

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
62nd Legislative Day
Wednesday, June 19, 1991

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

Prayer by Reverend Victor Stanley, First Baptist Church, Gardiner.

Pledge of Allegiance.

The Journal of Thursday, June 13, 1991, was read and approved.

COMMUNICATIONS

The following Communication:

State of Maine
Office of the Governor
Augusta, Maine 04333

June 17, 1991

To The Honorable Members of the 115th Legislature:

I am returning, without my signature or approval, H.P. 649, L.D. 923, "An Act Concerning Unemployment Benefits During Lockouts."

Current employment security law disqualifies individuals from receiving immediate unemployment compensation benefits when their unemployment is caused by either a strike or a lockout. This bill proposes to change that law to allow individuals involved in a lockout to collect unemployment benefits immediately. I oppose this legislation for the same reasons I rejected identical legislation during both the 113th and 114th Legislatures.

First, this legislation would disrupt the delicate balance that must be maintained between management and labor by removing a key incentive for labor to forestall a lockout or to negotiate towards a prompt settlement should one occur. The economic costs of labor disputes can have a severe impact on individuals, companies and communities. We must, therefore, maintain a fair and equitable balance in order to prevent or resolve quickly any such dispute.

Second, if a lockout affecting a substantial number of employees occurred, the payment of unemployment compensation benefits to individuals under this bill would cause a severe drain on Maine's Unemployment Compensation Fund.

Finally, current law does allow the payment of unemployment compensation benefits during a labor dispute once the company returns to substantially normal operations. This would occur in the case of a strike or a lockout. There is no justification to treat lockouts differently from strikes for the purpose of payment or nonpayment of unemployment compensation benefits.

I know that we all have the same goal to encourage the labor/management harmony that promotes growth and prosperity. Due to my continued belief that this legislation would adversely effect the

collective bargaining process and have a potentially draining impact on the Unemployment Compensation Fund, I must once again reject this legislation and respectively request you to sustain my veto.

Thank you for your consideration.

Sincerely,

S/John R. McKernan, Jr.
Governor

The accompanying Bill "An Act Concerning Unemployment Benefits During Lockouts" (H.P. 649) (L.D. 923) (C. "A" H-326).

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

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

Bill "An Act Regarding the Crime of Prostitution" (EMERGENCY) (H.P. 1364) (L.D. 1952) (Presented by Representative KILKELLY of Wiscasset) (Cosponsored by Representative PARADIS of Augusta, Senator SUMMERS of Cumberland and Speaker MARTIN of Eagle Lake) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

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

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

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

Resolve, Authorizing the Commissioner of Corrections to Enter into an Agreement with the Town of Thomaston for the Maine State Prison's Share of Upgrading the Town of Thomaston Sewer System (EMERGENCY) (H.P. 1367) (L.D. 1953) (Presented by Representative MAYO of Thomaston) (Cosponsored by Senator BRAWN of Knox) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

(The Committee on Reference of Bills had suggested reference to the Committee on State and Local Government.)

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

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

ORDERS

On motion of Representative DAGGETT of Augusta, the following Joint Resolution: (H.P. 1365) (Cosponsors: Speaker MARTIN of Eagle Lake, President PRAY of Penobscot and Senator BUSTIN of Kennebec)

**JOINT RESOLUTION RECOGNIZING ROBERT CAMMACK
ON THE OCCASION OF HIS RETIREMENT**

WHEREAS, Robert "Bob" Cammack of Augusta, recently retired after 20 years of service to this State as the official tour guide for the State House; and

WHEREAS, Bob was a valued resource whose special talent was the ability to communicate his deep knowledge of this building and of those public officials who have served within it to out-of-state visitors, visitors from foreign countries and the people of the State; and

WHEREAS, his skills were especially appreciated by the tens of thousands of students that he guided through these halls, always helping them to appreciate the unique greatness of our democratic system and to acquire a sense of pride in our history; and

WHEREAS, Bob is a friend to many of us and has been a friend to many legislators and governors of all political parties since he began his work in the 105th Legislature; and

WHEREAS, Bob's retirement has made us all more aware of the value of his contributions to the Legislature; now, therefore, be it

RESOLVED: That We, the members of the 115th Legislature, now assembled in the First Regular Session, pause in our deliberations to express our appreciation to Robert Cammack for 20 years of unique service; and be it further

RESOLVED: That a suitable copy of this joint resolution, duly authenticated by the Secretary of State, be transmitted to Robert Cammack as a token of our respect and esteem.

Was read and adopted and sent up for concurrence.

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

On motion of Representative LAWRENCE of Kittery, the following Joint Order: (H.P. 1366)

Ordered, the Senate concurring, that Bill, "An Act to Regulate Sales of Malt Liquor in Kegs," H.P. 1142, L.D. 1667, and all its accompanying papers be recalled from the Governor's desk to the House.

Was read and passed and sent up for concurrence.

On motion of Representative HICHBORN of Howland,

the following Order:

ORDERED, that Representative Jeffrey H. Butland of Cumberland be excused June 3 to 14 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Ronald C. Bailey of Farmington be excused June 7, 10 and 12 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Herbert C. Adams of Portland be excused June 10 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Conrad Heeschon of Wilton be excused June 10 to 13 for health reasons.

Was read and passed.

On motion of Representative GWADOSKY of Fairfield, the following Joint Order: (H.P. 1368)

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

Committee: State and Local Government

S.P. 516, L.D. 1377

An Act to Create a State Municipalities Investment Pool

H.P. 1274, L.D. 1845

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

Was read and 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.

REPORTS OF COMMITTEES

Ought to Pass as Amended

Representative MICHAUD from the Committee on Appropriations and Financial Affairs on Bill "An Act Concerning the State's Escrow Accounts" (H.P. 1139) (L.D. 1664) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-679)

Report was read and accepted, the bill read once. Committee Amendment "A" (H-679) was read by the Clerk and adopted.

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

By unanimous consent, ordered sent forthwith to the Senate.

Ought to Pass Pursuant to Joint Order (H.P. 51)

Representative CHONKO from the Committee on Appropriations and Financial Affairs on Bill "An Act to Provide Additional Funds for Debt Service Payments for the Fiscal Year Ending June 30, 1991" (EMERGENCY) (H.P. 1363) (L.D. 1951) reporting "Ought to Pass" - Pursuant to Joint Order (H.P. 51)

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.

CONSENT CALENDAR

First Day

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

(H.P. 1343) (L.D. 1934) Bill "An Act to Appropriate Funds from the General Fund for Search and Rescue Activities" Committee on Appropriations and Financial Affairs reporting "Ought to Pass"

(H.P. 650) (L.D. 924) Bill "An Act to Make Allocations from the Transportation Safety Fund for the Fiscal Years Ending June 30, 1992 and June 30, 1993" (EMERGENCY) Committee on Transportation reporting "Ought to Pass"

(H.P. 648) (L.D. 922) Bill "An Act to Make Allocations from the Public Utilities Commission Regulatory Fund and the Public Utilities Commission Reimbursement Fund for the Fiscal Years Ending June 30, 1992 and June 30, 1993" (EMERGENCY) Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-678)

(H.P. 1295) (L.D. 1872) Bill "An Act Making Additional Allocations for the Expenditure of Funds Received by the State as a Result of the Federal Court Order in the Stripper Well Oil Overcharge Case and the Exxon Oil Overcharge Case" (EMERGENCY) Committee on Appropriations and Financial Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-680)

(H.P. 1349) (L.D. 1942) Bill "An Act Making Additional Allocations from the Highway Fund for the Expenditures of State Government for the Fiscal Year Ending June 30, 1991" (EMERGENCY) Committee on Transportation reporting "Ought to Pass" as amended by Committee Amendment "A" (H-681)

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

By unanimous consent, ordered sent forthwith to the Senate.

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

SENATE PAPER

The following Joint Order: (S.P. 759)

ORDERED, the House concurring, that in accordance with emergency authority granted under the Revised Statutes, Title 3, section 2, the First Regular Session of the 115th Legislature shall be extended in accordance with the provisions of said section, to the call of the President of the Senate and the Speaker of the House.

Came from the Senate, read and passed.

Was read.

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

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: I would pose a question to the Chair.

Not being familiar with the section quoted, are we to understand that this emergency authority is extended for a limit of five days? Is that correct?

The SPEAKER: The Chair would answer in the affirmative.

The Chair recognizes the Representative from Belfast, Representative Marsano.

Representative MARSANO: Mr. Speaker, Men and Women of the House: I haven't had a chance to read the statute since yesterday and I don't remember it expressly, but it seemed to me from my reading yesterday that there ought to be a date on which the time period of five days ought to start. I would assume that the Chair is satisfied that that is not the case?

The SPEAKER: The Chair would advise the Representative that it deals with legislative days.

Representative MARSANO: Mr. Speaker, the question of legislative days, however, it usually in the statutes and in the Constitution have reference to a specific period of time. For instance, we are here today because this is the third Wednesday of June. The extension day, it seems to me, for the five day period under this order could be in September. I have some concern about that. I would just like an understanding from the Chair. I recognize that the Chair is not in a position to advise the House at this point as to when a report from the Committee on Appropriations might reasonably be anticipated. Nevertheless, this matter is of some significance and I just want to know how the Chair arrived at the idea that this extension could simply be left open and have no period of time within which this legislature should convene in accordance with the mandate of that statute which we now implicitly adopt?

The SPEAKER: The Chair has no comment.

Pursuant to 3 M.R.S.A., Section 2, a two-thirds vote of the members present and voting is required.

Those in favor will vote yes; those opposed will vote no. 72 having voted in favor and 50 against, the Joint Order failed of passage.

