

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 SPECIAL 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
18th Legislative Day
Monday, March 2, 1992

February 25, 1992

The House met according to adjournment and was called to order by the Speaker.
Prayer by Reverend Philip Shearman, First Parish Congregational Church, Gorham.
National Anthem by Mount View High School Chamber Singers, Thorndike.
The Journal of Thursday, February 27, 1992, was read and approved.

Senator N. Paul Gauvreau
Rep. Patrick E. Paradis
Chairpersons
Joint Standing Committee on Judiciary
115th Legislature
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Dennise D. Whitley of Farmington for appointment to the Maine Human Rights Commission.

Pursuant to Title 5, MRSA Section 4561, this nomination will require review by the Joint Standing Committee on Judiciary and confirmation by the Senate.

Sincerely,

S/Charles P. Pray
President of the Senate

S/John L. Martin
Speaker of the House

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

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

SENATE PAPERS

The following Communication:

Maine State Senate
Augusta, Maine 04333

February 27, 1992

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

Dear Clerk Pert:

Please be advised that the Senate today Adhered to its previous action whereby it accepted the Minority Ought Not To Pass Report on Bill "An Act to Ensure Complete Recovery for Injuries to Children" (H.P. 1551) (L.D. 2189).

Sincerely,

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

Was read and ordered placed on file.

The following Communication:

MAINE STATE LEGISLATURE
PRIMARY CARE RESIDENCY COMMISSION
Augusta, Maine 04333

February 24, 1992

Honorable John L. Martin
Speaker of the House
State House Station #2
Augusta, Maine 04333

Dear Speaker Martin:

I am pleased to present to you the report of the Primary Care Residency Commission, established by the legislature in Chapter 545 of the laws of 1991 to develop mechanisms for funding a greater number and improved quality of primary care residency training slots throughout the state. Although our report date is not until November, 1992, we chose to accelerate the process in order to develop legislation for the current session.

Access to medical care is a critical issue in this rural state. Inadequate physician supply is a major contributor to problems of access in both our inner cities and our rural communities. We, like other states, must strengthen our primary care residency training programs if we hope to maintain an adequate supply of physicians to provide basic medical care.

Non-Concurrent Matter

Bill "An Act to Regulate to Incineration Plants" (H.P. 1059) (L.D. 1548) which was passed to be engrossed as amended by Committee Amendment "A" (H-879) in the House on February 6, 1992.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-879) as amended by Senate Amendment "A" (S-562) thereto in non-concurrence.

On motion of Representative Clark of Millinocket, tabled pending further consideration and later today assigned.

COMMUNICATIONS

The following Communication: (S.P. 928)

115TH MAINE LEGISLATURE

In recognition of these difficult economic times, the Primary Care Residency Commission has developed a revenue neutral solution in increasing financial support for Maine's primary care residencies. We hope that our recommendations will be accepted by the legislature so that our residencies can function optimally to produce the primary care physicians that our rural communities so desperately need.

Sincerely,

S/Richard T. Chamberlin, M.D.
Chairman

Was read and with accompanying report ordered placed on file.

**PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE**

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

Taxation

Bill "An Act to Tighten Eligibility for the Maine Residents Property Tax Program" (H.P. 1710) (L.D. 2394) (Presented by Representative BUTLAND of Cumberland) (Cosponsored by Senator COLLINS of Aroostook) (Governor's Bill)

Ordered Printed.
Sent up for Concurrence.

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

ORDERS

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

ORDERED, that Representative Patricia M. Stevens of Bangor be excused February 18 and 20 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Joseph G. Carleton, Jr., of Wells be excused February 18 and 20 for personal reasons.

AND BE IT FURTHER ORDERED, that Representative Anne M. Rand of Portland be excused March 3 for the duration of her illness.

Was read and passed.

REPORTS OF COMMITTEES

Unanimous Ought Not to Pass

Representative JACQUES from the Committee on Energy and Natural Resources on Bill "An Act to

Encourage the Wise Use and Management of Maine's Water Resources" (H.P. 1646) (L.D. 2309) reporting "Ought Not to Pass"

Representative PARADIS from the Committee on Judiciary on Bill "An Act to Amend the Laws Regarding Dismissal of Paternity Proceedings" (H.P. 1467) (L.D. 2079) reporting "Ought Not to Pass"

Representative PARADIS from the Committee on Judiciary on Bill "An Act to Prevent Foreclosures on Residential Mortgages" (EMERGENCY) (H.P. 1576) (L.D. 2223) reporting "Ought Not to Pass"

Representative CROWLEY from the Committee on Education on Bill "An Act to Change the School Subsidy from a Valuation to a Per Pupil Formula" (H.P. 1575) (L.D. 2222) reporting "Ought Not to Pass" (Senator BRAUN of Knox - of the Senate - abstaining)

Representative SWAZEY from the Committee on Fisheries and Wildlife on Bill "An Act to Amend the Laws Regulating Bear Hunting" (H.P. 1590) (L.D. 2244) reporting "Ought Not to Pass"

Representative JACQUES from the Committee on Energy and Natural Resources on Bill "An Act to Implement a Toxic Control Strategy for Maine Waters" (H.P. 1485) (L.D. 2097) reporting "Ought Not to Pass"

Representative ANDERSON from the Committee on Energy and Natural Resources on Bill "An Act to Allow Municipalities to Operate Stump Dumps" (H.P. 1613) (L.D. 2274) reporting "Ought Not to Pass"

Representative ANDERSON from the Committee on Energy and Natural Resources on Bill "An Act to Improve the Environmental Permitting Process" (H.P. 1675) (L.D. 2351) reporting "Ought Not to Pass"

Representative MARSH from the Committee on Energy and Natural Resources on Bill "An Act to Establish a Technical and Environmental Compliance Assistance Program for Businesses and Municipalities" (EMERGENCY) (H.P. 1678) (L.D. 2355) reporting "Ought Not to Pass"

Representative LAWRENCE from the Committee on Legal Affairs on Bill "An Act to Allow for the Eviction of Migrant Farm Workers" (H.P. 1516) (L.D. 2128) reporting "Ought Not to Pass"

Representative PARADIS from the Committee on Judiciary on Bill "An Act to Strengthen the State's Role in Drug-related Prosecution" (H.P. 126) (L.D. 171) reporting "Ought Not to Pass"

Representative PARADIS from the Committee on Judiciary on Bill "An Act to Consider All Sources of Income When Issuing Small Claims Judgments" (H.P. 1599) (L.D. 2261) reporting "Ought Not to Pass"

Representative RAND from the Committee on Banking and Insurance on Bill "An Act Authorizing the Risk Management Division to Provide Insurance to Certain Group Homes for Children and for Persons with Mental Retardation" (H.P. 1542) (L.D. 2175) reporting "Ought Not to Pass"

Representative GARLAND from the Committee on **Banking and Insurance** on Bill "An Act to Protect Consumers" (H.P. 1585) (L.D. 2239) reporting **"Ought Not to Pass"**

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

Ought to Pass as Amended

Representative SHELTRA from the Committee on **Business Legislation** on Bill "An Act to Modify Various Licensing and Registration Laws and to Address Budgetary Constraints" (EMERGENCY) (H.P. 1592) (L.D. 2246) reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-990)

Report was read and accepted, the bill read once. Committee Amendment "A" (H-990) was read by the Clerk and adopted and the bill assigned for second reading Tuesday, March 3, 1992.

Ought to Pass as Amended

Representative SWAZEY from the Committee on **Fisheries and Wildlife** on Bill "An Act to Institute a Pheasant Stamp Program for Cumberland and York Counties" (H.P. 1555) (L.D. 2193) reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-997)

Report was read and accepted, the bill read once. Committee Amendment "A" (H-997) was read by the Clerk.

On motion of Representative Jacques of Waterville, Committee Amendment "A" (H-997) was indefinitely postponed and the Bill was assigned for second reading Tuesday, March 3, 1992.

