the House: I don't have a great deal to add because Representative Gwadosky actually said many of the things that I was planning to say.

The concerns about the Minority Report were the costs of doing this, the fact that bureaucrats would be creating these impact statements.

The question from one committee member was, the impact to whom? The impact to the developer? The impact to the municipality? The impact to the future of Maine? Where and whose economic impact are we talking about? In all of those cases, each of those persons would say that the economic impact would be different. There is no direction or definition as to what an impact statement actually would include. The current process, as you just heard, in the public hearing forum which can be requested, according to the the APA in the state if there is not one already scheduled, can be requested and persons who want to reflect the negative impact upon them, their business, their municipality, can be reflected at that time.

The State and Local Government Committee has supported a piece of legislation that Representative Gwadosky just referred to, L.D. 1854. It is in a Committee of Conference. But we too have serious concerns about the issues of promulgating rules and how in fact they do reflect legislative intent.

My personal response to this piece of legislation is that it seems to say that the legislative process is ineffective and that we are unresponsive. I do not see that occurring. If we feel that the process of promulgating rules which have the force of law needs to be changed, we can change that by a piece of legislation that is not quite as vague as this one is.

I, too, understand what the issues are surrounding this. I also understand that in the Energy Committee there is a bill that is being held over and I believe that may have been referred to. So, with all that in mind, I urge you to vote "Ought Not to Pass."

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: Unfortunately, I haven't been paying much attention to this bill because the Energy Committee had 200 bills of its own. I would like to point out to the committee that the majority of the bills that we had this session was an effort to streamline the permitting process to spur the economy in the State of Maine where everyone from the Governor down to the janitors of this building agrees is the way we should go.

I would like to point out that if the Majority Report is passed — I would like to read something to

you that will give you a basic understanding of one of the problems we have in state government. This bill says, "Any group of 25 or more registered voters who may have a substantial interest in a rule or any person who may be directly, substantially and adversely affected by the application of a rule may file an application for review with the Executive Director. With respect to any application or petition for review pursuant to this section, the petition or application must be verified and certified in the same manner as provided in..."

I can tell you something, having looked over the environmental regulatory process this session, you pass this bill and tell your little businesses and your big businesses that are going to have to deal with rules that — don't worry about getting the rules, we had complaints about the mining rules, it took a year and a half. When you get something like this, you want to talk about getting delays in rules, don't count on getting those permit applications processed under the Administrators Procedures Act because if somebody wants to monkey with them, it will take you decades before you finally get some rules that you can deal with. It works both ways. I can tell you the pseudo environmentalists of this state are going to have a field day with this. Don't look to permit anything because those rules will be tied up long enough that we will probably be spending yen in this country by the time it is done instead of dollars.

Mr. Speaker, I would like to pose a question through the Chair if I may. I have the Majority Report here and the figures have been given by the Majority Floor Leader — am I safe to assume or believe that this fiscal note will stand on this bill, \$200,000 of the taxpayers money?

The SPEAKER: The Chair would advise the Representative that the Chair does not set fiscal notes, it is set by the administration.

Representative JACQUES: Mr. Speaker, is it my understanding that unless the administration changes this, this fiscal note will indeed stand on this L.D?

The SPEAKER: The Chair would answer in the affirmative.

Representative Jacques of Waterville requested a roll call vote.

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

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

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

Representative BOUTILIER: Mr. Speaker, Men and Women of the House: I am going to make this very brief but I do want to talk about the issues encompassed in this bill. My first two sessions I had the pleasure of serving with the Representative from Fairfield on the State and Local Government Committee and this issue was an issue that I felt very frustrated about every single year and we did deal with it every single year I was on the committee.

The whole issue of how rules are promulgated by the agencies, what kind of enabling legislation they used, how clear-cut those rules are, how well they

are defined, whether they in fact meet the cause of the enabling legislation and what the fiscal impact of those are, are something I think this legislature better deal with at some point in time or we will never, ever, truly be honest about how we impact local government in the state.

Having said that, I am not so sure this particular legislation is the way to go. The reason, and there's basically only one reason that I think that is because of the issue that Representative Gwadosky mentioned and that is that we are going to have the Executive Branch do the fiscal impact. I think that is a mistake.

I also believe in what Representative Carter fought for. I think the legislature should be a lot more upfront about fiscal impact statements, should be a lot more involved in the process of determining revenues and costs and the effects to the local governments as well as state government. I think to do that would be the best thing we can do to effect property taxes in a positive way and the best thing to effect efficient government in the state.

I would be dismayed, if by voting on this bill in the negative, my constituents felt that I was not for having a much better understanding of the impact of rulemaking. It has a tremendous impact and I do not believe there is enough, nor will there ever be enough oversight on rulemaking in this state until we become serious about it oversight.

I would urge those who are involved in this issue, whether it be Representative Carroll with his bill being held over or any other member of any other committee that deals with this bill, if we can't pass some form of better criteria for rulemaking and fiscal impact statements to be provided openly so people could meet them and see them and deal with them appropriately, including this legislature and the executive branch, we are fooling ourselves that we are ever going to truly deal with property tax increases largely impacted by the rules promulgated based on laws you and I act on every day.

I am going to vote against this bill at this time because I don't think it is the right vehicle but I am certainly in favor of the idea. I would hope that before this 115th Legislature is over, we have a bill that we all can support and feel good about and go back to our constituents and say we have actually done something about how state government passes on costs.

Representative Whitcomb of Waldo requested that the Clerk read the Committee Report.

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

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

ROLL CALL NO. 163

YEA - Adams, Aliberti, Anderson, Anthony, Bailey, H.; Bell, Boutilier, Cahill, M.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Gean, Goodridge, Gould, R. A.; Graham, Gurney, Gwadosky, Hale, Handy, Hastings, Hichborn, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Ketterer, Kontos, LaPointe, Larrivee, Lawrence, Lemke, Lord, Luther, Macomber,

Manning, Marsh, Martin, H.; Mayo, McHenry, McKeen, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Nadeau, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paul, Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Rand, Richards, Richardson, Ricker, Rotondi, Rydell, Saint Onge, Sheltra, Simpson, Stevens, P.; Swazey, Tamaro, Tardy, Townsend, Tracy, Treat, Vigue, Wentworth, The Speaker.

NAY - Aikman, Ault, Barth, Bennett, Bowers, Carleton, Carroll, D.; Carroll, J.; Donnelly, Duplessis, Farnum, Farren, Foss, Garland, Gray, Greenlaw, Hanley, Heino, Hepburn, Hichens, Kerr, Kilkelly, Kutasi, Lebowitz, Libby, Lipman, Look, MacBride, Marsano, Merrill, Morrison, Murphy, Nash, Norton, Ott, Parent, Pendexter, Pendleton, Pines, Powers, Reed, G.; Reed, W.; Ruhlin, Salisbury, Savage, Skoglund, Small, Spear, Stevens, A.; Stevenson, Tupper, Waterman, Whitcomb.

ABSENT - Bailey, R.; Butland, Heeschen, Mahany, Paradis, P.; Simonds, Strout.

Yes, 91; No, 53; Absent, 7; Paired, 0; Excused, 0.

91 having voted in the affirmative and 53 in the negative with 7 absent, the Minority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

The Chair laid before the House the following matter: An Act to Increase Fees for Licenses Issued by the Department of Marine Resources (H.P. 1148) (L.D. 1673) H. "A" H-626 to C. "A" H-567) 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. 1673 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-567) as amended by House Amendment "A" (H-626) thereto was adopted.

On motion of the same Representative, House Amendment "A" (H-626) was indefinitely postponed.

The same Representative offered House Amendment "B" (H-669) to Committee Amendment "A" (H-567) and moved its adoption.

House Amendment "B" (H-669) was read by the Clerk.

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

Representative **MITCHELL**: Mr. Speaker, Men and Women of the House: House Amendment "B" clarifies some problems that the Speaker's legal counsel had with the bill.

Subsequently, House Amendment "B" (H-669) was adopted.

Committee Amendment "A" (H-567) as amended by House Amendment "B" (H-669) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-567) as amended by House Amendment "B" (H-669) thereto in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter: An Act to Annex the Town of Richmond to Lincoln County (S.P. 683) (L.D. 1811) (C. "A" S-280;

H. "A" H-549 and S. "A" S-346) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Holt of Bath, the House reconsidered its action whereby L.D. 1811 was passed to be engrossed as amended by Committee Amendment "A" (S-280); H. "A" (H-549) and S. "A" (S-346).

On motion of the same Representative, the House reconsidered its action whereby Committee Amendment "A" (S-280) was adopted.

The same Representative offered House Amendment "A" (H-671) to Committee Amendment "A" (S-280) and moved its adoption.

House Amendment "A" (H-671) to Committee Amendment "A" (S-280) was read by the Clerk and adopted.

Committee Amendment "A" (S-280) as amended by House Amendment "A" (H-671) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-280) as amended by House Amendment "A" (H-671) thereto and House Amendment "A" (H-549) and Senate Amendment "A" (S-346) in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter: 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) which was tabled earlier in the day and later today assigned pending the motion of Representative Skoglund of St. George that L.D. 1845 and all accompanying papers be indefinitely postponed and later today assigned.

Representative Skoglund of Portland withdrew his motion to indefinitely postpone the Bill and all accompanying papers.

On motion of Representative Joseph of Waterville, L.D. 1845 was recommitted to the Committee on State and Local Government. Sent up for concurrence.

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

ENACTOR

(Reconsidered)

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)

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

On motion of Representative Jacques of Waterville, the House reconsidered its action whereby the Bill was passed to be engrossed.

The Same Representative offered House Amendment "A" (H-668) and moved its adoption.

House Amendment "A" (H-668) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (S-296) as amended by Senate Amendment "A" (S-309) thereto and House Amendment "A" (H-668) 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 following items appearing on Supplement No. 5 were taken up out of order by unanimous consent:

SENATE PAPERS

The following Communication:

Maine State Senate
Augusta, Maine 04333

June 12, 1991

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

Dear Clerk Pert:

Please be advised that the Senate today Adhered to its former action whereby it Indefinitely Postponed Bill "An Act to Promote the Emotional Health of Children During Periods of Stress" (H.P. 210)(L.D. 301).

Sincerely,

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

Was read.

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 a couple of words before this was placed on file.

It was clear that L.D. 301 was not in as good a form as it should have been. It was having more and more trouble getting passed with people on both sides, people of good will who could recognize that there was a problem and a problem that should be addressed. It is hoped that in future sessions the problem will be addressed by a more refined and more consensus oriented piece of legislation. That is why this bill is dying here today.

I just want to say thank you to everybody for the work everybody on both sides did. I believe that we now recognize there is a problem, it can be addressed and will be in future sessions.

Subsequently, was ordered placed on file.

Non-Concurrent Matter

Bill "An Act to Protect Consumers from Unfair and Deceptive Telephone Practices" (H.P. 1134) (L.D. 1659) on which the Bill and Accompanying Papers were recommitted to the Committee on Utilities in the House on May 23, 1991.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-410) as amended by Senate Amendment "A" (S-348) thereto in non-concurrence.

Representative Clark of Millinocket moved that the House recede and concur.

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

Representative DONNELLY: Mr. Speaker, Men and Women of the House: I would encourage us to recede and concur. Although this amendment has its problems, it does have its merits which certainly outweigh them. I had planned to amend the Bill with House Amendment 661 today but I was afraid that the entire bill would be killed between the houses in non-concurrence. The merits of the bill, as I said previously, outweigh the problems.

I just want to read for the Record my problems with the amendment and also to commend the Representative from Portland for his hard work and the many hours he put into this bill.

The bill is to help consumers block 1-900 numbers. Representative Adams did a fantastic job and a lot of leg work as usual on this bill.

The problems that I had found (and not necessarily Representative Adams) and had planned to amend — the Public Utilities Committee in setting a fee for this, the utility companies came in and said \$5 was a fair fee. The Public Utilities Commission, which is a commission to help protect consumers, thought that a \$15 fee would be a more fair fee. The feeling that a \$5 fee would be fairer was because this problem has existed and we are expecting FCC rules to come down in September.

The other problem is the utilities do not have the ability to block this service to a customer. In other words, if a customer does not pay one bill, if someone accumulates a bill of \$500, the utilities do not have the right to cut off the 900 service to that customer unless it occurs repeatedly. Part of my amendment would have been to allow them to block this after one time of not paying if it was an enormous amount of money. A phone bill of \$500 is a very large amount of money. Because the merits of this bill certainly outweigh, I may introduce a bill next year. We will see how the PUC works this out. I would thank you if you would recede and concur along with the motion of the chairman.

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

Representative ADAMS: Mr. Speaker, Men and Women of the House: So that you will know what the matter is before us that we are in fact receding and concurring to, I would call your attention to Senate Amendment "A" (S-348) so that you will have it all before you. I would assure you that this is a package of good ideas, there is not a single six-pack yoke among them, I promise. This deals with 900 numbers, those numbers that you see appearing in print on television, radio, magazines, those 900 numbers that you or your children may call to talk to the Ninja Turtles or to Madona's hair dresser or to phone sex. This bill before us now that we, I hope, will agree to and recede and concur with the other body.

It is supported by AT&T, that is the single largest interstate carrier dealing with Maine;

supported by NET, the largest instate carrier; supported by the Telephone Association of Maine, that is all 17 of the smallest telephone companies in the State of Maine; supported by the Office of the Attorney General; by the Office of the Public Advocate and by the Public Utilities Commission.

It was carefully drawn up based upon work done by the National Association of Attorney Generals from Florida, Kansas, Missouri, New York, Pennsylvania, Tennessee, Texas, Washington State and Wisconsin.

It deals specifically with 900 numbers. We received, on the committee, fine examples of the abuses that you and I have all encountered, I am sure, in just talking with individual constituents over time. For example, the unemployed fellow in Millinocket who finds an ad in a newspaper for jobs in Kuwait, calls it, gets a garbled message full of bugles and flags, that at the crucial moment scrambles, gives him no information, he hangs up calls back again and gets the same thing and realizes in the next phone bill he has been charged \$15.98 apiece for both of those deliberately confusing calls. Or, you are the comptroller of the Portland Water District who opens his mail one morning and finds out the Portland Water District is being charged \$500 for phone calls to 900 numbers of credit card companies or phone sex, which was a result entirely of a miscrossed wire. Or, you work at the Kennebec Valley Medical Center and all of a sudden you find phones ringing in the operating rooms, cardiac units, nurses stations and doctors pagers and when you answer it, it is a recorded message from California telling you what 900 number to call to get free information on AIDS. Every single one of those is a real instance. They all really happened in Maine. They were all really proven to us and all of them are dealt with in this bill.

Just so you will know what we are doing, the bill before you will ban collect 900 calls, believe it or not there are such things, they call you and the minute you answer, the meter starts running. You may not be disconnected from basic telephone service for not paying your basic 900 charges. They are not part of your basic service, they are a special charge. For the lifetime of your own telephone, you will be given one opportunity to block free, one free opportunity to unblock 900 services and have to pay \$5 for each time you choose to switch thereafter. Therefore, you may block when your children are approaching their teen years, unblock when they leave home and for \$5, you may do whatever you choose after that. The \$5 fee was proposed by the New England Telephone Company itself and supported by them.

We shall require that 900 charges somehow stand out on your phone bill since it is not actually a phone charge. We can make it stand out so you can tell that. It gives the Public Utilities Commission rulemaking power to design that bill format. You can dispute a charge and the phone company and you are both given absolute protection, as spelled out in law, about how to handle that charge. And, there is a safety valve every step of the way to guarantee that the small telephone companies of the State of Maine will have an opportunity to go to the Public Utilities Commission and appeal for a time limit to be able to comply with the law as new technology arrives for them.

Ten years ago, there weren't any 900 numbers in the United States. The first one I can find was in 1980 when you could call up and respond to who you

thought had won the Carter/Reagan debate, that cost fifty cents. That is the first time I have been able to find any instance of it existing. Today, there are over 12,000 providers trying to inveigle you out of your money, primarily preying upon you and on your kids (those least able to make financial decisions for themselves especially involving their parents money). None of these outfits exist in Maine but they all prey on Mainers. This bill, supported by the telephone companies and drawn up with their good advice and assistance, at last, gives us some chance to have some remedy against these things.

Every now and again the Maine Legislature does manage to do something that is quite right and that is good for people. It is good to remind ourselves of that now and again. We have had good bills before us this session from the good Representative from Nobleboro, Representative Spear, and the good Representative from Rockland, Representative Melendy, all dealing with the phone abuses that you and I find with this basic necessity in our home. This is one more step in that way, nothing dangerous in it. I believe it gives Maine people some good remedy and now and again I think it counts that we should be able to go home and say, yes, we did something valuable and, yes, we can go home and say we did something good. I urge you please to vote to recede and concur.

Subsequently, the House voted to recede and concur.