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

ENACTOR

**Emergency Measure
(Later Today Assigned)**

An Act to Annex the Town of Richmond to Lincoln County (S.P. 683) (L.D. 1811) (H. "A" H-671 to C. "A" S-280; H. "A" H-549; 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 Change the State Payment for Health Insurance Benefits for New State Employees with Less than 10 Years of Service and Provide for a Study of Retirement Benefits Provided to New Employees (S.P. 743) (L.D. 1935) (H. "A" H-648)

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Amend Certain Laws Affecting the Department of Environmental Protection (H.P. 1083) (L.D. 1577) (H. "A" H-666 to C. "A" H-630)

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Increase Fees for Licenses Issued by the Department of Marine Resources (H.P. 1148) (L.D. 1673) (H. "B" H-669 to C. "A" H-567)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 108 voted in favor of the same and 7 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 Correct Errors and Clarify Provisions in the Solid Waste Laws (H.P. 1296) (L.D. 1873) (C. "A" H-667)

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

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

ENACTOR

**Emergency Measure
(Later Today Assigned)**

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

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

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

Representative RICHARDS: Mr. Speaker, Ladies and Gentlemen of the House: This is the bill that I found last week. I guess the reason it struck my attention is the dollars and the fact that last week (as you know) we debated a number of bills dealing with the responsibility of state legislators and spending money and good ideas as the Representative from Fairfield indicated when we did not pass a bill that was introduced by Representative Foss as being a great idea. Again, this is probably one of those bills that is a great idea, but I will point you to the fact that on the amendment for 1991-92, we are asking the taxpayers to spend \$1.6 million and in 1992-93, we are asking them to spend \$3 million.

I am sure that Representative Melendy will probably indicate the good valid points of this bill, and there are, I don't dispute that.

Just to point out a few things that I have an objection to based on the fact that we are in a fiscal crisis is the fact that the development director position, the one that we cut earlier this year, is now being reinstated. We also have the

Maine Science Technology Commission experiment program to stimulate competitive growth. What that does and probably one of the best things out of this bill is the fact that we are spending \$530,000 in 1991-92 and roughly close to a million dollars for 1992-93 — what that does is the federal government has said, if your states set up a program, you can compete for dollars. If you don't set up a program in the state, you are not entitled to those dollars. Again a great idea.

I guess I would pose a question to all of us when we vote on this issue and that is, when are we going to start prioritizing the essential things that we need to do in state government within the constraints of the dollars that we have? I know the voters that I am in contact everyday, my constituents, tell me to stop spending money, look seriously at how you can save money and cut state government. For goodness sake, please prioritize on things such as education and those that are truly in need of money and state assistance and try to re-evaluate where we are going as a state.

I am trying to do that in a bipartisan fashion, not being partisan in any way. There are four of the other party on this bill who may feel that I am rising because it is a Democrat bill, well I am not, I am doing it because I want to do something that is fiscally responsible.

I am only sorry that I didn't miss all the other bills that are currently sitting on the Appropriations Table which are money bills that will be taken up on the Senate Calendar today, up to about four pages. I think this is a time that we can say "no, enough spending, enough is enough."

For that reason, Mr. Speaker, I would request a roll call and that this bill and all accompanying papers be indefinitely postponed.

One last comment. Representative Michaud, last week, had indicated that we ought to vote our conscience. I do believe in voting our conscience and, as I looked at that board last week and saw changing votes, I guess I tried to figure out why. I guess perhaps it is that impending bell, that the longer it goes on, it has the subliminal message that you have done something wrong. Perhaps we ought to look at that bell, there is something wrong with it I think.

On motion of Representative Mayo of Thomaston, tabled pending passage to be enacted and later today assigned. (Roll Call Requested)

PASSED TO BE ENACTED

Emergency Measure

An Act Concerning the Low-income Home Energy Assistance Program (H.P. 1333) (L.D. 1924) (S. "B" S-362 to C. "A" H-652)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 108 voted in favor of the same and 13 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 a Conflict in the Law Relating to Sentencing Considerations and Appellate Review (H.P. 1340) (L.D. 1932) (C. "A" H-662)

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

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

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: As the prime sponsor of this legislation, I would like to insert a statement into the Record since it is a unanimous Committee Report. What usually happens is, there is very little comment on the Record for anyone to use in later sentencing or later debate on this particular legislation so I would just like to read a brief statement.

The intent of this legislation is to address certain abuses of the sentencing appeals process by the Maine Supreme Judicial Court.

Two years ago, this Legislature, with the support of the Judiciary Committee, passed two laws which have since been misinterpreted by the Law Court. We passed a law increasing the maximum possible sentence for a Class A offense from 20 years to 40 years. The intent of that bill was to allow the sentencing judge a great deal of leeway when dealing with Class A crimes, which are by definition, the most serious and heinous crimes on the books. Whether an individual received a sentence that was upwards of 20 to 40 years would depend on that person's criminal record or on the violence and the "heinousness" of the offense or, on the impact on the victim and the lack of remorse of the offender, or any other criteria or combination of criteria which the sentencing judge who has heard the case, seen the defendant and listened to all the parties, finds appropriate.

The Supreme Judicial Court, however, in taking a few words from the Statement of Fact in the original bill completely out of context, has misinterpreted our legislative intent to say that there should be two different categories of Class A crimes — those which they might call "run-of-the-mill" rapes, kidnappings, robberies, arsons, manslaughters and attempted murders and those which they deem to have been committed in a particularly brutal or heinous fashion, regardless of the criminal background of the offender or the impact on the victim.

This reading of our intent is simply wrong. While the language of the bill before you does not specifically address this issue, since, due to the time constraints only, we were unable to agree on specific language which would send the message to the Law Court, nevertheless, I wanted to express my personal viewpoint and that of the Judiciary Committee members of 1989 and those of 1991, that our intent was not to limit the maximum available sentences to those few cases which the Law Court decided were the most heinous ways of committing these crimes.

Another issue which the Judiciary Committee feels strongly about, but which this bill will not now address due to time constraints, is the standard of review utilized by the Maine Supreme Court in

reviewing sentences under the second major sentencing bill which we passed in 1989. That bill allowed the Law Court to review felony sentences and to "correct abuses of sentencing power" by the lower courts. It was our intent that the standard of review by one of abuse of discretion and that the Law Court give due deference to the judgment of the sentencing justice who heard the facts, saw the victim, and listened to the defendant.

Because of the language of various recent opinions, it is unclear exactly how the Supreme Judicial Court sees its role in the review of sentences and I would be more than happy to hear from them on this basic issue. In the meantime, we will be working in between sessions on language to clarify our original intent in passing the Appellate Review of Sentences Bill of 1989.

It was also certainly not our intent in passing either of these two pieces of legislation in 1989, that the sentencing court be commanded to pick a maximum sentence in the first instance, based solely on the nature of the offense, completely disregarding the prior record of the offender, the impact on the victim, the potential for restitution and the effects of deductions for good time.

Sections one and two of this bill are intended to address the court's decisions in State v. Hallowell, State v. Clark, State v. Michaud etc., which states very clear, but erroneously, that the maximum sentence should be determined solely by the nature of the conduct involved, blinding the court to the burglar's 3 prior convictions, the rapist's prior assaults or the horrendous terrifying effect of a sexual attack on two ten-year old girls.

Thus, under the language of the current bill, the reviewing court should look at whether the sentencing judge properly considered all appropriate factors, including all those factors which we have set out in Title 17-A, such as deductions for good time, victim impact, restitution, public safety and probable rehabilitation.

There is one other thing that we have under consideration and we will be drafting specific language to address that before the next session and that is the idea expressed by the court in State v. Michaud that a person should get concurrent sentences rather than consecutive sentences for attacking multiple victims. It is inconceivable to me that the court should look upon a double rape as a "two-for-one sale." That was not our intent in drafting the consecutive sentencing section of the criminal code, and every member of the Judiciary Committee, I believe, is appalled at the callousness of the court in rewarding the defendant in Michaud for taking "only twenty minutes" to attack two little girls whose lives have been transformed forever — by reducing his sentence from 40 years to 12, so that, in less than 7 years, this man will be free to attack at will, again.

Once again, while we cannot address this issue legislatively at this time, solely because of time constraints, I do want to express my opinion and the consensus of the Judiciary Committee that the court is simply wrong in this regard.

Finally, Section 4 of this bill requires the Supreme Judicial Court to remand the case for another sentencing hearing if it finds that the sentence imposed was in error. This is important because all too often of late, the Law Court has determined that the sentence was wrong and, instead of sending the

case back to the sentencing judge to reconsider the matter, they have just literally picked a number out of the air with no explanation and without ever having seen or heard from the defendant or the victim in the case. That is wrong and the members of the Judiciary Committee feel strongly that there must be another hearing, usually before the same judge who originally heard the case, and all parties will have a right to be heard again on reconsideration of the sentence following the dictates of the Law Court.

So this bill very simply addresses two of the important issues we feel need to be addressed, and we will be considering specific language to address the other issues I have mentioned over the summer and fall.

I urge your support of this bill, on behalf of the victims of crime, to help preserve the integrity of our sentencing process.

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

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: I rise with some reluctance but I also support this unanimous report.

I wish to make clear, however, that those remarks that relate to the substance of this amended report I fully endorse. Those remarks, however, that express points of view about issues not before this body at this time, opinions of my good chair regarding other proposals that ought to be made and other changes that he believes ought to be made, do not necessarily reflect unanimous views and, in fact, do not reflect my own views. I just wanted to make it clear on the Record that those matters that relate to this bill, I endorse, but other matters, I do not consider appropriate legislative history regarding this particular legislation.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 125 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.

ENACTOR

Emergency Measure

(Reconsidered)

An Act to Revise the Salaries of Certain County Officers (H.P. 1357) (L.D. 1949)

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

On motion of Representative Melendy of Rockland, under suspension of the rules, the House reconsidered its action whereby L.D. 1949 was passed to be engrossed.

The same Representative offered House Amendment "A" (H-682) and moved its adoption.

House Amendment "A" (H-682) 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: I fought a good fight last week

and lost. However, I think it is important to tell you all that the members of our delegation were all really trying to do the right thing when they voted the way they did even though we voted differently.

I tried to address a policy that commissioners should not get extra pay for extra jobs done and the other members of the delegation certainly believe that if a person did a job, they should be paid for it.

However, I think now it is important to spell out exactly what is expected by this legislature to the Knox County Commissioners and that is that this \$9,000 is meant to be for this year and this year only and, at the end of 1991, the salary of the District 2 commissioner is to revert back to that of the other two commissioners. I think it is also important to make it clear to all other county commissioners that we are not setting a precedent for counties to try to override Title 30a, section 52, subsection 2. I urge you to support this amendment.