CONSENT CALENDAR

First Day

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

(S.P. 801) (L.D. 2000) Bill "An Act to Amend the Laws Relating to Certification to Promote the Issuance of Professional Certificates to Experienced Out-of-state Teachers" Committee on **Education** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-558)

(S.P. 805) (L.D. 2004) Bill "An Act to Divert Juvenile Offenders from Secure Detention" **Joint Select Committee on Corrections** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (S-556)

(S.P. 821) (L.D. 2115) Bill "An Act to Establish the School Construction Debt Service Limit for Fiscal Year 1994-95" Committee on **Education** reporting

"Ought to Pass" as amended by Committee Amendment "A" (S-557)

(H.P. 1470) (L.D. 2082) Bill "An Act Pertaining to Pole Attachment Rate Disputes" Committee on **Utilities** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-991)

(H.P. 1469) (L.D. 2081) Bill "An Act Concerning Passamaquoddy Indian Territory" Committee on **Judiciary** reporting **"Ought to Pass"**

(H.P. 1597) (L.D. 2259) Bill "An Act to Modify the Medical Examiner Act to Limit Liability of Medical Record Providers" Committee on **Judiciary** reporting **"Ought to Pass"**

(H.P. 1623) (L.D. 2286) Bill "An Act to Expand the Membership of the Maine Committee for Global Education" Committee on **Education** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-996)

(H.P. 1554) (L.D. 2192) Bill "An Act Related to Ordinary Death Benefits under the Maine State Retirement System as It Affects Terminally Ill Members" Committee on **Aging, Retirement and Veterans** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-998)

(H.P. 1667) (L.D. 2343) Bill "An Act to Amend the Charter of the Dexter Utility District" Committee on **Utilities** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-999)

(H.P. 1631) (L.D. 2295) Bill "An Act to Amend the Laws Governing Respiratory Care Practitioners" (EMERGENCY) Committee on **Business Legislation** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-1001)

(H.P. 1649) (L.D. 2312) Bill "An Act Concerning the Use of Alternative Coding Systems for Plastic Containers" Committee on **Energy and Natural Resources** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-1000)

(H.P. 1668) (L.D. 2344) Bill "An Act to Amend the Charter of the Portland Water District" (EMERGENCY) Committee on **Utilities** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-1002)

(H.P. 1614) (L.D. 2275) Resolve, Concerning the Removal of Residential Underground Oil Tanks (EMERGENCY) Committee on **Energy and Natural Resources** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-1003)

(H.P. 1558) (L.D. 2196) Bill "An Act to Strengthen the Maine Weights and Measures Law" Committee on **Agriculture** reporting **"Ought to Pass"** as amended by Committee Amendment "A" (H-1004)

There being no objections, the above items were ordered to appear on the Consent Calendar of Tuesday, March 3, 1992, under the listing of Second Day.

CONSENT CALENDAR

Second Day

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

(S.P. 843) (L.D. 2147) Bill "An Act to Prohibit Undocumented Insurance Trade Practices" (C. "A" S-550)

(S.P. 800) (L.D. 1999) Bill "An Act to Clarify the Definition of Resident as it Pertains to Marine Resource Licenses" (C. "A" S-551)

(S.P. 871) (L.D. 2226) Resolve, to Provide a Special Exemption to the Maine State Prison Advocate for Service Retirement Benefits (C. "A" S-553)

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.

(H.P. 1501) (L.D. 2113) Bill "An Act to Clarify and Improve the Regulation of Home Food Service Plans" (C. "A" H-987)

On motion of Representative Tamaro of Baileyville, was removed from the Consent Calendar, Second Day.

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

Committee Amendment "A" (H-987) was read by the Clerk.

Representative Tamaro of Baileyville offered House Amendment "A" (H-1006) to Committee Amendment "A" (H-987) and moved its adoption.

House Amendment "A" (H-1006) to Committee Amendment "A" (H-987) was read by the Clerk and adopted.

Committee Amendment "A" (H-987) as amended by House Amendment "A" (H-1006) thereto was adopted.

Under suspension of the rules, the bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" (H-987) as amended by House Amendment "A" (H-1006) thereto and sent up for concurrence.

(H.P. 1517) (L.D. 2129) Bill "An Act to Amend the Maine Insurance Code" (C. "A" H-988)

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. 1490) (L.D. 2102) Bill "An Act to Prohibit Unfair Rating Practices in Small Group Health Insurance"

On motion of Representative Tamaro of Baileyville, was removed from Consent Calendar, Second Day.

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

Under suspension of the rules, the Bill was read

a second time.

Representative Tamaro of Baileyville offered House Amendment "A" (H-1005) and moved its adoption.

House Amendment "A" (H-1005) was read by the Clerk and adopted.

The bill was passed to be engrossed as amended by House Amendment "A" (H-1006) and sent up for concurrence.

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Repeal the Laws Authorizing Special Veterans License Plates" (EMERGENCY) (H.P. 1437) (L.D. 2049) (C. "A" H-980)

Bill "An Act Regarding the Time and Temperature Sign Located in Portland" (H.P. 1606) (L.D. 2268) (C. "A" H-951)

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

PASSED TO BE ENACTED

Emergency Measure

An Act to Amend and Improve the Laws Relating to Education (S.P. 469) (L.D. 1252) (H. "B" H-918 and S. "A" S-552)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 115 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

ENACTOR

Emergency Measure

Tabled and Assigned

An Act Relating to the Division of a Member's Rights and Benefits under the Maine State Retirement System Pursuant to a Qualified Domestic Relations Order (H.P. 711) (L.D. 1016) (C. "A" H-924)

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

On motion of Representative Gwadosky of Fairfield, tabled pending passage to be enacted and specially assigned for March 3, 1992.

PASSED TO BE ENACTED

Emergency Measure

An Act to Increase the Debt Limit of the South Berwick Sewer District (H.P. 1480) (L.D. 2092) (C. "A" H-914)

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. 119 voted in favor of the same and 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

ENACTOR

Later Today Assigned

An Act Regarding Contracts for the Duplication of Works of Art (H.P. 1011) (L.D. 1479) (C. "A" H-921)

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

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

PASSED TO BE ENACTED

An Act to Promote Child Safety (H.P. 1025) (L.D. 1498) (C. "A" H-925)

An Act to Expand the Definition of "Tenant" in the Laws Pertaining to Mobile Home Parks (H.P. 1415) (L.D. 2027) (C. "A" H-920)

An Act to Encourage Lawful Rental Practices (H.P. 1423) (L.D. 2035) (C. "A" H-903)

An Act to Amend the Group Health Insurance Conversion Laws (H.P. 1484) (L.D. 2096) (C. "A" H-926)

An Act to Authorize the Establishment of Nondepository Trust Companies (H.P. 1489) (L.D. 2101) (C. "A" H-905)

An Act Concerning the Operation of the Maine Automobile Insurance Plan (H.P. 1534) (L.D. 2167) (C. "A" H-923)

An Act to Revise the Basis for Semiannual Assessment on Financial Institutions (H.P. 1557) (L.D. 2195) (C. "A" H-927)

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

UNFINISHED BUSINESS

The following matters, in the consideration of

which the House was engaged at the time of adjournment Thursday, February 27, 1992 have preference in the Orders of the Day and continue with such preference until disposed of as provided by Rule 24.

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

SENATE DIVIDED REPORT - Majority (9) **"Ought to Pass"** as amended by Committee Amendment "B" (S-527) - Minority (4) **"Ought Not to Pass"** - Committee on **State and Local Government** on RESOLUTION, Proposing an Amendment to the Constitution of Maine to Provide State Funding of any Mandate Imposed on Municipalities (S.P. 42) (L.D. 66) - In Senate, Majority **"Ought to Pass"** as amended Report read and accepted and the Resolution passed to be engrossed as amended by Committee Amendment "B" (S-527) as amended by Senate Amendment "A" (S-535) thereto and Senate Amendment "B" (S-555) TABLED - February 25, 1992 by Representative JOSEPH of Waterville. PENDING - Acceptance of Either Report.

On motion of Representative Joseph of Waterville, retabled pending acceptance of either report and specially assigned for Tuesday, March 3, 1992.

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

HOUSE DIVIDED REPORT - Majority (9) **"Ought to Pass"** as amended by Committee Amendment "A" (H-957) - Minority (4) **"Ought Not to Pass"** - Committee on **Energy and Natural Resources** on Bill "An Act to Amend the Subdivision Laws within the Jurisdiction of the Maine Land Use Regulation Commission" (H.P. 1514) (L.D. 2126) TABLED - February 25, 1992 by Representative JACQUES of Waterville. PENDING - Motion of same Representative to accept the Majority **"Ought to Pass"** as amended Report.

On motion of Representative Jacques of Waterville, retabled pending the motion of the same Representative that the House accept the Majority **"Ought to Pass"** as amended Report and specially assigned for Tuesday, March 3, 1992.

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

HOUSE DIVIDED REPORT - Majority (11) **"Ought to Pass"** as amended by Committee Amendment "A" (H-963) - Minority (2) **"Ought Not to Pass"** - Committee on **Judiciary** on Bill "An Act Requiring the Provision of Information to Victims of Gross Sexual Assault" (H.P. 359) (L.D. 513) TABLED - February 25, 1992 by Representative PARADIS of Augusta. PENDING - Motion of same Representative to accept the Majority **"Ought to Pass"** as amended Report.

