

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

October 2, 1991

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SECOND SPECIAL SESSION

December 18, 1991 to January 7, 1992

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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
20th Legislative Day
Wednesday, March 4, 1992

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

Prayer by Reverend George Atkinson, Westport Baptist Church.

The Journal of Tuesday, March 3, 1992, was read and approved.

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Revise the Charter of the Boothbay Harbor Sewer District" (EMERGENCY) (H.P. 1479) (L.D. 2091) which was passed to be engrossed as amended by Committee Amendment "A" (H-953) in the House on February 27, 1992.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-953) as amended by Senate Amendment "A" (S-567) thereto in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Protect School Students from Potential Harm" (H.P. 1541) (L.D. 2174) which was passed to be engrossed as amended by Committee Amendment "A" (H-968) in the House on February 27, 1992.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-968) as amended by Senate Amendment "A" (S-568) thereto in non-concurrence.

The House voted to recede and concur.

Non-Concurrent Matter

Bill "An Act to Amend the Maine Health Security Act" (H.P. 1093) (L.D. 1593) on which the Majority "Ought to Pass" as amended by Committee Amendment "A" (H-966) Report of the Committee on Judiciary was read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (H-966) in the House on February 27, 1992.

Came from the Senate with the Minority "Ought to Pass" as amended by Committee Amendment "B" (H-967) Report of the Committee on Judiciary read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "B" (H-967) in non-concurrence.

Representative Paradis of Augusta moved that the House Adhere.

On further motion of the same Representative,

tabled pending his motion that the House adhere and later today assigned.

COMMUNICATIONS

The following Communication:

Division of Motor Vehicles
Department of the Secretary of State
State House Station #29
Augusta, Maine 04333

March 3, 1992

Honorable John L. Martin
Speaker of the House
Station #2
Augusta, ME 04333-0002

Dear Speaker Martin:

Attached please find the Motorcycle Driver Education Study Committee Report, submitted pursuant to P.L. 1991, c. 522. Additional copies have been submitted to the Office of the Legislative Council as required by statute.

As a Committee Staff person, I am at your service if you have questions regarding the Report.

Very truly yours,

s/David A. Schulz
Assistant Director
ENFORCEMENT & REGULATIONS

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:

Agriculture

Bill "An Act Concerning the Structure and Operation of the Seed Potato Board" (H.P. 1712) (L.D. 2397) (Presented by Representative PINES of Limestone) (Cosponsored by Representative TARDY of Palmyra, Speaker MARTIN of Eagle Lake and Senator COLLINS of Aroostook) (Governor's Bill)

Ordered Printed.
Sent up for Concurrence.

Reported Pursuant to the Statutes

Reported by Representative CASHMAN pursuant to Maine Revised Statutes, Title 36, section 1604, the accompanying Bill "An Act to Establish Municipal Cost

Components for Unorganized Territory Services to be Rendered in Fiscal Year 1992-93" (EMERGENCY) (H.P. 1713) (L.D. 2398) and asking that it be referred to the Joint Standing Committee on Taxation for public hearing and printed pursuant to Joint Rule 18.

Under suspension of the rules, without reference to a committee, the Bill was read once and assigned for second reading, Thursday, March 5, 1992.

REPORTS OF COMMITTEES

Ought to Pass as Amended

Representative COLES from the Committee on Marine Resources on Bill "An Act to Prevent the Poaching of Aquaculture Products" (EMERGENCY) (H.P. 1562) (L.D. 2200) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1016)

Report was read and accepted, the bill read once. Committee Amendment "A" (H-1016) was read by the Clerk and adopted and the bill assigned for second reading later in today's session.

CONSENT CALENDAR

First Day

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

(S.P. 881) (L.D. 2253) Bill "An Act to Provide for the Annual Apportionment of the Kennebec Sanitary Treatment District's Operation Costs on a 3-year Average" Committee on Utilities reporting "Ought to Pass"

There being no objections, the above item was ordered to appear on the Consent Calendar of Thursday, March 5, 1992, under the listing of Second Day.

(S.P. 839) (L.D. 2143) Bill "An Act to Reestablish the Rangeley Water District" Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (S-566)

On motion of Representative Clark of Millinocket, was removed from the Consent Calendar, First Day.

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

Committee Amendment "A" (S-566) was read by the Clerk.

On motion of Representative Clark of Millinocket, tabled pending adoption of Committee Amendment "A" (S-566) and later today assigned.

(S.P. 875) (L.D. 2236) Bill "An Act Concerning the Degree Granting Authority of Husson College"

Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (S-565)

(S.P. 888) (L.D. 2281) Bill "An Act to Change the Term Secondary Vocational Education to Applied Technology and Adult Learning" Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (S-564)

(H.P. 1604) (L.D. 2266) Bill "An Act to Amend the Laws Governing the Practice of Hairdressing" (EMERGENCY) Committee on Business Legislation reporting "Ought to Pass"

There being no objections, the above items were ordered to appear on the Consent Calendar of Thursday, March 5, 1992, under the listing of Second Day.

(H.P. 1688) (L.D. 2368) Bill "An Act to Create the Dresden Mills Water District" (EMERGENCY) Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1017)

On motion of Representative Holt of Bath, was removed from the Consent Calendar, First Day.

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

Committee Amendment "A" (H-1017) was read by the Clerk and adopted.

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

Representative Holt of Bath offered House Amendment "A" (H-1021) and moved its adoption.

House Amendment "A" (H-1021) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-1017) and House Amendment "A" (H-1021) and sent up for concurrence.

