

# 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  
 64th Legislative Day  
 Friday, June 28, 1991

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

Prayer by Reverend Richard Honaker, Augusta Church of Christ.

The Journal of Wednesday, June 26, 1991, was read and approved.

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

**Committee of Conference Report**

Report of the Committee of Conference on the disagreeing action of the two branches of the Legislature on: RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide for the Recall of State Elective Officials (H.P. 1202) (L.D. 1758) have had the same under consideration and ask leave to report:

that the House recede from passage to be engrossed as amended by Committee Amendment "B" (H-655); indefinitely postpone Committee Amendment "B" (H-655) read and adopt Conference Committee Amendment "A" (H-703) and pass the Bill to be engrossed as amended by Conference Committee Amendment "A" (H-703) in non-concurrence.

That the Senate recede and concur with the House

(Signed) Representative LEMKE of Westbrook, Representative MAYO of Thomaston, and Representative MORRISON of Bangor - of the House.

Senator GAUVREAU of Androscoggin and Senator CONLEY of Cumberland - of the Senate.

Was read.

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

Representative LEMKE: Mr. Speaker, I move that the House accept the Committee of Conference Report.

Mr. Speaker, Men and Women of the House: The Conference Committee considered various concerns raised by L.D. 1758. The committee developed a compromise package of two parts. The first part is Committee of Conference Amendment "A" (H-703) and secondly, a Resolve, L.D. 1964, to establish the commission on Recall which is a later item on today's calendar.

Since the Resolve is germane to the package, I wish to address it as well as the amendment before us at this time.

First, I want to stress that this is a compromise package. My understanding is that politics is indeed the art of compromise. This compromise upholds the basic principles that Maine's Constitution should provide for Recall. It also involves changes regarding the actual implementation of Recall, if ratified by Maine's voters in referendum.

I believe it is fair to say the committee was in

general agreement in support of Recall but it voiced a number of concerns regarding (if you will) the mechanics of Recall. The committee took into account various concerns raised on this floor and in the other body. The committee took into account very helpful input from a number of sources. I would like to particularly thank the good Representative from Augusta, Representative Paradis, for his invaluable input and his own knowledge of this subject.

Now to the specifics, first of all, Conference Committee Amendment "A" does two things, first it restricts Recall and discharge by the voters to state and county elective officials. Concern was raised on this floor regarding the compatibility of requirements for state constitutional officers with those for elected state and county officials. The committee felt that inclusion of state constitutional officers frankly muddied the waters. It muddied the clarity of this specific legislation because constitutional officers are not directly elected and data indicates the need for a different Recall criteria. It was felt prudent to remove state constitutional officers from this bill, which was done.

Secondly, the amendment also removes procedural requirements and reasons for the initiation of Recall. Both on the floor and in committee, there was considerable concern that the bill in its original form, in effect, front-loaded the process. In other words, it added a great deal of language regarding implementation which usually is reserved for statutory language after the enactment of the amendment, which in fact is the case in other states which did enact a similar amendment.

There was also concern within the committee, both with some of the details of existing language and language that was not directly included. For example, in the latter category, such questions as time frames. What was the period allowed for circulation of petitions, when should Recall elections be called, when or how close should they be to general elections, etcetera? Given the consensus of support for Recall itself within the committee and the fact that in other states statutory language was added later, it was the agreement of the committee that L.D. 1758 be so amended. Section 5a now reads in its latest transmutation, "Every person holding a state or county elective office under this state is subject to Recall and discharge by the legal voters of the state or of the county pursuant to procedures as may be established by law." The referendum question is equally direct and unambiguous, "Shall the Constitution of Maine be amended to provide for the Recall and discharge of state and county officials?" That ladies and gentlemen is what is included in Conference Committee Amendment "A."

Moving right along as quickly and as humanely as possible - the second part of this package is L.D. 1964 which creates a Recall Commission. There are two particular parts to L.D. 1964. The first is for the establishment of a commission to draft enabling legislation if the referendum question is approved by the public in referendum in November of 1991.

The second part provides that the legislation resulting from the commission's deliberations be passed by two-thirds vote of both Houses of the legislature before it becomes law. The commission is to be composed of 12 members representing the House, Senate, the Governor's office, county government and the general public. Their work must begin at the

latest by February 1st of the next year. The commission's work must end at the latest by March 15, 1992 and, by that time, it must present its findings and recommendations to the Second Regular Session of this legislature. This establishes a procedure by which all parties, all parties, are represented, it guarantees a prudent approach to the issue.

In floor debate, the Representative from Waldo seemed to make the case that more time was required to work out an acceptable version of Recall. I believe the Representative from Jonesboro suggested on this floor a possible commission, this package meets those stated concerns.

Almost all of the stated opposition has not been to the concept of Recall. The opposition seems to have revolved about details of implementation. Hopefully, this Conference Committee Report alleviates those concerns.

Finally, whatever the commission decides is subject to a two-thirds vote of this legislature. This should calm again whatever concerns were raised in that area.

I would guess that, and this is just a guess, within the time frames included in the language of this bill and anticipated time frames from the Commission, once it has done its work, that Recall would go on the books around the end of 1992, at the earliest.

The fiscal notes attached are not exorbitant, they are far outweighed by the need to pass this legislation and enhance the credibility and accountability of Maine government.

I know it is hot, I know it is sticky, this is about the right time the bat should have shown up, but I did want to go through this in some detail to make it as clear as possible that this report offers a fair, moderate, equitable compromise. Thank you for your consideration. I strongly urge you to support the Conference Report.

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

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

To anyone on the Committee of Conference — I am not a long-termer here but usually as is the case with the Committee of Conference you have all of the members that would be of the Unanimous Report and yet I only see five members, three from the House and two from the other body, I was wondering what the discrepancy was as far as why there were only two members of the other body and not three?

The SPEAKER: The Chair would respond that it is obvious that the other member refused to join in the Committee of Conference and, therefore, was probably opposed.

The Chair recognizes the Representative from Paris, Representative Hanley.

Representative HANLEY: Mr. Speaker, I would like to pose another question, please. Is it the rules of the House that a Committee of Conference Report can come through with just a simple Majority Report?

The SPEAKER: The Chair would answer in the negative. The Joint Rules require that two members from both Houses join together in supporting the same position.

Representative Hanley of Paris 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.

On motion of Representative Mayo of Thomaston, tabled pending acceptance of the Committee of Conference Report and later today assigned. (Roll Call ordered)

#### SENATE PAPERS

The following Communication:

Maine State Senate  
Augusta, Maine 04333

June 26, 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 Agriculture:

Richard H. Duncan of Presque Isle for appointment to the Harness Racing Commission. Richard H. Duncan is replacing Donald Graves.

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

Thomas B. Saviello of Wilton for reappointment to the Board of Pesticides Control.

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

William H. Beardsley of Ellsworth for reappointment to the Maine Education Assistance Board.

Richard H. Campbell of Brewer for reappointment to the Maine Technical College System Board of Trustees.

Wendell G. Eaton of Bangor for appointment to the State Board of Education. Wendell G. Eaton is replacing James MacCampbell.

Penny Harris of Bangor for appointment to the University of Maine Board of Trustees. Penny Harris is replacing James Storer.

Kevin P. Mahaney of Bangor for appointment to the University of Maine Board of Trustees. Kevin P. Mahaney is replacing Richard Marshall.

Jean E. Mattimore of Freeport for appointment to

the Maine Technical College System Board of Trustees. Jean E. Mattimore is replacing Geneva Kirk.

Dawn Miller of Wales for appointment as the Student Member of the Vocational Technical College System.

Benton A. Milster of Temple for reappointment to the Maine Education Assistance Board.

Patricia Wiggins O'Meara of South Portland for appointment to the Maine Maritime Academy Board of Trustees. Patricia Wiggins O'Meara is replacing Gary Moore.

F. Timothy Vigue of Waterville for appointment to the Maine Maritime Academy Board of Trustees. F. Timothy Vigue is replacing William Hughes.

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

Richard B. Dalbeck of Cape Elizabeth for appointment to the Health Care Finance Commission. Richard B. Dalbeck is replacing Diantha Carrigan.

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

G. Arthur Brennan of York for reappointment to the Maine Superior Court.

Rolanda L. Klapatch of Camden for appointment to the Maine Human Rights Commission. Rolanda L. Klapatch is replacing Jane Paxton.

Ronald D. Russell of Bangor for appointment to the Maine District Court. Ronald D. Russell is replacing David Cox.

Sidney W. Wernick of Portland for reappointment to the Maine Supreme Judicial Court.

Sincerely,

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

Was read and ordered placed on file.

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The following Communication:

Maine State Senate  
Augusta, Maine 04333

June 26, 1991

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

Dear Clerk Pert:

Senate Paper 84 Legislative Document 157, An Act to Amend the Severance Pay Laws, having been returned by the Governor together with his objections of the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration the Senate proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

21 Senators having voted in the affirmative and 12 Senators having voted in the negative, and 2 Senators being absent, accordingly, it was the vote of the Senate that the Bill not become law and the veto was sustained.

Sincerely,

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

Was read and ordered placed on file.

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The following Communication:

Maine State Senate  
Augusta, Maine 04333

June 26, 1991

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

Dear Clerk Pert:

Senate Paper 370 Legislative Document 995, An Act to Provide Employee Protection in the Event of Closure or Reduction in Capacity of State Facilities, Programs or Services, having been returned by the Governor together with his objections of the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration the Senate proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

21 Senators having voted in the affirmative and 13 Senators having voted in the negative, and 1 Senator being absent, accordingly, it was the vote of the Senate that the Bill not become law and the veto was sustained.

Sincerely,

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

Was read and ordered placed on file.

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The following Communication:

Maine State Senate  
Augusta, Maine 04333

June 26, 1991

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

Dear Clerk Pert:

Senate Paper 500 Legislative Document 1338, An Act Concerning Teacher Employment, having been returned by the Governor together with his objections of the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration the Senate proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

20 Senators having voted in the affirmative and 14 Senators having voted in the negative, and 1 Senator being absent, accordingly, it was the vote of the Senate that the Bill not become law and the veto was sustained.

Sincerely,

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

Was read.

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

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: With this veto, I believe the teachers are considered by our Governor to be second-class citizens. We passed this bill in the House and the other body passed it, but the Governor vetoed this teachers rights bill. Any person, any laborer, whether teacher, dishwasher, or electronics technician should be entitled to this right.