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

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: I rise to speak in favor of the Majority "Ought to Pass" Report. It is signed by eleven of the thirteen members of the Judiciary Committee.

This is a very difficult bill to make a public speech on. I don't know whatever position you may feel on the bill, I think the proponents and opponents of the bill are really in a quandry to want to do the right thing. I think everyone, regardless of the way you feel about the bill, wants to do what is right, either for the victim of gross sexual assault or to be fair to the person who has been convicted of having sexually assaulted someone. I don't take much pleasure in having to rise today to advocate for the Majority Report but at the same time I feel that it is an important statement for us to make.

I could read you the Statement of Fact of Committee Amendment "A" which is the bill, it is a little lengthy so I am not going to do that. Let it suffice to say on the Record this afternoon that this bill that came to us under the sponsorship of the good Representative from Eastport, Representative Townsend, seeks to make a statement regarding those who have been found guilty of having sexually assaulted someone (the old crime of rape is now called gross sexual assault) and that the victim has the right to know after that as to whether or not that person is HIV positive. That is such an emotional issue that I beg you to look clearly at the issue and be rational about it and not feel that we are doing any injustice to either side.

I don't want to talk long because I think it is such a difficult issue. I just urge you to accept the Majority "Ought to Pass" Report and listen to my very good friend from South Portland who will speak as a signer of the Minority Report. There is no one in this chamber that I have more respect for, for his integrity, for his decency, than that Representative. I think he wants to share with you his viewpoint on this and I sincerely hope that you will listen to every word he has to say.

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

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: First of all, I would like to thank the good Representative from Augusta for his kind remarks concerning me.

I was one of the two signers of the "Ought Not to Pass" Report on this bill for a very simple reason. I don't think it does anything really for victims of rape or gross sexual assault. In fact, nobody came to support this bill. The only people who supported this bill were the politicians and that makes me suspicious right off the bat. In fact, the victims of rape, for example, spoke against the bill, the group representing victims of rape.

I want to read a portion of a letter that I received from the Department of Human Services, the person in charge of aids testing, Dawne Rekas, because I believe it probably explains better than what I could say why I am opposed to this bill.

She says, "You asked for some information concerning risk of HIV transmission by one sexual encounter and the likelihood of false negative results. Each of these has been difficult for researchers to quantify. What follows is the best that is known on these subjects: a) Risk of

transmission by one sexual encounter - assigning a number to this risk is very difficult but what can be said, based on our epidemiologic work over the past three years, is that many people have engaged in high risk behavior with one or more infected persons for years and yet are uninfected. Unfortunately, we have also found instances of relatively few risk encounters with an infected individual resulting in infection. One source places the risk of male to female transmission as 0.2 percent" or 2 out of 1,000 times when there is one sexual encounter will there be transmission of the AIDS virus, so we are talking about a very remote likelihood.

The most common cause of a false negative HIV test result, however, is that of an insufficient amount of time elapsed between infection and antibody production. The majority of people infected with HIV (97 percent) produce enough antibodies to test positive between six and fourteen weeks after infection. Some people (approximately 2 percent) don't have sufficient antibodies until 6 months after infection; and some studies have suggested that less than 1 percent of the people do not produce sufficient antibodies to measure on a test until 36 months after infection.

The thought that kept occurring to me, and others, as we listened to the Judiciary Committee discuss this at the last work session was, "but this won't help victims." I appreciate that this is the intent of the legislation. Whether on indictment or conviction, learning the offender's HIV status does not give the victim useful health information due to the following:

1) victim may have been HIV infected at the time of assault and unaware of this;

2) victim may have been infected with HIV at around the same time of the assault through consensual behavior;

3) offender may test negative but in fact be infected, not producing sufficient antibodies to measure;

4) offender may test positive but not have infected the victim during the assault

5) if the offender is first tested more than 14 weeks after the assault, he may have become infected after the assault."

Of course, we know that conviction happens considerably after the incident involved.

She ends, "Let me end this very long letter with an actual story of a phone call I received last Wednesday, for whatever it's worth. An unidentified, intelligent, articulate woman called our office asking for help. She told me she wanted to know if she could have the man who was convicted of abusing her 12-year old daughter tested for HIV without his consent and learn the result. I told her she could not, but I asked her several questions. I asked when the behavior occurred, and she said 18 months ago. I asked if she had ever had her child tested and she said she had. I asked when the test was done and the result. She told me that on the advice of the physician, her daughter was tested at 6 weeks after the incident; at 3 months after the incident; and at 6 months after the incident and at 1 year after the incident and all tests were negative."

I should add that that is exactly the appropriate way to test, you have to do multiple testing to find out whether or not you are infected and you have to do it at spacings like that.

I then asked her if the physician had told her

what these results mean and she said no. I explained to her about seroconversion time and the statistical likelihood of her daughter testing positive after 18 months and this woman burst into tears, expressing her profound relief and stating that understanding this, she had no wish at all to pursue having the offender tested. This encounter reinforced, for me, that it is the victim who most needs education, counseling and testing."

Ladies and gentlemen of the House, I submit to you that this bill does nothing for victim testing. It only provides that the perpetrator be tested which may show that the perpetrator is positive in which case you have no idea whether that perpetrator has passed HIV problems on to the victim or may show that the perpetrator is negative in which case you still don't know because maybe the perpetrator was positive but it hasn't shown up yet. All that this sort of testing does is provide misleading information upon which victims may tend to rely in believing that they are free from HIV positive results or misleading information that makes them mistakenly believe that of course they got it. In either case, it does nothing of a positive nature to help a victim of a sexual assault to know whether or not they have HIV. There is only one way you can in fact do that and that is to test yourself. There is no provision in this for testing victims. That is what we need and, if there is going to be something done and we're going to be testing victims, I would support it. I can't support this because it would only tend to mislead.

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

Representative TOWNSEND: Mr. Speaker, Ladies and Gentlemen of the House: First off I want to thank the Judiciary Committee for more than a year's very hard work on this bill. When I first put this bill in, it was to have perpetrators of sexual assault tested upon conviction. I put that wording in there because I do not want to step on anyone's civil rights. However, the committee in its deliberations at one point did consider (like other states have) initiating the testing for the perpetrator upon his indictment. Some states have it upon his or her arrest.

This bill may not do anything for victims as far as medically speaking, that is something that got tossed around the committee a number of times and I would say that the opinion on that is divided. However, you must consider that in the State of Maine, as I speak, if you are a patient in a hospital or if you are a health worker — if I get hurt and I go in the hospital and you are attending me and I have some reason to believe or some thought in my mind that you might be infected or what have you, I can have you tested or vice versa if I am the patient, you the health worker can have me tested. Did I break any laws, did I commit any crime? No, I either got hurt or I have a particular job where that risk is high.

The other thing that is misconstrued here is the fact that a lot of people think of this as a gender bill. Women are not the only people that get raped. If you don't believe that, speak with some people in our prisons, it is rampant in our prisons.

There is nothing, no bill, no legislation whatsoever that will do better than informing people, I don't care what the disease is, education is the best that you can do, there is no question about

that. However, if you go out tonight and you are raped and you have perseverance enough to proceed with that and you are lucky enough to get a conviction and you have that perpetrator tested along with yourself being tested — there are plenty of groups out there that advise folks on this situation if you have an idea that you might have AIDS or might have come in contact with HIV, education (and nobody argues that fact) is your best protection, no question about it. It is one more way that you can perhaps start to isolate where it came from, perhaps not, there is still some argument about that — I am not an expert in the medical field.

I do thank the kind words that this is not politically motivated. However, on the other end of the scale, I have talked with quite a few people in my district and around the state in private conversations about this and the thing that bothers most people is that health workers and patients can be tested and criminals cannot. You have got to keep the same statistics in mind on legal people, health workers and patients as you do on rapists, as the good Representative from South Portland, Representative Anthony, pointed out to you. The chance of getting it is just as small with law-abiding citizens as it is people who have perpetuated a horrible crime against a person.

I feel that it is not fair — if you go into the Maine State Prison, and I don't care what the conviction of your crime, and you are going in there and you are being tested for just about every other sexually transmitted disease there is except for the one that can kill you. I am not saying that that person's medical record is being thrown out to the population that this person committed this crime and this person has this disease, not at all. This bill has very strict confidentiality parts to it. The victim would have to go through his or her lawyer, that lawyer would have to keep it confidential, the doctor doing the testing would have to keep it confidential and the victim receiving the information would have to keep it confidential. This is not a bill to open up AIDS testing and those who may be infected with HIV to the public, far from it. If anyone knows my voting record in this House, they know that I stand very hard and fast against that type of infringement upon civil rights and that is the last thing I want. I think the committee is convinced of that.