Subsequently, House Amendment "A" (H-682) was adopted.

The bill was passed to be engrossed as amended by House Amendment "A" (H-682) in non-concurrence and sent up for concurrence.

FINALLY PASSED

Emergency Measure

Resolve, to Study the Feasibility of a Statewide Health Insurance Program (H.P. 1184) (L.D. 1727) (H. "A" H-640 to C. "A" H-406)

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

Representative Mitchell of Vassalboro 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 Vassalboro, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, Men and Women of the House: I was a bit surprised at the vote I saw on the board. The only thing that I can attribute it to is that people are not awake yet and they are not accustomed to being in session.

Before you today, you have, I think, the single most important issue of this session. I am somewhat surprised to see those people who are struggling to put together a Workers' Compensation package that would help business be more competitive because their costs are so high, would vote against a package that simply studies and asks us to come back with a solution to the spiraling health care costs. I invite those members of this body who voted against this measure and who have a chance to redeem themselves on the roll call to talk with the executives at Bath Iron Works who are very concerned

about Workers' Compensation. If you ask them what their biggest cost is in making them non-competitive, it is health insurance.

I was also surprised to see Appropriations Committee members who are struggling to meet a billion dollar deficit and I would like to remind them how much they are paying in health care costs for state employees, i.e., legislators (this happens to be the only piece of health information I have on my desk at the moment) a family with an employee, spouse and children, the state pays each month \$348.93 and the legislators have to pay \$140. Multiply that by 12 — tell me if that is affordable.

Those of you who think this is just a low-income issue and that is not your problem, (those people are going to be treated in some emergency room anyway because we don't turn people away in this country, at least we are not that callous yet), let me tell you it is very much a middle-class issue. Talk to the people who send you down here and ask them how much trouble they are having paying their health insurance bills.

There is a legislator in West Virginia and I think I will take a page from his book when I get a chance to do my homework who everyday the House convenes tells a specific story of a West Virginia constituent who simply couldn't afford health care. I will just tell you mine. At a Vassalboro baseball game last night, a lady told me about her ten year old girl who was playing ball, who unfortunately had an unexpected and, up until that time, undetected brain tumor. She told me that her insurance didn't cover all that. Luckily the child is okay, she is still under supervision at the Children's Hospital in Boston and she said she and her husband both work and will never, ever completely pay off the medical bills. I can't believe that anybody who knows what this bill does would vote against it. I challenge you to explain why.

It is a study, it asks us to find a way to deliver affordable health care. I cannot believe a single one of you want to go home and tell your constituents that, in this budget crisis year and this Workers' Compensation year, you don't care enough even to study the issue.

I would encourage your vote for this study.

The SPEAKER: A roll call has been ordered. The pending question before the House is final passage. This being an emergency measure, a two-thirds vote of all the members elected to the House is necessary. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 169

YEA - Adams, Aliberti, Anthony, Ault, Bailey, R.; Bell, Bennett, Boutilier, Cahill, M.; Carleton, Carroll, D.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Constantine, Cote, Crowley, Daggett, DiPietro, Donnelly, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Farnum, Farren, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gurney, Gwadosky, Hale, Handy, Hastings, Heeschen, Heino, Hichborn, Hoglund, Holt, Hussey, Jacques, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kontos, LaPointe, Larrivee, Lawrence, Lemke, Look, Lord, Luther, Macomber, Mahany, Manning, Marsh, Martin, H.; Mayo, McHenry, McKeen, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Nash, Norton, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Parent,

Paul, Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Rand, Reed, W.; Richardson, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Salisbury, Savage, Sheltra, Simonds, Simpson, Skoglund, Spear, Stevens, P.; Strout, Swazey, Tammaro, Tardy, Townsend, Tracy, Treat, Waterman, Wentworth, The Speaker.

NAY - Aikman, Bailey, H.; Barth, Bowers, Butland, Carroll, J.; Duplessis, Foss, Garland, Greenlaw, Hanley, Hepburn, Hichens, Lebowitz, Libby, Lipman, MacBride, Marsano, Merrill, Ott, Pendexter, Pendleton, Pines, Reed, G.; Richards, Stevens, A.; Stevenson, Tupper, Whitcomb.

ABSENT - Anderson, Coles, Jalbert, Kutasi, Nutting, Powers, Small, Vigue.

Yes, 114; No, 29; Absent, 8; Paired, 0; Excused, 0.

114 having voted in the affirmative and 29 in the negative with 8 absent, the Resolve was finally passed, signed by the Speaker and sent to the Senate.

FINALLY PASSED

Emergency Measure

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Aroostook County for the Year 1991 (H.P. 1356) (L.D. 1948)

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. 129 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.

ENACTOR

(Later Today Assigned)

An Act Related to the Office of Substance Abuse (S.P. 90) (L.D. 175) (S. "A" S-365 to C. "A" S-359)

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

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

PASSED TO BE ENACTED

An Act Establishing a Lobster Management Task Force (S.P. 365) (L.D. 967) (H. "A" H-647 to C. "A" S-290)

An Act Regarding Investment of State Funds in Corporations Doing Business in Northern Ireland (S.P. 446) (L.D. 1190) (S. "A" S-358)

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; H. "A" H-668)

An Act to Establish a Higher Education Loan Program and to Make Certain Amendments to the Laws Affecting Education Programs of the Finance Authority of Maine (S.P. 642) (L.D. 1690) (S. "A" S-352 to C. "A" S-308)

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

ENACTOR

(Later Today Assigned)

An Act to Amend the Requirement that Contracts Be in Writing (H.P. 662) (L.D. 941) (S. "A" S-353 to C. "A" H-465)

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

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

PASSED TO BE ENACTED

An Act to Permit Off-track Betting and to Revise the Harness Racing Laws (H.P. 665) (L.D. 944) (H. "D" H-672 to C. "A" H-541)

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

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

Representative **HICHENS**: Mr. Speaker, I move that this bill and all accompanying papers be indefinitely postponed and I request a roll call.

Mr. Speaker, Members of the House: This bill which permits off-track betting and then goes on to revise the harness racing laws was heard in part by the Legal Affairs Committee several weeks ago. It came before the House with a Divided Report and was passed and referred to the Committee on Agriculture who put on the committee amendment and added the revision of the harness racing laws. I have nothing against revising the harness racing laws but I am very much against the off-track betting and sorry that it has to be combined together. In order to kill one, you have to kill the other.

I feel that the people of this House should be well aware that we are extending our gambling throughout the state.

I read an article yesterday by Jim Brunelle who many of you know and he was ridiculing the legislature for extending the gambling laws along with the other ones that we have had this year and I would go along with him. I don't always agree with Mr. Brunelle but in this case I do.

I hope you will very carefully consider before you pass this into law of what we are doing in extending our betting and gambling throughout the state.

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 Hichens of Eliot that L.D. 944 and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 170

YEA - Adams, Aikman, Anthony, Bennett, Carleton, Carroll, J.; Cathcart, Clark, M.; Constantine, Dore, Duplessis, Farren, Gean, Gray, Gurney, Hanley, Heeschen, Hepburn, Hichens, Look, Marsano, McKeen, Mitchell, J.; O'Dea, Pfeiffer, Richardson, Simonds, Skoglund, Tracy, Treat, Wentworth.

NAY - Aliberti, Ault, Bailey, H.; Bailey, R.; Barth, Bell, Boutilier, Bowers, Butland, Cahill, M.; Carroll, D.; Cashman, Chonko, Clark, H.; Coles, Cote, Daggett, DiPietro, Donnelly, Duffy, Dutremble, L.; Erwin, Farnsworth, Farnum, Foss, Garland, Goodridge, Gould, R. A.; Graham, Greenlaw, Gwadosky, Hale, Handy, Hastings, Heino, Hichborn, Hogle, Holt, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kontos, Kutasi, LaPointe, Larrivee, Lawrence, Lebowitz, Lemke, Libby, Lipman, Lord, Luther, MacBride, Macomber, Mahany, Manning, Marsh, Martin, H.; Mayo, McHenry, Melendy, Merrill, Michaud, Mitchell, E.; Morrison, Murphy, Nadeau, Nash, Norton, O'Gara, Oliver, Ott, Paradis, J.; Paradis, P.; Parent, Paul, Pendexter, Pendleton, Pineau, Pines, Plourde, Poulin, Pouliot, Rand, Reed, G.; Reed, W.; Richards, Ricker, Rotondi, Ruhlin, Saint Onge, Salisbury, Savage, Sheltra, Simpson, Spear, Stevens, A.; Stevens, P.; Strout, Swazey, Tamaro, Tardy, Townsend, Tupper, Waterman, Whitcomb, The Speaker.

ABSENT - Anderson, Crowley, Nutting, Powers, Rydell, Small, Stevenson, Vigue.

Yes, 31; No, 112; Absent, 8; Paired, 0; Excused, 0.

31 having voted in the affirmative and 112 in the negative with 8 absent, the motion to indefinitely postpone did not prevail.

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

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

PASSED TO BE ENACTED

An Act to Establish a Fund to Promote Lobster Marketing (H.P. 818) (L.D. 1172) (S. "A" S-355)

An Act to Improve Motorcycle Driver Education (H.P. 1026) (L.D. 1499) (S. "A" S-364 to C. "A" H-457; H. "A" H-582)

Were reported by the Committee on Engrossed

Bills as truly and strictly engrossed, passed to be enacted, signed by the Speaker and sent to the Senate.

ENACTOR

(Later Today Assigned)

An Act to 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 Gwadosky of Fairfield, tabled pending passage to be enacted and later today assigned.

PASSED TO BE ENACTED

An Act to Protect Consumers from Unfair and Deceptive Telephone Practices (H.P. 1134) (L.D. 1659) (S. "A" S-348 to C. "A" H-410)

An Act to Clarify and Revise the Adult and Secondary Vocational Education Laws (H.P. 1152) (L.D. 1677) (C. "A" H-658)

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) (S. "A" S-322 to C. "A" H-580)

An Act to Establish the Maine Revised Uniform Limited Partnership Act (H.P. 1276) (L.D. 1847) (C. "A" H-651)

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.

