

MAINE STATE LEGISLATURE

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LEGISLATIVE RECORD

OF THE

One Hundred And Fifteenth Legislature

OF THE

State Of Maine

VOLUME V

FIRST SPECIAL SESSION

July 11, 1991 to July 18, 1991

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FIRST CONFIRMATION SESSION

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SECOND REGULAR SESSION

House of Representatives

January 8, 1992 to March 9, 1992

ONE HUNDRED AND FIFTEENTH MAINE LEGISLATURE
SECOND REGULAR SESSION
12th Legislative Day
Tuesday, February 11, 1992

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

Prayer by Auxiliary Bishop Amedee Proulx, Roman Catholic Diocese of Portland.

Pledge of Allegiance.

The Journal of Thursday, February 6, 1992, was read and approved.

SENATE PAPERS

The following Joint Resolution: (S.P. 895)

JOINT RESOLUTION OPPOSING LOW-LEVEL
FLIGHTS IN WESTERN AND NORTHERN MAINE

WHEREAS, the Air National Guard proposes to expand the number of low-level jet training flights in the "Condor" military operations areas in western Maine and in "the Great State of Maine" military operations areas in northern Maine; and

WHEREAS, the proposal allows jets to fly as low as 300 feet in western Maine, down from the current legal floor of 7,000 feet and the floor in northern Maine drops to as low as 100 feet; and

WHEREAS, the Air National Guard's proposal for an increase in the number of low-level jet flights has met with opposition by residents near the flight paths as well as other concerned citizens throughout the State because of problems associated with the low altitude of the jets, the increased volume in jet flights, the increased noise levels that will disturb the serenity of the areas for both residents and tourists and the potential for driving away wildlife; and

WHEREAS, the citizens of Maine appreciate the serenity of the western and northern Maine wilderness regions and are mindful of its fragile beauty; now, therefore, be it

RESOLVED: That the people of Maine do not want an increase in the number of low-level jet flights over western and northern Maine and call upon Maine's Congressional delegation to urge the Air National Guard to withdraw proposals to expand low-level flights over the "Condor" and "the Great State of Maine" military operations areas; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to each Member of the Maine Congressional Delegation.

Came from the Senate, read and adopted.

Was read and adopted in concurrence.

Unanimous Leave to Withdraw

Report of the Committee on Taxation reporting "Leave to Withdraw" on Resolve, to Exclude from State Taxes Certain Federal Payments to Eji Suyama (EMERGENCY) (S.P. 804) (L.D. 2003)

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

COMMUNICATIONS

The following Communication:

STATE OF MAINE
HOUSE OF REPRESENTATIVES
SPEAKER'S OFFICE
AUGUSTA, MAINE 04333

February 6, 1992

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

Dear Clerk Pert:

This is to notify you that pursuant to my authority under Chapter 558 of the Public Laws of 1989, I have today appointed Bonnie Post, of Owl's Head, to serve on the Maine Health Program Advisory Committee. She will be replacing George Larson who has resigned.

Also pursuant to my authority under Chapter 934 of the Public Laws of 1989, I have today appointed Rep. Donald H. Gean, of Alfred, to serve as House member on the Maine Council on Alcohol and Drug Abuse Prevention and Treatment. He will be replacing Rep. Margaret Pruitt Clark who has resigned.

Sincerely,

S/John L. Martin
Speaker of the House

Was read and ordered placed on file.

The following Communication:

115th Maine Legislature

February 6, 1992

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

Dear Clerk Pert:

This is to notify you that pursuant to our authority under Chapter 53 of the Resolves of 1991, we have today appointed Rep. Edward L. Pineau, of Jay, to serve as the Chair of the Commission to Study

the Use of Professional Strikebreakers.

Sincerely,

S/Charles P. Pray S/John L. Martin
President of the Senate Speaker of the House

Was read and ordered placed on file.

The following Communication:

DEPARTMENT OF PUBLIC SAFETY
STATE HOUSE STATION 42
AUGUSTA, MAINE 04333

February 1, 1992

Hon. John L. Martin
Speaker of the House
State House Station 2
Augusta, ME 04333

Dear Speaker Martin:

I am submitting the enclosed report on behalf of the Department of Public Safety and the Department of Human Services, pursuant to Resolve 1991, c. 17, Resolve, to Develop Evidence Protocols and Standardized Kits for Cases of Alleged Gross Sexual Assault.

The report proposes a method to standardize the collection of physical evidence from victims of alleged gross sexual assault. The standardization should lead to improved collection of evidence and should also reduce trauma to victims.

Sincerely,

S/JOHN R. ATWOOD
Commissioner

Was read and with accompanying report ordered placed on file.

The following Communication: (H.P. 1655)

Maine Turnpike Authority
430 Riverside Street
Portland, Maine 04103

February 5, 1992

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

Hon. John L. Martin
Speaker of the House of Representatives
State House Station
Augusta, Maine 04333

Dear President Pray and Speaker Martin:

I am pleased to forward to the Maine Legislature the

Maine Turnpike Authority's 1993 Revenue Fund Operating Budget in accordance with Initiated Bill Chapter 1, 1991. The specific section of the law is Sec. 3, 23 M.R.S.A. 1961 sub - 6.

I look forward to working with the Legislature and presenting background information on the MTA's 1993 Revenue Budget through the Committee process.

Sincerely,

S/Paul E. Violette
Executive Director

Was Read and Referred to the Committee on Transportation and sent up for concurrence.

**PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE**

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

Energy and Natural Resources

Bill "An Act Concerning the Use of Alternative Coding Systems for Plastic Containers" (H.P. 1649) (L.D. 2312) (Presented by Representative JACQUES of Waterville) (Cosponsored by Speaker MARTIN of Eagle Lake and Senator TITCOMB of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.
Sent up for Concurrence.

Judiciary

Bill "An Act to Ensure Continuing Knowledge of the Identity and Whereabouts of Convicted Sex Offenders" (H.P. 1652) (L.D. 2315) (Presented by Representative LARRIVEE of Gorham) (Cosponsored by Representative CATHCART of Orono, Senator ESTY of Cumberland and Representative OTT of York) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Bill "An Act to Enact Article 4-A of the Uniform Commercial Code" (H.P. 1654) (L.D. 2321) (Presented by Representative MARSANO of Belfast) (Cosponsored by Representative MAYO of Thomaston, Senator CONLEY of Cumberland and Senator HOLLOWAY of Lincoln) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Ordered Printed.
Sent up for Concurrence.

State and Local Government

Bill "An Act to Require Economic Impact Criteria on State Procurement Procedure" (H.P. 1650) (L.D.

2313) (Presented by Representative KILKELLY of Wiscasset) (Cosponsored by Representative HEINO of Boothbay, Senator McCORMICK of Kennebec and Representative KERR of Old Orchard Beach) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Ordered Printed.
Sent up for Concurrence.

Taxation

Bill "An Act to Impose a Sales Tax on All Items Sold at Flea Markets Except Those Sold by Nonprofit Organizations" (H.P. 1651) (L.D. 2314) (Presented by Representative DiPIETRO of South Portland) (Cosponsored by Representative PENDLETON of Scarborough) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Ordered Printed.
Sent up for Concurrence.

Utilities

Bill "An Act to Establish a Watershed District for Sebago Lake" (H.P. 1653) (L.D. 2316) (Presented by Representative KONTOS of Windham) (Cosponsored by Representative KUTASI of Bridgton, Senator RICH of Cumberland and Senator TITCOMB of Cumberland) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

Ordered Printed.
Sent up for Concurrence.

ORDERS

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

ORDERED, that Representative Walter W. Hichens of Eliot be excused February 4 for health reasons.

AND BE IT FURTHER ORDERED, that Representative Robert W. Spear of Nobleboro be excused February 4 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative James G. Skoglund of St. George be excused February 4 to 17 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Sumner H. Lipman of Augusta be excused February 11 and 13 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Charlene B. Rydell of Brunswick be excused February 6 for legislative business.

Was read and passed.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative ERWIN from the Committee on **Banking and Insurance** on Bill "An Act to Amend the Automobile Assigned Risk Laws of Maine" (H.P. 1411) (L.D. 2023) reporting "Ought Not to Pass"

Representative ERWIN from the Committee on **Banking and Insurance** on Bill "An Act to Ensure Continuity of Health Insurance Coverage" (H.P. 1422) (L.D. 2034) reporting "Ought Not to Pass"

Representative ERWIN from the Committee on **Banking and Insurance** on Bill "An Act to Require Insurance Companies Doing Business in Maine to Waive All Antitrust Immunities" (H.P. 1513) (L.D. 2125) reporting "Ought Not to Pass"

Representative ANTHONY from the **Joint Select Committee on Corrections** on Resolve, to Develop a Plan for a Coordinated System of Sanctions and Services for Convicted Sex Offenders (EMERGENCY) (H.P. 1518) (L.D. 2130) reporting "Ought Not to Pass"

Representative JACQUES from the Committee on **Energy and Natural Resources** on Bill "An Act to Improve the Administration of Municipal Landfill Closure and Remediation Plans" (EMERGENCY) (H.P. 1595) (L.D. 2249) reporting "Ought Not to Pass"

Representative LAWRENCE from the Committee on **Legal Affairs** on Bill "An Act to Prevent Intoxication-related Injuries, Deaths and Damages" (H.P. 1453) (L.D. 2065) reporting "Ought Not to Pass"

Representative SHELTRA from the Committee on **Business Legislation** on Bill "An Act to Prevent Insurers from Mandating the Use of Specific Parts, Products or Businesses" (H.P. 1413) (L.D. 2025) reporting "Ought Not to Pass"

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

Unanimous Leave to Withdraw

Representative LAWRENCE from the Committee on **Legal Affairs** on Resolve, Authorizing Fred Bubar, Thomas Bubar, Clifford Bubar, Galen Helstrom, Gary Helstrom and Gene Helstrom to Sue the State (H.P. 1446) (L.D. 2058) reporting "Leave to Withdraw"

Representative LAWRENCE from the Committee on **Legal Affairs** on Resolve, Authorizing David Boone to Bring a Civil Action against the Town of Princeton (H.P. 1510) (L.D. 2122) reporting "Leave to Withdraw"

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

Refer to the Committee on Transportation

Representative CROWLEY from the Committee on Education on Bill "An Act to Protect School Students from Potential Harm" (H.P. 1541) (L.D. 2174) reporting that it be referred to the Committee on Transportation.