Non-Concurrent Matter

An Act to Amend the State's Statute of Frauds (H.P. 662) (L.D. 941) (C. "A" H-465) 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-465) as amended by Senate Amendment "A" (S-353) thereto in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

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) which was passed to be enacted in the House on June 11, 1991.

Came from the Senate with the Bill and Accompanying Papers Indefinitely Postponed in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

An Act Concerning Amendments to the Laws Affecting Education Programs of the Finance Authority of Maine (BOND ISSUE) (S.P. 642) (L.D. 1690) (H. "A" H-604 to C. "A" S-308) which was passed to be enacted

in the House on June 11, 1991.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-308) as amended by Senate Amendment "A" (S-352) thereto in non-concurrence.

On motion of Representative Marsano of Belfast, tabled pending further consideration and later today assigned.

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

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Clarify Provisions of and Provide Funding for Toxics Use, Toxics Release and Hazardous Waste Reduction Programs" (H.P. 1171) (L.D. 1712) (C. "A" H-580)

- In House, passed to be engrossed as amended by Committee Amendment "A" (H-580) on June 6, 1991.
- In Senate, passed to be engrossed as amended by Committee Amendment "A" (H-580) in concurrence.
- Recalled from Engrossing Department pursuant to Joint Order (S.P. 748)

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-580) as amended by Senate Amendment "A" (S-322) thereto in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Joint Order (H.P. 1353) relative to matters being held over which was read and passed in the House on June 11, 1991.

Came from the Senate read and passed as amended by Senate Amendment "A" (S-357) in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Establish a Fund to Promote Lobster Marketing" (H.P. 818) (L.D. 1172) which was passed to be engrossed as amended by Committee Amendment "A" (H-364) as amended by House Amendment "C" (H-639) thereto in the House on June 11, 1991.

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

Representative Townsend of Eastport moved that the House Adhere.

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

Women of the House: I move that the House recede and concur.

This is probably the most important bill that the Marine Resources Committee dealt with this year. I think I can safely say that there is only one outstanding issue that divides the committee and that is the issue of funding a lobster promotion council.

The lobster fishing industry has been in a decline for the last several years. The price has been terrible, it has been a buck and a half, you can't buy your bait, fuel, go fishing all day and sell your lobsters at the end of the day for a dollar and a half and make a living. You can't make the payment on your boat and you can't feed the family. Something has got to be done for these people.

They came to the legislature and asked us to help them establish a marketing council and they asked us to put a \$50 surcharge on their license. I don't think that there is anyone in the committee that disagrees with the notion of having a promotion council.

The only thing that we disagree with is how we are going to fund it. That has been a substantial disagreement and there has been a lot of debate about it in the committee. Yesterday, Senator Vose presented a compromise solution. It is my feeling that it met, for those on the committee who did not like the idea of a surcharge on the license, halfway and it is a good compromise and I hope you will support it.

The debate in the committee is whether to fund a lobster promotion council with a surcharge on licenses or with a landing tax. The fishermen and the dealers that I have spoken to, every single one of them, have supported the idea of a surcharge on the licenses. The lobsterman that I talked to the other morning told me he wanted to pay for the program because he wanted it to be their program. He didn't want it to be the dealers program. If it is a landing tax of two cents a pound, which has been proposed, that tax would be collected by the dealers and those lobstermen felt that they would lose the control of the program if it was funded by a tax that was collected on the dealer. The fishermen want to be part of the action and I think that they should be.

The landing tax that three members of the committee support would cost \$100,000 a year to administer. That is a lot of money, money that is going to just hire some people in Taxation to collect it.

Furthermore, if there is a landing tax, there is bound to be a lot of lobsters that get by because I bought lobsters myself over the side of the boat because a lot of fishermen sell them over the side. I buy lobsters from my neighbor who is a fisherman and I am certain none of that will ever be taxed if we have a two cent a pound landing tax that is paid by the dealer.

This is a really important bill. The fee is sunsetted at the end of two years. We have asked the council after it is established to come back to us and report to us on how it is working. We have asked the Commissioner of Marine Resources and the Bureau of Taxation to look into the whole taxation issue to see if a landing tax could be put in at some point in the future and report back to us in a couple of years, but the fishermen want this bill. Every fisherman I have talked to, every dealer I have talked to, has wanted the bill. There was one person who came to the hearing that was opposed to the

bill. I don't know a single fisherman in the western end of the state and many, many in the eastern end of the state who want this bill. We have got to do something for this industry because they are having a tough time.

We were at a hearing and a lobster dealer from downeast came down and he said he was shipping some lobsters out-of-state to a person who used to live in Maine and that particular person liked red hot dogs so he went down to the market (you can't buy red hot dogs outside of the State of Maine) and he bought ten pounds of red hot dogs, packaged them up, and sent them out with the lobsters. He said as he packed it up, he realized he was charging more for the red hot dogs than he was for the lobsters he was sending. You can't make any money doing that.

We heard at the public hearing that at a time last summer when the boat price in Portland Harbor was a buck and a half, they were getting \$4.50 for crayfish down in Florida. Let me tell you the Maine lobster is far superior product to the Florida crayfish. Something has got to be done to help those fishermen. They want to have market promotions, they are really divided on trap limits and other things that we could do, but the one thing that I think almost all of them will agree to is lobster promotion and they want to have it funded through a surcharge on their license and not by a lobster tax. I would ask you to recede and concur.

The SPEAKER: The Chair recognizes the Representative from Eastport, Representative Townsend.
 Representative TOWNSEND: Mr. Speaker, Men and Women of the House: The one thing that the good Chair of Marine Resources and I do agree upon is the fact that lobsters do need to be promoted, no question about it.

However, the reason that I stand in opposition to the funding that is proposed in Senate Amendment "A" is the fact that it does, like I said last night, put it on the backs of the lobstermen.

Let me make a couple of points. First, we were not inundated with lobstermen from my area calling me wanting this bill. As a matter of fact, I haven't talked to a lobsterman in my area or in Washington County that has told me they want this bill. Dealers, yes, absolutely, a couple of them have called me and they most certainly want it.

It has been mentioned that the boat price is \$1.50. I won't argue with that and that is very low. Once again, I will make the point to you that I made last night. Go to your local restaurant and try to buy a lobster for \$1.50. I dare you to do it and I want to know about that place.

The other thing about this bill that bothers me, once again, is the Canadian lobsters that the dealers in this state are allowed to buy. I know the dealers are honest people just like the rest of us but I feel this gives them a disadvantage over our Maine fishermen.

The other reason I don't want the fishermen to be sacked with the price on this, right now, if they don't like what they are getting from the dealers, they can take a day off from fishing, load their lobsters on their pickup truck and go out on Route 1 and sell their product. They can't sell somebody elses but they can sell their product and they can get whatever they can get for it. This gives them the opportunity so they don't have to go to the dealer if they don't want to.

Now, if this promotion bill works and the trickle

down effect does actually get to the lobstermen — I will point out there is nothing in this promotion bill that guarantees that — but if it does, that lobsterman is going to take his lobsters to that dealer, get rid of them all at once so he can take the day and go fishing and not sit on the back of the truck in the sun on Route 1. These people want to work, they want to be out there fishing.

There has been a lot of controversy about this back and forth. The number one thing that bothers me about not having the two cent tax, besides the Canadian lobsters (that is my secondary concern) we do not know what is being landed in this state. We can only guess at the lobsters that are being landed. The dealers do not have to report that. Do you know of any other business in this state where you don't have to report the business you are doing? I can't think of one.

The way it is now they have got the lobstermen locked in. This is a fair way to do it with a two cents per pound. They have been fighting this tooth and nail. The dealers came to the public hearing and stated that it was probably the fairest way to do it but they didn't think that it would work. We had a gentleman come down from Taxation that stated, yes, it will work, here is how it will work.

It was also stated here tonight that this is going to cost over \$100,000 for Taxation to do it. I don't want to cut corners here but I do like being factual. This went up to Program and Fiscal Review and the price is actually only \$89,000. I hesitate to use the word "only" before the figure of \$89,000, it is a lot of money to me too. However, there is no reason why it can't be done this way other than not wanting to report what they are landing. That bothers me. I want to know.

The fishermen in the west, maybe they have called the western Representatives, I don't doubt that one little bit, I am sure they have and maybe they want it, maybe they feel pressured into wanting it, I don't know, because none of them have called me. The lobstermen in Washington county that I have talked to or that have taken the time to call me do not want to be saddled with this.

We recently had before us another measure where we raised the fishing licenses for all fishermen, I believe about 67 percent to cover warden service. Now, I did hear from my fishermen and lobstermen on that. They did want that. They don't like the raise in their fees but they understand the importance of wardens. They want their resources protected. Why do they want the resource protected? So they can continue to work for a living, be independent and pay their bills. So now we come behind with another one and we are going to up it another \$25. The first proposal was to up this by \$50 in order to raise enough money to do this promotion and do it right. Twenty-five dollars on the fishermen, now they have actually raised the dealers up to \$200 from the original price.

I honestly appreciate the attempt at compromise on this to try to make it a little cheaper for the lobstermen and a little bit more expensive for the dealer. I really do appreciate that, that is an effort to compromise, but it still doesn't answer the two things that I am most concerned with and that is, what is happening with the Canadian lobsters, how many are being brought into this state, how many of the dealers are buying, how are they being used against our lobstermen — I don't know. The most

important thing is, what is being landed in this state? I would like to know. I have to pay my taxes, I would like to know what kind of business these people are doing within our borders.

Ladies and gentlemen, I ask you to vote against the motion to recede and concur.

The SPEAKER: The Chair recognizes the Representative from Cherryfield, Representative Farren.

Representative FARREN: Mr. Speaker, Ladies and Gentlemen of the House: I can't add a lot more to what Representative Townsend has mentioned but it was mentioned by our good Chair, Representative Mitchell, that the lobster fishermen want control. I submit to you that the promotion board is going to be made up of both lobster fishermen, dealers and a public member. So, control on how lobsters are marketed is going to be influenced by more than just the fishermen.

Representative Townsend did mention the Canadian lobsters. It has been projected that there are six to eight million pounds of Canadian lobsters being sold by Maine dealers. Under this proposal, Maine fishermen will be providing the funds to promote lobster which will include the Canadian lobster and they will not be assessed anything.

Another thing that hasn't been mentioned, under the current proposal of the reduced surcharge, it is projected to raise about \$275,000. House Amendment "C", which you folks overwhelmingly supported last night, will raise somewhere in the neighborhood of \$500,000. The hypothetical budget which we were presented with (when I say "we", I am talking about the Marine Resources Committee) by the promoters of the bill was between \$500,000 and \$700,000. Even the proposal that we are suggesting doesn't meet that.

This makes me wonder and be somewhat worried that, once this is put in place, next year will they come back and raise that \$25 per license back to the \$50?

I want it perfectly clear that I am not in opposition to promotion. Like Representative Townsend, I believe that you need to promote your product but I am not in support of the surcharge as the best way of doing that. I think, as I stated last night, that most everybody has said that the two cents a pound or one cent a pound or whatever you arrive at is the best and fairest way of funding the lobster promotion council, but not now. I repeat, not now.

Another thing that I believe needs to be considered here is it seems it always (in agricultural activities or fishing activities) that the lobstermen, the people at the beginning of that chain, have to take what the dealer will pay. They don't have the capability of passing along any additional cost to them. They have to accept what the dealer will pay at the dock. I submit that the dealers can pass along this two cents, it will not impact their ability to make a profit and the consumer will pay. Again, I don't think two cents or even three cents is going to make a difference to you and I whether or not we have a lobster feed.

I would also like to mention that it does not mean, if the dealer through the promotion or the retailer gets five cents, ten cents more a pound, it does not mean that that is going to be transmitted down to the fishermen. It could possibly, but it doesn't mean that it is going to.

I have some experience in another field where I

have seen that and it hasn't taken place as it is perceived to take place here.

I urge you to adhere to your previous vote last night and go along with that vote.

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

Representative HEINO: Mr. Speaker, Men and Women of the House: No one on our committee would argue the fact that the industry needs promotion.

Yesterday in the mid-coast area, in the Lincoln County area, boat price for lobsters was \$2.00 a pound. When you consider that 90 percent of those were hard-shelled lobsters, that is a pretty low price. Here it is the middle of June and the season coming on, they should be getting a higher price. The fishermen — "The faster they fish, the behinder they get." They are fishing at 1991 expenses and they are receiving about a 1981 income. It costs the average fisherman probably in the area of \$120 for bait and gas just to leave the wharf. When he comes in and gets \$2.00 a pound for hard-shelled lobsters in the middle of June, that is pretty tough sledding.

I have tried to make an assessment of those fishermen in my area and, as you know, they are an independent lot. I wasn't able to contact all of them. I did contact key people in the three fishing fleets in my area. One adamantly told me that they didn't want a fee on the poundage, at least they didn't want the two cents a pound fee, that was much too high. The majority of my fishermen have agreed that promotion should be paid for on a \$25 or \$50 (whatever the legislature were to decide) assessment on licenses, not on poundage.

Therefore, I will be voting to support the recede and concur and I would hope that you would follow.

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

Representative COLES: Mr. Speaker, Men and Women of the House: Canada produces about 55 percent of all the lobsters in the world, Maine produces around 23 or 24 percent. Whether or not the lobster prices go up and down doesn't depend just on Maine lobsters, it depends on lobsters, period. People buy lobsters and, if you promote the demand for lobsters, they will buy more lobsters. Our aim is to promote the Maine lobster but in doing so, we are certainly going to promote the eating of lobsters generally and Canada is going to benefit. On the other hand, Canada is also promoting lobsters and in doing so, the Maine lobster is going to benefit and they are spending more money than we propose to spend.

My fishermen are just like those of Representative Heino's, they think it is absolutely essential that we try to improve the demand for lobsters. Another summer like the one we had last year is going to be awful hard on them. They think that the only fair way to assess the fees to pay for that promotion is this license surcharge because that way, everybody who has a license, everybody who catches lobsters, pays. If you go on a poundage system, between 20 and 30 percent of the lobsters landed in the State of Maine will not pay their way. That is the long standing estimate of how many lobsters are not handled through dealers and not reported through normal channels.

We also need not fear that the fees will go up automatically in the next year because the only people who can raise that fee is the legislature. The council can't raise the fees, the dealers can't raise the fees, only the legislature. So, those fees

will not be raised if they need more money next year unless we all agree to do it.

I hope you will support the motion to recede and concur. This bill is vital to the lobster fishermen.

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

Representative TOWNSEND: Mr. Speaker, Men and Women of the House: I will be very, very brief. I think enough has been said about this. I just want to point out a couple of more things. There is no guarantee in this bill that any of that benefit from promotion will trickle down to the fishermen, none whatsoever. Perhaps it will, there is no guarantee there.

One other thing that I want to point out, during one of the committee hearings, a work session, just a short time ago when Representative Farren first proposed the per pound idea rather than the fee increase, we had the gentleman from Taxation down. We were talking it over and, even though we didn't take a formal vote, the Senate Chair of the Committee took an informal poll and we weren't all of one mind. There were a couple that were against this but the majority at that time was for the per pound tax. Then a few phone calls, maybe some from fishermen, but I suspect (just my personal opinion) the phone calls were made mostly by the dealers who store the bait for the lobstermen, who buy the lobstermen's product, who supply many of the necessary needs that the lobstermen needs to go fishing, comes through the dealer.

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

The SPEAKER: The Chair recognizes the Representative from Cherryfield, Representative Farren.

Representative FAREN: Mr. Speaker, Ladies and Gentlemen of the House: I am not going to bore you with a lot more testimony on this but there are two things that I neglected to state when I was up before.

One is that all the fishermen are now supportive of the surcharge. I have had many telephone calls from fishermen that are not supportive of it.

The other thing that concerns me greatly with the surcharge is that it doesn't matter whether you are a 200 trap fisherman and are bringing in 5,000 pounds a year or whether you are a 2,000 trap fisherman bringing in much more, the surcharge is exactly the same. There is a differentiation in the class of the licenses and, if you have more people on the boat, you pay a higher surcharge, admittedly. I am talking about the Class I lobsterman that fishes every day.

The SPEAKER: The Chair recognizes the Representative from St. George, Representative Skoglund.

Representative SKOGLUND: Mr. Speaker, Ladies and Gentlemen of the House: I have more lobster fishermen in my district than anywhere else in the state. Four words, listen, "Follow Representative Mitchell's light."

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

Representative SWAZEY: Mr. Speaker, Men and Women of the House: I would also urge you to recede and concur, follow the light of the committee chair.