(H.P. 1412) (L.D. 2024) Bill "An Act to Clarify the Law Governing Contracts of Adhesion" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1019) (Representative POULIN of Oakland - of the House - Abstained)

(H.P. 1600) (L.D. 2262) Bill "An Act to Require the Issuance of Motor Vehicle Insurance Identification Cards" (EMERGENCY) Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1020)

(H.P. 1433) (L.D. 2045) Bill "An Act Concerning Funding of Indian Schools under the Act to Implement the Maine Indian Claims Settlement" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1022)

(H.P. 1419) (L.D. 2031) Bill "An Act to Ensure the Retention of Utility Easements in Foreclosure Proceedings" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1023)

(H.P. 1466) (L.D. 2078) Bill "An Act to Require a Right-to-cure Notice in Residential Mortgages" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1024)

(H.P. 1465) (L.D. 2077) Bill "An Act to Correct an Inconsistency Between the Maine Employment Security Law and the Federal Unemployment Tax Act" Committee on Labor reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1025)

There being no objections, the above items were ordered to appear on the Consent Calendar of Thursday, March 5, 1992, under the listing of Second Day.

SECOND READER

As Amended

Later Today Assigned

Bill "An Act to Provide Community Rating of Health Insurance Providers" (H.P. 507) (L.D. 701) (H. "A" H-1014 to C. "A" H-1007)

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

Representative Plourde of Biddeford moved that L.D. 701 be tabled until later in today's session pending passage to be engrossed.

Representative Mitchell of Vassalboro requested a division on the motion to table.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of Representative Plourde of Biddeford that L.D. 701 be tabled until later in today's session pending passage to be engrossed. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

54 having voted in the affirmative and 57 in the negative, the motion to table did not prevail.

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

Representative PLOURDE: Mr. Speaker, Men and Women of the House: I apologize, I am kind of lost here, let me get my thoughts. I feel that we should move to reconsider our action — would that be an appropriate motion at this time?

The SPEAKER: The Chair would inquire what you want to reconsider?

Representative PLOURDE: Mr. Speaker: Approval of second reading, is that what we are doing now?

The SPEAKER: The Chair would advise the Representative that making that motion would mean that the entire bill be read in its entirety. The pending motion is passage to be engrossed.

The Chair recognizes the Representative from Belfast, Representative Marsano.

Representative MARSANO: Mr. Speaker, I move indefinite postponement of L.D. 701 and all its accompanying papers.

Mr. Speaker, Men and Women of the House: It is obvious that this bill is important to my colleague, Representative Plourde, and that he wants an opportunity to prepare some remarks on it. I cannot believe that the House will not afford him that

opportunity. Accordingly, I would hope that the motion to indefinitely postpone would be subject to a motion by somebody to table so that he could prepare his thoughts as he just tried to do so we could hear them.

The SPEAKER: The Chair recognizes the Representative from Vassalboro, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, Men and Women of the House: I would hope that this House would not seriously entertain the motion to indefinitely postpone this bill. It was debated for well over an hour yesterday including debate by all Representatives, by all parties in this body. The bill was debated in its entirety. We talked about phasing in a rational approach to community rating to end the discriminatory practice of skimming young, healthy males. I can't believe there is a woman or a man over 40 in this House who could support the method of indefinitely postponing this bill.

It is very difficult for me to say this but delay is not in the best interest of people who care about community rating.

I have talked with members of this House who had some additional concerns about the sunset. The majority of the members of the committee were more than willing to put a sunset on this bill, a real one. The first sunset that was offered in our committee was a sunset that sunsetted before the sun rose and we did reject that one.

The second amendment, which was the Minority Report and which was defeated yesterday, gave one year. As I said in my remarks yesterday, one year isn't enough to give us any experience. An amendment is going to be proposed in the other body at the appropriate time to put a three year amendment on this bill to take care of some of the concerns of those who would like to see what is happening before we reach flat community rating.

Now that you know that, I believe that you know that there is no legitimate reason for delaying this bill.

I would encourage you to vote against the motion to indefinitely postpone and I would ask for 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 Representative Marsano of Belfast that L.D. 701 and all its accompanying papers be indefinitely postponed.

Representative Plourde of Biddeford moved that L.D. 701 be tabled later in today's session pending the motion of Representative Marsano of Belfast that L.D. 701 and all its accompanying papers be indefinitely postponed and further requested a roll call vote on the motion to table.

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

A vote of the House was taken and more than

one-fifth of the members present and voting having expressed a desire for a roll call, a roll call was ordered.

The SPEAKER: The pending question before the House is the motion of Representative Plourde of Biddeford that L.D. 701 be tabled later in today's session pending the motion of Representative Marsano of Belfast that L.D. 701 and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 326

YEA - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Butland, Carroll, D.; Carroll, J.; Clark, H.; Donnelly, Dore, Duplessis, Dutremble, L.; Farnum, Farren, Foss, Garland, Gould, R. A.; Greenlaw, Gurney, Gwadosky, Hanley, Hastings, Heino, Hepburn, Hichens, Hoglund, Hussey, Kontos, Kutasi, Larrivee, Lawrence, Lebowitz, Libby, Look, Lord, MacBride, Marsano, Mayo, McHenry, Murphy, Nash, Norton, Ott, Paradis, J.; Parent, Pendexter, Pendleton, Pineau, Pines, Plourde, Powers, Reed, G.; Reed, W.; Richards, Ricker, Rotondi, Salisbury, Savage, Sheltra, Simonds, Simpson, Spear, Stevens, A.; Stevenson, Strout, Tamaro, Tardy, Tupper, Vigue, Whitcomb.

NAY - Adams, Aliberti, Anthony, Bell, Boutilier, Cahill, M.; Cathcart, Chonko, Clark, M.; Coles, Constantine, Cote, Crowley, Erwin, Gean, Goodridge, Graham, Gray, Hale, Handy, Hichborn, Holt, Jacques, Jalbert, Joseph, Ketover, Ketterer, Kilkelly, Lemke, Luther, Macomber, Mahany, Marsh, Martin, H.; Melendy, Michaud, Mitchell, E.; Morrison, Nadeau, Nutting, O'Gara, Oliver, Paradis, P.; Paul, Pfeiffer, Poulin, Pouliot, Richardson, Rydell, Saint Onge, Skoglund, Stevens, P.; Swazey, Townsend, Tracy, Treat, Waterman, Wentworth, The Speaker.