Report was read and accepted and the bill referred to the Committee on Transportation and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

Ought to Pass as Amended

Representative PARADIS from the Committee on Judiciary on Bill "An Act to Provide More Effective Recovery of Child Support" (H.P. 1222) (L.D. 1780) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-899)

Report was read and accepted, the bill read once. Committee Amendment "A" (H-899) was read by the Clerk and adopted and the bill assigned for second reading Thursday, February 13, 1992.

Divided Report

Majority Report of the Committee on Education reporting "Ought to Pass" on Bill "An Act to Amend the Secret Voting Provision Governing School Administrative District Budget Proceedings" (H.P. 1440) (L.D. 2052)

Signed:

Senators: ESTES of York
McCORMICK of Kennebec

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

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

Signed:

Senator: BRAWN of Knox

Representatives: BARTH of Bethel
AULT of Wayne

Representative NORTON of Winthrop - of the House - abstaining.

Reports were read.

The SPEAKER: The Chair recognizes the

Representative from Stockton Springs, Representative Crowley.

Representative CROWLEY: Mr. Speaker, I move that the House accept the Majority "Ought to Pass" Report.

Mr. Speaker, Men and Women of the House: This is a very simple bill. At the school district meetings, it simply makes the vote rather than being a 10 percent vote, 10 percent of the people calling for a vote of those present to a majority of those present, and the reasoning for it was that, when they have numerous articles, each separate article in some meetings, it gets kind of tedious and long discussing them and so forth when just a handful of people want to debate them and this way, 50 percent of the people could make the choice which is usually the way it is conducted at other town meetings and so forth. A very simple bill.

The SPEAKER: The Chair recognizes the Representative from Wayne, Representative Ault.

Representative AULT: Mr. Speaker, Men and Women of the House: I hope you will vote against this motion so we may go on and accept the Minority Report.

I object to making it more difficult for citizens to vote by secret ballot.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: I don't know of an L.D. in the almost ten years since I have been here that has awakened the silent majority in my district as this L.D. has.

What this bill actually does is, when you have a School Administrative District budget hearing (and I want to tell you today that this is not a simple bill) and three towns get together (my district is three towns) a majority of the people who are there are, as we all know, school teachers and the people who work for that SAD and, believe me, I don't disagree with them, if it was my paycheck, I would be right in the front row, but the idea is, the people who go, the John Q. Public, the average citizen, is intimidated by all the teachers there. They would like to vote in private.

I wondered how many years we had been doing this so I did a little research. I went down to the Law Library and I started with the school districts back with the Sinclair Act and went on up through. I found that this was a Committee Report, March 30, 1984, reported by Representative Locke. Those of you who remember her, I believe she was the House Chair of the Education Committee. The original bill was presented by Representative Vinton Ridley of Shapleigh; cosponsored by Representative George Carroll of Limerick; cosponsored by Senator Frank Wood of York and cosponsored by Representative Stedman Seavey of Kennebunkport. Now some of us remember all these people.

What this bill does is provide for the use of a secret ballot if 10 percent of the voters at a district meeting of a School Administrative District vote to have a secret ballot. I believe in our democracy that we have always had a right to a secret ballot. I know that some would say that you would have 50 percent plus one - well, not when it is loaded with voters.

I believe that this takes away the right of the minority and defeats the reason why a secret ballot was adopted in the first place. The main objective of the secret ballot is secrecy. I know the telephone calls that I have had in the past two

weekends are people who say that they usually vote for the school. It is true, in my district, we have never denied the school anything. They feel if they wanted to vote something down, the next day their children are going to suffer in school. I do not believe that this is true but I believe whether it is real or perceived that you are taking the right of a fair vote away from the voter if we do not give them the right to vote in secrecy. We would never be able to get 50 plus one in order to have that secret ballot.

I also was told how long it would take if we had a secret ballot. Well, when I go to a town meeting or a school budget hearing, I guess I don't plan on the time whether it takes a little longer because somebody wants a secret ballot, that is their right and I believe they should have it.

I also was told that I had been in the minority so long that I didn't realize that the majority ruled and the minority didn't — believe me, the only one who thinks I am in the minority is everybody else because I certainly don't think so. Never have. I have my own mind and I usually speak it. I don't believe that I am in the minority. The majority of the people in my district are very upset about this and I wish today that you would vote against the Majority "Ought to Pass" Report so that we can go ahead and accept the Minority "Ought Not to Pass" Report.

Representative Whitcomb of Waldo requested a roll call.

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

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

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

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House: I hesitated to rise today but I want to respond because I am a cosponsor of this legislation.

Over the years, I have enjoyed a great relationship with the Representative from York, Representative Murphy, and that relationship will continue beyond today but I disagree with some of the comments she made.

First and foremost, I am a little amazed that this issue has become a partisan issue, it is not partisan in my mind. Let me tell you why I agreed to cosponsor this legislation, in fact why I sought out the sponsor and asked to be a cosponsor of this legislation.

I have conducted town meetings and school budget meetings in my legislative district since I was elected to the legislature. In fact, the first school budget meeting I conducted was less than a month after my election to this body.

Last June, while we were in the midst of our mess over here, I went home during the debate to conduct SAD 50's school budget meeting. There were over 300 people in attendance. The vast majority of the people that were in attendance, the clear majority of people who were in attendance, did not want to have secret ballots. But, because this statute exists, 35 people were able to order a secret ballot, a process

that took us over three hours to complete the first three articles on the warrant. It frustrated the process unnecessarily, I believe. Those people were certainly within their right and I ordered a secret ballot, once 10 percent of those present and voting said so, because that is what the statute provided.

Let me make it perfectly clear that there is no such statute that exists in the laws of Maine that dictate this for town meetings. There is no statute for town meetings, this is a unique statute that applies to school budget meetings.

We have a procedure for enacting school budgets in this state, there are two alternate procedures. I have three school districts that I represent, two of them use the Australian ballot method for approving their school budgets. You go into a voting booth and vote up or down on a series of articles and approve the school budget in that manner. My school district, the third school district, uses the town meeting form or the budget meeting form, where you go in and sit in the meeting room and vote up or down in the presence of everybody else, the school budget. The school district can choose either method. So, if Representative Murphy's constituents feel very strongly about a secret ballot, they simply need to change the method of voting for that school budget through the Australian method of voting. SAD 5, one of the school districts that I represent, just did that last year. They used to have the school budget meeting, they went to the Australian method to ensure the secrecy if people want that. It doesn't require a state mandate on a town meeting style that dictates a rule of procedure. It is inappropriate for there to be a state statute that dictates a rule of procedure. That should be left up to the people in that meeting to set their own rules of procedure so, if you want to have a secret ballot, there is a provision in the statutes to allow you to do that.

I am asking in cosponsoring this piece of legislation to try to simplify this school budget meeting process, a process that we like in SAD 50, a process that I think will continue in SAD 50, and we don't have to frustrate people. A lot of people left because they did not want to sit there to vote on amendment after amendment after amendment, which were all defeated with one exception. It takes an inordinate amount of time to conduct the business of a school district.

My intention is not to take away anyone's rights, I don't believe in taking away rights of people and I want that perfectly clear and on the Record. That is not why I cosponsored this legislation. I want to see a process that is as clean as possible so don't frustrate a process by trying to stick an Australian ballot in the middle of a school budget meeting and dictate that policy from this chamber because it is inappropriate.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House: I think it is great when 35 or 40 people can say that they want to vote in secrecy and have that right. I think that is one thing about democracy that is really wonderful.

Another thing, Representative Mayo is absolutely right when he said that there are other forms of voting. We are in the process right now, having gone to the school board and asking them if we could vote each in our own individual towns. They said if we wanted to do that, we would have to do that through

the petition process. We are doing that through the petition process. The school boards do not want to do it and I don't understand why if the people of the communities want to. They feel as though they have to be forced. We are not trying to intimidate them in any way but I think the people back home are getting to a point where they feel as though some of their rights are being taken away from them. I feel that this is one right being taken away from them when they go into a meeting and have to vote by a show of hands instead of the secret ballot. I think the secret ballot method is sacred and I think we should uphold it. This whole body passed this law back in 1984 and it wasn't even debated. There is not even one word of debate on it, it must have gone under the hammer. It happened the same way in the other body because I have checked it all out so evidently it was an awfully good bill then and it is an awfully good bill now.