The Governor in his veto message, quotes the Bangor Daily News, "I didn't realize that Wayne Riley of the Bangor Daily News controlled teachers rights in Maine. Who is in control? Certainly not this legislature.

The Bangor Daily News, in thinking for the Governor, stressed administrative flexibility. The Governor is wrong. Flexibility in this sense means that management must control the lowly people who labor in the vineyards. Labor means 600,000 Maine people who work daily to support themselves and their families and they should have rights, they should have the right-to-know. All other laborers in Maine have this right under Title 26 MRSA Section 630. Section 630 of the Maine Labor Law specifically gives the right to request a written request for non-renewal or firing of a worker. In fact, there is a \$500 a day penalty for this refusal to simply tell a worker why she was not rehired, renewed or fired."

It brings tears to my 74-year old eyes when I think of what our Governor did in Jay, Maine in not protecting the rights of laborers. Jay, Maine will never be the same. They, in their labor of many years, built the International Paper Company and, in one strikebreaking incident protected by this Governor, they became unemployed, second-class citizens. We would impeach the Governor because of

his performance or we would impeach a legislator but not without reason, of course not, it would be unfair. Therefore, teachers must be treated fairly, legally, and justly. Our children's lives are in their hands and they must not be treated as second-class citizens. No profession is greater than the teaching profession. They have the right-to-know.

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

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: Since we are making statements on the Record in regard to this issue, I would also like to note that it was not just Republicans that supported the Governor on this veto message.

Subsequently, the Communication was ordered placed on file.

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The following Communication:

Maine State Senate  
Augusta, Maine 04333

June 26, 1991

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

Dear Clerk Pert:

Senate Paper 515 Legislative Document 1376, An Act to Promote Economic Development, having been returned by the Governor together with his objections of the same pursuant to the provisions of the Constitution of the State of Maine, after reconsideration the Senate proceeded to vote on the question: "Shall this Bill become a law notwithstanding the objections of the Governor?"

21 Senators having voted in the affirmative and 13 Senators having voted in the negative, and 1 Senator being absent, accordingly, it was the vote of the Senate that the Bill not become law and the veto was sustained.

Sincerely,

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

Was read and ordered placed on file.

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The following Communication:

Maine State Senate  
Augusta, Maine 04333

June 26, 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 Judiciary:

Edward Gaulin of Saco for reappointment to the Maine District Court.

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 26, 1991

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

Dear Clerk Pert:

Please be advised that the Senate today Insisted to its former action whereby it Indefinitely Postponed Bill "An Act to Amend the Maine Human Rights Act Regarding Pregnancy" (H.P. 486) (L.D. 680).

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 26, 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 State and Local Government Bill "An Act to Amend the Maine Administrative Procedure Act" (EMERGENCY) (H.P. 1371) (L.D. 1955).

Sincerely,

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

Was read and ordered placed on file.

**Ought to Pass as Amended**

Report of the Committee on Judiciary reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-373) on Bill "An Act Correcting Errors and Inconsistencies in the Laws of Maine" (EMERGENCY) (S.P. 760) (L.D. 1954)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-373) as amended by Senate Amendments "A" (S-383) and "B" (S-385) thereto.

Report was read and accepted, the bill read once. Committee Amendment "A" (S-373) was read by the Clerk.

Representative Marsano of Belfast offered House Amendment "A" (H-698) to Committee Amendment "A" (S-373) and moved its adoption.

House Amendment "A" (H-698) to Committee Amendment "A" (S-373) was read by the Clerk and adopted.

Representative Mayo of Thomaston offered House Amendment "B" (H-699) to Committee Amendment "A" (S-373) and moved its adoption.

House Amendment "B" (H-699) to Committee Amendment "A" (S-373) was read by the Clerk.

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

Representative MAYO: Mr. Speaker, Men and Women of the House: This amendment makes technical changes to the Knox County Budget Advisory Committee, the bill that we passed earlier in the session. The bill, as enacted, would have required members of the budget committee to take office the day they were elected. This is, of course, not possible because the voting tabulations must be completed. It makes the terms of office consistent with the county commissioners and makes other technical changes in the statute that was previously passed.

Subsequently, House Amendment "B" (H-699) to Committee Amendment "A" (S-373) was adopted.

Representative Kilkelly of Wiscasset offered House Amendment "C" (H-708) to Committee Amendment "A" (S-373) and moved its adoption.

House Amendment "C" (H-708) to Committee Amendment "A" (S-373) was read by the Clerk and adopted.

Senate Amendment "A" (S-383) to Committee Amendment "A" (S-373) was read by the Clerk and adopted.

Senate Amendment "B" (S-385) to Committee Amendment "A" (S-373) was read by the Clerk and adopted.

Committee Amendment "A" (S-373) as amended by Senate Amendments "A" (S-383) and "B" (S-385) and House Amendments "A" (H-698), "B" (H-699) and "C" (H-708) thereto was adopted.

Under suspension of the rules, the bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" (S-373) as amended by Senate Amendments "A" (S-383) and "B" (S-385) and House Amendment "A" (H-698), "B" (H-699) and "C" (H-708) thereto in non-concurrence and sent up for

concurrence.

**Non-Concurrent Matter**

Bill "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, Highway Fund, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1992 and June 30, 1993" (EMERGENCY) (H.P. 652) (L.D. 926) which was passed to be engrossed as amended by Committee Amendment "A" (H-692) in the House on June 26, 1991.

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

On motion of Representative Macomber of South Portland, the House voted to Insist.

**Non-Concurrent Matter**

An Act to Establish the Maine Primary Care Residency Training Assistance Program (EMERGENCY) (S.P. 374) (L.D. 999) (C. "A" S-106) which was passed to be enacted in the House on May 13, 1991.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-106) as amended by Senate Amendment "A" (S-376) thereto in non-concurrence.

The House voted to recede and concur.

**Non-Concurrent Matter**

Resolve, to Create the Commission to Study a Long-term Disability Program for the Maine State Retirement System Members (EMERGENCY) (S.P. 288) (L.D. 770) (C. "A" S-171) which was finally passed in the House on June 4, 1991.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-171) and Senate Amendment "A" (S-375) in non-concurrence.

The House voted to recede and concur.

**Non-Concurrent Matter**

Resolve, to Create the Commission to Study the History, Status, Impact and Role of Independent Higher Education in Maine (S.P. 548) (L.D. 1452) (C. "A" S-180) which was finally passed in the House on June 4, 1991.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-180) as amended by Senate Amendment "A" (S-377) thereto in non-concurrence.

The House voted to recede and concur.

**Non-Concurrent Matter**

Resolve, to Create a Commission to Study the Need for a Technical College in York County (EMERGENCY) (H.P. 1105) (L.D. 1604) (C. "A" H-528) which was finally passed in the House on June 10, 1991.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-528) as amended by Senate Amendment "A" (S-374) thereto in non-concurrence.

The House voted to recede and concur.

**Non-Concurrent Matter**

An Act to Amend the Laws Regarding Complaints against Physicians and to Require a Study Concerning Patient Information (EMERGENCY) (H.P. 825) (L.D. 1179) (S. "A" S-298 to C. "A" H-394) which was passed to be enacted in the House on June 10, 1991.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-394) as amended by Senate Amendment "B" (S-378) thereto in non-concurrence.

The House voted to recede and concur.

**Non-Concurrent Matter**

An Act to Change the State Payment for Health Insurance Benefits for New State Employees with Less than 10 Years of Service and Provide for a Study of Retirement Benefits Provided to New Employees (EMERGENCY) (S.P. 743) (L.D. 1935) (H. "A" H-648) which was passed to be enacted in the House on June 19, 1991.

Came from the Senate passed to be engrossed as amended by House Amendment "A" (H-648) as amended by Senate Amendment "B" (S-380) thereto in non-concurrence.

The House voted to recede and concur.

**Non-Concurrent Matter**

Bill "An Act to Reorganize the Management and Regulatory Functions of State Government Pertaining to Natural Resources" (EMERGENCY) (S.P. 730) (L.D. 1915) on which the Bill and accompanying papers were indefinitely postponed in the House on June 26, 1991.

Came from the Senate with that Body having adhered to its former action whereby the Minority "Ought to Pass" as amended Report of the Committee on **State and Local Government** was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-372) in non-concurrence.



Representative Joseph of Waterville moved that the House Insist and ask for a Committee of Conference.

Representative Hanley of Paris requested a Division.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative Joseph of Waterville that the House Insist and ask for a Committee of Conference. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

46 having voted in the affirmative and 64 in the negative, the motion did not prevail.

Subsequently, the House voted to Insist.

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**Non-Concurrent Matter**

An Act to Authorize Department of Transportation Bond Issues in the Amount of \$27,500,000 to Match Available Federal Funds for Improvements to Highways, State and Local Bridges and Airports (BOND ISSUE) (S.P. 700) (L.D. 1870) (C. "A" S-342) which was passed to be enacted in the House on June 12, 1991.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-342) as amended by Senate Amendment "B" (S-384) thereto in non-concurrence.

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

Representative MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: Several have asked me today why this particular bill is back before us when we had a unanimous "Ought to Pass" on the bond issue before. It is back because the Senate put on an amendment that added \$2,200,000 to the bond issue.

Subsequently, the House voted to recede and concur.

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**Non-Concurrent Matter**

An Act to Place Certain Lands Recommended by the Special Committee on the New Capitol Area Master Plan under the Jurisdiction of the Capitol Planning Commission (S.P. 508) (L.D. 1346) (C. "A" S-281) which was passed to be enacted in the House on June 12, 1991.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (S-281) as amended by Senate Amendment "C" (S-368) thereto in non-concurrence.

The House voted to recede and concur.

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**Non-Concurrent Matter**

Resolve, to Establish the Commission to Study Secondary Vocational and Technical Education in Maine (EMERGENCY) (H.P. 1243) (L.D. 1809) (C. "A" H-570) which was finally passed in the House on June 10,

1991.

Came from the Senate with the Resolve and accompanying papers indefinitely postponed in non-concurrence.

The House voted to recede and concur.

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**Non-Concurrent Matter**

Resolve, to Establish the Academy for Public Service Study Committee (H.P. 1224) (L.D. 1782) (C. "A" H-535) which was finally passed in the House on June 10, 1991.