ABSENT - Bowers, Carleton, Cashman, Daggett, DiPietro, Duffy, Farnsworth, Heeschen, Kerr, Lipman, Manning, McKeen, Merrill, Michael, Mitchell, J.; O'Dea, Rand, Ruhlman, Small.

Yes, 73; No, 59; Absent, 19; Paired, 0; Excused, 0.

73 having voted in the affirmative and 59 in the negative with 19 absent, the motion to table until later in today's session did prevail.

PASSED TO BE ENGROSSED

Bill "An Act to Amend the Charter of the Portland Water District" (EMERGENCY) (H.P. 1668) (L.D. 2344) (C. "A" H-1002)

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

Representative Kontos of Windham offered House Amendment "A" (H-1026) and moved its adoption.

House Amendment "A" (H-1026) was read by the Clerk and adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-1002) and House Amendment "A" (H-1026) and sent up for concurrence.

PASSED TO BE ENGROSSED

Bill "An Act to Amend the Subdivision Laws within the Jurisdiction of the Maine Land Use Regulation Commission" (H.P. 1514) (L.D. 2126) (C. "A" H-957)

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

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

Representative COLES: Mr. Speaker, I move the indefinite postponement of L.D. 2126 and all its accompanying papers.

Mr. Speaker, Men and Women of the House: We accepted the Majority Report on this bill last night but under a division, mainly because I fell asleep at the switch and forgot to debate it, I wasn't alert enough to debate it. I think it may be just as well — if you were like me last night, you didn't want to hear anymore debate anyway. At least today, I hope we have a reasonably fresh and cheerful group to listen to this debate on a rather obscure subject.

On your desks are two pieces of information about this bill, one is labeled a "fact sheet" and one is labeled "information" on L.D. 2126. Both of them encompass the same set of facts. I think as these things go, they pretty much agree with each other on many basic facts.

What the debate is about, what the argument is about is what is right and what is wrong. What I feel and what only a minority (unfortunately) of the Energy Committee feels is that this bill is an effort by two companies who did not qualify for a grandfather exemption under a 1988 law change where they had a special law passed to give them that exemption regardless of the merits of the issue. They are hoping to persuade us to allow a subdivision. Let me step back a minute — these two companies own between them over half the land that would be affected by this law. As far as I know, no one else whose land is affected by this law, who would be able to use that seller land under this law change, has come before the Energy Committee. I have seen only two people representing two companies, land development companies. What they want to be able to do is take their 16,000 acres and subdivide it without effective review. They want to be able to subdivide it without regard to whether they will be protecting valuable natural resources, without regard to the use to which they will put that land or the people they sell that land to will put it, without regard to all the normal concerns that are dealt with in a normal municipal subdivision review. In this case, the land is in the unorganized territory and the municipal review authority is the Land Use Regulation Commission. That doesn't change the fact that these people, if this law passes, will subdivide 16,000 acres without substantial review. It doesn't change the fact that the neighbors, the people whose property abutts this 16,000 will have no say, no chance in fact to express their concerns. They will not have the say that they would have in a normal subdivision review.

For the life of me, I fail to see why we should make a special exemption for two land development companies to enable them to subdivide 16,000 acres without review.

I hope you will support the pending motion.

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

Representative GOULD: Mr. Speaker, Ladies and Gentlemen of the House: As the old saying goes, now for the rest of the story. Several years ago, 40 acre lots were not covered by rules or regulations. 40 acre lots were exempt from rules and regulations basically.

The Energy and Natural Resources Committee decided that these lots should be regulated to a degree and should not be exempted. So in 1988, we passed a law taking care of some of the problems, we made some mistakes in that law. I was responsible for some of the mistakes that were made because I made a suggestion that we include lots which touched shoreland zoning or the shoreland of a pond. Now, what does that mean? What that means is that, if I owned an entire township and there was one pond in the northeast corner of that entire township, the whole township would fall under shoreland zoning. There was no way under the good earth that I was going to mean that when I made that suggestion.

What we have attempted to do, and it has been very difficult because you know how difficult it is to straighten out a law once you pass it, what we have attempted to do is to rectify that mistake. The majority members of the committee agreed that we had not intended to do that.

The good Representative says that this benefits only two companies and this is a special law. My friends, I do not do anything, I repeat, I do not do anything for one or two people. I am here to represent the people of District 104 and the people of the State of Maine. When I put this bill in last year, it was to rectify what I considered to be a problem. We did not totally solve the problem last year so it was brought back again this year. There are going to be approximately 28,000 acres that could fall under this which is spread over the northern part of the State of Maine. There are rules, Chapter 16 will govern them. I will agree that those Chapter 16 rules are not nearly as stringent as shoreland zoning. I could read you the 12 or 14 rules that fall under Chapter 16 but I am not going to affect your sensibilities that much so I will refrain from doing that.

Needless to say, as far as I am concerned, this is what I consider to be a fairness issue. We are trying to rectify what I consider to be an error that we made last year. There were several people who came down last year and testified before our committee that were going to be affected by this.

I hope you will vote against the measure to indefinitely postpone.

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

Representative BENNETT: Mr. Speaker, Friends and Colleagues of the House: Because this bill's effect is limited, I don't believe it has received the attention until very recently that it deserves. I know that in my district there is growing opposition to this bill from sportsmen and others who don't fully comprehend the reason for this law.