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

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

I guess I need a little added clarification to be sure that I understand what is going on here. If I am right, you don't have to answer; if I am wrong, I hope somebody would respond.

This bill will give a local SAD District or school district the right to decide — is it on the municipal level or is it district-wide whether to use the Australian ballot or to vote on the school budget in a regular open town meeting fashion? I guess that is what this bill does, if I understand it correctly.

Secondly, is there a real need for this change?

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

The Chair recognizes the Representative from Thomaston, Representative Mayo.

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House: I apologize to the House, I may have been a little bit impassionate in my speech and went on in a couple of tangents and confused some people.

This bill has nothing to do with how the method of voting is chosen by its full district, that is current law. This bill only says that you can't mandate to a school budget meeting that 10 percent present and voting can mandate to the other 90 percent the method of voting that will be used. It simply changes it from 10 percent to a majority vote, which is the standard view of parliamentarians that I have looked to and Mason's Rule of Order as well. It has nothing to do with the Australian ballot method, that is a separate section of the statutes and that has not been changed by this legislation. It is only this very narrow requirement, if you will, by the legislature and by the statutes of the State of Maine that 10 percent can automatically order a secret ballot. What this will do is change it to a majority vote and you can still have a secret ballot. If the majority of the people in the room want to have a secret ballot, you can have one using this statute but it doesn't allow a very small minority to dictate to a very large majority the method of voting that will occur.

Is it needed at this time? An excellent question. This legislature has to answer that

question. I happen to think it is not appropriate and we should not have this law on the books. Had I known that it had been passed, I was a member of the House in 1984, I wasn't aware that it was going through the legislature but if I had, I would have voted against it at that time. I fundamentally do not believe that we should be dictating rules procedure for school budget meetings or town meetings or any other meetings in this body.

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

Representative LORD: Mr. Speaker, My Learned Colleagues: In SAD 57, we do have a secret ballot, Australian ballot. We vote on the first voting. However, if one of those articles on the secret ballot is voted down, we then go into a town meeting type of voting. What is happening in our district, and I think that is why Representative Ridley put it in, is we publish these open meetings and there's a lot of people left, including teachers and people who work for the district, who probably voted against some of the articles. By having a secret ballot, it gives them a chance to vote their conscience. If you have an open vote and the superintendent, principals, and school board members are there, then I think it takes away that right for those people to vote the way that they would like to vote and that is why I think we should vote this down and leave it the way it is.

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

Representative CROWLEY: Mr. Speaker, Ladies and Gentlemen of the House: Maybe to avert some of the confusion, in the title of this bill it says "school administrative district budget proceedings" and it is simply to make the vote acceptable if the people want it that way by a majority vote of the people if they want to vote on it.

I am really disappointed that some of you people have such low regard for teachers.

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

ROLL CALL NO. 298

YEA - Aliberti, Anthony, Cahill, M.; Carroll, D.; Cashman, Cathcart, Chonko, Clark, M.; Constantine, Cote, Crowley, Daggett, DiPietro, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Gray, Gurney, Gwadosky, Hale, Handy, Hoglund, Holt, Jacques, Jalbert, Joseph, Kerr, Ketover, Kilkelly, Kontos, Larrivee, Lawrence, Macomber, Mahany, Manning, Mayo, McKeen, Melendy, Mitchell, E.; Mitchell, J.; Nadeau, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paul, Pfeiffer, Pineau, Poulin, Pouliot, Richardson, Ricker, Rydell, Saint Onge, Sheltra, Simonds, Swazey, Townsend, Waterman.

NAY - Adams, Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bell, Bennett, Boutilier, Bowers, Butland, Carleton, Carroll, J.; Clark, H.; Donnelly, Farnum, Farren, Foss, Garland, Gean, Goodridge, Gould, R. A.; Graham, Greenlaw, Hanley, Hastings, Heeschen, Heino, Hepburn, Hichborn, Hichens, Hussey, Ketterer, Kutasi, Lebowitz, Lemke, Libby, Look, Lord, Luther, MacBride, Marsano, Marsh, Martin, H.;

Merrill, Michael, Michaud, Morrison, Murphy, Nash, Norton, Ott, Paradis, P.; Pendexter, Pendleton, Pines, Plourde, Powers, Rand, Reed, G.; Reed, W.; Richards, Rotondi, Salisbury, Savage, Simpson, Small, Spear, Stevens, A.; Stevens, P.; Stevenson, Strout, Tannaro, Tardy, Tracy, Treat, Tupper, Vigue, Wentworth.

ABSENT - Coles, Duplessis, Lipman, McHenry, Parent, Ruhlin, Skoglund, Whitcomb, The Speaker.

Yes, 62; No, 80; Absent, 9; Paired, 0; Excused, 0.

62 having voted in the affirmative and 80 in the negative with 9 being absent, the Majority "Ought to Pass" Report did not prevail.

Subsequently, the Minority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

CONSENT CALENDAR

First Day

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

(S.P. 519) (L.D. 1397) Bill "An Act to Establish a Seasonal Permit for the Sale of Deer Hides" Committee on **Fisheries and Wildlife** reporting "**Ought to Pass**" as amended by Committee Amendment "B" (S-533)

(H.P. 892) (L.D. 1289) Bill "An Act to Promote Comprehensive and Consistent Statewide Environmental Policy and Regulation" Committee on **Energy and Natural Resources** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-900)

(H.P. 1040) (L.D. 1513) Bill "An Act Relating to Best Practicable Treatment Determinations in Air Emission Licensing" Committee on **Energy and Natural Resources** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-907)

(H.P. 1414) (L.D. 2026) Bill "An Act to Amend the Charter of the Casco Bay Island Transit District" Committee on **Transportation** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-908)

There being no objections, the above items were ordered to appear on the Consent Calendar of Thursday, February 13, 1992, under the listing of Second Day.

(H.P. 1263) (L.D. 1832) Bill "An Act Allowing Zoning Boards of Appeal to Grant Dimensional Variances Based On Practical Difficulty" Committee on **Energy and Natural Resources** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-901)

On motion of Representative Lord of Waterboro, was removed from the Consent Calendar, First Day.

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

Committee Amendment "A" (H-901) was read by the Clerk.

Representative Lord of Waterboro offered House

Amendment "A" (H-909) to Committee Amendment "A" (H-901) and moved its adoption.

House Amendment "A" (H-909) to Committee Amendment "A" (H-901) was read by the Clerk and adopted.

Committee Amendment "A" (H-901) as amended by House Amendment "A" (H-909) thereto was adopted and the Bill assigned for second reading Thursday, February 13, 1992.

CONSENT CALENDAR

Second Day

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

(H.P. 1054) (L.D. 1543) Bill "An Act to Penalize the Department of Human Services for Failing to Make Prompt Child Support Payments to Obligees" (C. "A" H-892)

No objections having been noted at the end of the Second Legislative Day, the House Paper was Passed to be Engrossed as Amended and sent up for concurrence.

(H.P. 1588) (L.D. 2242) Bill "An Act to Clarify the Subdivision Definition under Maine Land Use Regulation Commission Laws"

On motion of Representative Jacques of Waterville, was removed from the Consent Calendar, Second Day.

Subsequently, the Committee Report was read and accepted, the Bill read once and assigned for second reading Thursday, February 13, 1992.

(S.P. 590) (L.D. 1562) Bill "An Act Providing Nursing and Boarding Home Residents with a Right of Action for Violations of Their Resident Rights" (C. "A" S-532)

(S.P. 807) (L.D. 2006) Bill "An Act to Extend the Reporting Date of the Commission to Study the Retirement Benefits Provided by the State" (EMERGENCY) (C. "A" S-531)

(H.P. 1441) (L.D. 2053) Bill "An Act to Achieve Parity between the Authority of Loan Officers of State-chartered Credit Unions and the Authority of Loan Officers of Federally Chartered Credit Unions" (C. "A" H-896)

(H.P. 1410) (L.D. 2022) Bill "An Act to Clarify the Laws Related to Credit Cards" (C. "A" H-895)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were Passed to be Engrossed as Amended in concurrence and the House Papers were Passed to be Engrossed as Amended and sent up for concurrence.

PASSED TO BE ENGROSSED

Bill "An Act to Clarify the Zoning Provisions Administered by the Maine Land Use Regulation Commission" (EMERGENCY) (H.P. 1589) (L.D. 2243)

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

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Replace Criminal Penalties with Civil Penalties for Violations of Weights and Measures Laws" (H.P. 1483) (L.D. 2095) (C. "A" H-893)

Bill "An Act to Provide Equitable Insurance Coverage for Mental Illness" (H.P. 1064) (L.D. 1553) (C. "A" H-883)

Bill "An Act to Provide Equitable Insurance Reimbursement for Acupuncture Services Provided by Licensed Acupuncturists" (H.P. 683) (L.D. 982) (C. "A" H-878)

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

FINALLY PASSED

Emergency Measure

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1992 (H.P. 1608) (L.D. 2270)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 110 voted in favor of the same and 1 against and accordingly the Resolve was finally passed, signed by the Speaker and sent to the Senate.