Came from the Senate with the Resolve and accompanying papers indefinitely postponed in non-concurrence.

The House voted to recede and concur.

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**Non-Concurrent Matter**

Resolve, to Establish the Commission to Study the Safe Operation of Truck Tractors (H.P. 874) (L.D. 1260) (C. "A" H-426) which was finally passed in the House on June 10, 1991.

Came from the Senate with the Resolve and accompanying papers indefinitely postponed in non-concurrence.

The House voted to recede and concur.

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**PETITIONS, BILLS AND RESOLVES  
REQUIRING REFERENCE**

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

**State and Local Government**

Resolve, to Establish the Commission on Recall (H.P. 1377) (L.D. 1964) (Presented by Representative LEMKE of Westbrook) (Cosponsored by Senator CONLEY of Cumberland, Representative PARADIS of Frenchville and Senator GAUVREAU of Androscoggin) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.  
Sent up for Concurrence.

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**ORDERS**

On motion of Representative MELENDY of Rockland, the following Joint Resolution: (H.P. 1370) (Cosponsors: Representative JACQUES of Waterville, Senator TITCOMB of Cumberland and Representative MAYO of Thomaston)

JOINT RESOLUTION EXPRESSING THE SENSE  
OF THE LEGISLATURE THAT THE MAINE SOLID WASTE  
AUTHORITY STUDY COMMERCIAL APPLICATIONS OF  
AIR SCRUBBER TECHNOLOGY AND BY-PRODUCTS

WHEREAS, this State and other states are grappling with the problems of air pollution and the disposal of solid waste; and

WHEREAS, the disposal of special solid waste, which includes various types of ash, presents particularly difficult public policy issues; and

WHEREAS, the Passamaquoddy Tribe, through its commercial enterprises, has developed an innovative scrubber technology that significantly reduces air pollution; and

WHEREAS, this technology is in operation at Dragon Cement in Thomaston, and as this operation is producing a particulate by-product that may serve as a raw material for new commercial products or processes; and

WHEREAS, development of markets for the scrubber technology and for the particulate by-product will result in diminished amounts of solid waste and in increased industry in this State, with the resulting economic benefits; now therefore, be it

RESOLVED: that We, the members of the 115th Legislature now assembled in the First Regular Session, encourage the development of markets for the scrubber technology and for the particulate by-products; and be it further

RESOLVED: that it is the sense of the Legislature that the Maine Solid Waste Authority should consult with the Passamaquoddy Tribe and with Dragon Cement to study the potential commercial applications for these products and identify what steps the State might take to assist the development of the emerging industries; and be it further

RESOLVED: that the Maine Solid Waste Authority is requested to report on its findings and recommendations to the Second Regular Session of the 115th Legislature.

Was read.

Representative Melendy of Rockland offered House Amendment "A" (H-704) and moved its adoption.

House Amendment "A" (H-704) was read by the Clerk and adopted.

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

Representative MELENDY: Mr. Speaker, Men and Women of the House: I do appreciate the opportunity to speak briefly on this Resolution. I am presenting this Resolution to assure that the state capitalizes on an invention that has been developed here in Maine and has proved to be effective. The invention is an innovative air scrubber that significantly reduces pollution. We must encourage expanding its usage to encourage economic development also and to encourage environmental solutions to Maine's and the nation's pollution problems.

The scrubber was developed by the Passamaquoddy

Tribe and is operating at Dragon Cement in Thomaston. Simply put, it is able to take ash and separate it into various components, which can then be marketed. Everyone in this room is aware of Maine's serious ongoing and immediate solid waste disposal problem. Solid waste ash and selecting a site or other means for its disposal creates difficult public policy decisions, as the Representatives from Buxton, Kittery and the Arundel/Biddeford areas are well aware of.

Last summer, I suggested to the Maine Waste Management Agency that they look into the potential environmental and economic solutions presented by the scrubber. I remain convinced that Maine stands to gain in this area and in making my request for review official today.

I thank you for your support for the Resolution and hope it will initiate greater study of the air scrubber in Thomaston and of other ways that Maine and all states can work universally to resolve our waste management issues.

Subsequently, the Joint Resolution was adopted as amended by House Amendment "A" (H-704) and sent up for concurrence.

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REPORTS OF COMMITTEES

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

(Later Today Assigned)

Representative CHONKO from the Committee on Appropriations and Financial Affairs on Bill "An Act to Make Changes to the Laws Governing the Maine State Retirement System" (EMERGENCY) (H.P. 1376) (L.D. 1961) reporting "Ought to Pass" - Pursuant to Joint Order (H.P. 51)

Report was read.

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

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PASSED TO BE ENGROSSED

Bill "An Act to Allow Nonprofit Organizations to Use Proceeds from Beano or Bingo for Limited Purposes" (EMERGENCY) (S.P. 765) (L.D. 1956)

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

Representative Clark of Millinocket offered House Amendment "A" (H-710) and moved its adoption.

House Amendment "A" (H-710) was read by the Clerk and adopted.

Representative Anthony of South Portland requested a Division on engrossment.

Representative Chonko of Topsham offered House Amendment "B" (H-713) and moved its adoption.

House Amendment "B" (H-713) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Topsham, Representative Chonko.

Representative CHONKO: Mr. Speaker, Ladies and Gentlemen of the House: Briefly, all I want to say

is that this amendment adds a fiscal note to the bill.

Subsequently, House Amendment "B" (H-713) was adopted.

The SPEAKER: The Chair will order a vote. 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 Anthony of South Portland requested a roll call.

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

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

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

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: First I asked for a Division and then for a roll call on this bill because I have a strong sense that we are increasingly relying on gambling as our source of funding state government. We are promoting gambling and I think that is basically harmful.

This bill converts what I consider to be a relatively harmless activity of Bingo or Beano games where there is no commercial activity whatsoever, namely the hiring of people to run the games strictly by volunteer organizations into something where you are allowed to have people hired to run the operation. That converts as far as I am concerned from a non-profit activity to a basically commercial activity albeit by a non-profit organization. I think that is wrong. I hope that you will agree with me that it is wrong and will vote against this.

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

Representative CLARK: Mr. Speaker, Men and Women of the House: I only wish my good seatmate to my right would take time and read the amendment because the amendment does not do what he is trying to say it does do.

What we are trying to do is help these clubs that are having a hard time helping themselves. We are asking 20 percent of the revenues that are being generated through Beano, if they wish. Only if they wish can they assist in paying some of the people to help them collect the money for the church, the Elks, the VFW or the American Legion or whatever it may be. There is a dire need out there for the smaller clubs to have some assistance. We are asking this by this means to assist them if they wish. They don't have to take the money, the proceeds or the 20 percent, to put back in paying for some of these people who are going to be out there assisting them in Beano.

They are having a hard time to find people to volunteer to help for whatever it may be. You talk about gambling, we took a gamble when we drove down here today for the session. It is a gamble of life, that is what we've got to deal with.

The only thing I am asking in this amendment is that we give these clubs some assistance so they can take care of themselves. All the money that they do get goes out for charities, scholarships or whatever

it may be. It is only if they wish to give up 20 percent of their proceeds to pay for some of the volunteer help if they need it. That is all we are asking for.

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

Representative RICHARDSON: Mr. Speaker, Ladies and Gentlemen of the House: Our committee, the Legal Affairs Committee, heard a bill earlier this session in which the proposal was made to allow non-profit organizations to pay bartenders and to pay certain employees out of the proceeds of Beano and Bingo. That bill was voted out unanimous "Ought Not to Pass."

If you have been (and I have been) to these professional operations in which essentially (there is one in South Portland) a commercial operation rents out the facilities and a few volunteers come in for some scattered organizations and provide the labor or some of it on the edges and, basically, you have a professional gambling environment to support the organizations. You have a tremendous distance established between the original notion, which is that a church or a social organization or non-profit organization, from and with its volunteers as a part of the organization, could engage in Beano and Bingo for the purposes to which the organization was done.

I have no question in my mind that 20 percent of the proceeds going toward paying professionals will greatly amplify those professional kinds of environments in which the Beano and Bingo essentially is divorced from the activity of the church or the non-profit organization and is basically run in a quasi-professional mini-casino environment. It is really divorced from the activity which is that that community gathers around the people who are volunteering their time in that time old-fashion to provide volunteer services so that an organization can raise some common money.

The distance is really greatly expanded by this bill from what we intended or what I think the legislature intended in years past when it allowed Beano and Bingo as a mild level of gambling to essentially be a mechanism for a fundraising organization. I know that organizations are hard-pressed for volunteer services. The Representative from Millinocket is absolutely correct, I understand that people are overpressed but perhaps then the volunteer organizations ought to relate to that and not become professional organizations supporting a variety of causes. If there is not the volunteer services, then perhaps there ought not to be the Beano that supports that non-profit cause, at least that would be my argument.

This is a significant change in gambling law in the State of Maine. I think it really does turn a kind of professionalism into what is heretofore been a church or local cause organization activity and that is where it ought to stay. For those who can bring enough volunteers together so the community can raise that money, we ought to allow that to continue and not allow it to go into the direction of the sort of quasi-casino environment.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: This is not the first time that we have come back and altered or had to change the Bingo law. When we first, three or four years

ago, enacted the Bingo for the Indian Nations, we later found out the way we had it set up is that they were limited to what they could pay the people who worked at the Bingo games. So, we did change it so that the Indian Nations could hold their Bingo and pay their people who worked at the Bingo games the going rate of what they pay. I wasn't against it.

When this bill came up, I was violently opposed to it because I knew what was happening, you would have your non-profit organizations such as veterans organizations who needed to pay their bartenders and so on and that was why I was against it but I think the good Representative from Millinocket has come up with a good proposal, that said this would be used to help put on the Bingo games. They will not use any of these funds to pay the bartenders or somebody who plows their driveway or parking lot so I am satisfied with it now. I was violently opposed to it at first.

I know in the country that it is very hard to get volunteers. It is nothing around here to get volunteers but you get up country, especially in the area of the good Representative from Millinocket, it is not everybody who will give up his or her time to go to Bingo games. I don't even play Bingo but my good Mrs. makes up for it. I think that amendment is good, I can live with it, and this would help the non-profit organizations up country, so I would ask that you support this bill the way it is amended. I think this would do the trick.