One reason we need this promotion bill is (on a personal note) a classmate of mine, lives a quarter of a mile up the road from me, he is a lobsterman — I apologize Mr. Speaker, he is a person who catches lobsters and he talked to me last summer about this

and he said, we really need something and we are willing to pay for it through a surcharge on the license. I talked to him again in the Fall and he still felt quite strongly about it and urged me to work on it. I talked to him about a month ago and asked him how the fishing was and he said he was all done. He said, "I can't afford it. I am getting a buck and a half for lobsters" or whatever it was at the time. He said, "I sold my boat, sold my gear and I am all done." So, we need this and the best thing going is to recede and concur. The best way, I think, is to raise the fees to pay for this. It has a two year sunset so if it doesn't work, we can go back to where we started.

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 Mitchell of Freeport that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 164

YEA - Adams, Aliberti, Anthony, Ault, Bell, Boutilier, Cahill, M.; Carroll, D.; Cashman, Cathcart, Chonko, Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Dore, Duffy, Dutremble, L.; Farnsworth, Gean, Goodridge, Graham, Gray, Gurney, Hale, Handy, Heino, Hichborn, Hichens, Høglund, Holt, Jacques, Jalbert, Joseph, Kerr, Ketover, Ketterer, Kontos, LaPointe, Larrivee, Lawrence, Lebowitz, Lemke, Luther, MacBride, Macomber, Mahany, Manning, Marsh, Martin, H.; Mayo, McHenry, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Nash, O'Dea, O'Gara, Oliver, Ott, Paradis, J.; Paradis, P.; Paul, Pendexter, Pendleton, Pfeiffer, Pineau, Plourde, Poulin, Powers, Rand, Reed, G.; Richards, Ricker, Rotondi, Ruhlin, Rydell, Savage, Sheltra, Simpson, Skoglund, Small, Spear, Stevens, P.; Swazey, Tardy, Tracy, Treat, Vigue, Waterman, Wentworth.

NAY - Aikman, Anderson, Bailey, H.; Barth, Bowers, Carleton, Carroll, J.; Clark, H.; Donnelly, Duplessis, Erwin, Farnum, Farren, Foss, Garland, Gould, R. A.; Greenlaw, Hanley, Hastings, Hepburn, Hussey, Kilkelly, Kutasi, Libby, Lipman, Look, Lord, Marsano, Merrill, Nutting, Parent, Pines, Reed, W.; Richardson, Saint Onge, Salisbury, Stevens, A.; Stevenson, Tammaro, Townsend, Tupper.

ABSENT - Bailey, R.; Bennett, Butland, Gwadosky, Heeschen, Norton, Pouliot, Simonds, Strout, Whitcomb, The Speaker.

Yes, 99; No, 41; Absent, 11; Paired, 0; Excused, 0.

99 having voted in the affirmative and 41 in the negative with 11 absent, the motion to recede and concur did prevail.

COMMUNICATIONS

The following Communication: (S.P. 753)

115TH MAINE LEGISLATURE

June 12, 1991

Senator Donald E. Esty, Jr.
Rep. Edward A. McHenry
Chairpersons
Joint Standing Committee on Labor
115th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated John B. Wlodkowski of Augusta for appointment to the Maine Unemployment Insurance Commission.

Pursuant to Title 26, MRSA Section 1081, this nomination will require review by the Joint Standing Committee on Labor and confirmation by the Senate.

Sincerely,

S/Charles P. Pray
President of the Senate

S/John L. Martin
Speaker of the House

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

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

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

REPORTS OF COMMITTEES

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

Representative JOSEPH from the Committee on State and Local Government on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Aroostook County for the Year 1991 (EMERGENCY) (H.P. 1356) (L.D. 1948) reporting "Ought to Pass" - Pursuant to Joint Order (H.P. 101)

Report was read and accepted, the Resolve read once.

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

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

Representative JOSEPH from the Committee on State and Local Government on Bill "An Act to Revise the Salaries of Certain County Officers" (EMERGENCY) (H.P. 1357) (L.D. 1949) reporting "Ought to Pass" - Pursuant to Joint Order (H.P. 101)

Report was read and accepted, the Bill read

once.

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

Representative Melendy of Rockland offered House Amendment "A" (H-670) and moved its adoption.

House Amendment "A" (H-670) was read by the Clerk.

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

Representative MELENDY: Mr. Speaker, Men and Women of the House: First, I have to apologize to the members of the House, this is an issue that probably should be taken care of in the county. However, there is no way that it can be taken care of in the county. The other day when we dealt with our county budget, I did not want to hold the county budget up and said that I would address it here today.

What my amendment proposes to do is to delete \$9,000 from a line item of one county commissioner, bringing his salary down to the level of the other two commissioners. This gentleman was asked to be Clerk of Works on a new jail when it was being built. They didn't feel that the Clerk of Works that they had with their contract was doing the job so they asked him to do the job. They have known for months that this was not a proper thing for them to do because if you look at Title 30A, Section 52 it reads, "County Officers - no County Commissioner during the term for which that commissioner has been elected and for one year thereafter may be appointed to any office of profit or employment position of the county which was created or the compensation of which was increased by the action of the county commissioners during the county commissioners term."

The reason this \$9,000 is here is that the commissioners cannot pay him now that they have asked him to do the work. He has known for months that this was not right for him to be doing. He chose to continue doing it. He is a nice gentleman and he does good work. However, I have been telling him for months that I was going to be fighting this right down to the end. If we allow this \$9,000 to remain there, I think you are going to have a lot of problems in the future with county commissioners finding jobs, extra money for themselves and then asking you to bless what they did. I hope you will support my amendment.

The SPEAKER: The Chair recognizes the Representative from Union, Representative Savage.

Representative SAVAGE: Mr. Speaker, Men and Women of the House: The two commissioners assigned a third commissioner to be a watchdog for the jail project. The \$9,000 is for two years. I feel this gentleman has done a fine job, he has saved the county thousands of dollars and it was voted on by the nine member delegation, the Knox County delegation, seven for, one against and one abstained. I believe the gentleman should be paid.

The SPEAKER: The Chair recognizes the Representative from St. George, Representative Skoglund.

Representative SKOGLUND: Mr. Speaker, Ladies and Gentlemen of the House: I hate to differ with my good friend, the Representative from Rockland, but I would like to express my opinion on this also. I feel that the county commissioner under discussion has done a fine job. I feel he deserves his pay. I feel that, if he is denied his pay, we will be discouraging other government officials from taking hold and doing things that need to be done. So, I

hope that you will not go along with the motion of the Representative from Rockland.

The SPEAKER: The Chair will order a vote. The pending question before the House is adoption of House Amendment "A" (H-670). Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

65 having voted in the affirmative and 55 in the negative, House Amendment "A" (H-670) was adopted.

The Bill was passed to be engrossed as amended by House Amendment "A" (H-670) in non-concurrence and sent up for concurrence.

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

SENATE PAPERS

Non-Concurrent Matter

Resolve, to Authorize Oxford County to Issue Bonds for Improvements at the County Airport (EMERGENCY) (H.P. 1285) (L.D. 1855) (H. "A" H-625 to C. "A" H-538) which failed of final passage in the House on June 11, 1991.

Came from the Senate finally passed in non-concurrence.

On motion of Representative Mayo of Thomaston, tabled pending further consideration and later today assigned.

Non-Concurrent Matter

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for the Recall of State Elective Officials (H.P. 1202) (L.D. 1758) on which the Majority "Ought to Pass" as amended Report of the Committee on State and Local Government was read and accepted and the RESOLUTION passed to be engrossed as amended by Committee Amendment "B" (H-655) in the House on June 12, 1991.

Came from the Senate with the Bill and accompanying papers indefinitely postponed in non-concurrence.

Representative Joseph of Waterville moved that the House Insist and ask for a Committee of Conference.

Representative Whitcomb of Waldo moved that the House recede and concur.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative Whitcomb of Waldo that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

42 having voted in the affirmative and 68 in the negative, the motion did not prevail.

Subsequently, the House voted to Insist and ask for a Committee of Conference.

CONSENT CALENDAR

First Day

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

(H.P. 1296) (L.D. 1873) Bill "An Act to Correct Errors and Clarify Provisions in the Solid Waste Laws" (EMERGENCY) Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-667)

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

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

PASSED TO BE ENACTED

Emergency Measure

An Act Concerning Amendments to the Laws Affecting the Finance Authority of Maine and the Maine State Housing Authority (H.P. 1149) (L.D. 1674) (H. "A" H-642 to C. "A" H-569)

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Improve Student Financial Assistance Services (H.P. 750) (L.D. 1070) (C. "A" H-646)

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

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

COMMUNICATIONS

The following Communication: (S.P. 755)

115TH MAINE LEGISLATURE

June 12, 1991

Senator R. Donald Twitchell
Rep. Robert J. Tardy
Chairpersons
Joint Standing Committee on Agriculture
115th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Thomas B. Saviello of Wilton for reappointment to the Board of Pesticides Control.

Pursuant to Title 22, MRSA Section 1471-B, this nomination will require review by the Joint Standing Committee on Agriculture and confirmation by the Senate.

Sincerely,

S/Charles P. Pray
President of the Senate

S/John L. Martin
Speaker of the House

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

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

The following Communication: (S.P. 754)

115TH MAINE LEGISLATURE

June 12, 1991

Senator R. Donald Twitchell
Rep. Robert J. Tardy
Chairpersons
Joint Standing Committee on Agriculture
115th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Richard H. Duncan of Presque Isle for appointment to the Harness Racing Commission.

Pursuant to Title 8, MRSA Section 261, this nomination will require review by the Joint Standing Committee on Agriculture and confirmation by the Senate.

Sincerely,

S/Charles P. Pray
President of the Senate

S/John L. Martin
Speaker of the House

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

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

The following item appearing on Supplement No. 10 was taken up out of order by unanimous consent:

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Amend the Unfair Trade Practices Act to Allow Consumers to Recover Damages" (H.P. 1057) (L.D. 1546) which was passed to be engrossed as amended by Committee Amendment "A" (H-447) as amended by House Amendment "A" (H-637) thereto and House Amendment "A" (H-663) in the House on June 12, 1991.

Came from the Senate with that Body having adhered to its former action whereby 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.

The House voted to recede and concur.

The Chair laid before the House the following matter: An Act to Permit Off-track Betting (H.P. 665) (L.D. 944) (H. "A" H-596 to C. "A" H-541) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Tardy of Palmyra, under suspension of the rules, the House reconsidered its action whereby L.D. 944 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-541) as amended by House Amendment "A" (H-596) was adopted.

On motion of the same Representative, House Amendment "A" (H-596) to Committee Amendment "A" (H-541) was indefinitely postponed.

The same Representative offered House Amendment "D" (H-672) to Committee Amendment "A" (H-596) and moved its adoption.

House Amendment "D" (H-672) to Committee Amendment "A" (H-596) was read by the Clerk and adopted.

Committee Amendment "A" (H-596) as amended by House Amendment "D" (H-672) thereto was adopted.

The bill was passed to be engrossed as amended by Committee Amendment "A" (H-596) as amended by House Amendment "D" (H-672) thereto in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter: Resolve, to Allow the Department of Marine Resources to Convey Land (S.P. 691) (L.D. 1837)(In House, Bill and Papers Indefinitely Postponed on June 11, 1991. (In Senate, that Body Insisted on its former action whereby the Resolve was Passed to be

Engrossed as amended by Committee Amendment "A" (S-291) which was tabled earlier in the day and later today assigned pending the motion of Representative Heino of Boothbay that the House recede and concur.

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

The same Representative offered House Amendment "A" (H-673) and moved its adoption.

House Amendment "A" (H-673) was read by the Clerk.
The SPEAKER: The Chair recognizes the Representative from Wiscasset, Representative Kilkelly.

Representative KILKELLY: Mr. Speaker, Men and Women of the House: The amendment that you have before you, I believe, answers many of the questions that were raised in the debate that we have had on this bill. We have significantly tightened the language in terms of what will be happening to this piece of property. We have described this piece of property, limited to the building on no more than two acres of land. We talked about the transfer, that it has to provide public access, use and restriction of development of a parcel of land in Southport as was described yesterday. We also have clearly said that the property conveyed must be accepted, maintained and used for the purposes of Marine Research by the Bigelow Lab for Ocean Sciences. The property may not be reconveyed, leased or rented to another party and Bigelow Lab will be responsible for all costs of operating and maintaining this property. If at any time the Commissioner of Marine Resources or the Commissioner's successor determines the condition of this Resolve are not being met, title and ownership of the property must revert back to the state.

In many discussions that I have had with many of you people those issues were raised and I think we have been able to address those and I certainly hope that you will be able to accept this amendment and go on to allow this bill to pass. I urge your adoption.

Subsequently, House Amendment "A" (H-673) was adopted.

On motion of Representative Kilkelly of Wiscasset, Committee Amendment "A" (S-291) was indefinitely postponed.

The Resolve was passed to be engrossed as amended by House Amendment "A" (H-673) in non-concurrence and sent up for concurrence.

(At Ease)

The House was called to order by the Speaker.

The following item appearing on Supplement No. 10 was taken up out of order by unanimous consent:

ORDERS

On motion of Representative GWADOSKY of Fairfield, the following Joint Order: (H.P. 1359)

Ordered, the Senate concurring, that Bill, "An Act to Amend the Maine Uniform Accounting and Auditing Practices Act for Community Agencies," H.P. 1166, L.D. 1707, and all its accompanying papers, be

recalled from the Governor's desk to the House.

Was read and passed and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The following items appearing on Supplement No. 11 were taken up out of order by unanimous consent:

SENATE PAPERS

Non-Concurrent Matter

An Act Regarding Investment of State Funds in Corporations Doing Business in Northern Ireland (S.P. 446) (L.D. 1190) which was passed to be enacted in the House on June 11, 1991.

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

The House voted to recede and concur.

REPORTS OF COMMITTEES

Ought to Pass Pursuant to Joint Order (H.P. 1352)

Representative MELENDY from the Committee on Housing and Economic Development on 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" (H.P. 1358) (L.D. 1950) reporting "Ought to Pass" - Pursuant to Joint Order (H.P. 1352)

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

By unanimous consent, ordered sent forthwith to the Senate.

The following items appearing on Supplement No. 12 were taken up out of order by unanimous consent:

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Change the State Payment for Health Insurance Benefits for New State Employees with Less than 10 Years of Service and Provide for a Study of Retirement Benefits Provided to New Employees" (EMERGENCY) (S.P. 743) (L.D. 1935) which was passed to be engrossed as amended by House Amendment "A" (H-648) in the House on June 11, 1991.

Came from the Senate passed to be engrossed as amended by House Amendment "A" (H-648) as amended by Senate Amendment "A" (S-363) thereto in non-concurrence.

The House voted to adhere.

By unanimous consent, ordered sent forthwith to the Senate.

Non-Concurrent Matter

Bill "An Act Concerning the Low-income Home Energy Assistance Program" (EMERGENCY) (H.P. 1333) (L.D. 1924) which was passed to be engrossed as amended by Committee Amendment "A" (H-652) in the House on June 11, 1991.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-652) as amended by Senate Amendment "B" (S-362) thereto in non-concurrence.

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

Representative KILKELLY: Mr. Speaker, I move that the House recede and I would also request a Division.

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

Representative MELENDY: Mr. Speaker, Men and Women of the House: I hope you will vote against the motion to recede so I can present a motion to recede and concur.

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

Representative KILKELLY: Mr. Speaker, Ladies and Gentlemen of the House: The motion to recede would allow an amendment to be put onto this bill that would change the percentage of money from the Fuel Assistance Block Grant that goes to the weatherization program.

The concern that I have about the amendment that was put on in the other body is that that raises the amount from 10.6 percent where it currently is to 15 percent. The amendment that I would present takes the 4.4 percent, which is the difference between the 15 and the 10.6 percent and puts that money into emergency fuel assistance. The reason for doing that is because my experience has been in this last winter of many people in my district that have needed emergency assistance, many more people than I have experienced in the past. My concern is that if we have this money available, then this money can then in the future, in the following year, go into the weatherization program. I think that flexibility is critical in this coming winter. If we have a very cold winter and the economy is as slow as it has been in the last year or so, that that money needs to be available.

I believe that this is an opportunity for us, to some degree, get both of what we want. I certainly think weatherization is extremely important, it makes sense for us to have long-term solutions. However, my concern is that in this year we may have crisis situations that we need to be prepared for. I believe my amendment will allow us the flexibility to respond to those emergencies more effectively than the amendment that is currently on this bill.

I would urge you to support the motion to recede.

The SPEAKER: The Chair recognizes the

Representative from Falmouth, Representative Reed.

Representative REED: Mr. Speaker, a parliamentary inquiry?

Inasmuch as the title of this document is An Act Concerning the Low-income Home Energy Assistance Program and that Section 5 of S-362 states that "pursuant to the purpose of the Act to provide housing to people with low-incomes, my inquiry is whether or not the Chair would find that in violation of House Rule 31?"

The SPEAKER: The Chair would respond to the Representative from Falmouth, Representative Reed, that the Chair is not in a position to make a ruling since the amendment is not before the body at this time.