FINALLY PASSED

Resolve, to Allow the Department of Marine Resources to Convey Land (S.P. 691) (L.D. 1837) (H. "A" H-673)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed, finally passed, 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 Thursday, June 13, 1991, have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

The Chair laid before the House the first item of

Unfinished Business:

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 12, 1991 (Till Later Today) by Representative JOSEPH of Waterville.
 PENDING - Motion of same Representative to accept the Minority "Ought Not to Pass" Report.

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

The Chair laid before the House the second 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 12, 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. (Roll Call requested)

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

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)
 - In House, Failed of Final Passage on June 11, 1991.
 - In Senate, Finally Passed in non-concurrence.
 TABLED - June 12, 1991 (Till Later Today) by Representative MAYO of Thomaston.
 PENDING - Further Consideration.

On motion of Representative Mayo of Thomaston, retabled pending further consideration and later today assigned.

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

An Act to Authorize a General Fund Bond Issue in the Amount of \$7,500,000 to Provide for the Maine Street Investment Program (BOND ISSUE) (H.P. 1358) (L.D. 1950)
 TABLED - June 12, 1991 (Till Later Today) by

Representative LAWRENCE of Kittery.
 PENDING - Passage to be Enacted.

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

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

Bill "An Act Correcting Errors and Inconsistencies in the Laws of Maine" (EMERGENCY) (S.P. 760) (L.D. 1954)

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

Was referred to the Committee on Judiciary in concurrence.

Unanimous Ought Not To Pass

Report of the Committee on Appropriations and Financial Affairs reporting "Ought Not to Pass" on Bill "An Act to Increase the Borrowing Authority of the University of Maine System" (EMERGENCY) (S.P. 406) (L.D. 1082)

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

COMMUNICATIONS

The following Communication: (S.P. 758)

115TH MAINE LEGISLATURE

June 13, 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 Paul A. Murphy of Windham for appointment to the Animal Welfare Board.

Pursuant to Public Law 1991, Chapter 267, 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 Chair laid before the House the following matter: An Act to Correct Errors and Clarify Provisions in the Solid Waste Laws (H.P. 1296) (L.D. 1873) (C. "A" H-667)(Emergency) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Jacques of Waterville, under suspension of the rules, the House reconsidered its action whereby L.D. 1873 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-667) was adopted.

The same Representative offered House Amendment "A" (H-677) to Committee Amendment "A" (H-667) and moved its adoption.

House Amendment "A" (H-677) to Committee Amendment "A" (H-667) was read by the Clerk and adopted.

Committee Amendment "A" (H-667) as amended by House Amendment "A" (H-677) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-667) as amended by House Amendment "A" (H-677) 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.

(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 \$7,500,000 to Provide for the Maine Street Investment Program (BOND ISSUE) (H.P. 1358) (L.D. 1950) which was retabled earlier in the day and later today assigned pending passage to be enacted.

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

Representative MELENDY: Mr. Speaker, Men and Women of the House: I urge you to support this. This is a bond issue in the amount of \$7.5 million to assist businesses and communities. It was a unanimous committee report. The thing that stuck with the committee is the fact that through FAME,

businesses can get the money within two weeks time and through DECD, it takes approximately two months. DECD did acknowledge that the loans have to go through FAME before they go through them anyway and it would cut down the amount of time to obtain these loans.

The thing that we have to talk about when we talk about economic development — we talk about the difficulties for businesses in times like this to be able to obtain money that they need. Banks look much more favorably on businesses when they see that the state itself is willing to put up some of the funding for them. Teamwork is what it is all about. I urge you to support this.

The grants are a three-to-one match and loans that are put out there do revert back to the state and we have then created a revolving loan account for municipalities and businesses. Please support this.

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

Representative CASHMAN: Mr. Speaker, Men and Women of the House: I agree with Representative Melendy. I think that this is a very important bond issue. I submitted the original legislation on this and I requested of Representative Melendy's committee a \$25 million bond issue. In making that request, I fully expected the size of the bond issue to be pared back. I am happy with the \$7.5 million level that appears in front of you now.

I think it is important for the House to understand before you vote on it what this bond issue does. As Representative Melendy pointed out, it does require a three-to-one match, at least a three-to-one match, in private investment for every dollar that is applied for under this program. This would result in a \$30 to \$40 million dollar investment in the Maine economy over the next couple of years. The applications would come jointly from municipalities and private industry and the money can be used to invest in projects, industrial parks, expansion in downtown areas, which is where the name Maine Street Investment comes from, but it isn't limited to Maine Street. The money can be used in any commercial district within a municipality where that municipality has interest from the private sector in developing.

I don't have to tell anybody in this House how desperate the Maine economy is right now, I think you all know that. One of the biggest needs of business (right now) in attempting to invest, to expand, to create jobs, is lack of money. There isn't a lot of capital out there. It is very difficult to borrow money. Even for the best of risks, the banks are looking very hard at loan applications. That is one of the reasons that a lot of planned expansions have been shelved. I know that several have been shelved in my own district. I assume that that case is true for most of you in this House.

I think that this legislature, in trying to deal with the budget problems that we face, can't lose sight of the fact that, in order to solve our fiscal problems once and for all, we have to get the Maine economy moving again. We have to get all of these shelved proposals off the shelf. We have to provide some capital. We have to provide some incentive to investment.

Of all the bond issues that this House has considered, this is the one that is most directly related to economic development and, in my mind, should be the top priority, trying to create jobs and

get this state moving again.

I hope you will support the unanimous committee report out of Housing and Economic Development.

Mr. Speaker, I request when the vote is taken, it is taken by the yeas and nays.

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

Representative PLOURDE: Mr. Speaker, Men and Women of the House: This definitely is one very important bill. It is something that I have been screaming for in the committee. I think it is a reasonable and fair amount of dollars to pump into our economic system. I feel it is imperative that we do something to generate jobs in this state. It is going to help the private industry as well as municipalities.

It is a good bill and I strongly urge you to support this.

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

Representative KILKELLY: Mr. Speaker, Ladies and Gentlemen of the House: I was very pleased to cosponsor the original bill with Representative Cashman that looked at a variety of ways that we could get our economy going again.

I think one of the things that is vitally important about this particular bond issue and about the subject that it addresses is the fact that recently we found that we have the highest unemployment rate in New England. We have the third highest rate in the country.

I think the part that we all have to remember is that the decision that we are making today is merely a decision for the people to decide if this is what they want to do. If the people within your district, the folks that their businesses have had a difficult time or they are trying to find jobs and they can't and they feel this is an opportunity for them to get back to work, they ought to have that opportunity to vote in favor of this bond issue. If those people feel that this is not in their best interest, then they at that time will have a chance to vote against it. This is merely enabling, if you will, enabling them to make the decision that they feel that they need to make for what is best for their communities and what is best for the state.

I urge your support of this bond issue.

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

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

Representative Cashman indicated earlier that it required a three or four dollar investment for one dollar that could be had from this bond issue. I would ask, in what manner could that money be raised? Does it have to come out of the borrower's pocket or may he borrow that by other risk capital such as a bank loan and to whom is this loan available?

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

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

Representative CASHMAN: Mr. Speaker, Men and Women of the House: The match money has to come from a private developer or a private firm that is looking to expand or develop a section of a municipality.

The application to FAME is very much like the old

UDAG program, if anybody in the House has had any experience with that program. The application to FAME would come jointly from the municipality involved and from the developer. In order for the municipality to apply for \$500,000, they would have to show firm commitments in writing from private enterprise for at least \$1.5 million in private money going into the development. That is very important because it leverages this bond issue and creates an investment of \$30 to \$40 million dollars. The municipality and their application can use, in the scenario I just laid out, the half million dollars for demolition for public improvements, for a loan pool to small business, whatever it is they have in their application which would be reviewed by FAME.

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 requires a two-thirds vote of the members present and voting. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 171

YEA - Adams, Aliberti, Anthony, Bell, Bennett, Boutilier, Carroll, D.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Farnum, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gurney, Gwadosky, Hale, Handy, Hastings, Heeschen, Heino, 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, Murphy, Nadeau, Norton, Nutting, O'Dea, O'Gara, Oliver, Ott, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Rand, Reed, G.; Reed, W.; Richardson, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Salisbury, Sheltra, Simonds, Simpson, Skoglund, Stevens, A.; Stevens, P.; Strout, Swazey, Tammaro, Tardy, Townsend, Tracy, Treat, Tupper, Waterman, Wentworth, The Speaker.

NAY - Aikman, Ault, Bailey, H.; Bailey, R.; Barth, Bowers, Butland, Carleton, Donnelly, Duplessis, Farren, Foss, Garland, Greenlaw, Hanley, Hepburn, Hichens, Kutasi, Lebowitz, Libby, Look, Lord, MacBride, Merrill, Nash, Parent, Pendexter, Pendleton, Pines, Richards, Savage, Small, Spear, Whitcomb.

ABSENT - Anderson, Cahill, M.; Carroll, J.; Hichborn, Lipman, Marsano, Powers, Stevenson, Vigue.

Yes, 108; No, 34; Absent, 9; Paired, 0; Excused, 0.

108 having voted in the affirmative and 34 in the negative with 9 absent, 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: 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)(In House, Failed of Final Passage on June 11, 1991)(In Senate, Finally Passed in non-concurrence) which was tabled earlier in the day and later today assigned pending further consideration.

Representative Joseph of Waterville moved that the House recede and concur.

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

Representative ERWIN: Mr. Speaker, Ladies and Gentlemen of the House: As Chairman of the Oxford County Legislative Delegation and as a cosponsor of L.D. 1855, I request your support of this legislation.

This Resolve has safeguards for the taxpayers of Oxford County that were added by the distinguished members of the State and Local Government Committee. The purpose of the Resolve is to expand the existing building which is owned by the county. It only authorizes the Oxford County Commissioners to issue the bonds under certain conditions. The county commissioners have submitted an application to the U.S. Economic Development Administration for a grant of \$289,800. In order for the county to accept the EDA money, we must have a 40 percent local match of \$193,200. A private lease agreement for the facility must be signed that guarantees repayment of the bond principal and interest by the lessee including a guarantee of repayment in full by the lessee in the event of a breach of the lease by the lessee at any time during the term of the bonds.