It is a very complex issue and I cannot see why a victim of a horrendous crime such as rape should not have the right to know, whether it does any good or any harm, should know whether or not the person who perpetuated the crime upon their body, she or he should have the right to know whether that person is infected with HIV. It is true, it is not to say that he or she gave it to that victim, that is not to say that he or she might not get it from another source but I think that he or she has the right to know and at least have that perpetrator tested to get that information.

This was a very difficult bill, it was very difficult for me, I hesitated even putting it in. I had a number of people that approached me and felt it was grossly unfair that law-abiding health workers or somebody that just has the unfortunate incident of getting hurt and ending up in the hospital can be tested but somebody who perpetuates a horrible crime and ends up getting convicted, which is a small percentage in and of itself, should not be made to be

tested upon the victim's request in a confidential manner.

A very difficult bill. I respect all the different opinions and attitudes. As a final thing, I will say that it was not just the politicians who supported this bill, physician groups also supported this bill, a lobbyist was there, his name escapes me but he was there also to testify in behalf of it and worked with me very closely. It is a very complicated issue — I just feel that a person who has had this type of crime perpetuated upon their body has the right to find out from that convicted rapist whether he has been infected with the HIV virus. Yes, nothing is going to take the place of education. If you think that you have come in contact with this, you need to educate yourself on every aspect of it. This might be one small piece that will add a little bit more education to that. That is the light in which I have offered it and I certainly hope that you support this today.

The SPEAKER: The Chair recognizes the Representative from York, Representative Ott.

Representative OTT: Mr. Speaker, Men and Women of the House: I was the other member of the Judiciary Committee that opposed the passage of this bill. I did so primarily for those reasons that have just been recited by the Representative from South Portland and the fact that I was convinced and persuaded by those who testified that this bill would not, in any way, help victims of sexual assaults.

If I can just share with you for a moment some of those groups that did testify against it, the Maine Civil Liberties Union, The Department of Human Services, Maine AIDS Alliance, Maine Coalition Against Rape, The Maine Public Health Association and a number of other individuals who testified against it, some of whom were themselves victims. It seemed to me that, while it may provide some information and certainly bring about some public awareness of this crucial issue, there was a tremendous cost that might be extracted from those who were victims. Just looking at the bill procedurally for one to obtain this information, they have to go through a process that involves a petition to the court which can only be made if they themselves were tested within six weeks of the incident that may have caused the exposure to AIDS or HIV.

Second, they then have to attend a pre-hearing with the court at which time I suppose issues would be discussed. Then there is a hearing and if I understand this amendment correctly, while that hearing must be confidential and electronically recorded, can be, at the request of the perpetrator, heard in open court. Then there is a determination and the perpetrator would then have an opportunity to appeal. To me, it seems that this would just be extending the pain and suffering that victims go through shortly after the incident and foreseeably (for some) for the rest of their lives. That seems to me reason enough not to accept or pass legislation that could only have a remote possibility of helping them.

I would just like to close by reciting some words that one woman told the committee who herself was a victim of rape. "The mandatory testing of a convicted perpetrator does not help the victim. Perhaps we could focus on what does help a victim, HIV testing that is free and accessible, counseling that focuses on the victim's need for accurate information, sensitivity to the whole trauma of the

experience and the very real threat to my life."

There would be some impact if these cases were resisted by the perpetrator in affecting the court calendar and extending which is already a budget in our Judiciary that is at its breaking point. I certainly think it is worth noting that there would be a fiscal note, while somewhat modest of approximately \$1,200 a year, to do the necessary testing. I would suggest that that money would be better spent in helping the victims themselves. For that reason, I voted out on the Minority Report and I ask you to do the same.

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

Representative STEVENS: Mr. Speaker, Men and Women of the House: I urge you to vote for the Majority Report. Just ask yourself, if one of your loved ones were raped, would you think that that person had a right to find out if the rapist were HIV positive? That is the question that is before this body. I think it is 28 other states that have similar provisions for testing the perpetrator of a rape. The State of Maine currently will allow involuntary testing of anybody in this room if you are in an accident and you expose a health care worker to your blood or bodily fluids. I think we can do no less for people who are victims of rape. I urge you to support the Majority Report.

The SPEAKER: The Chair recognizes the Representative from Brewer, Representative Ruhlin.

Representative RUHLIN: Mr. Speaker, Ladies and Gentlemen of the House: I did not see this bill coming up this afternoon, I apologize for that. I work in the health field and one of the things I do is design infection control systems for dental health. We have to deal with the transmission of infectious diseases on a professional basis. One of the first things that you learn is to break that chain of transmission. The way you break the chain of transmission is to find out fully who is susceptible and who is capable of having the disease passed on. It is important that the victim of the crime (in this case) know the circumstances.

As I understand the bill and I looked at today's schedule quite carefully, I did not see an amendment to it so I believe that I could go by the 513 document that says, "The person found guilty will be tested every six months during the term of their sentence." The longest period of time that has been known for a person to seroconvert to HIV positive after exposure has been forty-two months. I would assume from the time that a person perpetrated the crime and the time that they were released, the time of the trial and the time to go through the sentencing and and be incarcerated, hopefully would go through that 42 month period. In the meantime, the victim of that crime, I think, has a right to know what they were exposed to and they have a right to know for their future. Should they be married, should they be considering marriage or a partner, should it be a monogamous relationship, whatever it is, they and their partner and the people that they come in close contact with do have a right to know whether or not they will be a part of the chain of transmission. So, I am not interested really so much and I didn't want to speak to you so much today about whether it was a Majority Report or from the aspect of this right or that right but we, as a society, do have an obligation to break this chain of transmission. I think this bill is one way, a small

step but a definitive step in breaking that chain of transmission and I will be voting for the bill.

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

Representative ANTHONY: Mr. Speaker, Men and Women of the House: I don't want to prolong the debate but I did want to share with the members of this body that the operative language is on Committee Amendment "A" (H-963) lest there should be any misunderstanding in that regard. It does provide for periodic testing of the perpetrator and I would certainly support that if in fact it led to useful information. Unfortunately, the way HIV testing works, it doesn't lead to useful information because of the possibility of false-negatives and because of people not yet showing up as having HIV positive and because of the great possibility that somebody would believe automatically if the person tested positive that they have received the HIV positive from the perpetrator. The only way, in the HIV field, as I understand it and according to the Department of Human Services, according to the Maine Women's Lobby, the Maine Coalition Against Rape, the only way you can do it is to have the victim tested. That is why I am opposed to this.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative Paradis of Augusta that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

90 having voted in the affirmative and 14 in the negative, the Majority "Ought to Pass" Report was accepted, the Bill was read once.

Committee Amendment "A" (H-963) was read by the Clerk and adopted and the bill assigned for second reading Tuesday, March 3, 1992.

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

Bill "An Act to Prohibit the Sale and Distribution of Certain Milk Products" (H.P. 1163) (L.D. 1704) (C. "A" H-897)
TABLED - February 25, 1992 by Representative NUTTING of Leeds.
PENDING - Passage to be Engrossed.

On motion of Representative Tardy of Palmyra, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-897) was adopted.

The same Representative offered House Amendment "A" (H-976) to Committee Amendment "A" (H-897) and moved its adoption.

House Amendment "A" (H-976) to Committee Amendment "A" (H-897) was read by the Clerk.

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

Representative TARDY: Mr. Speaker, Men and Women of the House: Just to give you a little bit of background on this particular piece of legislation we are on today, BST or bovine somatotropin, is a hormone that occurs naturally in cows and in milk. The chemical companies have synthesized this hormone and have discovered that cows injected with elevated levels of BST can produce 10 to 20 percent more

milk. Not all cows can do this but some of the better ones can, I understand. BST has not at this time received FDA approval. People in the agriculture community expect that approval to be forthcoming within the year. However to be fair, I think most of the farmers that I have talked to hope and pray that the FDA does not approve its use. It is a very controversial substance, there are unresolved issues concerning herd health, consumers questions concerning human health, testing procedures, whether it will be accepted by the consumer if used and economic issues. Do we need an artificial product to produce a commodity or increase the production of a commodity that we already have a surplus of?

When we accepted the Majority Report, in my estimation we accepted a terrible piece of legislation for all of the right reasons. By delaying the use of BST in Maine beyond the FDA approval, we are in effect preempting federal law and the federal approval process which could be a bad precedent. Keep in mind that we are doing it for all the right reasons. Prohibiting the use of BST by the farmers in Maine when it has been approved for use in the rest of the country puts our farmers or could put our farmers on an uneven playing field. To be fair, the proponents of this delay would argue that we could capitalize on the absence of synthesized BST in our milk and thus increase consumer demand and most probably they are right.