PASSED TO BE ENACTED

An Act to Require Certain Disclosures in Adoptions and to Provide Additional Protective Services for Children (S.P. 656) (L.D. 1732) (C. "A" S-526)

An Act to Regulate Certain Warrant Practices for Repairs to Watercraft (H.P. 1319) (L.D. 1909) (C. "A" H-866)

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

ORDERS OF THE DAY

TABLED AND TODAY ASSIGNED

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

Bill "An Act to Ensure Voter Participation in the Siting of Storage and Disposal of Radioactive Waste" (EMERGENCY) (H.P. 1642) (L.D. 2305) (Committee on Energy and Natural Resources suggested.)
 TABLED - February 6, 1992 by Representative JACQUES of Waterville.
 PENDING - Reference.

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

Representative JACQUES: Mr. Speaker, I would like to pose a question to the Chair, if I may.

In reference to L.D. 2305, I request that the Chair would rule (since we had L.D. 946 last session and was disposed of by this body) if this violates Joint Rule 37?

Subsequently, the Bill was tabled by the Speaker pending a ruling from the Chair.

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

HOUSE DIVIDED REPORT - Majority (8) "Ought to Pass" as amended by Committee Amendment "A" (H-888) - Minority (5) "Ought Not to Pass" - Committee on Utilities on Bill "An Act to Protect Telephone Customer Privacy" (H.P. 1118) (L.D. 1643)
 TABLED - February 6, 1992 by Representative CLARK of Millinocket.
 PENDING - Motion of same Representative to accept the Majority "Ought to Pass" as Amended Report.

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

Committee Amendment "A" (H-888) was read by the Clerk and adopted.

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

Representative Adams of Portland offered House Amendment "A" (H-912) and moved its adoption.

House Amendment "A" (H-912) was read by the Clerk and adopted.

On motion of Representative Clark of Millinocket, the House reconsidered its action whereby Committee Amendment "A" (H-888) was adopted.

On motion of the same Representative, Committee Amendment "A" (H-888) was indefinitely postponed.

The Bill was passed to be engrossed as amended by House Amendment "A" (H-912) and sent up for concurrence.

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

HOUSE DIVIDED REPORT - Majority (9) "Ought Not

to Pass" - Minority (4) **"Ought to Pass"** as amended by Committee Amendment "A" (H-887) - Committee on Labor on Bill "An Act to Open Teacher-employer Bargaining to the Public" (H.P. 1132) (L.D. 1657)

TABLED - February 6, 1992 by Representative McHENRY of Madawaska.

PENDING - Motion of same Representative to accept the Majority **"Ought Not to Pass"** Report.

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

Representative MARSANO: Mr. Speaker, Ladies and Gentlemen of the House: This a bill which I offered as a result of a sense of frustration that exists in some of the communities that I serve in the capacity, both as school district attorney and as, in one case, a member of the voting public.

In one of the school districts, there is an openness to teacher salary negotiation, that is the largest single item in the school district budget is placed before the committee and there is a full and fair opportunity for everybody to go to the meetings. I am told that not many people go but the opportunity for the public is there and the negotiations proceed usually fairly quickly to a resolution. In the district in which I live, the present rule, which is what this statute purports to change, exists. The present rule is that, unless both parties agree, the negotiation sessions are held without public access. In my view, the public access simply removes the opportunity for people to complain about the way in which the system functions from complaining. If they want to go and listen and hear, they can do it. They can't participate under the Minority Report but, in order to adopt the Minority Report, you will have to reject the Majority Report. I hope that you will do that.

It doesn't make any sense to me that people ought not to be able to sit and listen to people negotiate about the largest single item in the school district budget. All I care about is the fact that people, because they have a sense of participation, will be more amenable to accepting the results that is reached in the negotiations. They have no negative feelings towards any group, it is either group, the school districts or the teacher negotiation team, who can presently prevent the open negotiations. I don't think that is fair, I think it ought to be open to the public. I hope you will reject the Majority Report in order to accept the Minority Report.

I request a roll call.

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

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

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

ROLL CALL NO. 299

YEA - Adams, Aliberti, Anthony, Ault, Bell, Boutilier, Butland, Cahill, M.; Carroll, D.; Carroll, J.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Constantine, Cote, Crowley, Daggett, Dipietro, Donnelly, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Farnum, Foss, Gean, Goodridge, Gould, R. A.; Graham, Gurney, Gwadosky, Hale, Handy, Heeschen, Hichborn, Hichens, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kontos, Larrivee, Lemke, Luther, Macomber, Mahany, Manning, Martin, H.; Mayo, McKeen, Melendy, Michael, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pendleton, Pfeiffer, Pineau, Plourde, Poulin, Powers, Rand, Reed, W.; Richardson, Ricker, Rotondi, Rydell, Saint Onge, Salisbury, Simonds, Simpson, Stevens, A.; Stevens, P.; Strout, Swazey, Tamarro, Tardy, Townsend, Tracy, Treat, Vigue, Waterman, Wentworth.

NAY - Aikman, Anderson, Bailey, H.; Bailey, R.; Barth, Bennett, Bowers, Farren, Garland, Gray, Greenlaw, Hanley, Hastings, Heino, Hepburn, Kutasi, Lebowitz, Libby, Look, Lord, MacBride, Marsano, Marsh, Merrill, Nash, Ott, Pendexter, Pines, Reed, G.; Richards, Savage, Spear, Stevenson, Tupper, Whitcomb.

ABSENT - Carleton, Coles, Duplessis, Lawrence, Lipman, McHenry, Parent, Pouliot, Ruhlín, Sheltra, Skoglund, Small, The Speaker.

Yes, 103; No, 35; Absent, 13; Paired, 0; Excused, 0.

103 having voted in the affirmative and 35 in the negative with 13 being absent, the Majority **"Ought Not to Pass"** Report was accepted. Sent up for concurrence.

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

HOUSE DIVIDED REPORT - Majority (11) **"Ought Not to Pass"** - Minority (2) **"Ought to Pass"** as amended by Committee Amendment "A" (H-885) - Committee on Taxation on Bill "An Act to Promote Motor Vehicle Fuel Efficiency" (H.P. 1168) (L.D. 1709)

TABLED - February 6, 1992 by Representative CASHMAN of Old Town.

PENDING - Motion of same Representative to accept the Majority **"Ought Not to Pass"** Report.

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

Representative CASHMAN: Mr. Speaker, Ladies and Gentlemen of the House: This bill, L.D. 1709, is an attempt to affect automobile buying patterns by putting a fee on the purchase of vehicles that don't meet certain mileage requirements and are termed gas guzzlers and providing a rebate for the purchase of vehicles that do meet those standards.

I think the committee felt that there were a number of practical problems with trying to do this. There is an exception made in the bill for handicapped equipped vehicles but there are no exceptions for things like large families who have buy large cars or people who buy cars with safety standards in mind that don't get the optimum amount of gas mileage. More important than the practical problems with this bill, I think the committee felt that there some major administrative problems. For

example, there is no methodology in the bill. The fee is collected at the time of sale and there is no methodology in the bill to collect that fee from vehicles purchased outside the State of Maine but are going to be registered in Maine. The bill sets up a system whereby the fees would go into a fund to be used for rebates. There would be stickers on cars and you went and bought a car and it was a gas sipper, then there would be a sticker on it that said, "You are entitled to a \$200 or \$300 rebate." However, in an effort to achieve revenue neutrality, if not enough gas guzzlers are purchased so there is no money in the fund, you don't get a refund.

Lastly, while the bill intends to be revenue neutral, there would be startup costs and administrative expenses in the first year that would result in a rather hefty fiscal note. So, with all these administrative problems, the committee voted 11 to 2 "Ought Not to Pass" and I hope the House will go along with that.

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

Representative HEPBURN: Mr. Speaker, Ladies and Gentlemen of the House: I would like to urge that you reject the Majority Report and accept the Minority "Ought to Pass" Report.

I just want to start out by reading to you a few words that other people have written about this piece of legislation before we get to really discuss this thing.

From the American Lung Association: "The American Lung Association of Maine urges you to pass the amended version of L.D. 1709. Efforts that reduce air pollution by providing incentives for fuel conservation will help improve respiratory health. While L.D. 1709 will not solve the entire problem, it is clearly a step in the right direction." Sincerely, Edward F. Miller, Executive Director of the American Lung Association.

From the State of Maine, Department of Environmental Protection: "Motor vehicles in fact account for over half of the ozone forming hydrocarbons and nitrogen oxide emitted in the State of Maine. Obviously, as fuel efficiency decreases, more gasoline is used, thus increasing the amount of air pollution emitted into the air.

To make matters even worse, a number of vehicles on the road and their miles traveled is steadily increasing, doubling in the last 20 years.

Benefits of the bill include incentives for car manufacturers to make technological improvements in fuel economy beyond what the federal standards require, the reduction of air pollution, reduction of gasoline consumption through fuel economy benefits and reduction in global warming emissions. The use of economic incentives in the market is an appropriate and efficient way to deal with environmental problems and one which is encouraged by the United States Environmental Protection Agency. I, therefore, urge the committee (in this case) to give L.D. 1709 a favorable report." Sincerely Dean Marriott, Commissioner.