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

Representative BELL: Mr. Speaker, Ladies and Gentlemen of the House: We had a similar problem paying the people at the VFW in the Caribou area and the way it goes is they have volunteers and they like to give them some small remuneration (generally it is always the same group that does all the work) for always being there and always doing the job. Under the old regulations, they cannot do that. This would allow them to, if they so wish, pay some of the people that are always working at the Bingo games. What has happened up there is, because of the laws regarding drinking, that the dancing and the drinking has slowed so much that the Post gave up their liquor license. They have been giving some of these people a small remuneration for their devoted time and the only way they can pay them is out of their regular funds, they cannot pay them out of the Bingo funds. It is getting to be quite a tax on the club because, whenever they give them anything, it comes out of their regular funds. Where these monies cannot be used, this would help them to give a small remuneration to the people that do all the work. The clubs up my way are in full support of the bill.

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

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

A question to anyone who would care to answer — in doing this, are we going to be having concerns about minimum wage? Would there be a certain amount each person would receive? Are there concerns about which workers might be reimbursed and which workers wouldn't be reimbursed? Hiring practices, if that became a concern certainly with the high unemployment, might there be more people who would want to do that than there were spaces for? Also, would there be any kind of a disclaimer that in fact 20 percent of the profits would be going to wages as

opposed to all the money going to charity or to the scholarship program?

The SPEAKER: The Representative from Wiscasset, Representative Kilkelly, has posed a series of questions through the Chair to anyone who may respond if they so desire.

The Chair recognizes the Representative from Lisbon, Representative Jalbert

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: For someone who doesn't play Bingo at all, I leave it all to my wife, I am not an expert on it, but I think when we worked on the Indian Nation Bingo, that that problem did come up. In that bill, I believe it said that they can determine what the going rate is and whether it will be minimum wage or what they can get their people for. That is as much as I can answer.

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

Representative ANTHONY: Mr. Speaker, Men and Women of the House: I will attempt an answer also, I think the Representative from Wiscasset raises a legitimate point. I don't really know how the minimum wage laws apply.

As to the Indian Nations situation, that is so entirely different, that is the second time it has been stated by the good Representative from Lisbon. The Indian Nation has no other way of raising funds other than Bingo or Beano. They do not have property taxes for their communities like all of our communities have. So, drawing any parallel from what they do to what ought to happen in the rest of the world doesn't make much sense in this area.

I would suggest the same would apply in the area of minimum wage. If they can't set minimum wage, it is because they are essentially a separate semi-sovereign nation existing within the State of Maine. The running of a Bingo game by a non-profit organization that is not part of a Tribal government is a very different entity and I think very likely would be required to comply with minimum wage for us. I would suggest that it might even raise questions about withholding, Workers' Comp and so on. I am not at all clear about that but I would think that would be so.

That is not why I am opposed to it. I am opposed to it because I think if it starts at 20 percent this year, it is going to go on to something more next year and this is just a part of a creeping trend that we have in the state towards more and more introduction of gambling as a way of life. That introduction of gambling, I believe, cuts against the basic grain of what has made Maine a great place to live and that is the concept of hard work gains you something and you gain it that way and that way only. That is the basic tenet of the piece that I had distributed earlier and I just hesitate to see even as relatively a harmless thing as non-profit organizations running Bingo and Beano to be expanded. I volunteered at a local Bingo game and I didn't mind doing it but when it starts adding any amount of remuneration to it, I just can see it as the beginning of a trend and I think it should be stopped right here.

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

Representative RICHARDS: Mr. Speaker, I would like to pose a question, please.

I guess I heard mention of the Indian Nations

that rely on the Bingo games for income and my question is, how much money is generated and if this law were to go into place, how much money would they lose?

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

The Chair recognizes the Representative from Millinocket, Representative Clark.

Representative CLARK: Mr. Speaker, Men and Women of the House: I really cannot speak for the Indian Nations, I don't know what the revenues would be. This bill itself does not deal with the Indian Nations Beano. It only deals with Beano in non-profit organizations.

If you look at some of the VFW's and American Legions or the churches, you will see that the proceeds are very small so you are talking about a very small percentage. The bill itself has nothing to do with the Indian Nations. How the Indian Nations got involved this, I don't know. I don't interfere with the Beano on Indian Island or any other Beano other than what we are dealing with here today.

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

Representative RICHARDS: Mr. Speaker, I would like to pose another question.

I guess I should have made my first question clearer. What I was implying is, if you enact this piece of legislation, you are obviously going to set up some competition with the Indian Nations and that is with the service clubs that are in that area. It would seem to me that they would suffer a loss of income and, if that is important to the Indian Nations, that concerns me. My question I guess would be, more specifically, would that competition hurt that income?

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

The Chair recognizes the Representative from Kittery, Representative Lawrence.

Representative LAWRENCE: Mr. Speaker, Ladies and Gentlemen of the House: To answer the question, my understanding of this bill is that it is not going to affect existing Beano and Bingo. Existing Beano and Bingo is still going to go on as it has in the past so there is going to be no increase of competition with the other. This just changes what you can do with the proceeds from the Beano and Bingo, it does not change the amount and the number of Beano and Bingo games going on.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: The question has been brought up of why people have to be paid to work at the Bingo games. I used to handle some of the Bingo games at my church in Lisbon. If any of you people have ever volunteered to handle Bingo games, God bless you. You have gone through your Purgatory on earth.

At one time the good Father came to me and said, "John, I haven't seen you in church for the last three weeks." I said, "Father, I am making up for it tonight, every time you hold a Bingo game." It is a job to get someone to work at Bingo games. You have got to watch yourself — if you call the wrong number or put the ball in the wrong slot, they are ready to

crucify you. You know that I am a great one for throwing jokes out there and I found out the first night I handled a Bingo game, that that was out because those ladies were just too serious to handle it. It was one heck of a night for me — all night long without having to throw a few puns out there. The heat — and then someone hollers "Bingo" and you try to verify it, it is just like a buzz bomb or something buzzing all over the place. You keep hollering "Please, please be quiet so we can verify the numbers." They are a little more technical now.

So, if you get up country like the good gentleman from Caribou said, it is hard to get someone to work at the Bingo games. I know because I used to go up there on the road to North Caribou, either the VFW or the American Legion, which used to be a missile site, they are trying to keep going but this doesn't change the whole concept at all. All this says is, "Joe, will you work at the Bingo game tonight? I will pay you a \$1.50 or \$2.00 an hour if you want to come." That is all it amounts to. Rather than having to beg someone, they say, "Joe, please come to work." My wife won't let me go, she wants me to stay home, but if I was to get \$2.00 an hour, she would go along with that. That's all it amounts to. We are not expanding the Bingo and you can't tell me that by passing this, we are going to turn Caribou or North Caribou into another Boston Mafia-run outfit. No way.

It says, "Non-profit organization." Well, there aren't any non-profit organizations up north that are run by the Mafia, I can assure you of that. If you know anybody from Caribou or Aroostook County, they do not have the Mafia telling them what to do so I would say this is not a bad bill, I am not against it.

The SPEAKER: A roll call has been ordered. 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. 185

YEA - Aliberti, Anderson, Bailey, H.; Barth, Bell, Boutilier, Carleton, Carroll, D.; Carroll, J.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Constantine, Cote, Crowley, Daggett, DiPietro, Dore, Duffy, Duplessis, Erwin, Farnsworth, Farnum, Garland, Gean, Gould, R. A.; Greenlaw, Gurney, Gwadosky, Hale, Hichborn, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketover, Ketterer, Kontos, LaPointe, Larrivee, Lebowitz, Lemke, Libby, Look, Lord, Luther, Macomber, Mahany, Manning, Marsano, Martin, H.; Mayo, McHenry, Melendy, Michaud, Mitchell, E.; Murphy, Nadeau, Nash, Norton, O'Dea, O'Gara, Oliver, Ott, Paradis, P.; Parent, Paul, Pfeiffer, Pines, Plourde, Poulin, Pouliot, Powers, Rand, Reed, G.; Reed, W.; Rotondi, Rydell, Saint Onge, Salisbury, Savage, Sheltra, Simpson, Stevenson, Strout, Swazey, Tamaro, Tardy, Townsend, Tracy, Vigue, Waterman, Whitcomb.

NAY - Aikman, Anthony, Ault, Bennett, Bowers, Butland, Coles, Farren, Foss, Goodridge, Graham, Gray, Handy, Hanley, Heeschen, Heino, Hepburn, Hichens, Kilkelly, Kutasi, Lawrence, MacBride, Marsh, McKeen, Merrill, Mitchell, J.; Paradis, J.; Pendexter, Pendleton, Richards, Richardson, Simonds, Skoglund, Spear, Stevens, A.; Stevens, P.; Treat, Tupper, Wentworth.

ABSENT - Adams, Bailey, R.; Cahill, M.; Donnelly, Dutremble, L.; Hastings, Lipman, Morrison, Nutting, Pineau, Ricker, Ruhlin, Small, The Speaker.

Yes, 98; No, 39; Absent, 14; Paired, 0;

Excused, 0.

98 having voted in the affirmative and 39 in the negative with 14 being absent, the bill was passed to be engrossed as amended by House Amendments "A" (H-710) and "B" (H-713) in non-concurrence and sent up for concurrence.

**PASSED TO BE ENGROSSED**

**As Amended**

Bill "An Act to Reduce the Administrative Cost of State Government by Abolishing the Division of Community Services and the Department of Economic and Community Development and Transferring Their Essential Functions" (H.P. 1210) (L.D. 1768) (C. "A" H-690)

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

On motion of Representative Farnsworth of Hallowell, the House reconsidered its action whereby Committee Amendment "A" (H-690) was adopted.

The same Representative offered House Amendment "A" (H-711) to Committee Amendment "A" (H-690) and moved its adoption.

House Amendment "A" (H-711) to Committee Amendment "A" (H-690) was read by the Clerk.

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

Representative WHITCOMB: Mr. Speaker, I would pose a question through the Chair. Could we have an explanation of this amendment?

The SPEAKER: Representative Whitcomb of Waldo has posed a question through the Chair to Representative Farnsworth of Hallowell who may respond if she so desires.

The Chair recognizes that Representative.