This also presents some very real dangers for the dairy industry here in Maine. I feel, and this amendment is designed to do that, that we must ensure that all farmers in Maine play by the rules that we have established. It is important that the playing field, at least within Maine, be level. It is important that we put enough teeth in this bill to pass a straight-faced test. Imagine the economic consequences for Old Homestead Dairy Company, if just one of its producers decides that he is going to risk using BST in order to increase his gross income substantially and keep in mind that by this time, BST has been approved by the FDA, it is an over-the-counter product, it is a product that I can call on an 800 number and order and have drop-shipped to my farm. I am going to risk using this because it is a time-delayed drug and I only have to use it once every 14 days and I can ship the syringe and vial to Auntie Hilda's so it won't be on the farm. The farmer would not need federal approval to conduct his own on-farm research and nothing in the accepted piece of legislation would require to keep his BST milk separate in his research efforts from that which is used in human consumption. In short, he uses BST, the consumer who we assume is having an adverse reaction to the acceptance of BST discovers it and Old Homestead Dairy is out of business, conceivably leaving a virtual monopoly for the remaining processors in Maine.

Additionally, I was more than a little upset to learn that the University of Maine at Orono participated in BST testing. The milk used at the university is processed and distributed through the cafeteria system. This amendment provides that, if they do any further testing, that the BST milk be segregated from that milk which is used for human consumption. It further provides that the university advises us as to the nature and scope of biotechnology and genetic engineering research that they are conducting on agricultural commodities.

Finally, this amendment provides for a penalty section for knowingly and willingly violating the provisions of this law when it becomes effective which is exactly the same as the penalty provisions that we put in place a year or so ago for those who knowingly violate our laws concerning the safe and proper use of pesticides.

I have been on the Agriculture Committee since I came to the legislature. I have been through the Alar scare, the plictran fiasco with the apple growers, through fusilade and double application of Diquat top killer with the potato growers, Naquazone in harness racing and we have weathered them all and we will weather the BST issue. I urge you to accept the amendment.

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

Representative NUTTING: Mr. Speaker, I move that House Amendment "A" to Committee Amendment "A" be indefinitely postponed.

Mr. Speaker, Ladies and Gentlemen of the House: This, as Representative Tardy has alluded to, is an extremely controversial subject, I would say first with consumers and also with the whole dairy industry. I will say from the outset that the Majority Report may need to be clarified and I will offer a clarification amendment hopefully later on this afternoon.

I moved that House Amendment "A" be indefinitely postponed for two main reasons. Number one, the drug companies said our Majority Report would be unconstitutional. They tried this same trick in Vermont, Minnesota and Wisconsin. I do have a written legal opinion from the Attorney General's office that this Majority Report (H-897) is (in their opinion) constitutional.

I am very concerned though if we pass this amendment on that it would make the whole bill unconstitutional if attacked in our court system after its passage. That, I think, would be a very underhanded move by the drug companies. Why do I say that? Part of it I don't like but this amendment places research restrictions, that is the title of 3106. Federal law states that, once these federal FDA grants a drug a research status, that those companies may conduct research with farmers on the use of that product and those farms have to be registered with the FDA. No state can place research restrictions before a drug is approved. We can, as Maine did with the radiated food, once a product is approved, a state can say that we don't want that food product produced in Maine. So, I am very concerned regarding the legal ramifications of this amendment.

I will repeat that later on this afternoon, I will be offering a clarification amendment to take care of some of what the Majority signers feel are Representative Tardy's legitimate concerns.

The second is, it talks in part one about segregation of the milk. That is another frustration the whole dairy industry has with the FDA currently. Always before, before the FDA would approve any drug or any pesticide, they have also approved a test for that product. For this product, they have not done that. Up until now, there is no practical way, economical way, to test the milk to know whether or not it should be segregated. Private industry, thank goodness, is working on this but it is going to take some more time. That is one of the reasons the Majority signers passed out (H-897) as we did. So,

for those two main reasons, I urge that this House Amendment be indefinitely postponed.

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

Representative TARDY: Mr. Speaker, Men and Women of the House: First off, I resent the implication that I might have any illegitimate concerns concerning this amendment but I would point out that the Majority Report only is effective if and when (and hopefully never) the FDA approves BST. Therefore, the amendment only applies after BST has gone well beyond what FDA considers the research stage. If we are preempting FDA approval in the first instance, certainly to continue that preemption by requiring that BST be kept out of our milk supply during the moratorium period, is not inconsistent.

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

Representative NUTTING: Mr. Speaker, Ladies and Gentlemen of the House: It was just insinuated that the FDA may not approve this drug. In fact, the drug companies and all of their lobbyists that came before the committee said, time after time, that FDA probably won't approve this drug. Yet in National Farm magazine, issue after issue, you can read letters that they expect to approve the drug this summer, unbelievable as it seems to me.

It has twice been alluded to that in the Majority Report there is no penalty provision. The Majority Report does indeed have a penalty provision. If a farmer is caught with this drug on his farm, he does not produce milk for 30 days, he cannot sell it. Now, for the average Maine farm, that is a \$10,000 to \$15,000 fine. To an industry that does not want to use this drug anyway, that is quite a penalty I believe. Federal rules say where medicines must be kept and state inspectors have the ability to arrive on your farm any day they want to and look anywhere they want to, your vehicle, your home, your farm, etcetera, etcetera. Besides the state inspectors, you have all the dairy inspectors that have the same ability, so there is plenty of penalty in this.

I urge you to keep in mind that the farmers don't want to use this product, the consumers don't want this product, the grocery stores and Mom and Pop stores don't want this product, nobody wants this product other than the drug companies.

The SPEAKER: The Chair recognizes the Representative from Farmington, Representative Bailey.

Representative BAILEY: Mr. Speaker, Ladies and Gentlemen of the House: A few weeks ago, I didn't know what BST or BGH was. I guess I was in the wrong place at the wrong time but I was filling up my automobile at a filling station and I heard BST and so forth mentioned. I thought seriously that it was some additive to the farmers tractors or trucks or something and I guess I got it confused with STP. It wasn't long before I got a real brief but concise summary of BST. From that point, I went to find out just exactly what this was and how it would affect the farmers in my district. After checking with farmers, vets and consumers, I found they were all opposed. Then I tried to find out a little more about it and I found out this was a synthetic hormone that merely shifts cows bodily resources to make milk instead of flesh and this is evident when the cow is slaughtered at the end of their active life. So, we don't know, as far as I can determine, what the long-term effects are or why we need this injection for cows.

If you look at your school lunch programs, there was a survey done and they have expressed reluctance at using this milk and from all I can read and questions I asked that we are about five to ten years ahead of ourselves here.

One of the things that really bothers me I guess is that one of my farmer constituents has worked over the years and worked very hard at it to build up a 200 customer base for whole milk. He delivers it house to house. He is really concerned about this because he has worked hard to develop this customer base over the years. This bill will negatively impact his business and how many more farmers are we going to impact? Why do we need a super cow?

I am well aware of the federal government coming into Maine and buying up dairy farms because we had a surplus of milk. As far as I can determine and it just happened to be very timely I guess, there was a headline news report about this very subject and about a surplus of milk and it listed Vermont as having trouble with this particular product. I don't know why we really want to increase milk production. This is really out of my expertise but this is some of the information that I went out to try to gather. So, after my research, I sincerely believe that super cow belongs on television on Saturday morning with other cartoons and not in the barn. I request that you vote to indefinitely postpone.

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

Representative LORD: Mr. Speaker, my Learned Colleagues: I am distressed at the way this bill has been carried on. This is a bill that the farmers of the State of Maine said "We don't want to use this drug." Now they are trying to bring it around so that later on it could be brought in. If it is something that the farmers don't want to use, for heaven's sake, leave them alone.

Last year we passed a bill giving the farmers extra money because of the low price of milk. We did this because they are in trouble financially. Now they say we are going to get this drug, it is going to make them produce another extra 10, 15 or 20 percent. For heaven's sake, if they can't make a living with the price of milk they get now, how are they going to make it with another 15 or 20 percent added on to the surplus?

I think Representative Nutting is absolutely right, let's indefinitely postpone this bill. If the farmers don't want to use this drug, they won't have to use it. The devil with the drug companies.

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

Representative BELL: Mr. Speaker, Ladies and Gentlemen of the House: As I have expounded before, I spent 43 years in the supermarkets. Along with this, there was something in a local paper today that I would like to read. "Fresher chicken guaranteed. Chicken is processed and packaged fresh daily. We never chill pack or freeze our chicken. U.S.D.A. Grade A quality standards, we have 15 more quality standards than the government, we use no artificial ingredients, growth hormones or pesticides in our chicken."