From some of the state's newspapers: February 6, 1992, the Portland Press Herald. "High altitude reconnaissance U-2 aircraft out of Bangor have found that air over New England carries the highest level of ozone damaging chemicals ever recorded. That is serious news. Medical experts are concerned about the effects of the thinning of the ozone layer and what those effects could have on skin cancer,

cataracts, immune diseases, as well as the overall effect on the planet.

Maine can act to protect itself. A little known bill expected to come up in the House this week would reward Mainers who buy fuel efficient cars and light trucks while penalizing those who go with new gas guzzlers. The measure would impose a fee of \$6 for one-tenth of a mile on all new non-commercial cars and light trucks whose gas mileage rate below 23.4 miles per gallon and 17.4 miles per gallon effectively. Handicapped vehicles would be exempt and so would a number of minivans and other large family vehicles that exceed the mileage ratings already.

With the ozone layer apparently thinning over our heads, lawmakers would be wise to support the sensible effort to reduce air pollution here."

Again on February 6, 1992 from the Kennebec Journal: "The worst gas guzzlers, trucks getting less than an EPA average of 17 miles per gallon and cars under 23 miles per gallon would be taxed from \$16 for a Ford F250 full-sized pickup to \$490 for the biggest gas hog, the Mercedes Benz 560 SEL.

And, for 'buy American' backers, it is worth noting that the 15 worst gas guzzlers are foreign. The money collected would be rebated to those who buy the most fuel efficient vehicles, \$350 for the 50 GL Metro, 47 miles per gallon and \$200 for such popular models such as the Ford Escort and Chevy Cavalier.

The bill is a fairly modest effort to reorient Maine car buying habits. Americans are disproportionately contributing to world problems such as global warming and the depletion of the ozone layer. We are also stifling our own lungs through dirty air; yes, even here in Maine. We can't wait for Congress to smarten up. California is expected to enact a similar law this year and Maine should lead the way for the East coast."

I just want to briefly address some of the concerns over the fiscal note. Several of the calculations that I have seen concerning what the bill will take in and what the bill will pay out — naturally, the bill was intended to be revenue neutral with the fees that the gas guzzler vehicles pay in or the buyers of those vehicles would pay, and would pay for the rebate that the more fuel efficient cars would be receiving so, therefore, the bill would be revenue neutral. However, there is a slight cushion built into this that would take care of some of the administrative costs outlined in the fiscal note.

Let's look historically for a minute at the things that we have done environmentally in this state and in this nation. In the state, we have mandated the closing of landfills. We have mandated higher property taxes, a great deal of inconvenience at the municipal level and yes that was important because we have a severe environmental problem with some of our leaking dumps.

A few years ago, we mandated returnable bottles. That was a higher cost to the distributors and, therefore, the consumers. Yes ladies and gentlemen, that was very important because it took all those containers out of the wastestream and it was the right thing to do.

Then we have mandated air and water discharge standards, particularly to industry, particularly in the last few years in terms of color, odor and foam legislation costing millions and millions of dollars to industry and particularly the paper industry

because it was important to clean up the air and water. It is very important.

A few years ago, we mandated taking billboards down, cost and inconvenience to many Maine people and many Maine small businesses.

We mandated taking the logs out of the river because the fish were having a hard time spawning there and that was important and that was appropriate.

This bill, however, strikes at the greatest source of air pollution in the State of Maine, which is the automobiles that you and I drive and it does so with no state mandates and without the expenditure of a single state dollar, ladies and gentlemen. On top of that, it gives young working families a break who want to buy a new car, in effect by reducing their sales tax rate to as low as 3 percent with the rebates that are available under this program. Once again, those people who buy gas guzzlers pay more but they finance the rebate for those people who buy fuel efficient cars under the bill.

Most importantly, a fact that we haven't talked much about, and how soon we forget the Gulf War we fought only a year ago, is that this bill will help reduce our dependency on foreign oil in countries like Iran and Iraq, once again, with no mandates and no state dollars.

This bill is a pro-health, pro-environment, pro-consumer, pro-economy, pro-family and pro-America bill and, ladies and gentlemen, I hope you will reject the motion on the floor so we can go on and accept the Minority Report and pass this bill.

Mr. Speaker, I request the yeas and nays.

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

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

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

Representative HOLT: Mr. Speaker, Men and Women of the House: If you have read the material that has been passed out to you from the research people who are for this bill, you will know that L.D. 1709 does not make people buy any particular kind of car, either for safety or the size of the family.

Under this bill, people can drive any size or type of car they want because many of the larger cars are far better at fuel efficiency than the smaller ones. Studies that have been done prove that. Big four-wheel drive trucks, for instance like the Ford Explorer, you might think to be penalized — no, it pays no fee. Roomy minivans that families like, like the Ford Aerostar and the Dodge Caravan, pay no fee. Full-sized American sedans like the Oldsmobile 88 and Pontiac Bonneville pay a fee equal to less than one-half of one percent of the cost of the car.

As for administration of the bill, the first bill that was presented was a sliding tax scale on different classes of cars, which would have been very difficult we learned from our tax chief in Maine to administer. An amendment was prepared in which the fee base that is going to be used in other parts of the country and which really drives the technology to make us get a fuel efficient car is the method is used. It is all figured out, no one has to do any figuring. The sticker has to be put on the car just

like the sticker that you see on the car already when you go to buy a new car. Remember, this is only new vehicles of passenger cars and light trucks. It is already set up. The figures that were generated from a study to try to show how much money might come to pay people for rebates was based on the 1990 sales of cars in Maine. We know that sales are a bit down but they are going to come up again. We know that, this is not to punish auto dealers, it is to protect our health and safety and push technology toward safer and less fuel guzzling cars. The figures that we generated were very interesting. We found that, based on 1990 sales in Maine and the kinds of cars Americans buy, this would generate over \$2 million dollars at the 1990 level of sales for cars in Maine. That is more than enough to take care of the yearly costs to administer this bill, more than enough. In fact, you may have to watch out in the future to keep it revenue neutral. Probably the only problem that we will have is getting more money so it isn't revenue neutral. We would have to pay more in rebates, perhaps. That would not be so bad. Who knows, maybe we would want to make use of the money in the future. Maybe some legislature would say that this is a good thing, we need this money, we are pushing technology toward health.

Anyway, there would be more than enough money to pay for administration and no rebates will be paid until the fees cover it. If there needs to be some startup money to administer this, it is entirely possible to borrow a little bit from the Highway Fund or the General Fund and pay it back. It will be paid back because the funds will be there.

I don't want to go on haranguing very long, everyone at this time of day seems to want to go somewhere else but this is terribly important and I am going to keep speaking a bit longer.

Did you know that a New York Times poll sponsored by CBS in 1989 found that an astonishing 80 percent of us Americans believe that protecting the environment is so important that requirements and standards — get this — cannot be too high. Continuing environmental improvement must be made, and listen to this, regardless of cost. This isn't going to cost us anything but Americans feel that way and well they might. The Union of Concerned Scientists' recent report advises us to shift some of the tax burden from income to pollution. They want us to understand that raising the fuel economy in new cars from 28 miles per gallon to 46 miles per gallon during the next ten years, while maintaining vehicle size, performance and safety, can be done. Studies have shown that already at an average cost of saved energy, and this is the big important thing, of only about 50 cents a gallon, half the current price of gas.

In a letter to President Bush in January, 1991, the National Wildlife Federation states and I quote: "The biggest, single step this country can do to secure America's energy future is to improve the fuel efficiency of our auto and light trucks."

In January of this year, the Maine Transportation Coalition called L.D. 1709 "strongly pro-consumer." Why? Because consumers have become smart, they understand media hoopla when they see it. They know when their interests are being pitted against special interests.

Who wants to pay \$2,000 more for gas over the life of a gas guzzling car? This bill would not increase demand for gas guzzlers, as the AAA says.

That is more hoopla. Some of the hoopla says that we should not penalize those who buy a less efficient car — wait a minute, we are all penalized in poor air. Asthma is now known to be caused by lung inflammation and irritation. They used to teach me when I was nursing school that it was spasm of the bronchial tubes but now the American College of Allergy and Immunology has just said (it came out in the New York Times recently) that three million children under the age of 18 suffer from asthma. The deaths from asthma has more than doubled in this country and in Maine in the last decade. It is the fastest growing cause of death in Maine's children, as the good Representative Hepburn from Skowhegan has just told you. I want to emphasize it, it is important.

As to hurting business, dear friends, there is every reason in the world to think that it would help Maine business. New cars that come registered in Maine have to pay our sales tax, don't forget. It is no longer the case, by the way, that what is good for business is necessarily good for us all, especially when it comes to businesses that pollute.

Maybe some of you read the book, *The End of Nature*, it certainly put a cloud over my life when I read it. It was in the *New Yorker* magazine by Bill McKibbens. In that book, he reminded us that the average American car releases its own weight in carbon in the air every year. Now that is the biggest reason why, on a clear day, the sky is less infinitely blue.