Representative FARNSWORTH: Mr. Speaker, Members of the House: In response to the question, I would answer that the purpose of the amendment is to implement the intentions of the committee at the time they developed the Committee Amendment. There was a position that is abolished in the amendment that the committee didn't realize was in need of being mentioned in the bill in order to be abolished. The amendment also clarifies some technical errors that were discovered in the committee amendment when it was first drafted in terms of where certain functions were directed. It is my understanding that it does not change the intent of the committee amendment as adopted by the majority, it just corrects it to accurately state that.

The final thing that it does is it clarifies and specifies the specifics of the transition provisions for where specific employees will be moved to when they are moved from one place to another. Again, it is within the context of the decisions made by the Majority Report and the committee amendment.

Subsequently, House Amendment "A" (H-711) to Committee Amendment "A" (H-690) was adopted.

Committee Amendment "A" (H-690) as amended by House Amendment "A" (H-711) thereto was adopted.

The SPEAKER: The pending question before the House is passage to be engrossed as amended.

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

The SPEAKER: A roll call has been requested.

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

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

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

**ROLL CALL NO. 186**

YEA - Adams, Aliberti, Anthony, Bell, Boutilier, Carroll, D.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Constantine, Cote, Crowley, Daggett, DiPietro, Dore, Duffy, Erwin, Farnsworth, Gean, Goodridge, Graham, Gray, Gurney, Gwadosky, Hale, Handy, Heeschen, Hichborn, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kontos, LaPointe, Larrivee, Lawrence, Lemke, Luther, Macomber, Mahany, Manning, Martin, H.; Mayo, McHenry, McKeen, Mitchell, E.; Nadeau, O'Dea, O'Gara, Oliver, Paradis, P.; Paul, Pfeiffer, Poulin, Pouliot, Powers, Rand, Richardson, Rotondi, Ruhlman, Rydell, Saint Onge, Sheltra, Simonds, Simpson, Skoglund, Stevens, P.; Swazey, Tardy, Townsend, Treat, Waterman, Wentworth, The Speaker.

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

ABSENT - Bailey, R.; Cahill, M.; Dutremble, L.; Mitchell, J.; Morrison, Nutting, Paradis, J.; Pineau, Ricker, Small.

Yes, 82; No, 59; Absent, 10; Paired, 0; Excused, 0.

82 having voted in the affirmative and 59 in the negative with 10 absent, the bill was passed to be engrossed as amended by Committee Amendment "A" (H-690) as amended by House Amendment "A" (H-711) thereto in non-concurrence and sent up for concurrence.

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act Concerning Technical Changes to the Tax Laws (H.P. 1197) (L.D. 1750) (C. "A" H-693)

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. 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.

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

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act to Fund a Collective Bargaining Agreement (H.P. 1374) (L.D. 1959)

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

Representative Martin of Eagle Lake requested a roll call vote.

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

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

The SPEAKER: The 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. 187**

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

NAY - Hastings, Hichens, Nash, Reed, W.; Whitcomb.

ABSENT - Bailey, R.; Cahill, M.; Dutremble, L.; Farnsworth, Kilkelly, Mahany, Morrison, Paradis, J.; Pineau, Pines, Ricker, Tupper.

Yes, 134; No, 5; Absent, 12; Paired, 0; Excused, 0.

134 having voted in the affirmative and 5 in the negative with 12 absent, the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**PASSED TO BE ENACTED**

An Act Related to the Office of Substance Abuse (S.P. 90) (L.D. 175) (H. "A" H-688 to C. "A" S-359)

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

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

**ORDERS OF THE DAY**

**UNFINISHED BUSINESS**

The following matters, in the consideration of which the House was engaged at the time of adjournment Wednesday, June 26, 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:

An Act to Extend the Certificate of Need Program to All Major Medical Equipment (H.P. 1051) (L.D. 1524) (C. "A" H-349 and H. "A" H-431)  
TABLED - June 26, 1991 (Till Later Today) by Representative MAYO of Thomaston.  
PENDING - Reconsideration (Returned by the Governor without his approval)

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

Representative MANNING: Mr. Speaker, Men and Women of the House: If you don't have the letter from the Governor in front of you, I would just like to go over it because it is full of inaccuracies.

First of all, the Governor talks about cost containment, he is concerned about cost containment. That is the first time in five years I have heard the Governor talk about cost containment because he has never done anything about cost containment in those five years. This administration has done nothing about health care costs in five years. I will tell you about that a little later.

In the next portion of this, he talks about the Certificate of Need. I want to tell you what the Certificate of Need process was when we had the commission. When we had that commission, there was a pact made by the Round Table. The Round Table said they were not going to support this type of legislation simply because the doctors' part of the round table did not want that and everybody agreed that they would not go along with it until Blue Cross decided that a number of issues which were decided by the Round Table that the doctors had gone off on their own and done, going against Blue Cross and Blue Shield, Blue Cross and Blue Shield said, enough is enough and they supported this piece of legislation.

The Governor talks about this law and that it will deprive Maine hospitals of additional equipment and will deprive them of additional services. Has anybody in this room read the Governor's budget? How many services did the Governor deprive the Maine

citizens of this state of in the next couple of years? I think quite a few.

Talk to some of the committee members in my committee about how we (for the last month) have tried to get low cost drugs for the elderly, home base care and a number of issues — they probably deal with the same type of individuals that the Governor is trying to talk about when they are depriving community hospitals.

Next, the Governor talks about how these machines or these services are not being affected. Well, we have studies that show that doctors who have machines in their offices request you to use those machines 4 to 4.5 times more than doctors who don't have them. That is a study that came right out of Health Week in December of 1990.

Finally, I would like to talk about what was passed in the last couple of years dealing with health care. We had the doctors raises — that was the only thing that the Governor had no problem with last year when we were dealing with the health plan and they put the Maine Health Plan together. As a matter of fact, the Commissioner of Human Services actually indicated that in a letter just before the election to all the doctors in the state. Was the Governor ever in favor of the Maine Health Plan? No. Was he ever in favor of the shortfalls to the hospitals that he is talking about in this same veto message? No. What he is in favor of is protecting the doctors of this state.

By the way, this administration, up until the day they were going to veto this bill, never, never, never came in front of the committee or talked to me. I basically found out about it from the Senator from South Portland, Senator Gill, who was a cosponsor of the legislation. This administration never had anybody — they could have all the people they wanted up here during the budget times but they never had anybody come over and say we think there's some problems with this, never.

What this bill is all about is a repay. It is a repay of the election contributions the Governor got during the last election, plain and simple.

We've got two people floating around here half the time dealing with issues of the doctors, one is Gordon Smith, head of the Maine Medical Association, gave almost \$500 and Dr. Ed David, the same thing.

Early in the year, if memory serves me right, Representative Whitcomb had real problems with the Attorney General of this state giving donations. He read a list of those donations to this House. You know it is hot today and I won't read those lists of the Governor's donations from the doctors but believe me, I went through it this last week and it is probably the largest or the second largest group of professions that gave to the Governor of this state. So, what this is is a payback.

We have gone through three and a half or four weeks dealing with this budget trying to find every way, shape and manner to deal with it, trying to find nickels and dimes, let alone millions of dollars. Yet, the Chief Executive Officer of Blue Cross/Blue Shield, our own provider, indicated to the Governor of this state that this bill would save money. It meant no difference, he still vetoed it. I wonder if the Chief Executive Officer of AETNA or Hartford called up about Workers' Comp whether or not the Governor would listen? I think he would then.

The Chair of the Maine Health Care Finance Commission, the Governor's own appointee, was one of

the minority, strong minority in the commission's hearings in the last two years who voted for this. When the bill was heard, it was unanimous that all the commissioners who were on the commission voted in favor of this piece of legislation to save costs. That didn't make any difference to the Governor of this state because the doctors know best.

I guess what really irritates me is, during the debate on medical malpractice, Representative Paradis had a letter by Dr. David passed out that asked us to support the doctors' position. The ironic part about that whole thing was something on the bottom that caught my eye. We in this state contribute millions of dollars to the doctors in this state. There are resorts in this state that are having a tough time surviving and yet MMA has taken their annual convention to the State of New Hampshire. I wonder if the good Governor of this state ought to sit down with those doctors and talk to them. I wonder — hey, I am paying big bucks for Medicaid, I gave you a raise, why are you taking your money to New Hampshire? It's too bad that one group of people in this state control the Governor of this state because, when you have Blue Cross/Blue Shield saying it is a good idea, when you have the Maine Health Care Finance Commission saying it is a good idea, you have hospitals — not many of you got calls by hospitals because they really feel (deep down) it is a good idea, but most of them have Board of Directors that are doctors and it is very difficult. Who prevailed? The doctors.

Gordon Smith said to me early on, "Peter, I have got seven strikes before the bill hit the floor of the House." Three votes in this House, three votes in the other body and he knew we had a veto. You know why? He had a veto because of this, plain and simple, the contributions made by the doctors of this state, not contributions made by Blue Cross/Blue Shield who say this is going to save costs, no, the contributions made by the doctors of this state.

This bill has gone further than it ever has. It is a moral victory for me but it is going to cost the people of the State of Maine big bucks down the road because the Governor listened to the doctors. He didn't listen to the insurance company, his own insurance company. By the way, I think we all got on our desk's a notice of a 12 percent increase in the cost starting July 1st. It is too bad that he can listen to the insurance companies when they want to talk about Workers' Comp but he can't listen to the insurance company that deals with his own health insurance. I know what is going to happen to this bill but it is too bad because the people of this state are going to be the ones to suffer, not the doctors who are going to take their money to New Hampshire in September.

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

Representative PENDEXTER: Mr. Speaker, Men and Women of the House: I would continue to urge you to oppose this legislation.

Allow me to briefly explain to you (and this will be a simple explanation for a complicated process) so you will have a clear understanding of what the Certificate of Need process is all about. The first step that a hospital has to do when they want to expand any of their services or buy equipment or do anything they want, they need to fill out a form for Certificate of Need. It takes a year to process but,



in the end what happens is, the Department of Human Services has to deem that project or expansion necessary or needed.

Once that process is done and the project has been approved to be needed in the state, there is a second step that a hospital must go through. This step is an introduction to the Maine Health Care Finance Commission and it is called MHCFC for short. Here we find a Hospital Development Account. What happens here is that there is a cap put on the amount that hospitals can spend on an annual basis. Traditionally, this cap has been around the \$6 million mark. I tell you, right now, there are \$45 million worth of projects that have been deemed needed and have a Certificate of Need in hand but cannot be (so-called) funded through MHCFC because they continue to cap the expenses that a hospital can spend. You tell me why you would want to put more players into the Hospital Development Account that is already very pathetically underfunded? \$45 million of services are deemed needed in this state and we can only spend \$6 million.