I respect the Representative from Greenville, Representative Gould, and his version of legislative intent. I wasn't here when the legislature passed this law several years ago, but it seems to me and the good Representative has accepted that this legislature has tinkered nearly every year for the last five or six years with the subdivision law and I think it is time to stop.

I have heard more and more about this, as I say,

from constituents of mine and in other places around the state who are opposed to this bill. I will tell you that my opposition was based on the fact that, if in my municipality I went out and bought a piece of land with the intent to subdivide it and then the town changed the subdivision ordinance, I would be out of luck if they did not state that my land was exempted. That is exactly what the legislature did.

It seems very important to me to recognize that if we do not pass this bill, we will not be prohibiting the development of the land around Grace Pond. We will, however, make them follow the more exacting subdivision review procedures that the legislature said that we wanted to impose in this state. For that reason, I encourage us to not tinker with the law this year and to support this motion to indefinitely postpone.

I request the yeas and nays.

The SPEAKER: The Chair recognizes the Representative from West Gardiner, Representative Marsh.

Representative MARSH: Mr. Speaker, Ladies and Gentlemen of the House: I don't begin to have the ability to debate the two senior members of the Energy and Natural Resources Committee on this. Both Representative Coles and Representative Gould have been here from the onset and understand the issue far better than I. But, if you listen to the two of them, you get the crux of the problem. There is a misunderstanding.

I have listened to the debate for two years, and to me, it boils down to what Representative Gould says, a fairness issue. There were not two landowners but we were provided information from LURC that there are 15 landowners who are involved in this, 15 landowners who may or may not have received bad information from people in state government at the time. This doesn't open up the whole of northern Maine to more development. It opens up 29,000 acres which is less than one township. It opens up land that has got to be one-quarter of a mile from any water course or great pond and it opens up lots down as small 200 acres. These 15 lots go from the most western part of Maine, the Canadian boundary, all across the State of Maine to the Canadian boundary on the eastern part of Maine. To me, it is a chance to straighten out a mistake that was made in the past. I think we should do it.

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

Representative COLES: Mr. Speaker, Men and Women of the House: First, I did not mean and did not intend to impugn the motives of my good friend from Greenville with whom I have worked with for so many years and, if he took my words to mean that, I apologize for the poor choice of words I used.

Second, I want to speak briefly about intent. Intent is always very difficult to determine after the fact. People have different intents and may vote the same way, they have different meanings and mean different things sometimes, I think a bill means different things. As the years go by, in my experience, I have found that people's recollections of intent, if there has been any difference at all, those differences have tended to magnify.

My understanding of my intent when we passed the 1988 law was in fact that it would prevent any further subdivision of large parcels that touched the shoreland in the 40 acre or larger lots without review. That is in fact the result of the law and

was exactly what I felt was intended. Thus, in my view, this law goes against the intent or what I understood to be the intent of the 1988 law change. Again, we can argue intent from now until sunset and it seems to me to have relatively little meaning when people disagree on what the intent was. That means we can only focus on what the effect of the law is, whether it is right or wrong in our own personal opinion.

When the 1988 law was passed, people such as people that own a sporting camp at Grace Pond, recognized what the law meant and the people who bought that sporting camp in 1989 relied on that law to offer them some protection from the adverse consequences of potential development around their sporting camp. They recognized that they can't prevent all development, they know that there is a risk of development that will undermine the product they are selling in their sporting camp. But, they felt that they at least had the protection of state subdivision laws. Now to find out that the legislature can take that protection away, over night, and is the fact which they based their investment, the risk factors they considered when they made that investment, can change drastically.

You also heard that this is a relatively small area when compared to the size of the state or even the size of the unorganized territory, that is true, but in the areas where this land is concentrated, it could have a very large impact. The fact that a paper mill occupies a relatively small amount of land doesn't mean that when its treatment plant breaks down that it doesn't have a large impact, an impact that should be dealt with and considered a serious impact by the state. The same thing holds true here. A development in Madawaska may not have much impact on me in Harpswell but it can have a lot of impact on the person in Madawaska. So, when I consider a law connected to that development, I ought to be considering the impact on that person in Madawaska, not just its impact on my people in Harpswell.

I ask you to do the same here because if you pass this law, this will have a serious adverse impact on the people whose land is next to the land that will be subdivided.

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

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

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

Representative GOULD: Mr. Speaker, Ladies and Gentlemen of the House: Two brief comments. One, it is never time to stop trying to seek justice and fairness on any issue. I hope the legislature never, whether it is back here 50,000 times, seeks to stop trying to find fairness and justice.

Secondly, to Representative Coles, apologies are never necessary from my favorite parliamentarian.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: It is unfortunate that so much bad information or misinformation has been put out on this bill because it is an important issue to some people of the State of Maine. You have been given a brief history but, unfortunately, you weren't told all the things that occurred.

Up until 1988, someone could subdivide and have 40 acre lots in shoreland zone and be exempted from review. The Maine Audubon Society brought in a bill to do away with that provision. It was a Divided Report, we made the argument on the floor of this House and we did away with 40 acres within the shoreland zone. That went over so well, the next year they came back and said, let's do away with 40 acre subdivisions outside of the shoreland zone. We had another Divided Report that was argued on the floor of this House and that passed. During both of those negotiations, the question was asked by different people, one of which was Representative Hoglund from Portland, what about the people who are in the process that had paid the money, that had subdivided, that built the roads, that had it surveyed, had registered it and were ready to go. What would happen if we changed the law then, would we be indeed taking without compensation? A majority of the members who signed out with both bills said, look, if we can guarantee that the people in the pipeline are protected from having the rules changed, as Representative Bennett talked about, which if you think that is a fair thing to do I guess that is okay, but we didn't think it was a fair thing to do. So, in the 1988 law we said, if you had done these things by this date, then you would be exempted from going under the more serious review in the shoreland zone. That was in 1988. In 1989, when we went for the back lots, we did not make mention to that grandfathering provision. The Attorney General's Office then ruled that you did not become a subdivision, regardless of what the law said in the past, until you had offered a lot for sale or sold one. So, the people that had done things with the understanding of the 1988 law and the grandfathering window (so to speak) from a certain date to a certain date were in there, were now told by an act of the Attorney General in an opinion that, because the legislature didn't put that window in the 1989 law that was in the 1988 law, that it was a subdivision when you offered it for sale or sold it and you had to come under all the review. Furthermore, he stated that, if your lot was ten miles back away from shore, as long as the original or parent parcel touched shoreland zone, somewhere you came under the shoreland zone review.