Representative REED: Mr. Speaker, may I ask to when such an inquiry would be appropriate?

The SPEAKER: The amendment would have to be pending before the body.

Representative REED: Thank you, Mr. Speaker.

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

Representative MELENDY: Mr. Speaker, Men and Women of the House: I am going to ask you again to please vote against this recede motion so that we can recede and concur.

This was a unanimous committee report that we increase this money to 15 percent of the monies coming down from the federal government to be able to assist with the weatherization program. Since we voted out of committee, a couple of the members felt that they wanted to then cut back to where we were before.

What I would like to inform you is that the need for the weatherization continues to be high because of the substantial turnover in the low-income population and the poor condition of Maine's housing. In fact, Maine has the least energy efficient housing in the country.

While the Energy Crisis Intervention Program, ECIP, does address the emergency fuel needs to low-income citizens, ECIP fails to provide that long-term benefit that weatherization provides. When the weatherization program was transferred to the Maine State Housing, everyone supporting that transfer agreed that it is critical to the future of weatherization of Maine that 15 percent of the Future Federal Low-income Home Energy Assistance Program, LIHEAP, funding should accompany weatherization. Without the 15 percent, weatherization would become unavailable in some areas of the state.

This recommendation to transfer 15 percent of LIHEAP to weatherization is consistent with the recommendations made by the Blue Ribbon Commission on energy policy for Maine's low-income citizens, which was published in November of 1990. The Commission stressed the need to look beyond short-term issues of program delivery in order to identify long-term strategies to reduce the energy bills of low-income households. In one of its seven recommendations, the Blue Ribbon Commission stressed that Maine should continue to give priority to weatherization funding in order to secure permanent improvement in low-income dwellings.

In the past years, 15 percent of Maine's LIHEAP program's funds were directed to weatherization funding. In 1989, the percentage of LIHEAP dedicated to weatherization dropped to 12 percent and has declined further to 10.6 percent for this program year. Over the past decade, monies, which have been

consistently targeted towards weatherization had been declining in the Department of Energy monies, Stripperwell monies and state repair monies.

Nicki Kobritz continues to say that "money to assist the people with their heating bills is what they should be stressing." Well, Congress recognized the increased need for long-term weatherization and in October, 1990 Congress allowed states to increase the percentage of LIHEAP monies dedicated to weatherization from 15 percent to 25 percent so they understand that this is important too.

The Blue Ribbon Commission also recommended that Maine move towards targeting fully 25 percent of LIHEAP funds to support a permanent weatherization improvements in low-income housing. Therefore, 15 percent is a minimum amount necessary for Maine to establish this long-term commitment to address the energy needs of low-income citizens of Maine.

Again, I urge my colleagues to vote against this recede motion so that we can do what is right for the people of the state.

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

Representative LEBOWITZ: Mr. Speaker, Ladies and Gentlemen of the House: I, too, approve of the weatherization program but I rise tonight to support the motion to recede. One of the reasons for this is because, if we should have a very harsh winter this coming winter, we would be in a position, I think, of having more people in need of fuel assistance.

Last year in two counties in the State of Maine, the applicant's for heating assistance were 9,463, which was over and above the year before when the applications were 8,023. This indicates that there are more people in need of assistance to heat their homes even at a minimum so I would urge you to support the motion on the floor.

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

Representative GRAHAM: Mr. Speaker, Men and Women of the House: In the past few years, the amount of money going to weatherize homes has been dropping as the good Representative from Rockland has already mentioned. If you think that is a good energy policy for Maine, then you should support the motion to recede. If you believe that we should not be spending our money for weatherization but should be spending our money to continually buy fuel oil and wood and let that heat go out through the walls, windows, doors and ceilings of buildings, then you should vote for the motion to recede. If you think that the Division of Community Services that has been administering this program has been doing a good job, you should vote to recede.

I do not intend to vote to recede because I believe that we need an energy policy of some kind and putting this back to the 15 percent that it originally was at is a step in the right direction for that policy.

It is very disturbing to have a unanimous committee report come apart afterwards for reasons that I don't entirely understand. I think it is very important that we tell Ms. Kobritz that it is time to start getting out there and doing some work. During the committee hearing, I inquired about whether or not she had approached any oil companies to ask them if, by going out to bid for a guaranteed amount of purchases whether we could work a better deal on the price we are paying for fuel oil, she said, "no." I then asked if we had any programs to perhaps allow

trustees that are jailed, such as in Houlton to split wood and then provide that wood to needy families to heat with wood stoves and she said, "no" she was not looking into that either. As a matter of fact, she doesn't seem to be looking into much of anything. She wasn't even familiar with the bill in front of the committee when she was discussing it with us.

I urge you to defeat the motion to recede. It is not in the long-term best interests of the State of Maine or the taxpayers. It is certainly not in the best interests of the people who need assistance and who would save much more money by conserving oil than they ever will by having us pay for them to buy it and let it go out through uninsulated walls, doors, and windows.

Please defeat this motion so that we can go on to accept the motion to recede and concur.

The SPEAKER: The Chair recognizes the Representative from Ellsworth, Representative Salisbury.

Representative SALISBURY: Mr. Speaker, Ladies and Gentlemen of the House: I, too, believe in weatherization. Therefore, I would not agree to lowering the current 10.6 percent. However, I agree with Representative Kilkelly — we don't know what next winter will be like, we do not know what type of emergency might take place. If economic conditions continue as they are, more people may be applying than ever have before and of different standards.

I urge you to follow Representative Kilkelly and recede.

The SPEAKER: The Chair recognizes the Representative from Unity, Representative Stevenson.

Representative STEVENSON: Mr. Speaker, Men and Women of the House: One additional bit of information — I would like to urge you to vote for the motion to recede because I look at the 4.4 percent that we are having with bill as a small way to help our local communities defer the costs of helping the people that need fuel assistance. It will be a small way of helping them.

The SPEAKER: The Chair recognizes the Representative from Windham, Representative Kontos.

Representative KONTOS: Mr. Speaker, Men and Women of the House: I know this may be a confusing issue for those of you who aren't on the committee but what I would like you to realize about the proposal to recede is that the amendment that the Representative from Wiscasset is proposing would retain the benefits to low-income energy recipients to roughly \$280.

If you follow the suggestion of the Representative from Rockland and reject this motion, you will have an opportunity to vote to do what I believe is in the best interest of this state, which is to promote a weatherization policy that, in the long run, will save low-income recipients of assistance a great amount more money, namely estimated more like \$50 to \$100 because of weatherization. Those benefits, however, to low-income energy recipients would be reduced from \$280 at the 10.6 percent to \$240 at the 15 percent that I believe is in the best interest of this state in terms of a long-term energy policy.

I urge you to vote against the motion on the floor.

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

Representative KILKELLY: Mr. Speaker, Ladies and

Gentlemen of the House: I feel that it is important for me to get up and clarify some of the information that has been presented this evening. First of all, I would like to say that I am certainly not opposed to weatherization. I am a strong supporter of weatherization and I think, whenever possible, it is important to make long-term investments. I feel, however, that the situation that we currently find ourselves in on many levels is a crisis situation, a situation that is unique and different, situations we have seen before.

The people in my district that I have seen applying for fuel assistance this year and in need of emergency assistance are people that have never applied for assistance before. They are people who don't know how to apply for assistance, they are people that are confused and don't understand where to go or how to get help. They don't need weatherization right now, what they need is emergency assistance to keep the lights on and to keep the oil in their tanks in order to keep their families warm.

I believe that what my amendment will do will be to provide immediate relief in health and safety levels for people that need to keep their electricity going and need to keep the fuel tanks full.

I agree with Representative Stevenson that it is also a way of assisting communities who would then be picking up much of that cost through General Assistance.

I think it is important for me to outline exactly what the amendment does. The amendment talks in the first year of maintaining flat funding for the weatherization program at 10.6 percent. It takes the 4.4 percent that is the difference between this amendment and the other amendment and dedicates that money to ECIP. It also clearly says that if that money is not utilized for emergencies during this heating season, it is then transferred to the weatherization program for the next year. By doing that, I believe that we have an opportunity to make use of this money almost twice, that if the money is there and needed for emergency situations, it will be available. If the money is not needed for emergency situations, it will then be turned into the weatherization program. The amendment also says that in the second year, the 15 percent amount for weatherization will, in fact, be there.

I would urge you to think about what may be going with many of your constituents over the course of the next heating season and how many of them are out of work and how many of them may need emergency assistance because I believe having this pocket of money available can be our Snowy Day Fund if we need it.

I urge you to support my motion to recede.

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

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: I rise this evening to oppose the motion to recede, both as the Representative from Augusta and as a member on the Governor's Blue Ribbon Commission panel on Home Energy Assistance, LIHEAP and weatherization that was formed last February in the midst of the crisis that we had. The reason we had a crisis is that we don't have any planning from the Division of Community Services. What you heard from the Representative from Houlton tonight, in my opinion, is probably the most honest assessment of what has been going on over the period of the last couple of years in that

department.

There is no planning, there is no future, we go from one crisis year to another crisis year. The reason we need more money in ECIP, Emergency Crisis Intervention Program, is that there is never any planning about weatherization. We go from season to season and the reason they need money for ECIP this coming winter is that they haven't planned a couple of winters ago for weatherization. There is a three or four year waiting period for a low-income person to have their home weatherized.

I have a lady who lives across the street from me who has been waiting for four years. They still haven't come to put weatherization around the door openings or around the windows and add a couple of inches of insulation in the ceilings — she is still waiting. Her fuel bill is almost a hundred dollars a month.

When we think we are doing something good for these people by ECIP, we are buying them about two and a half to three weeks of help, that's all, then they go to the city. The city has to pick up the burden then.

The Commission on which I was appointed by our Governor said that weatherization should be the number one priority and people from Central Maine Power, Bangor-Hydro Electric, and Maine Public Service agreed with us that we should weatherize those homes so they don't use as much electricity and fuel oil as they constantly do because they are old homes, they are outdated and they were weatherized in the 1930's with a couple of inches of insulation of wool.

The next thing should be LIHEAP — we have the lowest in New England of benefits for the LIHEAP program. It is a shame. Vermont does better than we do. We have one of the highest energy consuming states in the country and one of the coldest. ECIP is the last priority. It is constantly putting out fires, constantly trying to plug the hole in the dike, being the little Dutch boy putting his finger in the dike. Help someone once but they are going to be back there next season.

We met in April, May, June, July, August and September and we gave the Division a report and we thought it was going to be implemented this season. Ms. Kobritz said, "no, excuse me, I need at least a year's time to bring this about, I can't do anything this winter, it will have to be for next winter." So here we are planning for the winter of 1991-92 and we are still talking ECIP. We were talking ECIP in December of 1989, the coldest winter in the history of our state since they started keeping records in the 1870's. She was talking ECIP then, she is still talking ECIP now and I suspect in two more years, we are still going to be talking ECIP because we will still not have weatherized old homes that need to be weatherized. So if you want to feel good, you want to do something once to help someone, give them \$200 or \$300 for kerosene for that drafted old apartment that has never been winterized or the old home that Mom and Dad are living in, go right ahead and vote for the motion to recede. You will feel good this winter, you won't get as many calls because you will say call CAP, have them go ECIP, they will come in and we are going to have to face it again next Spring in April in the waning hours of the Second Regular Session. We are going to have another kind of ECIP program brought by the Community Services Division. Well, I haven't had a enough time to plan, give me

another year, it is going to be the same story.

The unanimous Committee Report was correct. The gentleman from Houlton was correct, the motion to recede is wrong and I am not going to vote for it.

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

Representative GEAN: Mr. Speaker, Men and Women of the House: Representative Paradis has just hit the proverbial nail right on the head as well as the Representative from Houlton. It is a question of whether we want to feel good spending \$200 to \$300 every time these funds are available or if we want to patch up these drafty hovels where the poor people live, once and for all.

I encourage you to follow the good work that Representative Melendy has done on this committee. I sat through a part of that this afternoon and I am terrifically impressed with her ability and this committee's ability to do, in a few weeks literally, what could not be done in the last five years and that is to convert those funds to a permanent investment in the housing stock. If you speak with any of the Community Action Program directors you will find out to a person that this is where the funding should go. They are tired on simply paying utility bills over and over again.

The next thing you have to question before you, hopefully, vote with Representative Melendy is, do you really believe that these federal funds will continue to flow? My response is, no, and then we won't be able to buy them the \$200 or \$300 for the fuel oil to make them feel real good every now and then.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the Representative from Wiscasset, Representative Kilkelly, that the House recede. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

28 having voted in the affirmative and 71 in the negative, the motion did not prevail.

Subsequently, the House voted to concur.

The following items appearing on Supplement No. 14 were taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

Bill "An Act to Increase Penalties for Child Labor Law Violations" (H.P. 635) (L.D. 905) which was passed to be engrossed as amended by Committee Amendment "A" (H-593) in the House on June 10, 1991.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-593) as amended by Senate Amendment "A" (S-347) thereto in non-concurrence.

Representative Hastings of Fryeburg moved that the House Insist and Ask for a Committee of Conference.

Representative Ruhlin of Brewer moved that the House recede and concur.

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

and concur. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

68 having voted in the affirmative and 26 in the negative, the motion to recede and concur did prevail.

PASSED TO BE ENACTED

An Act to Enhance the Filing of Documents in the Registry of Deeds (H.P. 95) (L.D. 136) (C. "B" H-656)

An Act Concerning Salary Provisions for Automotive Industry Personnel (S.P. 491) (L.D. 1329) (C. "A" S-354)

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 Chair laid before the House the following matter: An Act Concerning Amendments to the Laws Affecting Education Programs of the Finance Authority of Maine (BOND ISSUE) (S.P. 642) (L.D. 1690) (H. "A" H-604 to C. "A" S-308) which was passed to be enacted in the House on June 11, 1991 and came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-308) as amended by Senate Amendment "A" (S-352) thereto in non-concurrence which was tabled earlier in the day and later today assigned pending further consideration.

Representative Crowley of Stockton Springs moved that the House recede and concur.

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

Representative MARSANO: Mr. Speaker, Ladies and Gentlemen of the House: I would suggest to the House that it would be wise to recede and concur.

I would like to make a statement with respect to the matter that is before us. The matter that is before us is really as a result of language which appears in Senate Amendment S-352. Senate Amendment S-352 incorporates language which Representative Crowley added under House Amendment H-604 for the purposes of introducing some language that would have allowed the money, if raised by a bond, to be properly allowed under the law. However, the genesis of that was as a result of the Committee Amendment which created a bond which has been struck by Senate Amendment S-352 when it struck out all of Part B, leaving the language in lines 23 through 25 that indicated "except that bond proceeds and principal repayments must be used only for loans and not for administrative expenses of the program or other current expenditures." That language relates to the bonding that is struck by striking out Part B of the Committee Amendment and, accordingly, the language is vestigial. I make the statement simply so that the future will note that if a Constitutional Amendment is ever allowed which generates bond proceeds or if another bond that would be recognizable under the Constitution was passed from which proceeds could pass under this bill to the purposes for which the bill is intended, that it would be constitutional without further action by this legislature.

The SPEAKER: The Chair recognizes the

Representative from Stockton Springs, Representative Crowley.

Representative CROWLEY: Mr. Speaker, Men and Women of the House: I understand Representative Marsano's concerns with this. In 1988, we established the Maine Educational Loan Authority to put the following bond authorization into Title 20a and we simply put the words in there "the Authority may at any time and from time to time issue bonds for any corporate purpose, including without limitations, for the purpose of making Authority loans to institutions participating in programs of the Authority for the purpose of providing education loans for acquiring existing portfolios of education loans from institutions or for financing or funding education loans directly or indirectly to the borrowers." If this language is left in, I don't think it will do us any harm. Next year or the year following, we hope we can put language of this nature into the bill and have FAME in the business of having a supplemental loan program for those students that fall between the cracks. We are not going to be able to do it this year and that is why we deleted Section B because we can't get the \$10 million bond issue.

Subsequently, the House voted to recede and concur.

The Chair laid before the House the following matter: Resolve, to Provide Additional Funding and an Extension of Time to Allow Phase 2 of the New Capitol Area Master Plan to Be Completed (EMERGENCY) (S.P. 507) (L.D. 1345) (C. "A" S-239) which was tabled earlier in the day and later today assigned pending final passage.

This being an emergency measure, a two-thirds vote of the House is necessary. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Representative Kerr of Old Orchard Beach requested a roll call.

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

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

On motion of Representative Kerr of Old Orchard Beach, L.D. 1345 and all accompanying papers were indefinitely postponed.

On motion of Representative Gwadosky of Fairfield the House reconsidered its action whereby L.D. 1345 and all accompanying papers were indefinitely postponed.