I might tell you that this is an annual amount that is capped and it usually is in the Fall. From Fall of 1990 to the Fall of 1991, we only have \$1.1 million left of that \$6 million that was allowed us. I don't quite understand why this is such a good deal. It just doesn't make sense. Therefore, 40 of the 42 hospitals in this state oppose this bill because they do not want more players in their Hospital Development Account and I think we can all understand that.

The Representative from Portland, although he is a little sidetracked with other issues today, in other debates has said that MHCFC, Hospital Development Account or whatever you want to call it, has been established to control the cost of health care and that was not the reason why the Commission on Health Care Finance was established. I will read to you very briefly the statutory responsibility. "For implementing a mandatory prospective payment system for all Maine hospitals in order to limit the rate of increase in the cost of hospital care while assuring the viability of an efficient and effective hospital system and assuring equity among payers for hospital services." I see here that this was a system designed to control payment systems and secondly to provide equity among payers. It was never established to control the cost of health care.

Let's talk about L.D. 1524, this bill deals only with out-patient facilities. The Representative from Portland, in other debates, has also talked about leveling the playing field. Need I remind you I wasn't here in the 114th Legislature but some of you were and you did level the playing field then. What you did was allow hospitals who wanted to expand an out-patient facility, as long as their equipment or whatever they were doing was going to be used 80 percent of the time for out-patient services, they would not have to go through the CON process. This is what this is all about. We are only talking about out-patient facilities. In my opinion, this has leveled the playing field. The legislature did it last time.

I had occasion to speak to an ophthalmologist in my area, he has had an eye care center since 1986. It was kind of an interesting conversation, I learned that cataract surgery in his office costs \$900 whereas a cataract surgery in the hospital would cost \$2,000. This might be discussion for future times

but we need to rethink the fact that hospitals are the most expensive settings for health care because it has been proven that services at out-patient facilities are certainly more cost effective.

He also did a survey of his patients. He surveyed patients who had had one cataract surgery in a hospital facility and who had another cataract surgery done in his office setting. This survey was totally anonymous, there was no way that anybody would know who was answering what. Interestingly enough, 100 percent of them preferred the out-patient facility.

This is not a doctor's bill. This is a patient's bill, your constituents and mine. If we put more health care services under counterproductive red tape, regulatory processes, the ones who will lose out will be the consumers. This bill is not good legislation and I urge you to sustain the Governor's veto.

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

Representative DUPLESSIS: Mr. Speaker, Men and Women of the House: I urge you to sustain the Governor's veto. If this bill becomes law, then what next? How much more regulation do we want? This bill will extend CON to address major medical equipment in doctors offices, but is that the end? I am afraid not. I am afraid in the future physicians who want to set up a health care clinic in rural Maine may be inhibited if we move forward with legislation such as this. In rural areas, there is already a dearth of physicians, let's not add to the situation by creating red tape which can ultimately have a high price tag and severely delay needed health care services. I urge you to sustain the veto.

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

Representative COLES: Mr. Speaker, Men and Women of the House: It seems to me that this issue is very simple. CON should apply to everybody or should apply to nobody. But, the problem is the CON process and do you change it or abolish it? To have it apply to only some potential users or buyers of the equipment and not others just doesn't make any sense at all.

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

Representative GEAN: Mr. Speaker, Men and Women of the House: The Representative from Scarborough is correct, this is not a doctor's bill, this is a rich doctor's bill. I would encourage you to override the veto of the Governor.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: Earlier, the Representative from Scarborough talked about the Hospital Development Account and said that there was only \$6 million in the account and there were 42 hospitals competing for it. I would like to remind the Representative that we probably had 42 to maybe 75 different organizations come in front of our committee but I don't think you see them on the Appropriations Table. Do you know why? Because we don't have any money.

I guess what I am hearing her say is, because it is a hospital and because they are doctors, they should have the right to expand but because it is low-cost drugs for the elderly, the GAP, what else is

in that budget that I am sure she had some say in, that shouldn't be expanded. You are only dealing with the same type of people but it is because it is hospitals and the doctors and you can't speak to them, they are precious, sacred. What people are saying is, they are tired of high costs of health care and they are saying, put some restraints on it. If the restraints are still on the hospitals and they are not on the doctors, the doctors are going to continue growing and growing and growing. What is going to happen is our health care costs are going to go up. They are going to go up as long as the Governor of this state continues to support the doctors of this state.

You talk about being sidetracked, I don't think that was sidetracked at all — that issue about going to New Hampshire — the Taxation committee, before we leave here is going to talk about raising taxes, meals and lodging. They are trying to keep money in this state and the same doctors who got a raise last year are the same doctors that are taking their money out of the state. They really care about the people of this state, don't they? They really do.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I do not know anything about how much the savings the Certificate of Need may do to hospitals but I do know what it costs the York Hospital to get some of the equipment it needed. It wanted a pad so we could have a CAT scan. \$19,000 had been donated to the hospital to pay for the pad. By the time we got it through the Certificate of Need and paid lawyers fees, I believe it was around \$70,000 it cost us.

The next thing we wanted was a heart catheterization — a lot of that money had been donated and it cost tens of thousands of dollars before we got that through. I don't see where that saved us any money down there. Now we are trying to get a Certificate of Need to remodel our operating room, which is desperately needed. We need a larger one to take care of the patients. We can't even get that through. We have been trying and trying and spending thousands of dollars so I don't know where the savings are coming in. I am a little sick of regulations because I don't know as I can afford them anymore.

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 override the Governor's veto on this long overdue bill. Equal playing field is what we are talking about. The hospitals have been treated unfairly with controls only affecting them. This bill addresses controlling costs and I urge you to control our Governor by overriding his veto on this very, very necessary bill to control costs of medical assistance to our people.

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

Representative RYDELL: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to override the Governor's veto.

I would like to present some little information that came before the CON Commission and I happened to be there at the time. The Superintendent of Insurance was testifying before that Commission a couple of summers ago and he talked about what happened when a group of doctors bought the first MRI

machine in our state. In the first year they had projected a 50 percent utilization rate and their debt service had been projected on that and their charges had been projected on that. At the end of that first year, the actual usage rate was 80 percent. Did the rates go down? No they didn't. Were the doctors able to pay back their debt, the loan that they had taken out faster? I assume that they did.

The problem with doctors owning very expensive pieces of equipment is really multifold, one is that we may end up with more than we need of those pieces of equipment in our state. Once you have bought a piece of equipment, it needs to be used. So the second problem is, will the proliferation of these technological pieces of equipment be very expensive, very, very expensive, over one million dollar types of equipment — how will they affect the doctors referrals? Well, there have been studies done and there was a very interesting article in the New York Times on Sunday, June 2nd, which found that more than 10 percent of the nation's doctors have invested in businesses to which they refer patients. Studies also found that doctors who share ownership of laboratories and other health care businesses order more services to just those businesses than do other physicians.

There is some really important questions that this legislation attempts to answer. It attempts to say that we will have some control, that doctors and hospitals will have the same rules, that we will attempt to have a health care system in this state that does not spend more on machinery and high technology than we need in the state and that there will not be an incentive because there are so many unnecessary pieces of machinery around, that doctors will not have any incentive to order more use of those kinds of equipment than is absolutely necessary.

We are not Atlanta, Georgia but I will tell you that in Atlanta in 1984 they had one MRI machine and now they have at least 30. Most are owned by doctors and often the same doctors who refer their patients for imaging scans charge anywhere from \$600 to \$1,000 a visit. This is very expensive. Yes, for many people it is paid for by insurance but somebody pays for the insurance. We pay insurance premiums through our state tax dollars but many people pay insurance premiums, both through their tax dollars and directly. For those people who do not have insurance, we all pay the costs of those tests and those diagnostic services so we have to be very careful.

If the Certificate of Need process is unwieldy, then we need to make it less unwieldy. If we need to streamline it, we can do that, but we need to get a handle on health care in our state. We need to be sure that we do not purchase what we don't need and we need to be sure there is a logical reason for purchasing equipment that costs more than one million dollars. This is only going to affect very, very few doctors. Family physicians that you go to, the pediatricians that you take your children to — those are not the ones that are affected by this legislation. Think about that. If there are doctors in your hometown that have called you, think about who has called you, doctors who are going to go out and spend a million dollars on equipment — I would doubt that many of those doctors who have called you are going to do that. So, think very, very carefully about where you want your health care dollars to go

and I urge you to override the Governor's veto.

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

Representative FARNUM: Mr. Speaker, Members of the House: Let me give you a personal experience — several years ago, a roof collapsed underneath me and I went down two stories. I was sent to the hospital, the hospital doctor said, "I can't do anything until I have a CAT scan." The hospital didn't have a CAT scan there. They had been trying for two years to get it and had not gotten it yet through the Certificate of Need. They loaded me into an ambulance, took me over to Portsmouth, New Hampshire where they had one. I spent four hours waiting to get into that CAT scan machine, another hour in the machine and another two hours before the ambulance came back to get me to take me back to the York Hospital. I think we had better sustain the Governor's veto.

The SPEAKER: The pending question before the House is, "Shall this Bill become law notwithstanding the objections of the Governor?" Pursuant to the Constitution, the vote will be taken by the yeas and nays. 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. 188

YEA - Adams, Aliberti, Anthony, Bell, Carroll, D.; Cashman, Cathcart, Chonko, Clark, H.; Coles, Constantine, Crowley, Dore, Duffy, Erwin, Farnsworth, Gean, Goodridge, Graham, Gray, Gurney, Gwadosky, Hale, Handy, Heeschen, Hichborn, Hوجلund, Holt, Jacques, Jalbert, Joseph, Kerr, Ketover, Kilkelly, Kontos, LaPointe, Larrivee, Lawrence, Lemke, Luther, Macomber, Mahany, Manning, Martin, H.; Mayo, McHenry, McKeen, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Nadeau, Nutting, O'Dea, Oliver, Paradis, J.; Paradis, P.; Poulin, Pouliot, Powers, Rand, Richardson, Rotondi, Rydell, Sheltra, Simonds, Simpson, Skoglund, Stevens, P.; Swazey, Tardy, Townsend, Tracy, Treat, Vigue, Waterman, Wentworth, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, H.; Barth, Bennett, Boutilier, Bowers, Butland, Carleton, Carroll, J.; Clark, M.; Cote, Daggett, DiPietro, Donnelly, Duplessis, Farnum, Farren, Foss, Garland, Gould, R. A.; Greenlaw, Hanley, Hastings, Heino, Hepburn, Hichens, Hussey, Ketterer, Kutasi, Lebowitz, Libby, Lipman, Look, Lord, MacBride, Marsano, Marsh, Merrill, Murphy, Nash, Norton, O'Gara, Ott, Parent, Paul, Pendexter, Pendleton, Pfeiffer, Pines, Plourde, Reed, G.; Reed, W.; Richards, Ruhlin, Saint Onge, Salisbury, Savage, Small, Spear, Stevens, A.; Stevenson, Strout, Tammaro, Tupper, Whitcomb.