Maine's transportation fuel use grew a staggering 40 percent during the 1980's and we send our boys and girls off to fight for oil. Many states south of us are considering legislation similar to this, they truly are, Massachusetts, Connecticut, and Maryland but our leadership, as the Representative from Skowhegan has asserted, may indeed inspire others to take action. We need this in addition to tailpipe emission standards. We also need an inception program to keep cars on the highways in good shape so they don't emit too many pollutants. Pollutants, there are just too many everywhere but is this too much to ask for improving Maine's air quality? I don't think so.

Even though my grandparents were farmers, I have to tell you that when the farmers couldn't sell their horses and cows anymore, my grandpa and my Dad had to go into the car business. My Dad got a diamond ring or pin every year for being the best car salesman in the State of Maine for Chevrolet, so I can tell you I am not anti-car salesman or car dealer.

Please defeat the motion before you and go on and strike a blow for infinitely blue skies again.

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

Representative DIPIETRO: Mr. Speaker, Ladies and Gentlemen of the House: I won't take too much of your time. As you know, I am in favor of the "Ought Not to Pass" motion and my reason for this, ladies and gentlemen, is because it says that any new car that comes into the State of Maine will have to have a tag on it and we will have to pay more money. Actually what you are going to be doing is you are going to be selling more used cars. People are just not going to spend the money for the new cars and be punished for purchasing a car that doesn't meet the criteria that the State of Maine has. My concern here is that, if we start with automobiles this year,

I love the concept, I think the concept is a wonderful thing and I think someday we have got to do something, I just think the timing is very, very bad at this time and, if we go with cars, we are going to have to go with boats and everything that pollutes. If you are in favor of this bill tonight, remember, it doesn't stop here.

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

Representative MAHANY: Mr. Speaker, Ladies and Gentlemen of the House: I am one of the proponents of the "Ought to Pass" Report from the Taxation Committee so I think I should rise and indicate my reasons for supporting this bill. Many of them have already been indicated and I will not go into details and some of you will be very grateful to hear that.

I would simply like to reiterate one point that Representative Holt made, that Maine's transportation fuel has grown 40 percent during the 1980's. We have recently been reminded, and I am sure that we were all very surprised, that the ozone layer in the Northeast is astounding, it is staggering and it is threatening. If I am not mistaken, it was even indicated that there may develop an ozone hole over the Antarctic. In any case, there is no question in my mind but that ozone has reached dangerous proportions in the place where I live. Global warming also threatens and we know that automobiles are one of the primary causes of the deteriorating ozone in the atmosphere.

To make a long story short, for all of the reasons that have been indicated tonight, I felt morally bound to support this bill. I think what we are dealing with here is an ultimate concern. By that I mean that we are dealing with the prerequisite of life itself on this continent and in this area. We are not dealing with some temporary problem, which if you will pardon my saying so, our economic crises at the present time is, I believe it is a temporary problem, more temporary than I suspect, but the ozone issue and global warming are issues that can reach a point of no return. If we cross a certain line, there will be no return.

I think we should be leaders in this United States of America on this issue. This is not a far-out idea, the time for it is now and we have no time to wait. It is a modest step, it points us in the right direction, it sets an example for the rest of the United States, an example I might add, that Ontario in Canada has already given North America, which has a similar but more differentiated piece of legislation. I also think that the ozone deterioration is not a linear thing, it is a geometrical thing and I would ask you to support this Minority Report and to defeat the Majority "Ought Not to Pass" Report. I would ask you to be a leader in these United States regarding this question as we were a leader in eliminating capital punishment. Perhaps, unwittingly, that's what we will be doing by supporting this piece of legislation.

The SPEAKER: The Chair recognizes the Representative from Norway, Representative Bennett.

Representative BENNETT: Mr. Speaker, Friends and Colleagues of the House: When I first heard of this bill, I found it amusing, not because of the substance of the bill, but rather because of the notion that two people with such divergent views in philosophies as Representatives Hepburn and Mahany could stand alone together on the Minority Report of any bill. From being amused, I became intrigued,

knowing that this bill must be an innovative piece of legislation. After looking more deeply into the bill, I found it not only intriguing, but compelling as well.

This bill as amended is very simple. I just want to repeat quickly what it does so there is no confusion. It would reward purchasers of new non-commercial vehicles rebates for choosing cars that are fuel efficient. Automobiles and light trucks that get 27 miles per gallon or more will earn a rebate of \$200; those getting 34 miles per gallon or more will yield a rebate of \$350. On the other hand, automobiles getting below 23.4 miles per gallon and light trucks that get below 17.4 miles per gallon will be assessed a fee at the time of purchase of \$6.00 for each tenth of a mile per gallon that the vehicle is below those standards. By far, the greatest single contributor to Maine's air pollution are motor vehicles, not boats, not airplanes, but motor vehicles. Fully one-half of the hydrocarbon and nitrous oxide spewing into our atmosphere creating dangerous ozone levels and contributing to global warming are generated by motor vehicles. Greater fuel efficiency means less pollution.

In the course of discussing this bill with my colleagues, I have encountered some misperceptions and myths that I have heard again on the floor of the House tonight and I believe they need to be addressed and need to be dispelled.

Myth 1: This bill is a mandate that will require people to buy certain automobiles and not others. The fact is that this bill requires nothing. Consumers retain the right to do as they please, to choose as they please. This bill provides only incentives and disincentives to encourage more responsible buying behavior.

Myth 2: This bill will encourage the purchase of foreign cars at the expense of American cars and American jobs. The fact is that American automobiles are benefited by this bill. In the list of the top 30 gas guzzling automobile models, only three are American, while the list of the 20 most fuel efficient models include twelve American cars. Furthermore, it is increasingly difficult to distinguish American from foreign cars these days. The Ford LTD Crown Victoria, for example, which is one of the three American cars on the gas guzzling list is assembled in Canada with parts from the United States, Japan, Mexico, Britain, Spain and Germany. The Mazda Navajo is manufactured in Kentucky by Ford. The Geo Metro is made by Isuzu and Suzuki.

Myth 3: This bill will penalize people who need or want a large car and reward those who buy small cars. This is not necessarily true. Surprisingly, the size of a car is not an absolute determined on its fuel efficiency. Large cars are not always the worst. The 20 least fuel efficient cars of 1990 included only one large car or station wagon and that was the Cadillac Brougham. In fact, the car with the worst gas mileage is a subcompact, the Lamborghini Diablo. Under this bill, minivans, such as the Dodge Caravan, Plymouth Voyagers or Chevy APV, which are very popular with large families, would be charged no fee. Neither would popular four-wheel drive vehicles, like Ford Explorer, Jeep Cherokee and the Toyota Forerunner.

Myth 4: This bill would encourage people to buy unsafe or less safe automobiles. The fact is that there is absolutely no relationship between gas

mileage and vehicle safety. The federal government crash tests confirm that. The Ford Escort and the Chevrolet Corsica have excellent crash test performance and would receive a rebate. Some of the worst gas guzzlers such as high performance sports cars have very poor safety records. Also, considering the public safety, we cannot ignore the danger of air pollution. Groups like the American Lung Association, as you have heard, support this because of health and safety issues.

Myth 5: This bill will hurt Maine businesses who need heavy trucks. The fact is that commercial vehicles are not included in this bill.

Myth 6a: This bill is a secret tax increase or 6b, this bill will drain on the state treasury. The fact is the bill is mandated to be revenue neutral. Fees and rebates will vary each year to make sure that this is the case and that administrative costs of this bill are covered.

Myth 7: This bill, by only targeting new cars, doesn't deal with older vehicles which are the real polluters, we have heard that, and consequently, will have little immediate effect on the pollution problem. The fact is that it doesn't take long for a new car to become a used car. This bill, in my view, will have an immediate effect. Car buyers, individual consumers will immediately feel the effects of this bill, the rebates and the fees. This bill takes the fuel efficiency debate and carries the responsibility for environmental protection to the front line, to the individual consumer.

As we could see during the Persian Gulf War barely a year ago, the true costs of oil and oil dependency on our society is not reflected in the price at the pump. I believe Maine people know this. This bill sets a standard that I believe they will be eager to follow. That is why beyond amusing and intriguing and compelling, I find this bill ultimately inspiring. By calling upon Maine people to make the decision, by providing individuals with incentives, not mandates, this bill keeps the power where it should be and it lists and involves ordinary citizens in the fight to save our environment. I commend the authors of this legislation and I encourage you to vote no on the Majority Report so we can accept the Minority Report and go on to enact this forward-looking legislation.

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

Representative PFEIFFER: Mr. Speaker, Men and Women of the House: As one of the cosponsors, I would just like to add a very few words to the excellent presentation made by the sponsor, Representative Holt.

I have always thought it was too bad that the oil shortage in the 1970's didn't last longer. That was a period when, for the first time, we began to develop a sensible energy policy. We lowered our speed limits, we lowered our thermostats, we began to drive more fuel efficient cars and we gave tax credits for alternate sources of energy like solar and windpower. We even began to alter patterns of land use. We began to curtail the extension to the subdivisions and shopping malls chewing up the landscape. But, when cheap oil started flowing again, we speeded up on the highways, we raised our thermostats, we abandoned the tax breaks and we began to drive less fuel efficient cars.