That is chicken, now we are talking about milk. Milk is the largest volume item sold in supermarkets today. Milk is also an item that is consumed by all ages especially the younger citizenry from the crib to adulthood and beyond. I would like to see all markets in the future be able to advertise by saying,

"We sell only fresh wholesome milk that contains no synthetic BST." As of today, this has not been approved by the FDA. So, my question is, what is the rush? I urge you to postpone this bill for the protection of you and I and all our constituents.

The SPEAKER: The Chair would remind members that the pending question is on the amendment. You may choose to make the motion to indefinitely postpone once we have disposed of the amendment.

The Chair recognizes the Representative from Nobleboro, Representative Spear.

Representative SPEAR: Mr. Speaker, Ladies and Gentlemen of the House: L.D. 1704 has been of much discussion in the recent weeks. Two or three weeks ago, both sides of this issue agreed that we would go ahead with L.D. 1704 as it was. Much to my disappointment, it really disturbs me, the lobbyists got involved in this and that is why we have got these amendments before us. I believe that these amendments will cause problems down the road. They will find an excuse that the bill is no good for many of the reasons that Representative Nutting stated previously and it will be just another reason for defeating the bill later on.

The bill, without the amendment, which it really does not need, bans the use of BST to the end of this year except for medical research conducted by veterinarians. These restrictions will be banned at the end of this year and it only goes to the end of this year. It allows the people of the State of Maine to see what the reaction is going to be, if and when BST is adopted by the FDA, which realistically I don't think it is going to be because there are so many problems with the drug. In case it does, it is going to let the people of the State of Maine sit back and see what happens.

I believe that this bill is important to the people of the State of Maine and to the industry. We have seen an industry go downhill over the years so this amendment that we have before us, I really believe, will just put a big loophole in it and we will end up defeating it. So, I would urge for the indefinite postponement of this amendment.

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

Representative KILKELLY: Mr. Speaker, Ladies and Gentlemen of the House: I, too, would urge indefinite postponement of this amendment so that we can go on and pass the bill.

I want to talk today, not necessarily as a legislator but as a mother and someone who is concerned about kids and concerned about the future because I think that is really what we are talking about. We are talking about messing with the integrity of our food chain and that has happened in the past and we have had some real problems with that.

Many years ago, DDT was touted as the wonderful thing that was going to help get rid of all the pests that were hurting our food supply. One of the things that happened, even though DDT was put into the food chain at the very bottom, that has come into all of the food chain. We found that even at the very top, even with the eagles and hawks and whatever, that the DDT was so much a part of their bodies that they couldn't even reproduce. What we are talking about here is putting something into the food chain, not at the very bottom, but putting something into the food chain just prior to human consumption and putting it into the food chain in which your children, my

children, grandchildren, neighbors and everyone else, will be putting that into their bodies and we don't even really know what is going to be happening with it. We have seen a lot of what happens with FDA approval.

Many years ago, FDA approved a drug called diethylstilbesterol to prevent miscarriages and they did prevent miscarriages but it also caused a lot of problems with the babies that were the results of those pregnancies. Most recently we have seen what happens when the FDA starts looking at other products, such as the Silicone breast implants. About a million women in this country believed that when the FDA approved something or the FDA said it was safe that it was safe. Now those million women are waiting, either with severe physical problems or with severe emotional trauma, waiting to see if something is going to happen to their bodies. I think we need to be very careful about what it is we are putting into our food chain and also what it is we are allowing to be put into our bodies.

One of the handouts that you have received on this is from the New York Times dated Monday, February 24th, and the title is "Farmers Worried as Chemical Friend Turns Foe." This one has to do with a fungicide so it is not just any one particular chemical, there are lots of them out there. I think the most telling comment in this entire article is in the last paragraph — "The Benlade issue has made them start thinking about their wells. Some are saying that maybe this contaminant that hurt my plants is hurting me. The question is one that applies to a whole range of products from bug sprays to herbicides. They are spending all this energy worrying about an unknown compound and then going out to spray on an insecticide that could be far more dangerous. Sooner or later, the whole picture should click in."

I think it is important for us to picture ourselves in a grocery store with children or grandchildren and you are getting ready to purchase a gallon of milk for those children or grandchildren to consume — if you believe you will be absolutely challenging the entire dairy industry in the state because, if you are going to think twice about it, lots of other people are too. We already have a surplus of milk and the concern is that, if consumers are not going to purchase the milk that is there, we are going to have even more of a problem and the entire dairy industry in this state could be gone.

I would urge indefinite postponement of this amendment so we can go on and pass the bill.

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

Representative HOLT: Mr. Speaker, Friends and Colleagues of the House: I am one of those nurses who, a long time ago, carried diethylstilbesterol around in my black bag to administer it to pregnant women who were having problems keeping their pregnancies. I saw babies later with cancer and we all know about young women who developed cancer many years later whose mother's were given diethylstilbesterol. I also remember giving pure oxygen to premature babies because we were told that that was going to help save their lives. We found many premature babies becoming blind. Babies out in the country that didn't come into the hospital and get pure oxygen didn't seem to be getting blind so we learned later that it was the pure oxygen that we were giving them that hurt those immature cells in

those tiny babies eyes. So, even when we think we are doing good things sometimes, we find we are causing tragedies.

People want pure and natural milk, people think of milk as a pure and natural substance. After the people in my district learned about this bill, I was able to collect, in just a very short time, 60 signatures against the use of BST and they said they could get hundreds more for me in no time.

As a nurse too, I would like to tell you that one of Monsanto's, a big drug company, arguments for the hormones used is that, though it stimulates the rise of another hormone in the body, that that hormone is found to peak in human mothers' milk for a short time with no ill effects on the baby.

I just can't believe these drug companies would believe that that is a credible argument, "use a little common sense." Every mother knows that in the first half year of her baby's life, the growth spurt is amazing. If we kept growing like that forever, we would all be giants. I don't know where they get these arguments to fiddle around with our milk for profit.

Out in Wisconsin, the Wisconsin Farmers Union said Governor Tommy Thompson's veto of a ban on bovine growth hormone shows his arrogance and anti-BGH group says that the Governor has betrayed farmers.....

The SPEAKER: The Chair would inquire as to what purpose the Representative from Palmyra, Representative Tardy, rises?

Representative TARDY: Mr. Speaker, it concerns the enforcement of the moratorium, it does not concern whether BST is good or bad, so Mr. Speaker, I withdraw my amendment.

The SPEAKER: The Chair would advise the Representative from Bath that the Representative from Palmyra is correct.

Representative HOLT: Mr. Speaker, I will reserve my statements for later, I have not quite finished. Thank you.

The SPEAKER: The Representative from Palmyra now withdraws House Amendment "A" to Committee Amendment "A."

Subsequently, Committee Amendment "A" (H-897) was adopted.

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

Representative MAYO: Mr. Speaker, having voted on the prevailing side, I move that we reconsider our action whereby Committee Amendment "A" was adopted and further move that this be tabled until later in today's session.

The SPEAKER: The Chair would advise the Representative that the motion is not in order, having already been reconsidered and no pending action in between.

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

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

JOINT RESOLUTION SUPPORTING CREATION OF THE WOLFE NECK INSTITUTE (H.P. 1676)
TABLED - February 25, 1992 by Representative MAYO of Thomaston.

PENDING - Adoption.

On motion of Representative Mayo of Thomaston, retabled pending adoption and specially assigned for Tuesday, March 3, 1992.

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

JOINT RESOLUTION MEMORIALIZING THE PRESIDENT AND THE CONGRESS OF THE UNITED STATES TO AUTHORIZE TRANSFER OF SAVINGS IN FEDERAL MILITARY ACCOUNTS TO THE DOMESTIC BUDGET (H.P. 1689)

TABLED - February 25, 1992 by Representative MAYO of Thomaston.

PENDING - Adoption.

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

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

HOUSE DIVIDED REPORT - Majority (9) "Ought to Pass" as amended by Committee Amendment "A" (H-979) - Minority (3) "Ought Not to Pass" - Joint Select Committee on Corrections on Bill "An Act Transferring County Jail Operations to the State" (H.P. 998) (L.D. 1447)

Representative Anthony of South Portland moved that the House accept the Majority "Ought to Pass" Report.

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

Representative PENDLETON: Mr. Speaker, Men and Women of the House: As you noticed on the Divided Report, I am on the Minority "Ought Not to Pass" Report and I feel obligated to state my reasons why.

This bill as amended is going to just set up another study committee at the cost of \$8,100. It seems to me that under the state's present financial circumstances, the elimination of many other study commissions, boards and agencies, it is rather ludicrous for us to create yet another brand new study commission at this particular time. Although I recognize that it is a worthy idea to study the transferring of county jails to the state, I believe there are priorities that this money could be better spent on. So, I hope you will join with me in voting against the "Ought to Pass" Report and vote with me on the "Ought Not to Pass" Minority Report.