This expansion of the building will result in up to 15 additional jobs. This may not seem like much to some of you but we desperately need every job that is permanent that we may be able to attract to our area.

Twenty-five jobs are at stake if the expansion cannot be accomplished. \$25,000 to \$30,000 is spent monthly for purchases for this business. Four businesses received this money for these purchases, at least three, this is a number one account. Eighty-five to ninety percent of the revenue that comes in for refurbishing the aircraft comes from out-of-state. The owner of this business trains and hires locally and purchases locally.

I would like to read you a paragraph from a letter from the county commissioners. "The commissioners would enter into negotiations with Mr. Horowitz and, if we are satisfied that no expense will be incurred by the taxpayers, we would then meet with the delegation for final review before any bonds are issued." I want to emphasize that no bonds will be issued if the EDA grant is not approved.

I urge your favorable consideration of this Resolve.

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

Representative PINEAU: Mr. Speaker, Ladies and Gentlemen of the House: On further consideration of this bill in front of us, I hope to bend your ear for just a minute. The previous speaker, the good Representative Cashman, was speaking of the depressed times and the high unemployment rates in the state as a whole, Oxford County is higher than the state average, it is one of the highest in the state, if not the highest. Job creation investments in that

area are very much needed.

With the safeguards the State and Local Government Committee put on this, I feel real safe that the taxpayers are going to be served and yet this is a way that we can promote creation of jobs to help this area come out of the doldrums it is in.

I would appreciate you supporting the good Representative from Rumford, Representative Erwin, on her motion.

The SPEAKER: The pending question before the House is final passage. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 143 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.

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

BILL HELD

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)

- In House, Passed to be Engrossed as amended by House Amendment "A" (H-674).
HELD at the Request of Representative NUTTING of Leeds.

On motion of Representative Nutting of Leeds, the House reconsidered its action whereby L.D. 1946 was passed to be engrossed.

On motion of the same Representative, the bill was recommitted to the Committee on Banking and Insurance and sent up for concurrence.

On motion of Representative GWADOSKY of Fairfield, the following item was removed from the Tabled and Unassigned matters:

Bill "An Act to Ensure Adequate Resources for Energy Assistance Programs for Low-income Households (EMERGENCY) (S.P. 319) (L.D. 857) (C."A" S-174)

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

PENDING - Passage to be Enacted.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 105 voted in favor of the same and 4 against and according the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

On motion of Representative MAYO of Thomaston, the following item was removed from the Tabled and Unassigned matters:

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

TABLED - June 11, 1991 by Representative MAYO of Thomaston.

PENDING - Final Passage.

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

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: I wonder if the Representative from Thomaston could explain a little bit of information about this piece of legislation?

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

The Chair recognizes that Representative.

Representative MAYO: Mr. Speaker, Members of the House: This is a compromise that I worked out with the Commissioner of Public Safety who wanted to move the State Police barracks outside the municipality of Thomaston, Troop D. The current statute does not allow him to do that. He discovered that when he was coming to testify against the bill of mine that would have required it to be there. I realized after I had submitted the legislation that I didn't need to because there already was a requirement for it to be there.

I am a reasonable person so I sat down with the Commissioner of Public Safety, Commissioner Atwood, and we worked out a compromise whereby the state could move the facility to the next adjacent community or leave it in Thomaston. They could renovate or they could rebuild the existing facility.

The Commissioner of Public Safety also discovered that there was a problem with the way the funds were allocated, in fact they had overspent funds for operations in South Portland and had surplus funds for Orono and Thomaston. He asked if I would help get a bill drafted to reallocate the funds from Orono and Thomaston to South Portland to straighten out the mess that his department was in. This all went on for several months and finally the bill came through the Governor's Office and it came upstairs and I wasn't the sponsor of it. That is quite all right, I understand the politics of that. The sponsor is the State Senator from Knox County and that is why the bill is here before you, it is not my bill, it is the Commissioner of Public Safety's bill.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 121 voted in favor of the same and 2 against and according the Resolve was finally passed, signed by the Speaker and sent to the Senate.

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

SENATE PAPER

Non-Concurrent Matter

Joint Order (S.P. 759) relative to extension of

the Legislative Session which failed of passage in the House on June 19, 1991.

Came from the Senate with that Body having adhered to its former action whereby the Joint Order was passed.

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

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

Mr. Speaker, Ladies and Gentlemen of the House: This Joint Order on our desks failed of passage. This Joint Order needs to pass in order to officially extend pursuant to the Constitution and the various statutes. This would allow us to extend one time for a period of five legislative days, consistent with what we have done over the years.

Our goal, obviously, at this stage is, hopefully, that Appropriations will be in a position to complete their responsibilities by the end of this week. We know that it is going to take at least the weekend for printing before we can begin caucuses and analysis of the budget by the beginning of the week. Our goal is to begin dealing with the budget as soon as we can at the beginning of the week.

That has been our goal for some period of time and I was a little surprised when the Representative from Belfast, Representative Marsano, questioned what our intentions were today. Yesterday, we spent approximately an hour and a half discussing this issue at length at lunch with the Governor and at the Legislative Council meeting as to what our intentions were and how we plan to proceed. We are committed to deal with the budget this fiscal year, we are committed to the bonding companies to deal with the budget this fiscal year. We spoke directly and clearly to Standard & Poor and to Moody's as to what our intentions were. Our intentions are to come in here next week and deal with this in a timely fashion.

There should be no misunderstanding but it is going to take cooperation and it is going to take some unification on both sides of the aisle for that to be accomplished. Keep in mind if we fail to adjourn today, the alternative is, the bills currently before us, die. The budget is dead and the Governor will then be forced to call us back into Special Session, not at the legislative current per diem rate of \$55 per day but he would be forced to call us back into Special Session at a \$100 per day because that is what the statutes indicate for reimbursement. I hope you think about that before you choose to vote to extend or not to extend today.

I hope you would, indeed, vote to recede and concur and commit to working together with a sense of mutual trust and cooperation to deal with the major problems before us.

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

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: Having voted in the affirmative on the previous motion, I want to again express my support for the extension of the session. I have now have a very clear understanding, we did discuss it at length in a number of parameters yesterday, and I believe our caucus is committed to seeing the budget process to its completion next week and look forward to the session resuming, assumably Monday or Tuesday.

The SPEAKER: The Chair recognizes the

Representative from Madawaska, Representative McHenry.

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I, for one, am not too crazy about extending this session. This Governor has not given us, the working people of this state, one iota, he has not compromised with us, he has not dealt with us and he has always been disruptive in anything that we have tried to accomplish.

This budget that he wants to pass is his budget, it is not our budget. What has he given me as a legislator to vote for his budget? Nothing, nothing, nothing, veto, veto, veto.

I am not too crazy about extending and I wish I could negotiate with this Governor but I cannot so I, for one, am not sure how I am going to vote on this issue.

Representative Jacques of Waterville requested a roll call.

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

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

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

ROLL CALL NO. 172

YEA - Adams, Aikman, Anthony, Ault, Bailey, R.; Bennett, Boutilier, Bowers, Butland, Cahill, M.; Carleton, Carroll, D.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Daggett, DiPietro, Donnelly, Dore, Duffy, Duplessis, Dutremble, L.; Erwin, Farnsworth, Farnum, Farren, Foss, Garland, Gean, Goodridge, Gould, R. A.; Graham, Gray, Greenlaw, Gurney, Gwadosky, Hale, Handy, Hanley, Hastings, Heeschen, Heino, Hepburn, Hichens, Hوجلund, Holt, Jacques, Jalbert, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kontos, LaPointe, Larrivee, Lawrence, Lebowitz, Lemke, Libby, Lipman, Look, Lord, Luther, MacBride, Macomber, Mahany, Manning, Marsano, Marsh, Martin, H.; Mayo, McKeen, Melendy, Merrill, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Nash, Norton, Nutting, O'Dea, O'Gara, Oliver, Ott, Paradis, J.; Paradis, P.; Parent, Paul, Pendexter, Pendleton, Pfeiffer, Pineau, Pines, Poulin, Pouliot, 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, Swazey, Tamaro, Townsend, Tracy, Treat, Tupper, Waterman, Wentworth, Whitcomb, The Speaker.

NAY - Aliberti, Barth, Hussey, Kutasi, McHenry, Strout.

ABSENT - Anderson, Bailey, H.; Bell, Carroll, J.; Crowley, Hichborn, Plourde, Powers, Tardy, Vigue.

Yes, 135; No, 6; Absent, 10; Paired, 0; Excused, 0.

135 having voted in the affirmative and 6 in the negative with 10 being absent, the motion did prevail.

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

ENACTOR

Emergency Measure

(Later Today Assigned)

Resolve, to Establish the Commission to Study the Feasibility of a Capital Cultural Center (H.P. 1164) (L.D. 1705) (H. "A" H-624 to C. "A" H-453)

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

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

PASSED TO BE ENACTED

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)

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. 5 was taken up out of order by unanimous consent:

SENATE PAPER

Non-Concurrent Matter

Bill "An Act to Make Allocations from the Transportation Safety Fund for the Fiscal Years Ending June 30, 1992 and June 30, 1993" (EMERGENCY) (H.P. 650) (L.D. 924) which was passed to be engrossed in the House on June 19, 1991.

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

The House voted to Insist.

The Chair laid before the House the following item: An Act to Promote Long-term Economic Development (H.P. 1321) (L.D. 1912) (C. "A" H-657) which was tabled earlier in the day and later today assigned pending passage to be enacted. (Roll Call requested)

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

Representative RICHARDS: Mr. Speaker, Ladies and Gentlemen of the House: Earlier when I spoke on this bill, I requested a roll call but the appropriate words would have been, I move indefinite postponement

of this bill and all accompanying papers and request a roll call.