Representative Kerr of Old Orchard Beach requested a division on the motion to indefinitely postpone.

The SPEAKER: The Chair will order a vote. The pending question before the House is indefinite postponement of L.D. 1345 and all accompanying papers. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

8 having voted in the affirmative and 90 in the negative, the motion did not prevail.

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 the House is necessary. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 165

YEA - Adams, Aliberti, Anderson, Anthony, Ault, Bailey, H.; Barth, Bell, Bennett, Boutilier, Bowers, Cahill, M.; Cashman, Cathcart, Chonko, Clark, H.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Donnelly, Dore, Duffy, Duplessis, Dutremble, L.; Erwin, Farnsworth, Farnum, Farren, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gurney, Gwadosky, Handy, Heino, Hogleund, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Ketterer, Kilkelly, Kontos, LaPointe, Larrivee, Lawrence, Lemke, Libby, Lipman, Lord, Luther, Macomber, Manning, Marsano, Marsh, Martin, H.; Mayo, McHenry, McKeen, Melendy, Merrill, Mitchell, E.; Mitchell, J.; Murphy, Nadeau, Norton, Nutting, O'Dea, O'Gara, Oliver, Ott, Paradis, P.; Parent, Paul, Pendexter, Pfeiffer, Plourde, Poulin, Powers, Reed, G.; Reed, W.; Richardson, Ricker, Ruhlin, Saint Onge, Salisbury, Sheltra, Simonds, Simpson, Skoglund, Small, Spear, Stevens, A.; Stevens, P.; Swazey, Tamaro, Tardy, Townsend, Tracy, Treat, Tupper, Vigue, Waterman, Wentworth, Whitcomb.

NAY - Aikman, Carleton, Clark, M.; Foss, Garland, Greenlaw, Hanley, Hastings, Hepburn, Kerr, Kutasi, Lebowitz, Look, MacBride, Mahany, Morrison, Nash, Pendleton, Pines, Rand, Richards, Rotondi, Savage, Stevenson.

ABSENT - Bailey, R.; Butland, Carroll, D.; Carroll, J.; Hale, Heeschen, Hichborn, Hichens, Michaud, Paradis, J.; Pineau, Pouliot, Rydell, Strout, The Speaker.

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

112 having voted in the affirmative and 24 in the negative with 15 being absent, the Resolve was finally passed, signed by the Speaker and sent to the Senate.

The following item appearing on Supplement No. 13 was taken up out of order by unanimous consent:

On motion of Representative ANTHONY of South Portland, the following Joint Order: (H.P. 1361)

Ordered, the Senate concurring, that Bill "An Act to Clarify the Authority of Law Enforcement Officers to Release Certain Arrested Individuals on Their Personal Recognizance," H.P. 896, L.D. 1293, and all its accompanying papers, be recalled from the legislative files to the House.

Was read.

The SPEAKER: The pending question before the House is passage. (2/3 vote required.) Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

110 having voted in the affirmative and 2 in the negative, the Joint Order was passed 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 following supplement was taken up out of order by unanimous consent:

Reference is made to (H.P. 1284) (L.D. 1854) RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide Greater Legislative Oversight over Agency Rulemaking

In reference to the action of the House on Monday, June 10, 1991, whereby it Insisted and Asked for a Committee of Conference, the Chair appoints the following members on the part of the House as Conferees:

Representative GWADOSKY of Fairfield
 Representative GRAY of Sedgwick
 Representative LORD of Waterboro

The Chair laid before the House the following matter: HOUSE DIVIDED REPORT - Majority (8) "Ought to Pass" pursuant to Joint Order H.P. 1348 - Minority (5) "Ought Not to Pass" - Committee on Banking and Insurance 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) which was tabled earlier in the day and later today assigned pending the motion of Representative Mitchell of Vassalboro that the House accept the Majority "Ought to Pass" Report.

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

Representative MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: I would request that the House go along with accepting the Majority "Ought to Pass" Report to give me the opportunity to offer an amendment, which better reflects the position of those of us who support the opportunity of schools to purchase their insurance through the State Risk Management Fund. At this point, I cannot offer or discuss the amendment and I would ask your courtesy in allowing me to do that if the Report is accepted.

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

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

To the Chairperson of the Banking and Insurance Committee, I wonder if she could give me a couple of answers. I had a few calls today on this particular bill. They wanted to know if there was a cap that had been placed on it and if there was a cap on it, has it been changed? Or has the Casco Bay Island District always been a part of this particular program and does this put the state into the position of competing with private insurance firms?

The SPEAKER: The Representative from South Portland, Representative Macomber, has posed a question through the Chair to Representative Mitchell of Vassalboro who may respond if she so desires.

The Chair recognizes that Representative.

Representative MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: I would advise the Representative from South Portland, Representative Macomber, that most of the calls that he has had concern a bill that was distributed earlier. I cannot discuss this with you on the floor of this House, the amendment which I would like to propose, because many of the questions I think are no longer even appropriate. With your permission, I would like to get to second reading, offer the amendment, and if any of your questions still remain, I will make every attempt to answer them.

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

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

Representative Mitchell of Vassalboro offered House Amendment "A" (H-674) and moved its adoption.

House Amendment "A" (H-674) was read by the Clerk.

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

Representative MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: I am very grateful to you for the opportunity to talk about this bill in its pure form and the form to which it came to the attention, frankly, of the original sponsors and of the men and women of this body who believe that it is a wonderful opportunity to give schools in this state an opportunity to purchase their insurance if they choose to do so from the State Risk Management Fund.

When this idea first came to my attention, I was seated downstairs on one of those steamy nights on the Adhoc Budget Committee. I remember serving with Representative Norton and we were grasping for ways to save state dollars in a responsible way. With his extensive knowledge of education, he mentioned if we could only find a way that the schools could save some money on their insuring of their buses and the other issues, if we could save some there, I know there is a lot to be found. We simply did not know how to do it that very night, as you know we were on a short time frame and it disappeared. As luck would have it, Representative Nutting was ahead of us all because he had a bill pending for a study which would do that very same thing. Representative Luther received a call from a constituent who said, "Couldn't schools save a lot of money if they could participate with the state in purchasing their insurance in a group manner?" She was very excited to learn about Representative Nutting's bill and quickly signed on.

Then it came to our committee and, frankly, when they first presented it, we didn't realize that we could act now. Isn't it wonderful that you don't have to study it, you don't have to put it off until 1999 but you can, this very evening, enact a bill which enables your town, if they so choose, to purchase their insurance from the State Risk Management Fund? It is an optional choice for your towns, the potential to save money, and all of us know that the dollars that fund our schools comes from either the local property tax or from the state fund. It is just almost too good to be true.

The amendment that I offered brings it all back together. For Representative Macomber, and I haven't forgotten your questions, the reason that Casco Bay Island Ferry and all these things got all mixed up in the original bill, the state already does this. What

we are now considering has nothing to do with what the state already does. It simply allows schools the option of purchasing their insurance from the State Risk Management Fund. There is, indeed, a requirement for a cap. The \$300,000 is the maximum exposure that the state would have for any disaster because commercial insurance is required and that is called "excess insurance." You have to buy that to protect the state from anything over \$300,000. Protections are built in, actuarial studies are required and it is a very responsible way to go. It is an extraordinary opportunity to act this evening to save some money for your local schools if they choose to participate.

I would encourage your adoption of this amendment.

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

Representative NORTON: Mr. Speaker, Ladies and Gentlemen of the House: I was as shocked as I could be when I saw the L.D. that appeared before us that was a far cry from anything that I really had originally thought about. I have had two simple thoughts this year and both of them have caused major occasions, one was on that the ventilation system and then this bill.

This would give them an option as Representative Mitchell said. I think and have thought since 1974 when I proposed this at the very poorest of timing, and if you retrace your mind a little in history, you can see what a terrible time that was to propose a change in how we might do our insuring. It haunted me for 10 or 12 years. Now I feel that this option should be looked into very carefully at the local school level.

Think of this one, the state right now puts in first place on a priority basis, any school that burns. Let me use an actual example that some of you will remember. When the Windsor School burned, it vaulted number one on the State Board's list of school replacements. You have a bond issue there already in place to replace the school. Your minimal amount of insurance that would come back through a risk pool would be plenty of difference in profit if you made no more. It is a rare time that you will see me advance notions that compete in any way with the private sector but in the school business, in the school-building business and the school bus purchases, I believe that represents two exceptions and I am not at all hesitant to come forth and support this idea as tempered by this amendment.

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

Representative REED: Mr. Speaker, I request permission to pose a couple of questions through the Chair.

To the Representative from Vassalboro, I note that the amendment proposes to exempt the director from the provisions of Title 24a and I would ask if she would be so kind as to tell me what those provisions are in general terms and why it is in the best interest of the people to exempt the director from those provisions?

The second question is — I note also that it states that the director should provide insurance advice and my question would be, would the director then require an errors and omission coverage, at what cost in order to provide that advice? It would appear that he would be acting as an agent.

The SPEAKER: The Representative from Falmouth, Representative Reed, has posed two questions through

the Chair to Representative Mitchell of Vassalboro who may respond if she so desires.

The Chair recognizes that Representative.

Representative MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: Title 24a is the entire insurance code, it regulates private companies to assure that appropriate monies are there to pay losses. The State of Maine is not a private company, it reserves are there and as you see, this bill requires rules to be promulgated to see that there are adequate reserves. Its money does not come from assessments, it comes from our General Fund revenues, as you know, as well as premiums charged on insurance that is before us.

The director's offering advice is current law. He already does that, this is simply a rewrite of current law, that's all that that means. He does that now.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative Murphy.

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: What we are doing with this bill is that we are taking the school insurance out of the private sector. Therefore, we are going to be putting our local people out of work.

In my district, we insure our schools and we divide up our municipal buildings between our two local insurance men. That provides jobs in our town and that provides jobs in all the local communities. I do not believe that the state should be controlling or running an insurance business and this is what it is doing, it is putting the state into the insurance business.

We are trying to keep jobs in this state and keep business but then we keep putting these things on the taxpayers and that is what we are doing here. The taxpayers will have to pay, there will be more and more state employees to oversee this and I don't think this is a good way to go.

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

I ask for a roll call.

The SPEAKER: The Chair would advise the Representative from Berwick, Representative Murphy, that she is out of order.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: Very briefly, I would like to remind the good Representative Murphy that this is optional. Should your town wish to continue to give its business to the local agents, it can do so under this bill. I think that is very important for all of you to know. I think it is also very important for all of you to know that the taxpayers dollars that you are saving, these schools are paid for with property tax dollars and state dollars. I think it is incumbent upon us to save them when we have the opportunity to do so.

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

Representative NUTTING: Mr. Speaker, Ladies and Gentlemen of the House: When I was asked by my local superintendents and a person in my local community that have been chairman of the school board district for ten years to submit this legislation, at first I wasn't sure of all the ramifications but the more I have studied and gotten involved with it, the more I am very happy that I did sponsor it.

I think as we debate this bill today, we all should be looking up at the heavens because if you have been lobbied by the people who are opposing this bill, the one impression that I got was that the sky is going to be falling and we all better be looking out.

Very quickly, I know that the hour is late and we are all tired, but I want to relay some information to you people of the House about why you should vote to adopt this House Amendment "A." First of all, I think the thing that hit me between the eyes was that, last year, Maine property tax dollars and Maine State School Funding dollars spent \$3,558,000 on fire and theft insurance for elementary and secondary schools. That's a lot of money. The claims last year, ladies and gentlemen of the House, \$207,000. I have gone back 20 years and seen this huge difference, year after year after year. It should be no surprise that Wyoming, Virginia, West Virginia, North Carolina, Wisconsin, South Carolina, Alabama and Utah (to name a few) have every single elementary and secondary school in those states self-insured with a state insurance fund and they have all done so to save money and the sky has not fallen on those states.

I guess the other thing that I would say is that when Mr. Tim Smith came before the committee on this bill and pointed out that, if we drew up language, he could have this up and running in a matter of months. He estimated that he could cover the \$1.5 billion dollars of school value that we now pay over \$3.5 million to insure, he could do that for about \$700,000. Ladies and gentlemen, that is a savings per year if everybody participated. This is an optional bill, we are not forcing anybody to participate, but the potential savings is over \$3.5 million a year, not including school buses.

I want to close by going over with you folks what the Maine Risk Management Agency insures now. This was a big eye opener for me. The Maine Risk Management Agency presently insures all DOT vehicles. They presently insure all of the University of Maine's System. They insure all of Maine Maritime's buildings for threats of suits, fire, theft, for everything. They insure all the VTI systems, they insure all the elementary and secondary schools presently in the unorganized territories. They insure all the school boards in those areas. They have a world of experience in this and has proven to do an excellent job.

The amount of money that is set aside in reserve accounts is reviewed by actuaries and they have never once had a problem that could not be resolved or a claim that they could not cover. The potential savings here is just astronomical and I think we need to follow the lead of many other states that have already gone this route and have already saved millions of dollars.

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

Representative MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry now that I asked the question. I certainly was not in opposition to the bill, I fully intend to support it, I think it is a wonderful bill. I did have questions that were asked to me today and I was just trying to get some answers. I guess I should have asked Representative Mitchell out in the hall instead of in here.

Subsequently, House Amendment "A" (H-674) was

adopted.

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

Representative GARLAND: Mr. Speaker, Ladies and Gentlemen of the House: My main objection to this legislation is that it enables the Maine Risk Management Division to sell sham insurance, that is to sell so-called insurance that is not actuarially sound. The so-called insurance is not regulated by our Bureau of Insurance. The so-called insurance, with no requirements for adequate reserves, reserves which we in this legislature have dipped into on occasions. I am told that this does not matter as we have the ability to tax so we do not need adequate reserving or actuarially sound principals.

The old adage, "You get what you pay for" is at work here. Our local schools who purchase this product may find that they were not covered as adequately as they may have thought.

This bill presents an illusion of safety and security. I urge you to defeat the pending motion.

Mr. Speaker, I request a roll call.

The SPEAKER: The Chair recognizes the Representative from Rome, Representative Tracy.

Representative TRACY: Mr. Speaker, Men and Women of the House: I would like to respond to the good Representative from Bangor, Representative Garland, by saying that there is no safeguards. If he would pick up the amendment which we just passed and look on the back side of House Amendment "A", the bill further requires the Risk Management Division to contract for annual actuarial services and to adopt rules to ensure that the insurance fund is adequately funded and the assets of the fund are protected, the cost of which can be absorbed within the existing resources.

If this amendment is a sham, I would suggest that we reconsider where we adopted it and I would suggest that we vote for the pending motion.

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

Representative NORTON: Mr. Speaker, Ladies and Gentlemen of the House: The reason that there is an option covered under this amendment is that, in my opinion, it is because of the way the state subsidy law works now. If you are in one of those high receiving units, the state is already paying virtually all of the costs of the new building. If you are in a system that is a low receiver, I would then say that you would have to take a hard look at how that was going to affect your system and make sure you were adequately insured and whether this was truly the most economic way to go.

There is no question in my mind that any of the -- I would say that it would go down to the 35 percent level before you would probably go with another option and that is just the way that the subsidy law, the Debt Service Law, in the state works. So, I claim that it is probably 75 percent of this state that is looking at a straight savings.

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

Representative PINEAU: Mr. Speaker, Ladies and Gentlemen of the House: I won't belabor the point but on an original Resolve that Representative Nutting of Leeds put in, I signed out on the "Ought Not to Pass" side. I realize and fully understand that this amendment looks nothing at all like that Resolve.

I just want to bring to the attention of members

of the House my uncomfotability with this bill. When the Resolve was first put in front of us, I thought it sounded like an idea that ought to be thoroughly investigated and I was very supportive of it and that we probably ought to have a study. I thought we were going to hold it over. The majority of the committee decided to move it out and I wasn't ready to move it out because there are too many unanswered questions in my mind to feel good about this yet.

I am not afraid of the state being in the insurance business, that is not one of my problems. My problem is that, if we do it, we do it right. I would rather have the state fall under the Bureau of Insurance Regulations and be under their guidelines. The old adage, "everything comes back to property taxes" and we know full-well that that happens. What the state doesn't pick up, the property taxes will. I don't think that is a good argument on this bill.

We saw a bill on our desks earlier today that came out after the Resolve that threw in the Casco Bay Lines, which totally confused everybody I think on the committee and in the House and now we have this amendment before us. I think in our haste, I hope in our haste, we are not making a mistake by passing this bill. That is why I cannot support it. I didn't have the time and I don't have the understanding to feel comfortable at what we are trying to reach for here. I know everybody in the school districts are looking at ways to save money. I am just wondering, looking down the road in the long-run, will this really save or is this going to be one of those that comes up behind us?

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

Representative MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: We have heard from the good Representative Pineau that he would like more time to study this issue and I certainly respect that. At the same time, I would like to share with this House some information and you certainly have already heard Representative Norton's information about how he has studied this issue since the 1970's.