Clearly, no one in their right mind would ever believe that our intent was to have land reviewed 15 or 18 miles away, if you owned that much land, under the shoreland zone.

What this bill does is exempt property within 1,320 feet of the shoreland zone now. It doesn't change that. It does away with 500 acre lots which were exempt in the past.

As Representative Coles said, we can argue intent all you want but I can just speak for myself. I don't purport or pretend to speak for the committee on what their thoughts were. I signed on both Majority Reports. I guess many of you in this House

that know me know that I would not do something to hurt the environment or hurt a small pond but it soon comes down to the question of fairness.

Last week we heard from Justice McKusick and he talked about the State Constitution which allows every person that feels injury has been done to them concerning their person, reputation or properties shall have remedy of due course of law. Now these 15 or so landowners could have gone to court and I think they would probably win, but it is a lot of money and they have spent a lot of money already trying to subdivide land that they believed they could subdivide under current Maine law. As we have heard before, this legislature is the people's court. You shouldn't have to go to court when the legislature, through their action intentionally or unintentionally, is the one that basically did you the harm. Probably if the market had stayed the way it was when these lots were going for big money, this would not have been a problem because these people could have sold the lots for \$30,000 or \$40,000 and paid to have the real extensive review in spite of the fact that they felt they didn't have to when they put in the roads, when they did the surveying, when they invested all the money they did.

Just to make the whole thing clear, I don't even like these two fellows that we are talking about here. I don't represent them, I have had some real serious problems with them on other issues in the past but I think it comes down to a question of fairness and equity. That fairness should apply to everyone whether you are perceived as a white hat or a black hat, as a developer or as just a small shoreland property owner. It is unfortunate that these gentlemen were compared to Patten Corporation because, believe me, they don't even come close to Patten Corporation. One of these gentlemen started a subdivision on Moosehead Lake and, if any of you know Senator Rich down the aisle, you can talk to him and tell him about the conditions that were put on those lots when this company sold them. The setback was three times what is required under LURC. The cutting requirements along the shoreland zone were ten times stricter than what you are allowed under LURC because they were cognizant of the fact that Moosehead Lake is something special, as I believe all lakes and ponds are and, indeed, should be afforded some other protection. What people don't tell you in this case is that, if you force these people into doing alternative things with this land, they could effectively come in and clear-cut it as long as their clear-cuts aren't any larger than 50 acres in size. That means you cut 39.5 acres of every one of those 40 acre lots, clear-cut them, gone. You have just like an atomic bomb blast all the way across their property. Is that responsible? It can be done if we force them to look at other alternatives other than bankruptcy.

This Tuesday, the United States Supreme Court heard a case from a gentleman in North Carolina who purchased two pieces of beachfront property at a cost of almost \$1 million and then was told through regulations that he could not do anything with those two pieces of property. We all knew this was going to happen sooner or later and the time has come. He is going after the state or the community that imposed those regulations undertaking without compensation, which in our constitution is Section 21. It says, "Private property shall not be taken for public uses without just compensation." It was

only a matter of time. We have been fast approaching this time and I have been part of that. I have helped make laws and conditions or put restrictions on people's private property rights for the so-called "benefit of all" but the cost has ultimately been picked up by that property owner.

Remember and recognize this, that if you have a lot beside your home on a lake that you bought to give to your children or your grandchildren with the understanding that some day you would build a home there for them and your town or this state changes the rules and says 150 feet is not long enough to develop, you have to have 300 feet, you will have a lot that you will be taxed full taxes on, that you will be able to do nothing with, and it is going to affect you just like this law affected these people. Now, if that Supreme Court rules that it is taking without compensation, if you think that we have a budget deficit now, it will cost the State of Maine billions of dollars to compensate landowners all across this state for loss of property rights because of shoreland zoning, Natural Resource Protection Act, Wetland Protection, Subdivision laws and it goes on and on and on, Eagle habitat, wildlife protection habitat. I hope that doesn't happen but we are slowly pushing into the situation where private property landowners will have no choice. They will have no place to go because we take and we take and we take and we are putting them into a smaller and smaller and smaller box.

I understand the problem is that you have a lot more people that don't own land than you do that do. But, as Justice McKusick said the other day, the Constitution is not there to protect the rights of the majority because in this country majority normally rules. The Constitution is there to protect the rights of the minority. Unfortunately in the State of Maine, landowners and property owners are in a minority.

This boils down to me, one member of the committee, as a matter of fairness and justice. These people spent money, the roads are there, the lines have been surveyed, they did so with the understanding this would be allowable.