Mr. Speaker, I request a roll call, please.

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

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: This bill calls for the state taking over the county jails as originally brought to us and we looked at it. The originally fiscal note on it required a General Fund appropriation of \$35 million dollars in fiscal year '93. In the first place, we obviously can't do that in fiscal year '93 and in the second place, there are a lot of technical problems developing the proper

method for transferring county jails to the state. It seems reasonable to us to spend well less than 1 percent of that \$35 million to develop the plan for doing that in an effective way.

We also felt that the people who would be best suited to develop that plan would be the experts and so we put together this commission whose job is — it is not a study commission, this is an implementation commission. If you look at the amendment, which is H-979, you will find in Section 6 that it says "The Commission shall make a study and develop a method of implementing the transfer of the operations of county jails of the state including a time table for the transitional process." It also enumerates a number of things that should be looked at carefully.

We felt that we did not have the expertise, it made more sense to have somebody from Corrections, somebody from the County Commissioners Association, somebody from the Sheriffs Association, somebody from Maine Municipal, somebody from MSEA and somebody from AFSCME together with a couple of members from the general public to develop that transition plan, that that was the best way to come out with a sensible way to do what we believe ought to happen. That is why the majority supports this Committee Amendment "A" and I would urge you to support it as well.

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

Representative HEPBURN: Mr. Speaker, Ladies and Gentlemen of the House: Once again, we have seen this issue before, the state takeover of county jails. It is an extremely expensive proposition. I realize we are only talking about a study here but realistically there is no way that we are going to end up with \$35 million extra dollars in the next biennium. Even if we did, it is very, very questionable whether or not we would think it is a good idea for us, the state, to take over county jail operations. Perhaps the way things have been running lately, it might be more appropriate to consider turning over certain state functions to counties. We have really got to look very carefully at this. This is a major, major thing, it is a power grab from the counties by the state and this is the wrong road to walk down. It grossly erodes local control, let's just stay away from it. We don't need a study committee this year, it is \$8,100 that we don't have and it is \$35 million next year that we don't have. So, why don't we just put this to bed and I hope you vote against the pending motion.

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

Representative LOOK: Mr. Speaker, Men and Women of the House: I hope you will not support this measure. As we look across the state, not all of the jails in this state are in the structural condition for the state to take it over. I am speaking specifically of Washington County. We are one of those who have tried to update our jail, we have had new construction and, in the idea of trying to be as conservative as we could, the new section was built between the old jail and courthouse and is attached thereto. Some of the facilities such as the elevator, which services all of that complex, is located within the courthouse. Maybe there are other jails in the state that have a similar problem, maybe they are not all separate buildings, I don't know in this year now but I know in the past that this may be the case.

I hope you will defeat this measure because I

think it is going to be much more complicated than anticipated.

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

Representative HASTINGS: Mr. Speaker, Men and Women of the House: From what I heard through the remarks here today and a quick analysis of what I read in the bill, it is a foregone conclusion that the state will take these over and it is simply a study to decide how that will be implemented. I think that decision jumps one too far. At least in my county, I don't believe there has been any feeling that they wish the state to take over the county jail. In fact, I believe my county would be opposed to it. They were last year and I don't know of any reason that they should have changed.

This bill, if it is going to decide what counties are going to carry on for administrative functions, there should first be a decision more broadbased than this bill attempts to do. Counties, if they are archaic should be put aside and perhaps that is something that is coming, but just to look at jails without looking at the whole county, to me, is a very poor way of looking at things.

I would hope that you would vote against this Majority Report.

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

Representative JOSEPH: Mr. Speaker, Ladies and Gentlemen of the House: If this study to implement this bill is at a cost of \$8,100, this is probably the best investment the state could make today.

County budgets and the budget for Corrections in county budgets is 47 percent of the average county budget. The Corrections in counties are solely supported by property taxes. Therefore, if we would move in the direction in coordinating and consolidating all of our correctional facilities, the personnel, we could be saving the property taxpayers money in our cities and towns. That is a very important part of the proposal.

You certainly could get into the Corrections issue and I would defer to Representative Anthony to answer those questions. The State and Local Government Committee did a very indepth study in 1988 and it was the unanimous agreement at that time to propose such a takeover by the state of the Corrections facilities. You might even want to look at this as assistance to the state as the state continues to find themselves in a position not to have the facilities available for those particular inmates in their current jails.

I would urge you to support this Majority "Ought to Pass" Report to transfer county jail operations to the state.

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

Representative DUFFY: Mr. Speaker, Ladies and Gentlemen of the House: I agree with a little bit of everything that all the other Representatives have said about this bill. I will tell you what I do agree with, I do agree that it is worth \$8,100 to study the feasibility of whether or not the state should take over county jails. I believe there is only one way to know whether or not it should be done and that is to study it.

We did get a unanimous report two years ago but it was full of so many holes that we didn't pass it. There were more questions than there were answers.

What's wrong with this bill is the fact that if

you vote for this bill, you will be voting to give the state the ability to take over county jails. I have asked two researchers to look at the language of this amendment and this amendment makes the statement that the Commission will be formed to transfer county jails to state control. The Commission will further then say, how, how much, when, where and who is going to be placed in those county jails, not if.

What I would like you to do is to consider one fact today and that is whether you want to vote to put state control over county jails.

I don't represent bureaucracies, I represent people. I have no evidence that the State Corrections can perform the duties of taking over the county jails. There is nothing that says that there is an administration in this state that can accomplish that fact. There is absolutely nothing that says that they are not doing the jobs that they should be doing at the county level. Therefore, make one decision and that decision is, do you want the state to have the ability to take over county jails?

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 South Portland, Representative Anthony, that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 320

YEA - Adams, Aliberti, Anthony, Carroll, D.; Cashman, Chonko, Clark, H.; Clark, M.; Coles, Cote, Crowley, Erwin, Farnsworth, Farnum, Gean, Graham, Gurney, Gwadosky, Hale, Heesch, Hoglund, Holt, Jacques, Joseph, Kerr, Ketover, Kontos, Larrivee, Lemke, Lord, Manning, Martin, H.; Mayo, McKeen, Melendy, Michael, Michaud, Mitchell, E.; Murphy, Nadeau, Nutting, O'Dea, Oliver, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Pouliot, Rand, Richardson, Rotondi, Rydell, Saint Onge, Sheltra, Simonds, Simpson, Swazey, Tardy, Treat, Vigue, Wentworth, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bell, Boutilier, Butland, Cahill, M.; Carleton, Carroll, J.; Cathcart, Constantine, Daggett, DiPietro, Donnelly, Duffy, Duplessis, Dutremble, L.; Farren, Foss, Garland, Goodridge, Gould, R. A.; Gray, Greenlaw, Handy, Hanley, Hastings, Heino, Hepburn, Hichens, Hussey, Jalbert, Ketterer, Kil Kelly, Kutasi, Lebowitz, Lipman, Look, Luther, MacBride, Macomber, Mahany, Marsano, McHenry, Merrill, Morrison, Nash, Norton, O'Gara, Ott, Parent, Pendexter, Pendleton, Pines, Plourde, Poulin, Powers, Reed, G.; Reed, W.; Richards, Ricker, Ruhlin, Salisbury, Savage, Skoglund, Small, Spear, Stevens, A.; Stevens, P.; Stevenson, Strout, Tamaro, Townsend, Tracy, Tupper, Waterman, Whitcomb.

ABSENT - Bennett, Bowers, Dore, Hichborn, Lawrence, Libby, Marsh, Mitchell, J.; Pineau.

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 motion did not prevail.

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

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

HOUSE DIVIDED REPORT - Majority (12) "Ought to Pass" as amended by Committee Amendment "A" (H-986) - Minority (1) "Ought Not to Pass" - Committee on Agriculture on Bill "An Act to Revise the Maine Horticultural Laws" (H.P. 1498) (L.D. 2110)

Representative Tardy of Palmyra moved that the House accept the Majority "Ought to Pass" Report.

The SPEAKER: The Chair recognizes the Representative from Milo, Representative Hussey.

Representative HUSSEY: Mr. Speaker, Ladies and Gentlemen of the House: I am on the Minority Report of this bill for the simple fact of what happened back here in December and that is that each department had to cut so much money in their departments. In the Department of Agriculture, a horticulturist position was taken because a man retired out of that position. The Commissioner came in this session and what the Majority Reports says is that we are going to fund this position. We are going to find the money. The Report says that we are going to raise the fees to fund that \$40,000 and the fees are for the people selling plants and nursery stock and that type of thing. The fee has been \$5.00 for three years. The majority of the members on the Agriculture Committee felt that they could go to \$25 per year. They put an exemption in there for the little Mom and Pop businesses of a 150 square foot area. If you had that amount of space or less, you wouldn't have to pay this fee.