The problem, of course, is not only that oil is a

finite resource, which it is, it is going to run out someday, but as the previous speaker mentioned, it is the hidden cost as we have been hearing all evening. It is a cost in air pollution on our health and general well being, it is the runoff of oil and gas into our water supplies, it is our landfills being choked with petroleum-based plastics and it, of course, even more serious is the billions of dollars and thousands of lives that was sent to protect access to Persian Gulf oil. Sooner or later, we have got to find an answer to this problem and we have got to return to a very sensible energy policy.

L.D. 1709 seems to me to be a very creative step in the right direction and I would urge your support for this legislation.

The SPEAKER: The Chair recognizes the Representative from Wilton, Representative Heesch.

Representative HEESCHEN: Mr. Speaker, Members of the House: A couple of years ago, a friend of mine had to drive from Philadelphia back to Maine through the industrial and automobile polluted Philadelphia area, New Jersey, the Metropolitan New York area, through Connecticut, Rhode Island, and Boston; in short, the megalopolis. She wondered with this experience, why is it that when we know what we are doing is causing us problems and why is it that when we know what we are doing is doing damage to our environment and we know is doing damage to us — why do we go on as if it is "business as usual?" We have known about air and water pollution for years but often we just on as if it is "business as usual." We have known about the ozone hole for years but we are going as if it is "business as usual." We have known about the implications of global warming for years but we are going on as if it is "business as usual." We have known that our regional dependence on petroleum drains money, much needed money, from our regional economy and puts us at risk but we have gone as if it is "business as usual." We have known what is happening to this planet for years because of our actions but we are going as if it is "business as usual."

Will we do nothing until it is too late? It is time now for us to take action. If not action that will avoid further harm, at least take action that will ameliorate the damage that we are doing to us, to our planet and to our descendants.

I, too, urge you to vote against the Majority Report so we can accept this bill.

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

Representative MICHAEL: Mr. Speaker, Ladies and Gentlemen of the House: I agree with the two previous speakers as to the urgency of this bill. I want to address the House as to why I see that it happens this way.

If a human being or any biological creature receives any kind of stunning blow, it reacts accordingly as we did as a society and as a species with the oil crisis back in the 1970's.

The Representative from Brunswick is correct, that in a way, it is unfortunate that that crisis didn't last long enough.

If someone cuts off our arm, we will react. If, for instance, talking in the domain of air pollution there is a volcanic eruption as there was in Seattle a few years ago, and the air is immediately degraded, everybody becomes upset and aware of what is happening. We realize that there is a problem with the air and we want to do something about it and we

want to protect ourselves but that is not how life works. The degradation of the environment and of the air has occurred very, very slowly so that we don't notice the gradual changes, that one-half a percent a year, so it goes unnoticed. We think that it is natural.

I was sitting out at Lake Auburn last summer, gazing out at the lake and I looked over toward the city, I was on the north Auburn side, and at first I thought it was a nice haze over the water and then it kind of hit me, I was shocked, I realized it was not haze, it was smog. There was smog over the city of Auburn, something that I had never comprehended that we had in Maine but it was there and it wasn't there 15 years ago. We didn't notice it come in because it didn't come in a big clump, it crept up on us gradually and slowly.

If you look at the statistics over the last ten or fifteen years, you will find that respiratory diseases are skyrocketing. Even skin diseases are skyrocketing because we have gone over that threshold where the species on the planet can't take anymore of this pollution. So we are choking to death in our own air. We don't notice it because it happens so slowly.

This bill was first put in, or a similar bill, several years ago by myself in this legislature and people raised the same objections saying that it was a little bit too drastic, we should move slowly, we should think about it but nothing happens. If we don't act today, nothing is going to happen for several more years.

I have one advantage over some of you people in this room, most of you were elected a year and a half ago to the legislature — that same year, I was managing a Senate campaign for someone else so I was out in the field talking to the voters. Then I ran in a Special Election a few months ago, one year later, so I was back before the voters one year later and I will tell you, they have changed. They are up in arms and they want us to do something. So, I urge you to act today, not talk about it, not think about it, because the tradition is that nothing happens in this body so we have a chance to do something today. It is a very, very important bill, it is very symbolic. If there are any problems with this bill, we can iron them out, we can take care of them, but if we let this thing slip by, sweep it under the rug one more time, we will be setting an example perhaps for the rest of this session, perhaps the rest of this decade so I urge you to vote against the "Ought Not to Pass Report so we can accept this bill and move forward."

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

Representative TARDY: Mr. Speaker, Men and Women of the House: You don't know what a gas guzzler is until you have been to the pump with my car. It is a 1976 Ford, it is the ugly yellow one you might have seen and I would like to junk it out and buy something new but there are six people in my family and my three sons are all bigger than I am, though not quite so flabby. The car that I would replace it with probably gets 20 miles to the gallon instead of 13 but I am going to be penalized for a 50 percent increase in my mileage. I probably won't buy that new car, I will buy Representative DiPietro's 1984 Oldsmobile. That is what is happening to the new car sales in the State of Maine right now. In 1988, we were selling approximately 90,000 new cars in the

State of Maine. Last year, somewhere around 45,000 were sold. We are down 20 percent on new car dealers and I don't think this is the time to drive another nail into the coffin and I would urge you to support the Majority Report.

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

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

Coming from the border of New Hampshire, where many cars are sold to Maine purchasers in New Hampshire and then brought back to Maine and registered in Maine — as you know, we pay our sales tax based on registration but reading this bill it seems to me that the payment is at the time of purchase and sale of all new automobiles and it concerns me as to whether or not, in my area, would it mean that were I to buy a car in New Hampshire and then bring it back to Maine to register that I would not be imposed by this tax? Is it different than I read it?

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

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

Representative CASHMAN: Mr. Speaker, Ladies and Gentlemen of the House: I apologize to the House for not being here to hear the gentleman's question in its entirety. As I understand it, his question is, if somebody buys a car in New Hampshire, would they have to pay this fee? The way the Minority Report is written, the answer would be no, they wouldn't. If they bought a car in New Hampshire, it is not a sales and used fee, it is sales fee collected at the time of the sale. There is no mechanism, and I said this in my opening remarks, there is no methodology by which that fee could be collected. I suppose it would to one's advantage to buy it in New Hampshire.

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

Representative HEPBURN: Mr. Speaker, Ladies and Gentlemen of the House: The Representative from Fryeburg has touched on a point that the Representative from Old Town had mentioned earlier concerning the New Hampshire issue. As you are all aware, many of the bills that we are cranking out now, in many cases, are not in their most perfect form. That is true, there is another technical problem with this bill that, if we go ahead and put the bill in a posture where we can amend it on the floor of the House, we can do that. Obviously, we could take care of that problem at the same time. So, I would not use that as a reason not to support this piece of legislation. There is a technical amendment that the sponsor of the bill, Representative Holt, has already prepared and we can certainly go further with that to take care of this New Hampshire problem because that is a real problem and one that certainly can be addressed by amendment.

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

Representative MURPHY: Mr. Speaker, Ladies and Gentlemen of the House: The little problem that Representative Hastings mentioned — those of us who are fortunate enough to live on the border, we do have an advantage over this.

Another thing, you can get in position and you can put an amendment on it to take care of that, but this only applies to new cars and anyone of us down

there can get someone in New Hampshire to buy that car and a month later re-register it in Maine, it is a second-hand car and we can get out of it. You can't fool us that easily, we are a little sharper than that.

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

Representative HOLT: Mr. Speaker, Men and Women of the House: Carers of the state, mothers, fathers, grandmothers — here we go again, we can't do this because it is going to cost too much money. I don't think it is going to cost that much money. We are going to get some very good press from this if we do it. We are going to get medals. Please don't forget, there are just as many New Hampshire kids who have asthma as there are in Maine.

We are not talking about money so much here. We are going to make money in the end, it is going to help our dealers, I know that it will. That is a small part of the state to bring up this problem about money at the point where we are feeling all over the world that we have to change our ways and that is just why we haven't made any progress.

I spoke to the Taxation Committee about the bill, I sensed there was a lot of support for it. One member said to me as an aside, "Gee, this is a good idea, it has a great chance next session." I don't think our children want us to keep doing that.

I went to the Taxation Committee from a public health standpoint and the younger members of the opposite party have spoken very clearly that they understand the issue.

What is going to have to happen in our United States of America is that we are going to have to push for cleaner environment through tax policy. That is the reality of it, through tax policy. Now is your chance, get the ball rolling. Maine is a leader, keep her there. This isn't going to hurt anyone, it is going to help a lot.

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

Representative MAHANY: Mr. Speaker, Ladies and Gentlemen of the House: I feel really sorry for Representative Tardy that he has so many big fellas that he can't get them in one of these cars that is fuel efficient. As we have already heard, some of the large cars are also fuel efficient. Besides, I think that some of those fellas he was referring to have their own cars and there is always the possibility that they are not really interested in going with Daddy in his car.

We always have to deal with New Hampshire. You know, New Hampshire is down there, there is nothing I can do about it and people who live on the border, if it is to their advantage, will do some buying in New Hampshire, I suppose. They do it with this, that and the other thing. There is no sales tax and so on and so forth. That should not dissuade us from doing the right thing in the State of Maine. I submit it is morally the right thing and it makes good sense in times of conserving energy. It is revenue neutral and, if anything, it is on the positive side.