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

Representative COLES: Mr. Speaker, Ladies and Gentlemen of the House: L.D. 1912 is I believe one of the most important economic development bills we have before us this session.

A month or two ago, Corporation for Enterprise Development released its annual report analyzing the basic economic structures and prospects for all the states.

I worked in and around economic development for 20 years almost and, of all the reports grading various states, this Corporation for Enterprise Development is certainly the best because of the looks of the structure, the basic, fundamental underlying elements that lead to economic prosperity or in the converse that prevent economic prosperity. Maine does fairly well in this system with the exception of one category and that category is Maine's capacity for development. That rates a D when compared to other states on an A, B, C, D, E, F scale. Within that development capacity area, Maine rates an F in the category for technology resources. That means the single weakest point in the structure of Maine's economy is its ability to support research and development and the ability to generate the new knowledge which leads to new jobs.

Technology resources as used in that report and as I am using it here is the extent to which new technologies and technologically proficient institutions and individuals are available.

If we want to compete in a global economy in the future, we must invest in research and development, development of new technologies and new jobs.

"Simply put, the winners in the new global economy will be states that invest in the fundamentals of development. Such investments take time. The payoff investments are long-term and the payoff is slow but the stronger a states development capacity is, the more vital its businesses and the better off its people are. The leaders in this competition are those states that worked hard to be in the leading edge of technologically intensive global economy. What distinguishes them from their less successful neighbors is the degree to which they are committed to invest in continual improvements in their economic fundamentals. The states rating at the bottom of the capacity rating D or F are those states that have either failed to maintain their fundamentals or, have never developed them in the first place."

Ladies and gentlemen, that describes Maine when it comes to research and development. I know we are having a tough time this year with the budget but if we want to attract millions of dollars in federal grants over the next two years, if we want to keep our Center for Renovations, the Maine Research and Productivity Center in Presque Isle, the Center for Aquaculture in Orono, the Center for Biotechnology in Bangor, the Center for Metals and Electronics in Portland, if we want to keep the best research that Maine's ever had, if we want to keep our word to the federal government (I know that the federal government doesn't necessarily keep their word with us but I think we ought to keep our word to it) and if we want to continue the tract dollars in the future, we must sustain the commitment that we already started in the last few years to develop the

fundamentals on our research and technology base.

Just an example of the value of the payoffs that can be associated with these things — in aquaculture, ten years ago, there were perhaps 30 to 40 jobs in this state and now 300 jobs directly involved in raising those products and another 900 involved in the processing and selling, etcetera. That is tremendous growth. Most of that occurred in Washington County who needed those jobs very badly.

If I understand the reasoning of the Representative from Hamden, we have no money, therefore we can't do this. That doesn't make sense, ladies and gentleman, we have \$3 billion dollars in the budget the last time I looked. The real issue is, what are our priorities? Is the Representative from Hampden saying to us that every single item that is now in the budget or that may be put into it in the next two weeks is more important than this? Is he saying that we should make this decision now that this is too lower a priority to ever be funded? Ladies and gentlemen, that would be a bad decision. If we wish to see Maine prosper in the future, if we want Maine people to have good jobs, jobs that will compete in a world economy, an information age, an age where technology pays, then we should pass this bill, put it on the Appropriations Table and let it compete with the other priorities in our budget.

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

Representative MELENDY: Mr. Speaker, Men and Women of the House: I urge you to vote against the motion to indefinitely postpone this bill that had a unanimous vote of our committee.

Representative Richards speaks about his concern with the cost associated with this bill. We, too, were concerned with the costs. However, when we started hearing reports about what the bonding houses are looking at when they look at the State of Maine and other states — what the states are doing and planning for long-term plans for economic development in creating quality jobs, this bill here is exactly the type of bill that they are looking for. Our committee was very concerned that we had those costs associated and this year was certainly not a year to do it. However, I had many discussions with people from the Governor's Office. The Governor's Office is also concerned that when the ability to draw down money from the federal government is there, he would like to be able to respond in a timely fashion so that we can have the matching funds that go with it. I am sure that we will be discussing down at the Appropriations Table in terms of whether monies can be transferred from one account to another to address this type of thing. This is certainly not anything that is going to come out of the budget monies right now, it is going to be something that is going to be shelved amongst any of the monies that are there for a rainy day type of situation.

I urge you to vote against the indefinite postponement and to give this a fighting chance. It is a fighting chance for the future of the people of our state and jobs for the many students, your own children and grandchildren that are now going to college who would like to be able to work in the State of Maine, these are the types of programs that will provide the quality jobs so they will come back and want to work in our state.

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

Representative MACBRIDE: Mr. Speaker, Ladies and Gentlemen of the House: I have been very supportive of the Science and Technology Commission and the centers. I think that they are tremendously important and there is no one who would like to see this project go forward more than I. However, we are working on the Appropriations Committee and we are having a very hard time finding money and making cuts and I just wonder where this can possibly fit into that pattern?

The fiscal note for the first year is \$1.6 million and for the second year, \$3 million. That is a lot of money to find this year. I did want to call that to your attention.

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

Representative RICHARDS: Mr. Speaker, Ladies and Gentlemen of the House: I guess to perhaps clarify some of what my feelings are dealing with this bill and why I made the motion — perhaps I would even entertain withdrawing that motion if somebody on that committee would perhaps recommit it and carry it over for next year so we could look at a changing economy and look at this issue again. If that is not the case, I would stick with my motion and, again, for a lot of good reasons.

This book that was passed out to all of us at the request of Representative Farnsworth basically outlines a number of cuts suggested by state government. I guess with passing this bill and funding it to the tune of \$1 million this year and \$3 million next year, perhaps we can go to any page, page 19 where we are cutting \$51,000 from the Blind Visually Impaired Division, we are eliminating three Visually Handicap Counselors, perhaps we can eliminate one more so we can fund this program. The Cerebral Palsy Center \$9,000, small money compared to this big piece but little chunks here, little chunks there. The Child Care Services reduced the subsidized slots for Resource Development Centers and vouchers.

On Page 25, we are talking about mental health and mental retardation eliminating 15 positions in the administration, \$1 million. Perhaps we can eliminate 15 more. We could go to Bangor Mental Health and we can eliminate some up there.

I guess my point is that we can go through this book and on any page we can find deeper cuts to offset what is a good idea to fund now. We have heard it over and over again, there is only so much money and we have to go to take care of the quality of life and perhaps try to maintain some status quo until the economy does turn around and we do have more money to spend on these good projects and good programs.

I want to go back to the people that I represent and tell them that I didn't vote for a \$4 million dollar program for Science Technology, that it is a great idea but it was that or other things that are essential at this point.

I don't know how many times we have heard in our committee dealing with the judiciary that if we had more money, we could make more money, but the fact of it is that when it gets into the priority basis, we can't afford to make money. It is kind of ludicrous but that is where we are at. Mine is essentially to try to make a responsible vote and look at the things that perhaps I don't want to see cut deeper that would impact drastically on services that we are now providing. Perhaps with a restructuring of state

government, we may be able to free up monies and maybe that might come about next year so to just clarify my position Representative Coles in his presentation, I would question his goals, motives, or opinions as to what the programs are all about but I just wanted to clarify why I moved as I have.

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

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

The SPEAKER: The pending question before the House is the motion of the Representative from Hampden, Representative Richards, that L.D. 1912 and all accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 173

YEA - Aikman, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Bowers, Butland, Carleton, Donnelly, Dore, Duplessis, Farren, Foss, Garland, Greenlaw, Hanley, Hastings, Hepburn, Hichens, Kutasi, Libby, Lipman, Look, MacBride, Marsano, McHenry, Merrill, Norton, Ott, Parent, Pendexter, Pendleton, Pines, Reed, G.; Reed, W.; Richards, Savage, Small, Stevens, A.; Tupper, Whitcomb.

NAY - Adams, Aliberti, Anthony, Bell, Boutilier, Cahill, M.; Carroll, D.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Duffy, Nutremble, L.; Erwin, Farnsworth, Farnum, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gurney, Gwadosky, Hale, Handy, Heeschen, Heino, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Ketterer, Kilkelly, Kontos, LaPointe, Larrivee, Lawrence, Lebowitz, Lemke, Lord, Luther, Macomber, Mahany, Manning, Marsh, Martin, H.; Mayo, McKeen, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Nash, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Rand, Richardson, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Salisbury, Sheltra, Simonds, Simpson, Skoglund, Spear, Stevens, P.; Stevenson, Strout, Swazey, Tamaro, Tardy, Townsend, Tracy, Treat, Wentworth, The Speaker.

ABSENT - Anderson, Carroll, J.; Hichborn, Kerr, Powers, Vigue, Waterman.

Yes, 42; No, 102; Absent, 7; Paired, 0; Excused, 0.

42 having voted in the affirmative and 102 in the negative with 7 being absent, the motion did not prevail.

The SPEAKER: A roll call has been requested on passage to be enacted. 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. 174

YEA - Adams, Aliberti, Anthony, Bell, Boutillier, Cahill, M.; Carroll, D.; Cashman, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, Dipietro, Duffy, Dutremble, L.; Erwin, Farnsworth, Farnum, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gurney, Gwadosky, Hale, Handy, Heesch, Heino, Hoglund, Hussey, Jacques, Jalbert, Joseph, Ketterer, Kilkelly, Kontos, LaPointe, Larrivee, Lawrence, Lebowitz, Lemke, Lord, Luther, Macomber, Mahany, Manning, Marsh, Martin, H.; Mayo, McHenry, McKeen, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Nash, Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Pineau, Plourde, Poulin, Pouliot, Rand, Richardson, Ricker, Rotondi, Ruhlin, Rydell, Saint Onge, Salisbury, Simonds, Simpson, Skoglund, Spear, Stevenson, Strout, Swazey, Tammaro, Tardy, Townsend, Tracy, Treat, Tupper, Wentworth, The Speaker.

NAY - Aikman, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Bowers, Butland, Carleton, Donnelly, Duplessis, Farren, Foss, Garland, Greenlaw, Hanley, Hastings, Hepburn, Hichens, Kutasi, Libby, Lipman, Look, MacBride, Marsano, Merrill, Ott, Parent, Pendexter, Pendleton, Pines, Reed, G.; Reed, W.; Richards, Savage, Small, Stevens, A.; Whitcomb.