The good Representative from Palmyra has a business, he sells tractors. Of course, outside he has a hay wagon that is 8 ft. by 14 ft. so he will be exempted. He sells these little flowers to all the ladies that come in with their husbands to buy a tractor, that's good business.

I am opposed to this and I would ask for a Division. I don't think we should be funding these positions at this time. If you look at the structure of this department, the head of it is Director of the Plant Industry — now they tell you there is 1800 registered licenses out there at this time and that would only leave two people to check on these licenses. Just think about it for a minute, two people, if they did four each day and they worked five days a week, that's forty. You multiply that times 40 weeks, you get 1600 inspections and they told us themselves that they feel there is only 1500 that should be registered at this time. Now the head state horticulturist says that she should be in the office to receive phone calls — I say, why can't the Director of the Plant Industry be in the office in that Division and take some of the phone calls and let the State Horticulturist and the Assistant go out and do these inspections? That would be four each day, which would not be an unreasonable amount.

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

Representative TARDY: Mr. Speaker, Men and Women of the House: This was a 12 to 1 Majority "Ought to

Pass" Report. The greenhouse and nursery industry was well represented at the public hearings. In fact, they asked that we ensure that they have an adequate inspection of their plants for disease and insect infestation because it is very critical to the greenhouse industry and the nursery industry which is probably one of the few industries in the state that is in a growth pattern.

I submit to the good Representative from Milo, if he hadn't bought those flowers, his wife wouldn't have let him in the house.

The SPEAKER: The Chair recognizes the Representative from Milo, Representative Hussey.

Representative HUSSEY: Mr. Speaker, Ladies and Gentlemen of the House: I guess the only thing I really want you to remember is, how many people have called you in this industry to raise their fees? How many times have people called you to raise their fishing license fee and their hunting license fee? How many people have called you lately? What this does is it increases the fees to \$25 each year.

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

Representative SPEAR: Mr. Speaker, Ladies and Gentlemen of the House: The industry itself, the greenhouse people, came in as Representative Tardy has stated and they are the ones that want this position. Why they want it is because of diseases. There are potential diseases that can come into this state and they need to have the horticulturists check this out and be familiar with it in all the greenhouses throughout the state and they were the ones willing to pay the price. Five dollars was mentioned for three years which is a pretty insignificant fee. They were more than willing to pay the \$25 so that they can protect their plants and not let the diseases into this state that are potentially out there so I would urge that we go with the 12 to 1 and accept the Majority Report as presented.

The SPEAKER: The Chair recognizes the Representative from Benton, Representative Parent.

Representative PARENT: Mr. Speaker, Members of the House: I am the prime sponsor of this bill and I feel that perhaps I ought to give a brief explanation as to why I put the bill in.

The industry itself approached me and asked me to put the bill in because they felt they needed a better inspection program to enhance the quality of the industry and enhance the industry itself. So it is relatively a simple reason. The bill is in because the industry has been growing by leaps and bounds, it has doubled and redoubled in the last decade and the industry feels that they need a better inspection program to enhance the industry and improve the quality so that is why the bill was put in.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the Representative from Palmyra, Representative Tardy, that the House accept the Majority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

88 having voted in the affirmative and 20 in the negative, the Majority "Ought to Pass" Report was accepted, the bill read once.

Committee Amendment "A" (H-986) was read by the Clerk and adopted and the Bill assigned for second reading Tuesday, March 3, 1992.

TABLED AND TODAY ASSIGNED

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

Bill "An Act to Facilitate Criminal Enforcement of the Environmental Laws" (H.P. 1129) (L.D. 1654)
 TABLED - February 27, 1992 by Representative TRACY of Rome.
 PENDING - Motion of same Representative to reconsider acceptance of the Minority "Ought Not to Pass" Report.

On motion of Representative Tracy of Rome, retabled pending his motion that the House reconsider its action whereby the Minority "Ought Not to Pass" Report was accepted and specially assigned for Tuesday, March 3, 1992.

The following Joint Resolution was taken up out of order by unanimous consent:

ORDERS

On motion of Representative HANLEY of Paris, the following Joint Resolution: (H.P. 1711) (Cosponsor: Senator TWITCHELL of Oxford)

JOINT RESOLUTION COMMEMORATING THE 200TH ANNIVERSARY OF THE TOWN OF HEBRON

WHEREAS, New England's small towns and villages are recognized across our nation as the model for our country's democratic institutions and have deservedly come to serve as the preeminent symbol of the virtues of direct citizen involvement in government, thrift, simple beauty and quiet but deep-rooted values; and

WHEREAS, the Town of Hebron typifies the valued attributes of the small communities of Maine and is also recognized as one of the most beautiful towns in Maine, with a scenic landscape dominated by vistas of Streaked Mountain, Mount Washington and the Presidential Range of the White Mountains; and

WHEREAS, the area that now comprises the Town of Hebron was granted to Alexander Shepard, Jr. of Newton, Massachusetts in 1777, in return for Shepard's preparation of one of the early maps of the District of Maine; and

WHEREAS, the area was first settled in 1779 by John Greenwood, who also later moderated the meeting at which incorporation as a town was sought; and

WHEREAS, the citizens of the area then known as Shepardsfield Plantation petitioned the General Court of the Commonwealth of Massachusetts to be incorporated on January 11, 1792 and the General Court granted the petition on March 6, 1792; and

WHEREAS, the town has been the proud host of Hebron Academy since its founding in 1804, an institution that is renowned for the excellent education it provides to young men and women from

around the world and for its distinguished buildings designed by the famed Maine architect, John Calvin Stevens; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Fifteenth Legislature, now assembled in the Second Regular Session, take this occasion to recognize the bicentennial anniversary of the Town of Hebron, to commend the inhabitants and officials of this town for the success that they have achieved together for two centuries and to extend to each our sincere hopes and best wishes for continued achievement over the next 200 years; and be it further

RESOLVED: That suitable copies of this resolution, duly authenticated by the Secretary of State, be transmitted to the citizens and officials of this proud community in honor of the occasion.

Was read and adopted and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

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

REPORTS OF COMMITTEES

Divided Report

Later Today Assigned

Majority Report of the Committee on Housing and Economic Development reporting "Ought to Pass" - pursuant to Joint Order (H.P. 1705) on Bill "An Act to Authorize Bond Issues for Transportation and Public Infrastructure Capital Improvements and Other Activities Designed to Create and Preserve Jobs for Maine Citizens" (H.P. 1707) (L.D. 2388)

Signed:

Senators: MATTHEWS of Kennebec
 DUTREMBLE of York

Representatives: MELENDY of Rockland
 BELL of Caribou
 HEESCHEN of Wilton
 LEBOWITZ of Bangor
 STEVENSON of Unity
 KILKELLY of Wiscasset
 KONTOS of Windham
 PLOURDE of Biddeford

Minority Report of the same Committee reporting "Ought Not to Pass" - pursuant to Joint Order (H.P. 1705) on same Bill.

Signed:

Senator: CAHILL of Sagadahoc

Representatives: GRAHAM of Houlton
 SALISBURY of Ellsworth

Report were read.

On motion of Representative Gwadosky of Fairfield, tabled pending acceptance of either report and later today assigned.

(At Ease)

The House was called to order by the Speaker.

Divided Report

Later Today Assigned

Majority Report of the Committee on **Housing and Economic Development** reporting "**Ought to Pass**" - pursuant to Joint Order (H.P. 1705) on Bill "An Act to Implement the Jobs Creation Bond Package" (EMERGENCY) (H.P. 1708) (L.D. 2389)

Signed:

Senators: MATTHEWS of Kennebec
DUTREMBLE of York

Representatives: MELENDY of Rockland
BELL of Caribou
HEESCHEN of Wilton
LEBOWITZ of Bangor
STEVENSON of Unity
KILKELLY of Wiscasset
KONTOS of Windham
PLOURDE of Biddeford

Minority Report of the same Committee reporting "**Ought Not to Pass**" - pursuant to Joint Order (H.P. 1705) on same Bill.

Signed:

Senator: CAHILL of Sagadahoc

Representatives: GRAHAM of Houlton
SALISBURY of Ellsworth

Reports were read.

On motion of Representative Mayo of Thomaston, tabled pending acceptance of either report and later today assigned.

(Off Record Remarks)

On motion of Representative Oliver of Portland, Adjourned at 5:25 p.m. until Tuesday, March 3, 1992 at nine o'clock in the morning.