I am going to read to you something and I will reveal the source when I have finished. "Elementary and secondary schools in Maine reported spending a total of \$14 million plus for insurance coverage. Since the State of Maine pays approximately 54 percent of these costs, there is further justification for review of the legislature. It is hoped that the legislature will endorse a continuation of this study of the Department of Education and the Risk Management Division in order that we can get all this specific data so we can move forward and report back to the 112th Legislature." The time has come to stop studying an issue which is so obviously good for our school districts and for our taxpayers. I am delighted that we had the chance to act now in a reasoned and responsible manner, giving your towns the opportunity.

I would ask Representative Garland (and he really doesn't have to answer) if he thinks the Risk Management Division is such a sham, does he think we should do something about insuring the University of Maine, Maine Maritime and all the Vocational-Technical Colleges?

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Carleton.

Representative CARLETON: Mr. Speaker, Men and

Women of the House: I share the Representative from Jay's concern about the Risk Management Division. When the person from the Risk Management Division came in, he said that he could insure all of Maine's schools for a premium of \$585,000, that was less than what the Representative from Leeds indicated.

I have a letter from the Bureau of Insurance and they do know something about insurance which tells us that the claims experience for a five year period from 1985 to 1989 is somewhere in the vicinity of a million dollars a year.

I would like to read just a little bit of this for you. It says, "that the experience in more mature years between 1985 and 1989 reflect heavy claims and settle expenses. The losses attaching to all accident years amount to about \$5.5 million. The suggested charge of \$585,000 by the Risk Management Division under these circumstances seems woefully inadequate." Having heard this proposal from the Risk Management Division, I am uncomfortable with their experience in insurance and actuarial matters so I join with the Representative from Jay in opposing this bill because I think more time is needed to study it.

I would also point out that the fiscal note to this bill indicates that there may be a substantial start-up expense if this bill is passed because you don't start an insurance fund with nothing, you have to put money in upfront in order to make sure that you have more in case there is a loss.

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

Representative HASTINGS: Mr. Speaker, Ladies and Gentlemen of the House: I was not really planning to speak on this bill. I did come out with the Majority Report. I think the amendment answers some of the issues that have just been raised by the previous speaker regarding start-up costs because by putting it over to the other fund, there is already reserves in the fund for this purpose.

This fund, Risk Management Pool, if you will, the only shortcomings to it, in my opinion, is the fact that the reserves are not protected against the greed of the legislature. That is the only shortcoming. Other than that, I think the fund, as we have established it, we have attempted by putting in safeguards that there has to be an actuarial review of all of the rates and reserves and that those have to be reported back to a legislative oversight for purposes of looking at whether or not there is a deviation of what is going to be followed regarding the recommendations of the actuary.

This, in my opinion, is a good safeguard. I think the fund may very well be the best opportunity for many schools, not all schools, but many schools. On that basis, I think it is a fair way to give choice even though I will admit that it does go against those who would truly say that that is a private industry thing and government shouldn't compete with it. My only answer to that is, government in this case, is paying for it. We are buying the schools, either with property taxes or with state dollars so I think it is very, very proper for us to try to save money with this type of pooling device.

I support the passage of this bill.

The SPEAKER: A roll call has been requested. For the Chair to order a roll call, it must have the expressed desire of more than one-fifth of the members present and voting. Those in favor will vote

yes; those opposed will vote no.

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

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

Representative ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: As Chairman of Audit and Program Review, I would like to reassure Representative Pineau of Jay that we will be reviewing the Risk Management Division and will be looking into it very, very carefully.

I hope you will support this issue.

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

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

It was mentioned that we possibly might have to contribute a substantial amount of money for start-up costs. Could someone please explain that a little further and tell me how much those start-up costs might be?

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

The Chair recognizes the Representative from Leeds, Representative Nutting.

Representative NUTTING: Mr. Speaker, Ladies and Gentlemen of the House: First off, I think it is an excellent question. With the original L.D. as printed, and to me it was not drafted as we the sponsors wanted it and that is why you see the amendment before you tonight, was the potential for some start-up money needed but with this amendment that is before us tonight, there is absolutely no need for any start-up money. What we are doing is allowing the option of elementary and secondary schools to be added to the fund that is already in existence for the University System, the VTI's, and the elementary and secondary schools in the unorganized territories. There are plenty of reserves there right now. In fact, I would point out to the House, and it kind of goes along with what Representative Hastings said, there were so many reserves there to help us out with part of our budget balancing, we temporarily took a loan from those reserves. To me, that says very plainly that there are plenty of reserves there to cover whatever insurance the local schools would choose on their own to do.

While I am up, the other thing I forgot to mention before is that the Risk Management Agency also insures all state buildings all over Maine. When the issue came before the legislature years ago to have them start to insure all the state buildings, these same series of objections and arguments and the sky was going to fall in, were discussed then. None of it has come true at all.

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

Representative MARSANO: Mr. Speaker, Ladies and Gentlemen of the House: Earlier today, I had the chance to discuss in the hall with the Representative from Jay and the Representative from Vassalboro this question and I, therefore, have had a chance to think a little bit about it and I can't help but reflect this evening as I sit here in thinking that the group

that we have heard so much about earlier in the year, the old teachers, must have been the subject of somewhat the same kind of debate when they were picked up out of the General Fund as a portion of a pay out that would not hurt us much, that we could cover out of current revenues and that we needn't really worry too much about it. I know that we have gone a long way since then but as a person who deals with the subtle differences between things like school buildings (and I disagree with some of the things my learned colleague has said about schools and school districts and all the rest of it) but there are distinctions. For instance, we don't treat the teachers that we pay so much of the monies for as state employees so the school buildings are difference and everything is different. We are really dealing about a potential unfunded actuarial reserve about which so much has been said in so many different places in the course of this session.

I am not a lover of insurance companies. I am also not anxious to see the state, with its general revenues, do things that it cannot fiscally and responsibly afford to do.

I agree with the Representative from Jay. This issue is complex and needs to be studied. I have, during the five years that I have been here, seen any number of intense studies done by the Banking and Insurance Company. One more won't hurt. We have a lot of good minds who have practiced studying for a long while and I think that is what we ought to do. For those reasons, I will be joining the Representative from Jay and the Representative from Bangor, Representative Garland in opposing this measure.

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, Members of the House: The Representative from Belfast brought something to mind and I thought it would be appropriate to give you a little history. Because I think members that have not been here as long as I have been, they have not seen "deja vu" and I thought it would be appropriate for me to give you a little history.

In 1965 when I became a member of this body, let me describe to you the method by which the state insured all of its buildings along with the University of Maine, Maine Maritime and everything else. The way it worked was really very, very simple. You may remember we had seven executive councillor districts in the good old days and counties were grouped together and they rotated except for Cumberland County that always had a member of the executive council. Aroostook and Washington were together, Aroostook would get it three times and Washington once in the rotation. Here is how it worked — talk about a deal — the legislators from

the Majority Party, and I found myself with the Majority (you may remember the Goldwater election) we would get together and those who were from that county that happened to have the executive councillor and it so happened it was Washington County's turn in 1965, Nate Cohen, and there were two democratic state senators from Washington County and a couple of state representatives, they then voted as to which agency got the business.

Two years after, the Republicans grabbed control of the legislature again so the executive councillors switched. It was now Aroostook County's turn in this rotation, and I will give you that one because I know it best, E. Peron Edmunds was the Executive Councillor from Aroostook and those from Aroostook may remember him. He and the Majority Party members would get together and the agency in Fort Fairfield would get the business. This was not a bidding process, it was "know your friend deal." Then came 1974 and guess what, the legislature switched parties again, the Democrats grabbed control over the House and the Republicans kept control over the Senate, that was the year of Jim Longley. Guess what? There were two Democrats elected from Washington County, one senator that time, Nate Cohen. Washington County — Democrats were able to parcel out, one more time, all the insurance for the state in the county. It went to one person who he would know well. Luckily, Jim Longley, though an insurance agent, said to me and to others, this is a horrible waste of money. It is taxpayers money that we are wasting. Free enterprise — who are we kidding? That is where Risk Management developed as a concept.

Actually, there was another step in between — it went out to bid, that was the next stage. Then the Risk Management came into operation. Over the years, we have been able to broaden it and to include the University, etcetera.

What you have tonight is just the continuation of that policy. I find it ironic to hear tonight, "let's study it one more time" because I was a member of the 112th Legislature and when the study was put together I said, "The industry is going to kill it, gang. Let's make the reporting at the end of the session. You know what is going to happen, the next legislature won't remember what the previous legislature did, they are going to have to study it again." That is typical of the legislature and so the study died.

I could keep going but what amazes me tonight is people who want to save money and yet want to spend \$4 to \$5 million dollars per year of taxpayer money to give to the insurance industry and their fellow agents. That is the only one you will be giving it to. By the way, I have an insurance agent's license if you are wondering.

My first job here is not as an agent, my first job at the legislature is to represent the people in my district and to try to save them money and use that money for something that they cannot use it for. You can choose to represent the agents and the lobbyists in the hall and upstairs who are here to watch this debate tonight in hope that you kill it. Then they can continue to line their pocketbooks. I understand that, that is the free enterprise system.

I owned a cable television system, I know what it is like. I only wish I hadn't sold it when the federal government changed their rules and gave the FCC all the power and then the rates went through the roof in the last five years because I would have been

making a heck of a lot of money in the last five years because (as you may remember) the old way you had to go to the town council to get approval and town councils are fairly selective about giving rate increases. That is really all it is.

So, anyone who votes for this tonight is voting to save taxpayer money. If you vote against it, you are simply saying that you want to keep \$5 million that could belong to your constituents and you want to give it to Hartford and to all of the other carriers and agents who make 15 percent on the sale of a policy. Who are we kidding? I wish Don Carter were here tonight as a fellow agent. Of course he never voted on those things because he felt it was a conflict of interest but he would tell you privately.

History repeats itself. If you want to study it, I can guarantee you there would be another 112th Legislature report the next year and then, hopefully, the industry will have forgotten that you did the study and the next legislature will come in in two years and legislators will say, I have got a great idea, let's do this, we are going to save money and let's study it one more time.

What can I say — do what you want members of the House but I remember the good old days when one member of the Executive Council from Washington County or from Aroostook County or from Cumberland would simply call up the agency (I can give you the names, I still remember them that is how bad it bothered me). I always used to look at the profit that they made for that particular two year contract, what a deal, what a deal! Taxpayer money funneled from Augusta, Maine to Fort Fairfield. That happened in all sixteen counties of this state.

Remember who pays the bill for schools, almost 55 percent and if you count teacher retirement, you are going to be up to 60 percent pretty quick — is taxpayer money which is in your budget for the state. Tonight I want to say to you, if you want to save \$6 million in perpetuity, then you vote for it. If you don't, what can I say, you will have helped your insurance agents greatly back home.

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

Representative PINEAU: Mr. Speaker, Ladies and Gentlemen of the House: Need I dare challenge the good Representative from Eagle Lake, but when this all started when he was there to watch it, I was in the third grade. The way the good Representative from Eagle Lake has kept me running so far this session, I haven't had the time and that is why I spoke on this bill before and I am speaking on it again now.

I am not debating the point of facts here, I haven't had the time to investigate it to make a thorough decision. I believe it was the good Speaker from Eagle Lake who was standing on the rostrum a few days ago who said, "If you don't know what it is, don't vote for it."

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

Representative HEINO: Mr. Speaker, Ladies and Gentlemen of the House: I, too, like my friend Representative Norton have spent 26 years in public education and I know full-well the amount of money that is being spent on insurance premiums in the State of Maine and how few claims there are. In the years that I have been in education, I can probably count on one hand the total number of losses by fire that we have had in the State of Maine of school

buildings. Most of your claims are going to come more from water damage and vandalism. That is where the bulk of it is.

I am comfortable with this without a study because I realize that it is probably the best of both worlds. You probably are not going to save all of the money that is being spent on premiums. Knowing the school funding formula, I doubt very much if a school district or a union, a single town unit, will want to opt to go into this if they are receiving less than 50 percent school subsidy. They probably won't have a comfortable level where they will feel that this is what they want to do.

I certainly wouldn't want anyone to leave here this evening feeling that if their school building burns down and they live on the coast of Maine that they are going to go to the top of the list and get a free school. If you believe that, you will be out (just as soon as we get out of here) looking for Easter bunny eggs, it just won't happen. If you lose your school on the coast of Maine where you receive little, precious little funding, then that building will be rebuilt, you will be at the top of the list only on permission wise, but the cost of that school, 95 percent of it, will come out of your hip pocket.

I do think that many of the small insurance agents in towns where school subsidy level is 50 percent or less will still be scooping up the premium dollars. I feel comfortable with this.

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

Representative BELL: Mr. Speaker, Men and Women of the House: A few years ago when I served on the Maine Municipal Executive Committee, during the time I was there, Workers' Compensation on self-insurance was taking place. Here we are talking self-insurance and before I was done, we were working on the medical self-insurer. The insurance people told us on the Workers' Compensation that the tail would get us and they put the fear into a lot of people. They were nervous, some of the communities didn't dare latch on to the MMA Workers' Compensation. It turned out very well. The communities have been saving money. If they have a good history, a lot of them are getting rebates back at the end of the year which they never did receive any other way. The medical has been working very well. So, what we are talking here is self-insurance and there is no big insurance company that is going to make all the profits on it and, in the end, all of us are going to save a lot of money.

At this point, Speaker Martin resumed the Chair.

The House was called to order by the Speaker.

The SPEAKER: The pending question before the House is passage to be engrossed.

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

Representative CASHMAN: Mr. Speaker, under Joint Rule 10 I request permission to be excused from voting on this matter.

The SPEAKER: The Chair will excuse the Representative from Old Town, Representative Cashman,

from voting.

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. 166

YEA - Adams, Aliberti, Anderson, Anthony, Ault, Bell, Bennett, Boutilier, Cahill, M.; Carroll, D.; Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Donnelly, Dore, Duffy, Duplessis, Dutremble, L.; Erwin, Farnsworth, Gean, Goodridge, Gould, R. A.; Graham, Gray, Greenlaw, Gurney, Gwadosky, Handy, Hastings, Heino, Hepburn, Hichborn, Hognlund, Holt, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kontos, LaPointe, Larrivee, Lawrence, Lemke, Libby, Lord, Luther, Macomber, Mahany, Manning, Marsh, Martin, H.; Mayo, McHenry, McKeen, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Nadeau, Nash, Norton, Nutting, O'Dea, O'Gara, Oliver, Ott, Paradis, J.; Paradis, P.; Parent, Paul, Pendexter, Pendleton, Pfeiffer, Plourde, Poulin, Pouliot, Powers, Rand, Richards, Richardson, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Salisbury, Savage, Sheltra, Simonds, Simpson, Skoglund, Spear, Stevens, P.; Stevenson, Swazey, Tamaro, Tardy, Townsend, Tracy, Treat, Tupper, Vigue, Waterman, Wentworth, The Speaker.

NAY - Aikman, Bailey, H.; Barth, Bowers, Carleton, Farnum, Farren, Foss, Garland, Hanley, Kutasi, Lebowitz, Lipman, Look, MacBride, Marsano, Merrill, Murphy, Pineau, Pines, Reed, G.; Reed, W.; Small, Stevens, A.; Whitcomb.

ABSENT - Bailey, R.; Butland, Carroll, J.; Hale, Heeschen, Hichens, Strout.

EXCUSED - Cashman.

Yes, 118; No, 25; Absent, 7; Paired, 0; Excused, 1.

118 having voted in the affirmative and 25 in the negative with 7 absent and 1 excused, the bill was passed to be engrossed as amended by House Amendment "A" (H-674) and sent up for concurrence.

The following item appearing on Supplement No. 12 was taken up out of order by unanimous consent:

ORDERS

On motion of Speaker MARTIN of Eagle Lake, the following Joint Resolution: (H.P. 1360) (Cosponsors: Representative HANDY of Lewiston, President PRAY of Penobscot, and Representative ERWIN of Rumford) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 35)

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO PREVENT DESECRATION OF THE AMERICAN FLAG WHILE UPHOLDING THE BILL OF RIGHTS

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

WHEREAS, the American flag is a symbol of

national unity, provides a beacon of hope and liberty for every nation in the world, is a source of tremendous national pride and is cherished as the embodiment of our country's history, traditions and ideals; and

WHEREAS, our Armed Forces have defended our country's freedoms under the banner of the Stars and Stripes from the Revolutionary War to the present day; and

WHEREAS, the American flag is also a symbol of the fundamental framework of individual rights laid down in the Constitution and is a symbol of the political heritage of this most noble experiment, our nation; and

WHEREAS, this is the bicentennial year of the passage of the Bill of Rights and as the individual rights guaranteed by those amendments to our nation's Constitution constitute the very essence of our political heritage of liberty and freedom; and

WHEREAS, the Bill of Rights has stood unchanged since its adoption on December 15, 1791 and, as a result, has served as the unvarying bulwark that protects individual liberty in this country; and

WHEREAS, any change to the Bill of Rights may create a dangerous precedent and may open the door to incremental erosion of the basic rights enjoyed by all Americans; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully recommend and urge the President and the Congress of the United States to take appropriate action to ensure that proper respect and treatment will always be accorded to the American flag and to ensure that desecration of our flag will be prevented while continuing our nation's long and proud history of preserving the integrity of the Bill of Rights to the Constitution of the United States; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable George H. W. Bush, President of the United States; the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States; and each Member of the Maine Congressional Delegation.