ABSENT - Bailey, R.; Cahill, M.; Dutremble, L.; Morrison, Pineau, Ricker.

Yes, 78; No, 67; Absent, 6; Paired, 0; Excused, 0.

78 having voted in the favor and 67 in the negative with 6 being absent, the Governor's veto was sustained.

(At Ease)

The House was called to order by the Speaker.

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

SENATE PAPERS

The following Joint Order: (S.P. 770)

ORDERED, the House concurring that Bill "An Act to Amend the Maine Administrative Procedure Act" H.P. 1371, L.D. 1955, and all its accompanying papers, be recalled from the legislative files to the Senate.

Came from the Senate, read and passed.

Was read.

A two-thirds vote of the members being necessary, a total was taken. 82 having voted in favor of the same and 1 against, the Joint Order was passed in concurrence.

Non-Concurrent 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 passed to be enacted in the House on June 19, 1991.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-382) in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Implement Constitutional Provisions Restricting the Imposition of Unfunded State Mandates" (S.P. 767) (L.D. 1963) which was referred to the Committee on State and Local Government in the House on June 26, 1991.

Came from the Senate with that Body having insisted on its former action whereby the Bill was read twice under suspension of the rules without reference to a committee and passed to be engrossed in non-concurrence.

The House voted to Adhere.

COMMUNICATIONS

The following Communication: (S.P. 769)

115TH MAINE LEGISLATURE

June 28, 1991

Senator Donald E. Esty, Jr.

Rep. Edward A. McHenry  
Chairpersons  
Joint Standing Committee on Labor  
115th Legislature  
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has withdrawn his nomination of John B. Wlodkowski of Augusta for appointment to the Maine Unemployment Insurance Commission, as the neutral member.

Pursuant to Title 26, MRSA Section 1081, this nomination is currently pending before the Joint Standing Committee on Labor.

Sincerely,

S/Charles P. Pray  
President of the Senate

S/John L. Martin  
Speaker of the House

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

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

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

The Chair laid before the House the following matter: 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) which was tabled earlier in the day and later today assigned pending the motion of Representative Joseph of Waterville that the House accept the Minority "Ought Not to Pass" Report.

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

The Chair laid before the House the following matter: HOUSE DIVIDED REPORT - Majority (8) "Ought Not to Pass" - Minority (5) "Ought to Pass" as amended by Committee Amendment "A" (H-277) - Committee on Legal Affairs on Bill "An Act to Impose a Limit on Campaign Contributions" (H.P. 785) (L.D. 1117) which was tabled earlier in the day and later today assigned pending the motion of Representative Lawrence of Kittery that the House 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.

At this point, Representative Michaud of East Millinocket was appointed to act as Speaker pro tem.

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

The Chair laid before the House the following matter: Bill "An Act Regarding Simulcasting of Harness Racing" (EMERGENCY) (H.P. 1373) (L.D. 1958) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Representative Tardy of Palmyra offered House Amendment "C" (H-706) and moved its adoption.

House Amendment "C" (H-706) was read by the Clerk.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Palmyra, Representative Tardy.

Representative TARDY: Mr. Speaker, Men and Women of the House: Just so you will know what this legislation does, it came to us at the eleventh hour and it corrects an error that a previous legislature made by repealing a statute instead of adding to the statute.

The second part of the bill gives the Harness Racing Commission emergency rulemaking for the 1991 season in matters pertaining to simulcasting only. It further amended the bill to make it clear that the Harness Racing Commission's authority to allow simulcasting extended only to horse racing, thoroughbred and harness racing -- it did not include dogs, etcetera.

The reason for the emergency rulemaking authority is so they can take action to allow simulcasting in an expanded form between races during July and August. Under the existing rulemaking authority, they could have this in place for September as it is.

Representative Aliberti of Lewiston offered House Amendment "A" (H-712) to House Amendment "C" (H-706) and moved its adoption.

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

Representative ALIBERTI: Mr. Speaker, Men and Women of the House: Again, I really feel privileged to be your eyes and ears to help you make a responsible judgment in reference to a bit of legislation that came before the Agriculture Committee so that when you press your red or green button you have an element of knowledge and responsibility on the basis of your vote.

Right now, I feel more and more like the previously described proctologist of a month ago. I still specialize at the bottom and am resigned to stay there.

L.D. 1958 is truly an emergency bill and I intend to treat it as such. Only as it refers to an unintentional error in repealing the simulcasting law

we adopted by law the right for Scarborough Downs to telecast complete programs to the track for the first six weeks of 1991. The current simulcasting of races, current simulcasting of races, may well be done outside of the law. The bill addresses that concern in part.

An addition was added to this emergency concern when the Legislative Council authorized L.D. 1958 and gave its approval and this House scheduled a hearing and gave it a second reading. I have some discomfort with that process even though it is an acceptable practice.

This L.D. authorizes a major change in programming races in Maine. The addition, as written, authorizes unlimited thoroughbred simulcasting on the approval of the Maine Racing Commission, rulemaking, nothing else. This authorization comes as a proposed "take it or leave it" mandate. In my opinion, little or no thought has been given to the potential negative effects on live harness racing.

The Agriculture Committee held an unusual hearing on the bill and 1:30 p.m. Wednesday, without reference, the Committee heard the major sponsors of the bill with no effort to encourage an open hearing, pro and con. This bill was voted out with one negative vote, mine.

This authorization needs much, much more time and evaluation. It represents a very serious change in the delivery and control of simulcasting. While the president testified that the MHHA (Maine Harness Horseman's Association) and its directors supported the bill, no attempt was made to sample the 1200 members of the Horseman's Association. This organization has been continuously opposed to the number of races currently being programmed, especially on weekends. But in testimony, a typical racing day could be as many as eleven live races and up to nine or more simulcasted thoroughbred races. I really feel the potential demise and the further fracturing of live harness racing, of live harness racing. The industry has been a specialty to me, a dedication to me. I stand on my reputation as the manner and the way in which I supported the harness racing industry.

I believe I have cosponsored and stood on this floor soliciting your support to help the harness racing just as recently as the off-track racing bill that came before you. Please accept the amended version of this bill. I solicit your support for tested and rational action on this bill.

Again, to bring this to a conclusion, why wasn't this bill brought before the Judiciary Committee as an Errors Bill to correct the action in which we repealed legal simulcasting in the State of Maine? I make that point to you — simulcasting now is illegal as it now goes on according to the testimony given to us publicly and the rationale was, I didn't want to create an open big concern to the press and everybody else that we were doing things illegally. Why not to the Legal Affairs Committee as to the effect that this legislation has on a new gambling type of concern? This is a different concept altogether, allowing gambling, simulcast gambling, on thoroughbred racing without anything to say except the Maine Harness Racing Commission approves it.

The Attorney General got involved at my request in interpreting the original bill. As the original bill came in — talk about deception — the intent was to simulcast races that could have included dog

racing and any other kind of racing. It could have, and that prompted one of the cosponsors to ask for an amendment so it would include strictly horse racing.

I have another concern. You heard it previously on this floor not long ago where a respected member of this chamber got up and tried to forewarn us about the power of the lobby. This is a power we must really be sensitive to. We have ex-legislators as lobbyists that still think they are in this House as elected Representatives of this legislature. Look at them! Count them! See how many there are! This is a result of one of those highly respected lobbyists, ex-legislator and a real high official of this body. I don't know what possessed me to get on to this track knowing full-well that being a lone dissenter of this legislature and the real powerful lobby that is accompanying this bill except that I feel that this could do irreparable harm to the harness racing industry.

I want to share one more thing with you. I received a call today that was so intimidating I choose not to give you the exact words that were given to me but they were unpleasant. They accused me of being a head hunter, not using those terms, I was out to get somebody as a result of this legislation. I feel really offended. In good conscience and I have never asked you for a vote but I am asking you now to really consider what you are authorizing here. I want to be absolutely sure that it takes care of the harness racing, the live harness racing industry.

I was warned that should I be successful here, I have to go publicly and say that I personally was responsible for this particular legislation not going through. You and I know that no one person is that great in this body and can determine what legislation goes through and what legislation doesn't go through especially if you are on a Minority Report of one opposing person. I know that you will address this in a rational way.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Palmyra, Representative Tardy.

Representative TARDY: Mr. Speaker, Men and Women of the House: Simulcasting, as it is being proposed, is presently allowed in practically every state that has harness racing. It is our feeling as a committee that we need to be competitive with the race tracks in New Hampshire for harness racing to remain viable in the State of Maine.

This bill, as Representative Aliberti told you, was supported by the Maine Harness Horseman's Association or the board of directors of that and the Maine Harness Racing Commission. Representative Aliberti's amendment would simply put us at a competitive disadvantage during the months of July and August. It would result in a loss to the Agriculture Fair Stipend Fund, the harness racing industry and a slight loss to the General Fund.

For those reasons, I move that House Amendment "A" to House Amendment "C" be indefinitely postponed.

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

Representative ALIBERTI: Mr. Speaker, Men and Women of the House: Competition with New Hampshire? Let's really be in competition with New Hampshire, do away with the sales tax. By allowing this to go two more months, are you saying that this bill here is only worth two months of trial? That is my point, let's look into it so we can give it 20 years of credibility, not two months of it.

If I honestly thought in good conscience that this bill would be any kind of a salvation and an uplift to the harness racing industry, I would lay my seat on the line if I didn't support it. I just cannot accept the concept of 48 hours ago there was nothing, now all of a sudden, this legislation comes in and we have to save the whole harness racing industry.