The thing that bothers me the most is that we have gotten communications, and I am sure Representative Bennett was referring to that in his testimony here in the House, that says this would open up the northern part of the State of Maine to all this uncontrolled subdivision — poppycock. On Grace Pond, the person involved now has (I believe) 28 permits to build on that pond, that is all. This will not change that, he has those permits now, but at the same time, LURC has taken a 2,000 foot strip that this man bought and paid for away from him as a condition of giving permits. It will be forever wild, it is a conservation easement. I point out to you that this land was bought from the Coburn heirs who got so sick and tired of having their rights taken away from them they sold their holdings in the State of Maine to anybody who was dumb enough to buy them. They advertised it in the paper, they offered it for sale and one of these gentlemen went and bought it with the understanding — and I believe the people around them must have believed that he was not going to sit on it for the rest of his life and do nothing — that somewhere along the line he would be looking to use that land for some purpose, to at least get some of his money back. I submit to you that, if the people at Grace Pond Camps wanted to

protect the area around them, then they should have bought the area around them. The fact of the matter was, they couldn't buy the camps at the price they were going. They negotiated with the landowner, bought the camps, made condominiums out of them basically. They tell us now they are still the traditional sporting camp. That is not true, they are all owned by different owners and when you are not there, they allow the manager to lease that camp to help defray your cost of owning that camp. It is not a traditional sporting camp anymore. Clearly, if the area behind them is subdivided so you don't have all these nice open woods, it is going to limit what you can do in that sporting camp. I understand that, but, isn't the simple fact of the matter that if you want to stop somebody from doing something on their land, shouldn't you buy it, shouldn't you give them compensation if you are going to stop them from doing it?

We have walked a very fine line in this state for many years as other states have. I believe this Spring we will find out what the United States Supreme Court says, if you have any property rights of you don't. The fine line is getting finer.

It is not because I want these people to be able to bring wanton destruction to the areas of the State of Maine, we are talking about somewhere around 25,000 acres total in the entire unorganized territory which is about 10.5 million acres. It is scattered all over the northern part of the state. Some people have special interests that they want to protect, I don't blame them for that.

I leave the decision up to you. I am glad there is a roll call on it because I think that is important because the decision is going to be made whether or not we put the brakes on somewhere along the line. Next time it might be you, next time it might be your neighbor, it might be your children, it might be your sister or brother but you just remember this day and the decision you make when we start talking about fairness, equity and private property landowner rights.

I would hope that you would vote against the indefinite postponement of this bill, send this bill on its way and see if we cannot at least make a small attempt to undo what I still believe was an injustice to people. Whether I like the people or not is irrelevant. They are still citizens of this state, they still should be afforded the same protection that we say that our Constitution says, the words we wave around, we use for our advantage when it is to our benefit but we sometimes seem to forget when it is not to our own direct benefit so I will leave it up to you and I will live by the decision of this House. Thank you for your patience.

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

Representative SIMPSON: Mr. Speaker, Men and Women of the House: I hate to prolong this debate but really we are talking about an issue of fairness and justice that I think is being overstated here. I wish the committee could have worked this out in committee, we have had this issue before us for five years now. If you vote to indefinitely postpone this bill, I believe you will be doing the just and fair thing to do and we will answer this question once and for all or put an end to it anyway.

I would like to read to you from the purpose of the Land Use Regulation Commission. There are seven things that we set this commission up to do in the

first place. To summarize this bill so you know fully what you are voting on, not getting too bogged down in the details — "The legislature finds that it is desirable to extend principles of sound planning, zoning and subdivision control to the unorganized territories of the state. One, to preserve public health, safety and general welfare. Two, to prevent inappropriate residential, recreational, commercial and industrial uses detrimental to the proper use or value of these areas. Three, to prevent the intermixing of incompatible industrial, commercial, residential and recreational activities. Four, to provide for the appropriate residential, recreational, commercial and industrial uses. Five, to prevent the development in the areas of substandard structures or structure located unduly proximate to waters or roads. Six, to prevent the defoliation, pollution and inappropriate use of the waters in the area and seven, to preserve the ecological and natural values."

What we are voting on here today is an exception to an exception to an exception. What the Majority Report says, out of the seven purposes that we created the Land Use Regulation Commission for, we would only be looking at number five, "to prevent the development in these areas of substandard structures located unduly proximate to waters or roads." They are getting a break with either one of these reports.

I would hope that we would vote to indefinitely postpone the Majority Report. These landowners can go before LURC, have their property fully reviewed the way everyone else in the state should be in either the organized or unorganized territories. If there are questions about taking, if there are questions about inappropriate uses, incompatible uses, that is what the agency is set up to decide. The agency opposes this bill. The Attorney General's Office opposes this bill. Four members of the committee oppose this bill. The majority members of the committee really struggled to try and work out one last time a special treatment to help these people. I believe these people would be helped and all the people in the area would be helped if they went before LURC and let the agency use its expertise to wisely plan for the resources and the values of that area. That is what we created the agency for, that is what they are there for, that is what the Attorney General's Office feels they are there for and that is what I feel we should do.

One final comment, the question of them going to court versus the legislature to find the solution to their problem, I think they have already spent a lot of money in the legislature arguing before our committee, their attorney fees must be equal, if not higher, than what they would have been to go to court. In a court of law, the judge would look at the facts. He would look at legislative intent and he would make a decision as to whether they would have been affected or not been affected. Here there are a lot of other things going on besides the facts.

I would hope that when you look at the question today of fairness and justice, the real fairness issue here is that only one out of seven purposes in the whole LURC law would be addressed. It is only fair to have all seven purposes that we created LURC to apply to these people and not just these people but to all the property owners in the area and all the people of the State of Maine.

The SPEAKER PRO TEM: The Chair recognizes the

Representative from Waterboro, Representative Lord.
 Representative LORD: Mr. Speaker, My Learned
 Colleagues: I won't be too long. I think you have
 heard the whole story. I think the Chairman of the
 Committee did an excellent job in presenting the case
 but I would just like to make a couple of remarks.

There are 13 townships up there that this land
 involves. The acreage is between 25,000 and 29,000
 acres or 430 to 525 lots.