Was read.

The SPEAKER: The Chair recognizes the Representative from Greenville, Representative Gould.

Representative GOULD: Mr. Speaker, Ladies and Gentlemen of the House: I am sorry that we have joined this Resolution together. The reason that I am sorry that we have done this is that I feel that it joins two ideas which are directly opposed to each other. It joins the idea of the Constitution, the Bill of Rights, which is one of the greatest documents that have every been written, one that I have the greatest admiration and love for because it is the Bill of Rights that has made this nation the greatest nation in the world. Yet, it also has contained within it the idea that we should join the Bill of Rights with flag burning. I abhor the concept of flag burning but I am not nearly as afraid

of what is going to happen to this nation because of flag burners as I am as to what could happen to this nation if we overreact to those flag burners.

The Bill of Rights guarantees us the right of expression as well as many other rights. In my opinion, (I know many of you disagree with me but that is what is great about the Bill of Rights is the fact that each of us can stand up here and have differing opinions) we should not be joining two ideas that are directly opposite.

The thing that bothers me about this the most is that it deprives me of the right to support something that I dearly love. There is nothing I would love to do anymore than support the Bill of Rights and memorialize the Bill of Rights. Yet, as I said, we are joining two ideas, one I can support and one I can't support.

Mr. Speaker, I request a roll call.

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

Representative PFIEFFER: Mr. Speaker, Fellow Members of the House: The Representative from Jay having introduced the subject of age tonight, I will carry on with that. I am one of the comparatively few members of this body old enough to have participated in World War II. My husband was overseas for two long years and came home with Bronze Star. I served as a civilian writer for the United States Office of War Information and as a single parent. We were young and idealistic then and we felt that ours was a war with clear goals premised on the Charter of the United Nations and on our own Bill of Rights. Not long after the War, a very disturbed and dangerous man used his office as a United States Senator to terrorize thousands of people in public life, destroying careers and even lives all in the name of patriotism. Senator McCarthy's charges were eventually proved to be unfounded and he died a discredited, self-pitying alcoholic. But, the legacy of enforced political orthodoxy that he left behind lived after him, stifling dissent and honest and reporting in many areas of our national life for an entire generation.

Now, once again, I see disturbing signs that we may be entering a new era of politically correct thinking, spearheaded by a President who does not hesitate to use our national symbols for partisan political purposes. The attempt in Congress to make flag burning a crime of constitutional magnitude is a perversion of everything that the flag represents. As the Supreme Court has held, political protests that takes the form of flag burning is expressive conduct that comes within the protection of the First Amendment, no matter how offensive that protest may be.

"If there is a bedrock principle underlying the First Amendment" said the court, "it is that government may not prohibit the expression of an idea simply because society finds the idea itself offensive or disagreeable." The court continued, "If there is any fixed star in our Constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion or other matters of opinion or force citizens to confess by word or act their faith therein."

In summing up, our decision in the flag burning case is a reaffirmation of the principles of freedom and inclusiveness that the flag best reflects and the

conviction that our toleration of criticism is a sign and source of our strength.

Although I appreciate the sensitivity with which this Joint Resolution has been drafted to avoid the greater excess of memorializing the Congress to amend the Constitution, I cannot support a Resolution designed "to ensure that desecration of our flag will be prevented" presumably by criminalizing such actions. In my view, the First Amendment absolutely precludes the criminalizing of this type of political protest. I agree with the previous speaker, the Resolution contains a contradiction that cannot be resolved in memorializing Congress to prevent desecration of the American flag while upholding the Bill of Rights.

I, therefore, urge that we fail to support this particular Resolution and instead, we support the alternative Resolution that has been proposed in another supplement.

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

Representative HANDY: Mr. Speaker, Members of the House: I am sure many of my colleagues are saying what is a Vietnam era, anti-war activist, pacifist, liberal doing on such a Resolution. Well, I am pleased to join the other sponsors of this Resolution because I think desecration of anybody's flag, be it this country's flag, the flag of Iraq, the flag of my forebearers in Poland, is unacceptable.

I think that we as a people who have tried to instill tolerance among our own people and in those of other countries should continue to do that. I do not feel that the elements embodied in this Resolution are exclusive of one another. If, as the Representative from Brunswick indicates, that this can't be under the First Amendment, the criminalization of such an act, then fine.

Let me just read to you a very important paragraph from this Resolution. "We, your Memorialists, respectfully recommend and urge the President and the Congress of the United States to take appropriate action to ensure that proper respect and treatment will always be accorded to the American flag and to ensure that desecration of our flag will be prevented while continuing our nation's long and proud history of preserving the integrity of the Bill of Rights to the Constitution of the United States." I think that paragraph says it all, that we can have a Constitution of the United States with a Bill of Rights that has been unaltered since its inception and yet say that we can protect the symbols of our country and try to instill, as I said, tolerance of those other symbols of other countries.

One thing during these past several months of the Middle East War, many people have decorated their homes and businesses with yellow ribbons, only to have their American flag inappropriately displayed. In some cases this week, there was a gas station over on Western Avenue that had the American flag displayed upside down. For the uninformed with respect to flag etiquette, that is a sign of distress. It seems to me that those individuals who had so proudly put out their yellow ribbons should also be well-versed on flag etiquette. That goes hand and hand with desecration of the flag and respect for those symbols that we believe in.

So, as a pacifist, as one who practices non-violence, as one who is a strong believer in civil rights and the rights embodied in the Bill of Rights, I would urge your adoption of this Resolution.

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

Representative HOLT: Mr. Speaker, Men and Women of the House: I have committed myself to speak on this issue if it came before this body at any time again while I am sitting in it to a dear friend who served this country well.

Quoting from the Vietnam Veterans Quarterly, "Many Vietnam veterans carry the politics of war in their wounds", as many other veterans do. "Many feel they were betrayed by politicians on the left during the war and they get as pumped up over the flag-burning issue as they do over Jane Fonda.

Just as many Vietnam veterans feel they were lied to, used and betrayed by the right-wing politicians, they tend to get hyper-alert when these politicians start wrapping things in flags.

I am one of the latter — and particularly so when I realize that it's often the very politicians screaming the loudest about the flag and the sacrifices in its name that are, in fact, voting against veterans' benefits, trying to close the Vet Centers, and who for years, blocked Agent Orange legislation.

According to Congress, one-third of the homeless are Vietnam veterans. I am tired of politicians pandering to veterans about the symbols of justice while real live human beings stumble from one alley to another.

Unfortunately, after Vietnam and Central America, I have come to expect a certain amount of sheep-like behavior from the general populace. However, I am exasperated with leaders whose idea of leadership on something as fundamental as this is to follow, by fanning the flames of nationalism. The life and death issues behind the flag burnings, abortion, Central America, racism, homelessness, are not going to go away by passing laws and amending constitutions. They are only going to go away when we bring the principles of justice and compassion the flag is supposed to represent, to these issues."

On June 4th I was privileged to give the flag program at the annual June meeting of the Colonel Dummer Sewall Chapter of the Daughters of the American Revolution.

I will cut the part that I want to read to you from the program that I presented in half but it is an addressed delivered on Flag Day in 1914 before the employees of the Department of the Interior, Washington, D.C. by Franklin Lane, who was then the Secretary of the Interior.

This is from a book, A History of the U.S. Flag by Charles Stewart, published in 1915 in Boston. "This morning as I passed into the Land Office, the flag dropped me a most cordial salutation, and from its rippling folds I heard it say: 'Good morning, Mr. Flag Maker.'"

"I beg your pardon, Old Glory," I said, "aren't you mistaken? I am not the President of the United States, nor a member of Congress, nor even a general in the army. I am only Government clerk."

"I greet you again, Mr. Flag Maker," replied the gay voice, "I know you well. You are the person who worked in the swelter of yesterday straightening out the tangle of that farmer's homestead in Idaho, or perhaps you found the mistake in that Indian contract in Oklahoma, or helped to clear that patent for the hopeful inventor in New York, or pushed the opening of that new ditch in Colorado, or made that mine in Illinois more safe, or brought relief to the old

soldier in Wyoming. No matter; whichever one of these beneficent individuals you may happen to be, I give you greetings, Mr. Flag Maker."

"I was about to pass on, when the Flag stopped me with these words: "Yesterday, the President spoke a word that made happier the future of ten million people in Mexico; but that act looms no larger on the flag than the struggle which the child in Georgia is making to win the Corn Club prize this summer."

Well, you get the idea, ladies and gentlemen so I am going to cut this very short. But to the part that I am not going to cut is this, the person walking along and saluting the flag said, "But these people are only working!" Then came a great shout from the flag, "The work we do is the making; the work the people do is the making of the flag." "I am not the flag; not at all. I am but its shadow. I am whatever you make me, nothing more. I am your belief in yourself, your dream of what a People may become. I am the Constitution and the courts, statutes and the statute makers, soldier and dreadnaught, drayman and street sweep, cook, counselor, and clerk. I am the battle of yesterday, and the mistake of tomorrow. I am the mystery of the men and women who do without knowing why. I am the clutch of an idea, and the reasoned purpose of resolution.

I swing before your eyes as a bright gleam of color, a symbol of yourself. My stars and my stripes are your dream and your labors. They are bright with cheer, brilliant with courage, firm with faith, because you have made them so out of your hearts. For you are the makers of the flag and it is well that you glory in the making." That is the end of that, all that I am going to read to you.

For fear, however, that we are honoring the shadow, while desecrating the making of the flag, I am unable to vote for this Resolution.

I do not believe we can quote and sure, desecration of the flag will be prevented while continuing our nation's long and proud history of preserving the integrity of the Bill of Rights.

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

Representative ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: I am very proud to be one of the cosponsors of this Resolution and very, very pleased that Representative Handy is one of the cosponsors and I concur with his remarks.

I urge you to support this Resolution.

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

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

I am curious and I assure you I am not being facetious in the least because I am just as proud of my country I think as anyone else. I would like to know, under the paragraph that the good Representative Handy read to us, what is appropriate action to ensure the proper respect and treatment to be accorded?

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

The Chair recognizes the Representative from Lewiston, Representative Handy.

Representative HANDY: Mr. Speaker, Ladies and Gentlemen of the House: We are memorializing the President of the United States and the United States Congress. We are separating out the Bill of Rights and clearly indicating that that should not be

changed. We are leaving to Congress the method by which they can ensure that protection and respect for this symbol that we hold so dearly.

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 Portland, Representative Oliver.

Representative OLIVER: Mr. Speaker, Men and Women of the House: I will try to be brief, I realize how late it is. This issue is an issue that is going to come back the next session and the session afterwards. To me, it demonstrates a certain insecurity in our body politics when we need to wave the flag so often and give it almost religious reverence.

Countries having problems tend to encourage flag waving. I was in Venezuela in the Peace Corps in 1961 and I remember very well the financial crisis and political crisis that country was in. To get out of the crisis and divert the people's attention from real problems, they made an attack on a jungle area over a few miles of jungle with British Guiana. Instead of the headlines dealing with the problems in the editorials, the focus of the country became flag waving and thousands and thousands of Venezuelan flags appeared overnight.

I was later sent to the Peace Corps in an emergency situation to Haiti to be an urban consultant. There again I found — actually I was in the Dominican Republic — that the Dominican Republic was in a real crisis because they had had a social revolution. Their dictator had been shot and they had put another dictator in in his place and what happened is that they were in a situation which they, again, needed to divert the public and they had an attack on Haiti and, as a result, there was flag waving and demonstrations and the real issues of the country were never solved. I am going to skip some of this because I know that it is very late but we are faced with the same very, very deep crisis in this country and you and your neighborhood see what our people are going through. Our veterans are coming home to flags but are they coming home to jobs? If their parents need medical help, are they getting medical help? Are their kids going to have affordable housing or is the only industry we are going to have left in this country is making flags?

I have a problem when our national agenda is overseas and the domestic agenda that we are all hoping as our people cry out in desperation comes home so we can start dealing with real problems.

I believe the flag is a symbol, it is a symbol that we all respect, but behind that symbol is one of the most important principles that we incorporated into the Bill of Rights in 1791 and that was the protection of freedom of expression. By supporting this Resolution against the desecration of the American flag, we compromise what the flag stands for, freedom of expression. This protection in the First Amendment of the Bill of Rights covers even those expressions we find most objectionable — in this case, the burning of the American flag. There are countries in this world, unfortunately most of

their governments is supported by our government, that the desecration of national flags would mean imprisonment or death. Are these dictatorships to be our role models? Must we in the simplistic attempt to honor our flag, destroy what it stands for? I hope not.

Let's not fall into the trap of worshipping the symbols forgetting the ideals. I urge you not to support this Resolution.

The SPEAKER: A roll call has been ordered. The pending question before the House is adoption of the Joint Resolution. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 167

YEA - Aikman, Anderson, Ault, Bailey, H.; Barth, Bell, Bennett, Boutilier, Bowers, Cahill, M.; Carleton, Carroll, D.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Cote, Crowley, Daggett, DiPietro, Donnelly, Duffy, Duplessis, Dutremble, L.; Erwin, Farnum, Farren, Foss, Garland, Goodridge, Graham, Greenlaw, Gurney, Gwadosky, Handy, Hanley, Hastings, Heino, Hepburn, Hichborn, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketover, Kilkelly, Kutasi, LaPointe, Lawrence, Lebowitz, Lemke, Libby, Look, Lord, Luther, MacBride, Macomber, Manning, Marsano, Marsh, Martin, H.; Mayo, McHenry, Melendy, Merrill, Michaud, Morrison, Murphy, Nadeau, Nash, Norton, Nutting, O'Gara, Ott, Paradis, J.; Paradis, P.; Paul, Pendleton, Pineau, Pines, Plourde, Poulin, Pouliot, Powers, Reed, G.; Reed, W.; Richards, Ricker, Rotondi, Ruhlman, Salisbury, Savage, Sheltra, Simpson, Small, Spear, Stevens, A.; Stevenson, Swazey, Tammaro, Tracy, Tupper, Vigue, Waterman, Whitcomb, The Speaker.

NAY - Adams, Anthony, Coles, Constantine, Dore, Farnsworth, Gean, Gould, R. A.; Gray, Hognlund, Holt, Ketterer, Kontos, Larrivee, Lipman, Mahany, McKeen, Mitchell, E.; Mitchell, J.; O'Dea, Oliver, Pfeiffer, Rand, Richardson, Rydell, Saint Onge, Simonds, Skoglund, Stevens, P.; Tardy, Townsend, Treat, Wentworth.

ABSENT - Aliberti, Bailey, R.; Butland, Carroll, J.; Hale, Heeschen, Hichens, Parent, Pendexter, Strout.

Yes, 108; No, 33; Absent, 10; Paired, 0; Excused, 0.

108 having voted in the affirmative and 33 in the negative with 10 being absent, the Joint Resolution was adopted. Sent up for concurrence.

The following item appearing on Supplement No. 20 was taken up out of order by unanimous consent:

ENACTOR

Bond Issue

(Failed of Enactment)

An Act to Authorize a General Fund Bond Issue in the Amount of \$7,500,000 to Provide for the Maine Street Investment Program (H.P. 1358) (L.D. 1950)

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

Representative Whitcomb of Waldo requested a Division.

The SPEAKER: The Chair will order a vote. 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.

A vote of the House was taken.

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

The following item appearing on Supplement No. 16 was taken up out of order by unanimous consent:

SENATE PAPER

The following Joint Resolution: (S.P. 756)

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO PRESERVE FEDERAL FUNDING

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

WHEREAS, freedom of speech is the most fundamental principle of our democratic society; and

WHEREAS, physicians and medical providers have a professional duty and are required by oath to inform patients of all legal, safe medical options for any medical conditions; and

WHEREAS, on May 23, 1991, the United States Supreme Court issued an opinion in Rust v. Sullivan that restricts the availability of information regarding family planning and abortion to women seeking the services of Title X federally funded clinics; and

WHEREAS, the Supreme Court has provided no exceptions in consideration of the life and health of the mother for instances in which the pregnancy is a result of violence, incest or rape; and

WHEREAS, the effect of the Supreme Court ruling is that all women, and particularly low-income women, attending family planning services in Title X federally funded clinics may not receive all safe, legal constitutionally protected options to an unintended pregnancy, including parenthood, adoption and abortion; and

WHEREAS, the Supreme Court's ruling unfairly harms low-income women and families who will not have the same access to information or medical care as women and families of means; and

WHEREAS, as many as 27,000 Maine women will not have access to complete information; and

WHEREAS, S 323 and HR 392 are pending before the United States Congress and would abrogate the court's decision; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully recommend and urge the Congress of the United States to pass and the President of the United States to sign into law S 323 and HR 392 as quickly as possible; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable George H. W. Bush, President of the United States; the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States; and each Member of the Maine Congressional Delegation.