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

Representative TUPPER: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to follow and support Representative Tardy's motion to indefinitely postpone. The harness industry in Maine has problems and our committee heard those problems. I urge you to follow Representative Tardy's light.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Nobleboro, Representative Spear.

Representative SPEAR: Mr. Speaker, Men and Women of the House: As the good Representative from Lewiston, Representative Aliberti states, this bill does make a change but the industry badly needs a change. This industry has been going downhill in Maine and all of New England for a number of years and it is at the level now where it desperately needs help.

Horses are getting scarce here in Maine and they are having trouble filling a card for one night. In order to make it profitable, they need approximately 15 races a night which drags into the long hours of the evening. The fans like action and, with simulcasting, they can bring in other races between the regular races and that will create a lot more money, lot more handles, for example, for Scarborough Downs. This way they can shorten the number of races of live racing and it will be easier on the horsemen but yet it will bring in a lot more money to the horseman's purse.

This is an emergency bill and the horsemen and the industry need it for the summer races. I do urge you to support Representative Tardy's motion of indefinite postponement of the amendment.

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

Representative NUTTING: Mr. Speaker, Ladies and Gentlemen of the House: Very briefly, I know the hour is late and the temperature is high. I would urge you to go along and indefinitely postpone House Amendment "A," Last July and August, simulcasting was allowed, it helped the harness horsemen through better purses and money was generated for the General Fund.

Because of an error in a previous bill, the only way to allow simulcasting this July and August is to enact this bill. Going the normal channel, it wouldn't take effect until September. I urge you to indefinitely postpone House Amendment "A."

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

Representative CLARK: Mr. Speaker, I would like to pose a question. I am having a difficult time understanding why, if there is not live horse racing, the horse owners are making money. If we are simulcasting, are we simulcasting races run in other parts of Maine or are we simulcasting out-of-state races?

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

The Chair recognizes the Representative from

Milo, Representative Hussey.

Representative HUSSEY: Mr. Speaker, Ladies and Gentlemen of the House: The answer to the question is that, we are simulcasting races from outside of the state. The law that was put in a couple of years ago was to simulcast two races in the ten or twelve dashes and when they simulcast those two races, there is a part of that money that comes back to the horseman's purse. That is where the money comes from. The horseman's purse has been \$100,000 and it is down to around \$70,000 right now. The more races that you simulcast, the bigger that purse is going to be for the horseman.

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

Representative ALIBERTI: Mr. Speaker, Ladies and Gentlemen of the House: In my responsibility again, I will try to make you as knowledgeable and as responsible as I possibly can.

They are talking about giving more money to the horseman and yet they came in with a previous bill that shortchanged the horseman. It was my amendment that changed that shortchange to the horseman. In no way in this legislation is there a designated percent that will go to each one of these established communities of harness racing. I fear it. People, believe me, there are too many unanswered questions here. That is my concern.

I request a roll call vote.

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

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

The SPEAKER PRO TEM: The pending question before the House is the motion of Representative Tardy of Palmyra that House Amendment "A" (H-712) to House Amendment "C" (H-706) be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

#### ROLL CALL NO. 189

YEA - Anderson, Ault, Bailey, H.; Barth, Bowers, Butland, Carroll, D.; Carroll, J.; Cashman, Clark, H.; Constantine, Daggett, Donnelly, Duplessis, Erwin, Farnsworth, Farnum, Garland, Goodridge, Gould, R. A.; Graham, Greenlaw, Gwadosky, Heesch, Heino, Hichborn, Hogle, Holt, Hussey, Kerr, Ketover, Ketterer, Kilkelly, Kontos, Kutasi, LaPointe, Larrivee, Lebowitz, Lemke, Libby, Luther, Macomber, Manning, Marsano, Marsh, Mayo, Melendy, Merrill, Mitchell, E.; Nadeau, Nash, Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pendexter, Pendleton, Pines, Plourde, Poulin, Powers, Reed, G.; Reed, W.; Rotondi, Ruhlin, Rydell, Saint Onge, Salisbury, Savage, Sheltra, Simpson, Small, Spear, Stevens, A.; Stevens, P.; Stevenson, Strout, Swazey, Tamaro, Tardy, Townsend, Tupper, Vigue, Waterman, Whitcomb.

NAY - Adams, Aikman, Aliberti, Anthony, Bell, Bennett, Boutillier, Carleton, Cathcart, Chonko, Clark, M.; Coles, Cote, Crowley, Dutremble, L.; Farren, Foss, Gean, Gray, Gurney, Hale, Handy, Hanley, Hepburn, Hichens, Jacques, Jalbert, Joseph, Lawrence, Look, MacBride, Martin, H.; McHenry,

McKeen, Mitchell, J.; Murphy, Ott, Pfeiffer, Pouliot, Rand, Richards, Richardson, Simonds, Skoglund, Tracy, Treat, Wentworth.

ABSENT - Bailey, R.; Cahill, M.; DiPietro, Dore, Duffy, Hastings, Lipman, Lord, Mahany, Michaud, Morrison, Parent, Pineau, Ricker, The Speaker.

Yes, 89; No, 47; Absent, 15; Paired, 0; Excused, 0.

89 having voted in the affirmative and 47 in the negative with 15 absent, the motion to indefinitely postpone did prevail.

Representative Aliberti of Lewiston requested a roll call vote on adoption of House Amendment "C."

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

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

The SPEAKER PRO TEM: The pending question before the House is adoption of House Amendment "C" (H-706). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 190

YEA - Anderson, Ault, Bailey, H.; Barth, Bell, Boutilier, Bowers, Butland, Carroll, D.; Carroll, J.; Cashman, Clark, H.; Constantine, Daggett, Donnelly, Duffy, Duplessis, Dutremble, L.; Erwin, Farnsworth, Farnum, Garland, Goodridge, Gould, R. A.; Graham, Greenlaw, Gurney, Gwadnosky, Heeschen, Heino, Hoglund, Holt, Hussey, Jacques, Kerr, Ketover, Ketterer, Kilkelly, Kontos, Kutasi, LaPointe, Larrivee, Lawrence, Lebowitz, Lemke, Libby, Look, Luther, MacBride, Macomber, Manning, Marsh, Mayo, Melendy, Merrill, Mitchell, E.; Nadeau, Nash, Norton, O'Dea, O'Gara, Oliver, Paradis, P.; Paul, Pendexter, Pendleton, Pines, Plourde, Pouliot, Powers, Reed, G.; Reed, W.; Rotondi, Ruhlin, Rydell, Saint Onge, Salisbury, Savage, Sheltra, Simonds, Simpson, Small, Spear, Stevens, A.; Stevens, P.; Stevenson, Strout, Swazey, Tammaro, Tardy, Townsend, Tupper, Vigue, Waterman, Whitcomb.

NAY - Adams, Aikman, Aliberti, Anthony, Bennett, Carleton, Cathcart, Chonko, Clark, M.; Coles, Cote, Crowley, Farren, Foss, Gean, Gray, Hale, Handy, Hanley, Hepburn, Hichens, Jalbert, Marsano, Martin, H.; McHenry, McKeen, Mitchell, J.; Murphy, Ott, Pfeiffer, Rand, Richards, Richardson, Skoglund, Tracy, Treat, Wentworth.

ABSENT - Bailey, R.; Cahill, M.; DiPietro, Dore, Hastings, Hichborn, Joseph, Lipman, Lord, Mahany, Michaud, Morrison, Nutting, Paradis, J.; Parent, Pineau, Poulin, Ricker, The Speaker.

Yes, 95; No, 37; Absent, 19; Paired, 0; Excused, 0.

95 having voted in the affirmative and 37 in the negative with 19 absent, the motion to adopt House Amendment "C" did prevail.

Representative Aliberti of Lewiston requested a roll call vote on passage to be engrossed.

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

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

Subsequently, the bill was passed to be engrossed as amended by House Amendment "C" (H-706) and sent up for concurrence.

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At this point, Speaker Martin resumed the Chair.

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The House was called to order by the Speaker.

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The Chair laid before the House the following matter: An Act Making Additional Allocations from the Highway Fund for the Expenditures of State Government for the Fiscal Year Ending June 30, 1991 (EMERGENCY) (H.P. 1349) (L.D. 1942) (C. "A" H-681) which was tabled earlier in the day and later today assigned pending further consideration.

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

Representative MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: Before any motion is made on this, I would like to explain to you a little bit of what has been going on. If you have noticed, every highway bill has come from the other body, the motion has been to recommit to the Committee on Transportation. There is nothing wrong with any of these bills that are being recommitted.

The whole thing is, in the other body, they want to put an amendment on take \$60,000 out of the Baxter State Park Highway Fund. \$60,000 is not part of it, it is all of it. Right now because of that action, we are not able to vote on this particular bill. I want to explain to you, if you notice which bill this is, this is the budget for 1991, not 1992-93. If you recall, two or three weeks ago when the revenue projections were out, we were \$24 million short. What this bill does is it simply deallocates money to make up the \$24 million shortfall. If the other body won't allow us to vote on this particular bill by Sunday, the 1991 budget will be \$24 million in the red. The state Constitution says that budget must balance. It can't balance until we vote this bill out. That is what I wanted to explain to all of you in this body.

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

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**TABLED AND TODAY ASSIGNED**

The Chair laid before the House the first tabled and today assigned 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)

-In House, House Insisted on its previous action

whereby the Bill was Passed to be Engrossed on June 19, 1991.

- In Senate, Senate adhered to its former action whereby the Bill and Accompanying Papers were recommitted to the Committee on **Transportation** in non-concurrence.

TABLED - June 26, 1991 by Representative MACOMBER of South Portland.

PENDING - Further Consideration.

Subsequently, the House voted to recede and concur.

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The Chair laid before the House the following matter: An Act Making Additional Allocations from the Highway Fund for the Expenditures of State Government for the Fiscal Year Ending June 30, 1991 (EMERGENCY) (H.P. 1349) (L.D. 1942) (C. "A" H-681) which was tabled earlier in the day and later today assigned pending further consideration.

Subsequently, the House voted to Insist.

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(Off Record Remarks)

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On motion of Representative Jacques of Waterville, Adjourned at 9:12 p.m. until Saturday, June 29, 1991, at three o'clock in the afternoon.

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