Now, I probably flunked my reading test last
 night and we'll look at my arithmetic this morning,
 but if you divide the 29,000 acres by 525 lots,
 you've got 55 acres. My good friend in front of me
 here, Representative Simpson, read you off the seven
 purposes. Fifty-five acres is quite a hunk of land
 and anybody would think from what we had heard and
 some of the messages that you and I got that, when
 they get done up there, it is going to look like Old
 Orchard Beach. Well, you know darn right well it
 isn't going to be that at all. I think that with 55
 acres in a lot, that is quite a lot of land.

If you take the 430 lots on the same acreage,
 there is 70 acres a lot. Some of those acres are 40
 acres that they were talking about. A lot of them
 are 100 acres. They are not all 40 acre lots. There
 is no question, we tried to do what was right and we
 made a mistake, we made a mistake. What we are
 trying to do is correct the mistake.

Representative Jacques is absolutely right and I
 hope you will vote against the pending motion.

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

Representative HOLT: Mr. Speaker, Men and Women
 of the House: I have just a few quiet words to say
 as a naturalist from a quiet New Englander, Robert
 Frost. I say these words in response to the good
 Representative from Waterville, Representative
 Jacques. He said these words not long before he died
 and I take them to heart. Every time the children
 come to play in my six acres of woods in the lower
 end of Bath and they say, "Whose woods are these?" I
 say, "The woods belong to the woods and you are
 welcome to play in them as long as you take care of
 them."

Robert Frost said, "We belonged to the land
 before the land belonged to us." Maine people do not
 want us to chip away the state acre by acre. These
 subdivisions should undergo very careful review or we
 will lose this state for the future. The course we
 are taking is rampant rape and we need to be very
 careful that the development we allow is good.

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

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

The SPEAKER: The pending question before the
 House is the motion of Representative Coles of
 Harpswell that L.D. 2126 and all accompanying papers
 be indefinitely postponed. Those in favor will vote
 yes; those opposed will vote no.

ROLL CALL NO. 327

YEA - Adams, Anthony, Bailey, R.; Bennett,
 Chonko, Clark, M.; Coles, Constantine, Daggett,

Duplessis, Foss, Goodridge, Gray, Handy, Hanley,
 Heeschen, Heino, Holt, Kutasi, Lawrence, Lemke,
 Luther, Mayo, Michael, Michaud, Nutting, O'Dea,
 Oliver, Pfeiffer, Plourde, Powers, Richardson,
 Rydell, Simpson, Treat, Tupper, Wentworth.

NAY - Aikman, Aliberti, Anderson, Ault, Bailey,
 H.; Barth, Bell, Boutillier, Butland, Cahill, M.;
 Carroll, D.; Carroll, J.; Cathcart, Clark, H.; Cote,
 Crowley, Donnelly, Dore, Duffy, Dutremble, L.; Erwin,
 Farnum, Farren, Garland, Gean, Gould, R. A.; Graham,
 Greenlaw, Gurney, Gwadosky, Hale, Hastings, Hepburn,
 Hichborn, Hichens, Hوجلund, Hussey, Jacques, Jalbert,
 Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kontos,
 Larrivee, Lebowitz, Libby, Look, Lord, MacBride,
 Macomber, Mahany, Manning, Marsano, Marsh, Martin,
 H.; McHenry, Melendy, Mitchell, E.; Morrison, Murphy,
 Nadeau, Nash, Norton, O'Gara, Ott, Paradis, J.;
 Paradis, P.; Parent, Paul, Pendexter, Pendleton,
 Pineau, Pines, Poulin, Pouliot, Reed, G.; Reed, W.;
 Richards, Ricker, Rotondi, Ruhlin, Saint Onge,
 Salisbury, Savage, Sheltra, Simonds, Skوجلund, Small,
 Spear, Stevens, A.; Stevens, P.; Stevenson, Strout,
 Swazey, Tammaro, Tardy, Townsend, Tracy, Vigue,
 Waterman, Whitcomb.

ABSENT - Bowers, Carleton, Cashman, DiPietro,
 Farnsworth, Lipman, McKeen, Merrill, Mitchell, J.;
 Rand, The Speaker.

Yes, 37; No, 103; Absent, 11; Paired, 0;
 Excused, 0.

37 having voted in the affirmative and 103 in the
 negative with 11 absent, the motion did not prevail.

Subsequently, the Bill was passed to be engrossed
 as amended by Committee Amendment "A" (H-957) and
 sent up for concurrence.

ENACTOR

Constitutional Amendment

Later Today Assigned

RESOLUTION, Proposing an Amendment to the
 Constitution of Maine to Clarify Succession to the
 Positions of Treasurer of State and Secretary of
 State (H.P. 1478) (L.D. 2090) (C. "A" H-932)

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

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

ENACTOR

Emergency Measure

An Act Making Supplemental Appropriations for
 Fiscal Year 1991-92 (H.P. 1699) (L.D. 2379) (S. "A"
 S-569 to H. "B" H-981)

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

On motion of Representative Gwadosky of
 Fairfield, tabled pending passage passage to be

enacted and later today assigned.

PASSED TO BE ENACTED

Emergency Measure

An Act to Provide for the 1992 and 1993 Allocations of the State Ceiling on Private Activity Bonds (S.P. 874) (L.D. 2235)

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 none against and accordingly the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act to Provide More Effective Recovery of Child Support (H.P. 1222) (L.D. 1780) (C. "A" H-899)

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. 113 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker pro tem and sent to the Senate.