Came from the Senate, read and adopted as amended by Senate Amendment "A" (S-366).

Was read.

Senate Amendment "A" (S-366) was read by the Clerk and adopted.

The Joint Resolution was adopted as amended by Senate Amendment "A" (S-366) in concurrence.

The following item appearing on Supplement No. 15 was taken up out of order by unanimous consent:

ORDERS

On motion of Representative MAHANY of Easton, the following Joint Resolution: (H.P. 1362) (Cosponsors: Representative GWADOSKY of Fairfield, Representative HOGLUND of Portland and Senator CONLEY of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 35)

**JOINT RESOLUTION MEMORIALIZING CONGRESS
AND THE PRESIDENT OF THE UNITED STATES TO
UPHOLD AND PROTECT THE BILL OF RIGHTS**

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

WHEREAS, this is the bicentennial year of the passage of the Bill of Rights; and

WHEREAS, the fundamental framework of individual rights as laid down in the Bill of Rights constitutes the very essence of our political heritage of liberty and guarantees our freedom; and

WHEREAS, the Bill of Rights has stood unchanged since its adoption on December 15, 1791 and, as a result, has served as the unvarying bulwark that protects individual liberty in this country; and

WHEREAS, any amendment to the Constitution on any single issue of the moment that diminishes to any degree the Bill of Rights will create a dangerous precedent and may open the door to incremental erosion of the basic rights enjoyed by all Americans; now, therefore, be it

RESOLVED: That We, your Memorialists, respectfully recommend and urge the Congress of the

United States to reject any proposed amendment that may now or in the future diminish the strength of the Bill of Rights; and be it further

RESOLVED: That We urge the Congress of the United States to secure and preserve the Bill of Rights in its historic and current form; and be it further

RESOLVED: That suitable copies of this Memorial, duly authenticated by the Secretary of State, be transmitted to the Honorable George H. W. Bush, President of the United States, to the President of the Senate and the Speaker of the House of Representatives of the Congress of the United States and to each Member of the Maine Congressional Delegation.

Was read and adopted and sent up for concurrence.

The following item appearing on Supplement No. 16 was taken up out of order by unanimous consent:

PASSED TO BE ENACTED

An Act Amending Certain Motor Vehicle Laws (H.P. 1209) (L.D. 1765) (C. "A" H-653)

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.

The following item appearing on Supplement No. 21 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

Bill "An Act to Improve Motorcycle Driver Education" (H.P. 1026) (L.D. 1499) which was passed to be engrossed as amended by Committee Amendment "A" (H-457) as amended by House Amendment "A" (H-645) thereto and House Amendment "A" (H-582) in the House on June 11, 1991.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-457) as amended by Senate Amendment "A" (S-364) thereto and House Amendment "A" (H-582) in non-concurrence.

On motion of Representative Larrivee of Gorham, the House voted to recede and concur.

The following items appearing on Supplement No. 19 were taken up out of order by unanimous consent:

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Revise the Salaries of Certain County Officers" (EMERGENCY) (H.P. 1357) (L.D. 1949) which was passed to be engrossed as amended by House

Amendment "A" (H-670) in the House on June 12, 1991.

Came from the Senate passed to be engrossed in non-concurrence.

Representative Melendy of Rockland moved that the House adhere.

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

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

Mr. Speaker, Ladies and Gentlemen of the House: I want to make it very clear that I rise tonight as the Representative from Thomaston only, not in any capacity as a partisan floor leader in this body.

One of the duties that I have undertaken in the eight years that I have been a state legislator has been the duty to pass on the county budgets. Fortunately, in my opinion, this will be the last year that I will ever have to conduct that duty, not because I am resigning from this body, but because we are turning that over to the directed elected budget committee which will undertake those duties.

County budgets are very divisive, very difficult and very frustrating. The issue we have before us tonight was an issue that broke down, not along party lines in the Knox County Delegation, but across party lines. The vote on this particular matter was 7 to 1 with one abstention.

I would urge this House to proceed with the motion to recede and concur and to pass it because that is the will of the vast majority of the members of the Knox County Delegation.

Mr. Speaker, I would ask for a Division.

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

Representative MELENDY: Mr. Speaker, Ladies and Gentlemen of the House: I hope that you vote against the recede and concur motion so that we can then go on to adhere.

This afternoon we voted with a large majority of variety of votes to put an amendment onto this bill that was going to address something that could come back to haunt us if we allow it to pass.

If I can repeat for those of you who were not here, my amendment merely went to the Knox County budget area that deals with the Commissioners salaries. If you will look on Page 3, you will see that two of our commissioners are being paid \$4,000 and one commissioner is being paid \$13,000. What happened is that we are building a new jail and, in building a new jail, we have signed our contracts and so forth, and you have a Clerk of the Works — well, the Clerk of the Works was not functioning very properly so the other two commissioners decided if they could hire the one commissioner to go and do the job as Clerk of the Works that they would pay him \$9,000. They called and asked me if I thought that that was the right thing for them to do. I looked in Title 30a, Section 52 and found this law: "No county commissioner during the term for which that commissioner has been elected and, for one year thereafter, may be appointed to any office for profit or employment position of the county which was created for compensation of which was increased by the action of the county commissioners during the county commissioners term." So, what I am asking you to do is vote against this motion so we make the one to adhere so that we can do the responsible thing.

The county commissioners hired someone when they

had no legal right to do it. They are not able to pay this person unless this legislature gives them permission to do it. Let me tell you, if we allow them to do it, there are going to be plenty of county commissioners finding little jobs that they can do that the taxpayers will have to pay them for. Please vote against the pending motion.

The SPEAKER: The Chair will order a vote. The pending motion before the House is the motion of the Representative from Thomaston, Representative Mayo, that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

Representative Melendy of Rockland 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 Thomaston, Representative Mayo.

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House: We have a time-honored tradition in this House of respecting the wishes of the majority of our county delegations. I would urge this House to not violate that time-honored tradition or we will be discussing county budgets and county salaries on the floor of this House, adnauseam.

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

Representative MELENDY: Mr. Speaker, Ladies and Gentlemen of the House: I am urging you to vote with me on this. Our county commissioners hired this man in violation of the law and if you vote to support him, then you are encouraging that thing to happen again and again. I urge you to stick with my vote.

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

ROLL CALL NO. 168

YEA - Adams, Aikman, Aliberti, Anderson, Ault, Bailey, H.; Bennett, Bowers, Carleton, Clark, M.; Coles, Constantine, DiPietro, Donnelly, Duplessis, Erwin, Farnsworth, Farnum, Farren, Foss, Garland, Goodridge, Greenlaw, Gurney, Gwadosky, Hanley, Hastings, Heino, Hepburn, Hoglund, Holt, Kerr, Ketterer, Kilkelly, LaPointe, Lawrence, Lebowitz, Libby, Look, MacBride, Manning, Marsano, Marsh, Mayo, McKeen, Merrill, Morrison, Nadeau, Nash, Norton, Nutting, Ott, Paradis, P.; Paul, Pendleton, Pines, Plourde, Poulin, Powers, Rand, Reed, G.; Reed, W.; Ricker, Rydell, Salisbury, Savage, Skoglund, Small, Spear, Stevens, A.; Stevens, P.; Stevenson, Tardy, Townsend, Tupper, Waterman, Whitcomb.

NAY - Anthony, Barth, Bell, Boutilier, Cahill, M.; Carroll, D.; Cathcart, Clark, H.; Cote, Crowley, Daggett, Dore, Duffy, Dutremble, L.; Gean, Gould, R. A.; Graham, Gray, Handy, Hichborn, Hussey, Jacques, Jalbert, Joseph, Ketover, Kontos, Larrivee, Lemke, Lipman, Lord, Macomber, Mahany, McHenry, Melendy, Michaud, Mitchell, E.; Mitchell, J.; O'Dea, O'Gara,

Oliver, Paradis, J.; Pfeiffer, Pineau, Richards, Richardson, Rotondi, Ruhlin, Saint Onge, Sheltra, Simonds, Simpson, Swazey, Tammaro, Tracy, Treat, Vigue, Wentworth.

ABSENT - Bailey, R.; Butland, Carroll, J.; Cashman, Chonko, Hale, Heeschen, Hichens, Kutasi, Luther, Martin, H.; Murphy, Parent, Pendexter, Pouliot, Strout, The Speaker.

Yes, 77; No, 57; Absent, 17; Paired, 0; Excused, 0.

77 having voted in the affirmative and 57 in the negative with 17 being absent, the motion to recede and concur did prevail.

FINALLY PASSED

Emergency Measure

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Somerset County for the Year 1991 (H.P. 1355) (L.D. 1947)

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. 128 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.

An Act Allowing the Operation of Video Lottery Terminals (S.P. 423) (L.D. 1135) (C. "A" S-351)

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.

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

The following item appearing on Supplement No. 18 were taken up out of order by unanimous consent:

**ORDERS OF THE DAY
HOUSE CALENDAR**

BILL RECALLED FROM LEGISLATIVE FILES

(Pursuant to Joint Order H.P. 1361)

Bill "An Act to Clarify the Authority of Law Enforcement Officers to Release Certain Arrested Individuals on Their Personal Recognizance" (H.P. 896) (L.D. 1293)

On motion of Representative Lawrence of Kittery, the Bill was substituted for the Report, the Bill read once.

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

concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

On motion of Representative Lawrence of Kittery the House reconsidered its action whereby An Act to Authorize a General Fund Bond Issue in the Amount of \$7,500,000 to Provide for the Maine Street Investment Program (H.P. 1358) (L.D. 1950) failed of enactment.

On further motion of the same Representative, tabled pending final passage and later today assigned.

The following item appearing on Supplement No. 22 was taken up out of order by unanimous consent:

SENATE PAPERS

The following Communication:

Maine State Senate
Augusta, Maine 04333

June 12, 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 for the Recall of State Elective Officials (H.P. 1202)(L.D. 1758).

The President appointed on the part of the Senate the following:

Senator Gauvreau of Androscoggin
Senator Conley of Cumberland
Senator Collins of Aroostook

Sincerely,

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

Was read and ordered placed on file.

The following item was taken up out of order by unanimous consent:

Reference is made to (H.P. 1202) (L.D. 1758) RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for the Recall of State Elective Officials

In reference to the action of the House on Wednesday, June 12, 1991, whereby it Insisted and

Asked for a Committee of Conference, the Chair appoints the following members on the part of the House as Conferees:

Representative LEMKE of Westbrook
Representative MAYO of Thomaston
Representative MORRISON of Bangor

The following item appearing on Supplement No. 17 was taken up out of order by unanimous consent:

RECALLED FROM GOVERNOR

(Pursuant to Joint Order H.P. 1359)

An Act to Amend the Maine Uniform Accounting and Auditing Practices Act for Community Agencies (H.P. 1166) (L.D. 1707) (C. "A" H-498)

- In House, Passed to be Enacted on June 10, 1991.
- In Senate, Passed to be Enacted on June 10, 1991.

On motion of Representative Joseph of Waterville, under suspension of the rules, the House reconsidered its action whereby L.D. 1707 was passed to be enacted.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby L.D. 1707 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-498) was adopted.

The same Representative offered House Amendment "A" (H-676) to Committee Amendment "A" (H-498) and moved its adoption.

House Amendment "A" (H-676) to Committee Amendment "A" (H-498) was read by the Clerk and adopted.

Committee Amendment "A" (H-498) as amended by House Amendment "A" (H-676) thereto was adopted.

The bill was passed to be engrossed as amended by Committee Amendment "A" (H-498) as amended by House Amendment "A" (H-676) thereto in non-concurrence and sent up for concurrence.

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

(After Midnight - 12:10 a.m.)

The following items appearing on Supplement No. 23 were taken up out of order by unanimous consent:

SENATE PAPERS

Divided Report

Majority Report of the Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (S-359) on Bill "An Act Related to the Office of Substance Abuse" (S.P. 90) (L.D. 175)

Signed:

Senators: BUSTIN of Kennebec
EMERSON of Penobscot

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

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

Signed:

Senator: BERUBE of Androscoggin

Representatives: KERR of Old Orchard Beach

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-359) as amended by Senate Amendment "A" (S-365) thereto.

Reports were read.

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

Committee Amendment "A" (S-359) was read by the Clerk.

Senate Amendment "A" (S-365) to Committee Amendment "A" (S-359) was read by the Clerk and adopted.

Committee Amendment "A" (S-359) as amended by Senate Amendment "A" (S-365) 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-359) as amended by Senate Amendment "A" (S-365) thereto in concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Non-Concurrent Matter

Bill "An Act to Promote Fully Informed Legislation and Rulemaking" (H.P. 913) (L.D. 1310) on which the Minority "Ought Not to Pass" Report of the Committee on State and Local Government was read and accepted in the House on June 12, 1991.

Came from the Senate with the Majority "Ought to Pass" as amended Report of the Committee on State and Local Government read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-454) in non-concurrence.

Representative Foss of Yarmouth moved that the House recede and concur.

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

Representative GWADOSKY: Mr. Speaker, Men and Women of the House: Very briefly, I would hope that you would oppose the motion to recede and concur. We debated this bill at length earlier this evening or yesterday, I guess, as I look at the clock now.

This bill, although well-intended, carries with it a \$200,000 fiscal note that creates a \$40,000 bureaucratic position within the Department of Economic and Community Development and another \$40,000 position within the State Planning Office. It is a situation where we as a legislature will have to be captive to another branch of government, State Planning and DECD to provide us with economic fiscal impact statements that, I think, are best generated by our own people.

I would urge you to oppose the motion to recede and concur so we can go on to adhere.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the Representative from Yarmouth, Representative Foss, that the House recede and concur. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

38 having voted in the affirmative and 65 in the negative, the motion did not prevail.

Subsequently, the House voted to adhere.

The following item appearing on Supplement No. 25 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

Resolve, to Establish the Commission to Study the Feasibility of a Capital Cultural Center (EMERGENCY) (H.P. 1164) (L.D. 1705) (C. "A" H-453) which Failed of Final Passage in the House on June 10, 1991.

Came from the Senate Finally Passed in non-concurrence.

Representative Handy of Lewiston moved that the House recede and concur.

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

Representative LAWRENCE: Mr. Speaker, would the Clerk please read the title of the bill again?

Subsequently, the Clerk read the title of the bill.

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

Representative LIPMAN: Mr. Speaker, Men and Women of the House: Let me briefly, and I beg your pardon to do it so late at night or early in the morning, tell you a little bit about what this is. It doesn't cost the state a cent.

What we have is a bill with the amendment that allows the city of Augusta, the State of Maine, and the University of Maine of Augusta to get together to try to explore whether we ought to have a cultural center in the Capitol. All this is going to do is allow exploration, there are no funds involved because the funds that are going to be used for this getting together and doing this study is going to be furnished by a private foundation.

As is outlined in here, there will be representatives of the city and state, one representative from the Capitol Cultural Commission, and the representative from the University of Maine in Augusta.

I would ask you to support this and I would also ask for a roll call.

The SPEAKER: The Chair would advise the Representative that it is not two-thirds of the members present — in fact, the other body put on an amendment so there is only a majority vote. It is simply the motion to recede and concur and, unless there is objection, the Chair is going to put that under the hammer.

Representative LIPMAN: That is fine.

On motion of Representative Daggett of Augusta, the House voted to recede.

The same Representative offered House Amendment "A" (H-624) to Committee Amendment "A" (H-453) and moved its adoption.

House Amendment "A" (H-624) to Committee Amendment "A" (H-453) was read by the Clerk and adopted.

Committee Amendment "A" (H-453) as amended by House Amendment "A" (H-624) thereto was adopted.

The Resolve was passed to be engrossed as amended by Committee Amendment "A" (H-453) as amended by House Amendment "A" (H-624) 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 following item appearing on Supplement No. 24 was taken up out of order by unanimous consent:

SENATE PAPER

The following Joint Order: (S.P. 757)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until the call of the President of the Senate and the Speaker of the House, respectively, when there is need to conduct legislative business.

Came from the Senate, read and passed.

Was read and passed in concurrence.

On motion of Representative Clark of Millinocket, Adjourned at 12:20 a.m. pursuant to Joint Order (S.P. 757).