ABSENT - Anderson, Carroll, J.; Cathcart, Dore, Hichborn, Holt, Kerr, Powers, Sheltra, Stevens, P.; Vigue, Waterman.

Yes, 101; No, 38; Absent, 12; Paired, 0; Excused, 0.

101 having voted in the affirmative and 38 in the negative with 12 being absent, the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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

**ORDERS OF THE DAY
HOUSE CALENDAR**

BILL RECALLED FROM GOVERNOR

(Pursuant to Joint Order H.P. 1366)

An Act to Regulate Sales of Malt Liquor in Kegs (H.P. 1142) (L.D. 1667) (H. "A" H-621 to C. "A" H-490) - In House, Passed to be Enacted on June 11, 1991. - In Senate, Passed to be Enacted on June 12, 1991.

On motion of Representative Lawrence of Kittery, under suspension of the rules, the House reconsidered its action whereby L.D. 1667 was passed to be enacted.

On motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby L.D. 1667 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-490) as amended by House Amendment "A" (H-621) thereto was adopted.

On motion of the same Representative, under

suspension of the rules, the House reconsidered its action whereby House Amendment "A" (H-621) to Committee Amendment "A" (H-490) was adopted.

On motion of the same Representative, House Amendment "A" (H-621) to Committee Amendment "A" (H-490) was indefinitely postponed.

The same Representative offered House Amendment "B" (H-683) to Committee Amendment "A" (H-490) and moved its adoption.

House Amendment "B" (H-683) to Committee Amendment "A" (H-490) was read by the Clerk.

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

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

I would ask the Committee Chair that produced this bill, whether or not the tags were to be simply affixed by some sort of plastic or metal device or are they to be impressed on the keg itself?

The SPEAKER: The Representative from Fryeburg, Representative Hastings, has posed a question through the Chair to the Representative from Kittery, Representative Lawrence, who may respond if he so desires.

The Chair recognizes that Representative.

Representative LAWRENCE: Mr. Speaker, Ladies and Gentlemen of the House: The tags are plastic tags that fit around the top of the keg.

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

Representative HASTINGS: Mr. Speaker, Men and Women of the House: I have watched this bill going through the House process to the point now that we are going to have something like on a mattress, we are going to have a tag on the mattress that says, "If you tear this tag off, you are going to be prosecuted."

This is a presumption, you may get a keg of beer - I presume there are good reasons for this law but believe me, the law is going to presume that, if you have a keg that is delivered to you without that tag on it by mistake, it is presumed that you have removed it.

Secondly, if you take this keg and somehow this plastic tag comes off, it is again presumed that you have committed a crime. I understand that there is a tracing mechanism that they wish. If they were going to emboss it on the keg, which is a metal keg, that could be stamped into the keg, that is one thing, but what they are doing is having a loose tag put on the keg that can come off, will come off, and whether intentionally or not, you are going to be presumed guilty of a crime. That is a very harsh attitude to take in this state.

Criminal justice doesn't usually start out saying the defendant is guilty of something when he may never have even committed it.

I would ask you to be very careful in considering this bill before you vote for its passage.

I would ask for the yeas and nays, Mr. Speaker.

The SPEAKER: The pending question is adoption of House Amendment "B." Does the Representative request a roll call on that motion?

Representative HASTINGS: No, I do not, I withdraw my request for a roll call.

Subsequently, House Amendment "B" (H-683) to Committee Amendment "A" (H-490) was adopted.

Committee Amendment "A" (H-490) as amended by House Amendment "B" (H-683) thereto was adopted.

Representative Hastings of Fryeburg requested a

Division on passage to be engrossed.

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

A vote of the House was taken.

Representative Lawrence of Kittery 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 Kittery, Representative Lawrence.

Representative LAWRENCE: Mr. Speaker, Men and Women of the House: What this bill does is it prevents minors from getting access to kegs of beer and allows us to prosecute people who furnish kegs of beer to minors. It is a good bill, it was a unanimous committee report.

The Representative from Fryeburg is incorrect, there is no presumption unless there was a tag on the keg to start with. If there was a tag on the keg to start with, the adult who buys it returns it or someone returns it without a tag, it is presumed that the person who had the keg removed the tag in order to provide it to a minor. That is a rebuttable presumption, it can be overcome in court simply by showing them how the tag was removed, that there was no criminal intent in removing it.

It is a very good bill, it is designed to keep these kegs away from minors.

I hope you will support the bill.

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

Representative HASTINGS: Mr. Speaker, Men and Women of the House: I guess I would beg to differ with the Representative from Kittery in that, if the keg was given to me and I didn't notice there wasn't a tag on it, when it comes back, obviously the person receiving the keg back is going to say there is no tag. How does one know in effect that there is or is not a tag?

The difficulty with this is that it is not the fact that if it is embossed in the metal, it obviously can't be removed, but a plastic tag just like that tag on your mattress that you buy at the store that says remove only under penalty of conviction and put in jail, this is the same type of tag they are putting on this particular keg.

There is already a law against furnishing or buying liquor and beer for minors. This is just another step of putting a burden on anybody who buys a keg, whether you are of age or you bought it for somebody else, whatever the case, anybody, including the legitimate citizens who buys a keg, if that tag gets removed when it comes back to that person from where it was purchased, you are going to be presumed to have committed a crime. It is as simple as that, you are going to be presumed to have committed a crime.

I believe it is a Class E crime which they have assessed to it. It is not just a little matter that they have done here. They have gone a long way to make the legitimate citizen who has a keg and the tag comes off, a criminal, and having to go to court and

prove that something happened innocently.

Again, I urge you to hold your vote.

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

Representative KILKELLY: Mr. Speaker, Ladies and Gentlemen of the House: I presented this bill on behalf of constituents of mine. I had a woman call me last fall, her two teenage sons and their two teenage friends were in a car accident. None of them were seriously hurt, although all of them did end up in the hospital for a short time. In the back seat of the car was an empty keg. The parents wanted to know where the keg had come from. The teenagers would not say where it had come from. She was very concerned about the amount of alcohol that is contained in a keg and the ease of access to kegs and the fact that, once you have opened a keg, the intent is to finish it. It is not similar to buying a bottle of beer and furnishing a bottle of beer to a minor. We are talking about a large quantity of alcohol. Certainly kegs are associated with keg parties, that is part of the reason that we have kegs is to have keg parties.

The concern in this bill is how do we continue to allow adults to purchase kegs of beer, which is fine, it is certainly their right, but how do we set up barriers to keep folks that are not of legal age from being able to access these kegs?

What this bill would require is, at the time that you purchase the keg, you would not have the opportunity to know that there was not a tag on there because you would have to prove positively who you were, you would have to show positive identification, you would then have to sign for that keg and there would be a number assigned or your name would be attached to the tag so you would know that the tag was there.

At the time that you return the keg, you would get your deposit back. The store would be in a position to charge up to a \$50 deposit if they so chose on that keg and that would be dependent in some degree on each individual store owner and we did not want to make this terribly burdensome for stores.

It was interesting to me that the industry came in and supported this legislation because they, too, are concerned about who has access to their products. I was pleased with their support and I was pleased with the fact that we took the bill as it was originally presented and was able to work out some of the details and some of the issues.

The amendment that is before is merely a requirement that it is the wholesaler, not the state and not the storekeeper, that has responsibility for providing these tags so there is not a cost to your storekeeper and there is not a cost to the State of Maine. That is the purpose of the amendment that is before you.

I would suggest that this is a good bill. Does it cause a problem or burden for people who are legitimately purchasing a keg of beer? Sure it does, it makes it a little bit more difficult to purchase a keg of beer. Is it worth it for us to make that a little bit more difficult in order to make it much more difficult for teenagers and other folks to get access to kegs of beer? I think it is. My constituents thought it was, enough of them to ask me to submit this bill.

This program is also modeled after a program that is currently going on in several communities in

Massachusetts. Last winter there was an article in the Christian Science Monitor that outlined what they felt had been a very successful program. That is a local ordinance there, not a state law, but there are several other areas, states and municipalities, that are looking at this type of provision because many places have understood that this is a problem and it is a problem that we ought to address.

I would urge you to support passing this bill to be engrossed.

The SPEAKER: The Chair recognizes the Representative from Rome, Representative Tracy.

Representative TRACY: Mr. Speaker, I would pose a question through the Chair.

To Representative Lawrence — hypothetically, if I had a keg of beer and suppose some teenagers happen to pilfer that keg of beer, who would be responsible if the law enforcement officers recovered that keg empty with a bunch of drunken teenagers around?

The SPEAKER: Representative Tracy of Rome 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: All you would have to say was that the keg was stolen and that would be the end of the case.

The question about the tags, the tags are very secured tags, they can only be removed with a pair of heavy pliers. If you buy the keg with a tag and you return it without the tag, it is presumed you removed it. All you have to say to overcome that presumption is, it was stolen, I left it at a party, somebody snipped it off and you have overcome that presumption. The crime is not a Class D crime, I believe it is a Class E crime.

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

Representative GRAHAM: Mr. Speaker, Men and Women of the House: I would like to come at this from a little different perspective and that is as a former store owner who has sold a large amount of beer and wine over the years. I am no longer in the store but it is still in the family. This is not too great a burden for us to have. As a matter of fact, if it wasn't so awkward to do for every purchase of beer, it wouldn't be bad to tag them all. There is a reason I say that. In the eight years I worked in my store, seven days a week, we only had one liquor law violation against us. I happen to think that was an unfair accusation because a minor was arrested with beer in his possession and he had asked one of his friends who was 21 to come in our store and buy it for him. When the kid was arrested with the beer in his possession, they asked him where he got it and, in order to protect his friend, he said he bought it at Bill's Mini-Mart in Houlton. We were nailed with the violation. It was the first one in eight years. It would have been quite expensive and burdensome to fight it in court so we just accepted it and paid the fine. We felt that one violation in eight years said something about our ability to keep control of liquor at the point of sales.