I agree with Representative Holt — here we go again, producing all kinds of administrative hangups and barriers etcetera, etcetera. Let's remember ladies and gentlemen, this is a question of ultimate concern. We are talking about the air we breathe, we are talking about a prerequisite of life and the time is now. In fact, the time was last year or five years ago or ten years ago. We cannot afford, in the

largest sense of the word, to put it off any longer. We need to set an example to the rest of the United States, the more so because we are downwind of all the gunk that comes out of the Midwest and south of us in New England and the Middle Atlantic states. Let's be courageous and do the right thing, support this bill and vote against the present motion on the floor.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of the Representative from Old Town, Representative Cashman, that the House accept the Majority "Ought Not to Pass" Report.

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

Representative SPEAR: Mr. Speaker, pursuant to House Rule 7, I request permission to pair my vote with the Representative from Pittsfield, Representative Goodridge. If she were present and voting, she would be voting nay; I would be voting yea.

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

ROLL CALL NO. 300

YEA - Aikman, Aliberti, Anderson, Bailey, H.; Bailey, R.; Bell, Boutilier, Bowers, Cahill, M.; Carroll, D.; Carroll, J.; Cashman, Cathcart, Chonko, Clark, H.; Cote, Crowley, DiPietro, Dore, Dutremble, L.; Erwin, Farnum, Farren, Foss, Gean, Gould, R. A.; Graham, Greenlaw, Gurney, Gwadosky, Hale, Heino, Hichborn, Hichens, Hوجلund, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketterer, Lebowitz, Libby, Look, Lord, MacBride, Macomber, Manning, Marsano, Martin, H.; Mayo, Melendy, Mitchell, E.; Morrison, Murphy, Nadeau, Nash, Ott, Paradis, J.; Paradis, P.; Paul, Pendleton, Pineau, Pines, Plourde, Poulin, Pouliot, Powers, Reed, G.; Reed, W.; Richards, Ricker, Rotondi, Saint Onge, Salisbury, Savage, Sheltra, Small, Stevens, A.; Stevens, P.; Stevenson, Strout, Swazey, Tammaro, Tardy, Townsend, Vigue, Waterman.

NAY - Adams, Anthony, Ault, Barth, Bennett, Butland, Carleton, Clark, M.; Constantine, Daggett, Donnelly, Farnsworth, Garland, Gray, Handy, Hanley, Hastings, Heesch, Hepburn, Holt, Ketover, Kilkelly, Kontos, Kutasi, Larrivee, Lawrence, Lemke, Luther, Mahany, Marsh, McHenry, McKeen, Michael, Michaud, Mitchell, J.; Norton, Nutting, O'Dea, O'Gara, Oliver, Pendexter, Pfeiffer, Rand, Richardson, Rydell, Simonds, Simpson, Tracy, Treat, Tupper, Wentworth, Whitcomb.

ABSENT - Coles, Duffy, Duplessis, Lipman, Merrill, Parent, Ruhl, Skoglund, The Speaker.

PAIRED - Goodridge, Spear.
Yes, 88; No, 52; Absent, 9; Paired, 2; Excused, 0.

88 having voted in the affirmative and 52 in the negative with 9 being absent and 2 having paired, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

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

Bill "An Act Relating to Medicare Assignment" (H.P. 1580) (L.D. 2230)

- In House, Referred to the Committee on Human Resources on January 28, 1992.

- In Senate, Referred to the Committee on Business Legislation in non-concurrence.

TABLED - February 6, 1992 by Representative MANNING of Portland.

PENDING - Further Consideration.

Subsequently, was referred to the Committee on Business Legislation in concurrence.

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

Bill "An Act to Modify Weight Limits for Farm Trucks" (S.P. 189) (L.D. 498)

- In Senate, Minority "Ought Not to Pass" Report of the Committee on Transportation read and accepted.

- In House, Reconsidered acceptance of Minority "Ought Not to Pass" Report of the Committee on Transportation on February 6, 1992.

TABLED - February 6, 1992 by Representative STROUT of Corinth.

PENDING - Acceptance of the Minority "Ought Not to Pass" Report in concurrence. (Roll Call Requested)

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

Representative MAHANY: Mr. Speaker, Men and Women of the House: I just want to refresh your memory as to what this is about. This is about (at this point) 35 farm trucks who are trying to get fair treatment with the forest products trucks. I am sure you are very familiar with the issues. Please vote against the pending motion so that we can vote for the "Ought to Pass" Report, which is the Majority Report out of Transportation.

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 acceptance of the Minority "Ought Not to Pass" Report in concurrence. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 301

YEA - Aikman, Anthony, Ault, Bailey, R.; Barth, Bennett, Carroll, J.; Cashman, Clark, H.; Constantine, Crowley, DiPietro, Dutremble, L.; Erwin, Foss, Garland, Gurney, Gwadosky, Handy, Hanley, Hastings, Heesch, Heino, Hepburn, Hussey, Jalbert, Joseph, Kerr, Ketover, Lawrence, Lemke, Lord, Luther, Macomber, Manning, Mayo, Melendy, Michael, Mitchell, J.; Nadeau, Norton, Oliver, Ott, Paradis, P.; Paul, Pendexter, Pendleton, Plourde, Pouliot, Reed, G.; Richardson, Salisbury, Sheltra, Small, Stevens, A.; Stevens, P.; Tracy, Treat, Tupper, Wentworth.

NAY - Adams, Aliberti, Anderson, Bailey, H.; Bell, Boutilier, Bowers, Butland, Cahill, M.;

Carleton, Carroll, D.; Chonko, Clark, M.; Cote, Daggett, Donnelly, Dore, Duffy, Farnsworth, Farnum, Farren, Gean, Gould, R. A.; Graham, Gray, Greenlaw, Hale, Hichborn, Hichens, Hoglund, Holt, Jacques, Ketterer, Kilkelly, Kontos, Kutasi, Larrivee, Lebowitz, Libby, Look, MacBride, Mahany, Marsano, Marsh, Martin, H.; McHenry, McKeen, Merrill, Michaud, Mitchell, E.; Murphy, Nash, Nutting, O'Gara, Paradis, J.; Pfeiffer, Pineau, Pines, Poulin, Powers, Rand, Reed, W.; Richards, Ricker, Rotondi, Rydell, Saint Onge, Savage, Simonds, Simpson, Spear, Stevenson, Strout, Swazey, Tammaro, Tardy, Townsend, Vigue, Waterman.

ABSENT - Cathcart, Coles, Duplessis, Goodridge, Lipman, Morrison, O'Dea, Parent, Ruhlin, Skoglund, Whitcomb, The Speaker.

Yes, 60; No, 79; Absent, 12; Paired, 0; Excused, 0.

60 having voted in the affirmative and 79 in the negative with 12 being absent, the Minority "Ought Not to Pass" Report did not prevail.

Subsequently, the Majority "Ought to Pass" Report was accepted in non-concurrence, the Bill read once.

Committee Amendment "A" (S-525) was read and adopted and the Bill assigned for second reading Thursday, February 13, 1992.

BILL RECALLED FROM LEGISLATIVE FILES

(Pursuant to Joint Order - House Paper 1635)

Bill "An Act Prohibiting the Driving or Parking of Vehicles on Ice-covered Bodies of Water" (S.P. 216) (L.D. 543)

On motion of Representative Jacques of Waterville, L.D. 543 was recommitted to the Committee on Energy and Natural Resources and sent up for concurrence.

Representative Anthony of South Portland was granted unanimous consent to address the House:

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: Item 6-4 was the unanimous committee report out of the Joint Select Committee on Corrections, an "Ought Not to Pass" Report on a bill entitled: Resolve, to Develop a Plan for the Coordinated System of Sanctions and Services for Convicted Sex Offenders. The reason that was a unanimous "Ought Not to Pass" Report was because the plan is in place but I want to advise you a bit about the total lack of services for convicted sex offenders that exist in this state.

As of January 27th, we had 1715 incarcerated individuals. Of those, 571 were in prison for sex offenses. Yet, we are providing sex offender treatment to approximately 50 of them. In other words, there is some 521 that do not get treatment.

An Oregon study shows that 80 percent of untreated sex offenders reoffend. Another study shows that the average sex offender molests 76 victims with a total of up to 170 molestations so it is serious when somebody is likely to reoffend.

A Vermont study shows that 20 to 30 percent of treated sex offenders remolest, 20 to 30 as compared

to 70 percent. It costs approximately \$3,000 to \$4,000 to treat in a comprehensive system. Vermont, for example, has such a system in place. It costs \$26,000, more or less, to house one person in our correctional system for one year or, in other words, the equivalent of approximately 60 taxpayers' total state taxes going to house one inmate for one year. Sex offenders not only receive multiple year sentences on their second conviction, it is simple mathematics that it is highly cost efficient to provide sex offender treatment, but we are not doing that in this state. Why? Because the savings are long-term in the future.

Ladies and gentlemen of the House, I am placing this on the Record because I want to make it very clear that, if we are all really committed to the provision of correctional services in our Department of Corrections, if we view our Department of Corrections as protecting the public, then there has to be a commitment to provide sex offender treatment services. We are not doing it and we must.

(Off Record Remarks)

On motion of Representative Dore of Auburn, Adjourned at 6:10 p.m. until Thursday, February 13, 1992, at four o'clock in the afternoon.