In the same way, this will simply let you know who has bought it and who is responsible for it and it gives me as an owner of a store some protection. If that keg is picked up in the possession of minors, we will know that somebody bought it for them and gave it to them. I will be free and clear and I will not be responsible for selling seven and a half

gallons in the standard half barrel keg to these kids. I think that you should vote for passage to be engrossed because it is in the best interest of everyone in the State of Maine.

In response to the good Representative from Fryeburg, I would say we are not entering into new ground here and we are not paving new legal precedents. If you happen to run out to your car, whenever we may sometime today get a lunch break, and if you are in a great big hurry to run down to Pat's Pizza and grab a sandwich and you don't happen to look at both ends of your vehicle and someone has removed those license plates from your car, you are likely to get stopped, perhaps arrested, and you are going to have to have a defense saying somebody stole those plates. That is the same sort of thing that Representative Lawrence has been telling you awhile ago. If the tag is removed (and they are difficult to remove from what I have seen of them), then you can say that somebody did that to you or somebody stole that keg from you and, quite frankly, we do it all the time in other situations. I don't see this as a problem.

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

Representative TUPPER: Mr. Speaker, Ladies and Gentlemen of the House: This bill was supported by MADD, Mothers Against Drunk Driving, and they gave a lot of testimony. I urge you to pass this bill to be engrossed.

The SPEAKER: The Chair recognizes the Representative from Berwick, Representative Murphy.

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I, too, have sold many kegs of beer, probably more than anybody in this body over the 22 years that I was in business. There has never been a keg of beer that I sold that I didn't know who bought it and usually for what purpose. Nevertheless, you have a record on who buys a keg of beer from you because you are holding their deposit. There has been a deposit on a keg of beer for all the years I was in business and I started in 1962. I can't tell you about anything before that.

I think this is a bad bill, it is laying the blame. I wonder if that tag is unique to each store, if each store has its number, otherwise I don't see what good the tag is going to be because you are not going to know who bought it anyway. Remember, every storekeeper keeps a name and address of who bought that keg of beer from them because you are holding a deposit. It was \$10 when I was in business, I can't tell you what it is today. I urge you to vote with Representative Hastings.

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

Representative LAWRENCE: Mr. Speaker, Ladies and Gentlemen of the House: Just to correct a misunderstanding raised by the Representative from Berwick, the reason why the tag has to be on is police officers are arresting juveniles with a keg in the back seat of their car. They have no way of proving where they got the keg or where it was bought. This tag is unique for every keg, it identifies which store it was bought at and what is the keg. So, they can go back to the store and find out who was the adult that purchased the keg so they can find out how the minor got the keg.

It is a good bill. It was supported by the beer and wine wholesalers, supported by MADD, it was supported by everyone who came before our committee.

It was a unanimous committee report supported by the grocers, supported by every one. I hope you will support the bill.

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

ROLL CALL NO. 175

YEA - Adams, Aliberti, Anthony, Ault, Bailey, R.; Bell, Boutilier, Bowers, Butland, Cahill, M.; Carroll, D.; Clark, H.; Coles, Constantine, Cote, Daggett, Dore, Duffy, Erwin, Farnsworth, Farnum, Farren, Goodridge, Graham, Gray, Gurney, Gwadosky, Hale, Handy, Heino, Hepburn, Hichens, Hoglund, Holt, Hussey, Jacques, Jalbert, Kerr, Ketover, Kilkelly, Kontos, LaPointe, Larrivee, Lawrence, Lemke, Luther, MacBride, Mahany, Manning, Martin, H.; McHenry, McKeen, Melendy, Mitchell, E.; Mitchell, J.; Nadeau, Nutting, O'Gara, Ott, Paradis, J.; Paradis, P.; Parent, Paul, Pendexter, Pfeiffer, Pineau, Pines, Plourde, Poulin, Pouliot, Reed, G.; Reed, W.; Richardson, Rydell, Saint Onge, Salisbury, Savage, Simonds, Simpson, Skoglund, Spear, Stevens, A.; Stevens, P.; Strout, Swazey, Townsend, Treat, Tupper, Waterman, Wentworth, Whitcomb.

NAY - Aikman, Bailey, H.; Barth, Bennett, Carleton, Cashman, Cathcart, Clark, M.; DiPietro, Donnelly, Dutremble, L.; Garland, Gean, Gould, R. A.; Greenlaw, Hanley, Hastings, Heesch, Joseph, Ketterer, Kutasi, Lebowitz, Libby, Lipman, Look, Lord, Macomber, Marsano, Marsh, Merrill, Michaud, Morrison, Murphy, Nash, O'Dea, Oliver, Pendleton, Rand, Richards, Ricker, Rotondi, Sheltra, Stevenson, Tamaro, Tracy.

ABSENT - Anderson, Carroll, J.; Chonko, Crowley, Duplessis, Foss, Hichborn, Mayo, Norton, Powers, Ruhlin, Small, Tardy, Vigue, The Speaker.

Yes, 91; No, 45; Absent, 15; Paired, 0; Excused, 0.

91 having voted in the affirmative and 45 in the negative with 15 absent, the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-490) as amended by House Amendment "B" (H-683) thereto in non-concurrence and sent up for concurrence.

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

SENATE PAPERS

The following Communication:

Maine State Senate
Augusta, Maine 04333

June 19, 1991

The Honorable John L. Martin
Speaker of the House
115th Legislature
Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the

recommendation of the Joint Standing Committee on Energy and Natural Resources:

John F. Gibbons, M.D. of Cape Elizabeth for reappointment to the Low-Level Radioactive Waste Authority.

E. Christopher Livesay of Brunswick for reappointment to the Board of Environmental Protection.

James McBreairty of Caribou for appointment to the Low-Level Radioactive Waste Authority. James McBreairty is replacing Sheldon Richardson.

James A. Sherburne of Winterport for reappointment to the Land Use Regulation Commission.

L. Philip Soucy of Fort Kent for reappointment to the Board of Environmental Protection.

Charles E. Stickney, Jr. of Yarmouth for appointment to the Board of Environmental Protection.

Carol A. Tracy of Lewiston for reappointment to the Board of Environmental Protection.

Sincerely,

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

Was read and ordered placed on file.

The following Communication:

Maine State Senate
Augusta, Maine 04333

June 19, 1991

The Honorable John L. Martin
Speaker of the House
115th Legislature
Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Legal Affairs:

Robert R. Cooper, Jr. of Falmouth for appointment to the Maine State Lottery Commission. Robert R. Cooper, Jr. is replacing Irving Lohnes, Jr..

Sincerely,

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

Was read and ordered placed on file.

The following Communication:

Maine State Senate
Augusta, Maine 04333

June 19, 1991

The Honorable John L. Martin
Speaker of the House
115th Legislature
Augusta, Maine 04333

Dear Speaker Martin:

In accordance with Joint Rule 38, please be advised that the Senate today confirmed, upon the recommendation of the Joint Standing Committee on Housing and Economic Development:

Helen S. Dudman of Ellsworth for appointment to the Finance Authority of Maine. Helen S. Dudman is replacing Robert Baldacci, Jr..

Laura K. Emack of Stockton Springs for appointment to the Finance Authority of Maine. Laura K. Emack is replacing Lotfey Najeeb.

Sincerely,

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

Was read and ordered placed on file.

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

SENATE PAPERS

Bill "An Act to Review the Kennebec County Budget Committee" (EMERGENCY) (S.P. 640) (L.D. 1688)

Came from the Senate, referred to the Committee on **State and Local Government** and Ordered Printed.

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

Non-Concurrent 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 passed to be enacted in the House on June 12, 1991.

Came from the Senate failing of passage to be enacted in non-concurrence.

The House voted to Insist.

The following items appearing on Supplement No. 9

were taken up out of order by unanimous consent:

SENATE PAPERS

The following Communication:

Maine State Senate
Augusta, Maine 04333

June 19, 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 Referred to the Committee on Transportation Bill "An Act to Promote the Marketing of Fresh Produce Grown Within the State" (H.P. 827) (L.D. 1193).

Sincerely,

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

Was read and ordered placed on file.

Non-Concurrent Matter

An Act Concerning the Low-income Home Energy Assistance Program (EMERGENCY) (H.P. 1333) (L.D. 1924) (S. "B" S-362 to C. "A" H-652) which was passed to be enacted in the House on June 19, 1991.

Came from the Senate failing of passage to be enacted in non-concurrence.

On motion of Representative Melendy of Rockland, tabled pending further consideration and specially assigned for Wednesday, June 26, 1991.

The following item appearing on Supplement No. 10 was taken up out of order by unanimous consent:

COMMUNICATIONS

The following Communication: (S.P. 761)

115TH MAINE LEGISLATURE

June 19, 1991

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

Dear Chairs:

Please be advised that Governor John R. McKernan,

Jr. has withdrawn his nominations of Peter Bell of Northeast Harbor for appointment to the Maine Maritime Academy Board of Trustees and Margaret C. Duncan of Presque Isle for appointment to the Maine Technical College System Board of Trustees.

Pursuant to P.L. 1975, Chapter 771, Section 428 and Title 20-A, MRSA Section 12705, respectively, these nominations are currently pending before the Joint Standing Committee on Education.

Sincerely,

S/Charles P. Pray
President of the Senate

S/John L. Martin
Speaker of the House

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

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

The Chair laid before the House the following matter: An Act to Amend the Unfair Trade Practices Act to Allow Consumers to Recover Damages (H.P. 1057) (L.D. 1546) (H. "A" H-637 to C. "A" H-447) which was tabled earlier in the day and later today assigned pending passage to be enacted.

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

The same Representative offered House Amendment "B" (H-684) and moved its adoption.

House Amendment "B" (H-684) was read by the Clerk and adopted.

The Bill passed was to be engrossed as amended by Committee Amendment "A" (H-447) as amended by House Amendment "A" (H-637) thereto and House Amendment "B" (H-684) in non-concurrence and sent up for concurrence.

(Off Record Remarks)

On motion of Representative Cote of Auburn,
Adjourned at 1:50 p.m. to the call of the President of the Senate and the Speaker of the House pursuant to Joint Order (S.P. 759).