PASSED TO BE ENACTED

Emergency Measure

An Act to Amend the Laws Governing Placement of Insurance in the Surplus Lines Market (H.P. 1473) (L.D. 2085) (S. "A" S-560 to C. "A" H-922)

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

PASSED TO BE ENACTED

An Act to Establish the Maine Correctional Institution - Warren (S.P. 518) (L.D. 1396) (C. "A" S-549)

An Act Concerning Prevailing Wages Established by the Department of Labor (H.P. 471) (L.D. 665) (H. "A" H-934 to C. "A" H-898)

An Act to Limit Late Fees Charged on Cable Television Rates (H.P. 1018) (L.D. 1491) (C. "A" H-902)

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

ENACTOR

Later Today Assigned

An Act to Establish a Voluntary Trauma-reporting System (H.P. 1233) (L.D. 1797) (C. "A" H-915)

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

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

PASSED TO BE ENACTED

An Act Concerning Railroad Personnel (H.P. 1309) (L.D. 1891) (C. "B" H-931)

An Act Regarding the Parking Violations that Occur on State Controlled Property within the Capitol Area (H.P. 1509) (L.D. 2121) (C. "A" H-933)

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.

At this point, the Speaker resumed the Chair.

The House was called to order by the Speaker.

UNFINISHED BUSINESS

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

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

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 - March 3, 1992 (Till Later Today) by Representative GWADOSKY of Fairfield.
PENDING - Adoption.

Representative Clark of Brunswick withdrew Joint

Resolution, H.P. 1689.

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

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 (EMERGENCY) (H.P. 711) (L.D. 1016) (C. "A" H-924)

TABLED - March 3, 1992 (Till Later Today) by Representative GWADOSKY of Fairfield.
 PENDING - Passage to be Enacted.

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

The Chair laid before the House the third 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 - March 3, 1992 (Till Later Today) by Representative GWADOSKY of Fairfield.
 PENDING - Acceptance of Either Report.

Representative Joseph of Waterville moved that the House accept the Minority "Ought Not to Pass" Report.

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

Representative FOSS: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will not support that motion. The Minority "Ought Not to Pass" Report would kill the constitutional amendment proposal on not passing any unfunded state mandates.

I would request a roll call.

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

Representative MICHAUD: Mr. Speaker, is this bill in violation of Joint Rule 22?

The SPEAKER: The matter will be tabled pending a ruling from the Chair.

TABLED AND TODAY ASSIGNED

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

Bill "An Act to Institute a Pheasant Stamp Program for Cumberland and York Counties" (H.P. 1555) (L.D. 2193)

TABLED - March 3, 1992 by Representative JACQUES of Waterville.

PENDING - Passage to be Engrossed.

Representative Jacques of Waterville offered House Amendment "A" (H-1012) and moved its adoption.

House Amendment "A" (H-1012) was read by the Clerk.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: This is the correct version of the unanimous committee amendment that should have come out but did not. That is why I indefinitely postponed the last one earlier yesterday and this is the corrected version that should have been there.

Subsequently, House Amendment "A" (H-1012) was adopted.

The bill was passed to be engrossed as amended by House Amendment "A" (H-1012) and sent up for concurrence.

BILL HELD

Bill "An Act to Prohibit the Sale and Distribution of Certain Milk Products" (H.P. 1163) (L.D. 1704)

- In House, Passed to be Engrossed as amended by Committee Amendment "A" (H-897) as amended by House Amendment "D" (H-992) thereto.

HELD at the request of Representative HUSSEY of Milo.

Representative Hussey of Milo moved that the House reconsider its action whereby L.D. 1704 was passed to be engrossed.

On motion of Representative Mayo of Thomaston, tabled pending the motion of Representative Hussey of Milo that the House reconsider its action whereby L.D. 1704 was passed to be engrossed and later today assigned.

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

REPORTS OF COMMITTEES

Divided Report

Majority Report of the Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1015) on Bill "An Act Authorizing an Advisory Referendum on Whether the Congress of the United States Should Establish a National Health Insurance Program" (H.P. 1656) (L.D. 2333)

Signed:

Senators: KANY of Kennebec
 McCORMICK of Kennebec

Representatives: MITCHELL of Vassalboro
 ERWIN of Rumford
 TRACY of Rome
 KETOVER of Portland

RAND of Portland
 PINEAU of Jay
 JOSEPH of Waterville
 GARLAND of Bangor
 HASTINGS of Fryeburg
 CARLETON of Wells

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

Signed:

Senator: BRAUN of Knox

Reports were read.

Representative Mitchell of Vassalboro moved that the House accept the Majority "Ought to Pass" Report.

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

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

I would like to ask either the sponsor or the cosponsors of the bill if they would explain or define the words "National Health Insurance Program?"

The SPEAKER: The Representative from Scarborough, Representative Pendexter, has posed a question through the Chair to the sponsor or the cosponsors who may respond if they so desire.

The SPEAKER: The Chair recognizes the Representative from Vassalboro, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, Men and Women of the House: I am not a sponsor or a cosponsor and I don't see them present. At the hearing and the reading of the bill indicated that there is no set standard of what program will be adopted. The issue is accessibility and affordability. There is no pushing for any one program. I think there are about 32 now pending in Congress but it is affordability and accessibility to devise a referendum to let our Congressional Delegation know exactly how the people of Maine feel about the importance of this issue.

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

Representative PENDEXTER: Mr. Speaker, I would like to pose another question through the Chair.

To whoever can answer, would this program be funded by tax rates?

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

The SPEAKER: The Chair recognizes the Representative from Vassalboro, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, Men and Women of the House: As there is no particular program that is being embraced, it is unclear. For example, some of the programs on the national level are single payer systems, some are combinations of private insurance and public and some are simply picking up those people who currently lack insurance. This bill does not specify so it just says that access to affordable health care is an extraordinary important issue for Maine people. Please get your act together and give us something.

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

Representative PENDEXTER: Mr. Speaker, I move the indefinite postponement of L.D. 2333 and all its accompanying papers.

Mr. Speaker, Men and Women of the House: I just have a problem with the real vague definition of what this referendum is asking our Maine citizens to do. I would argue that nobody in Maine will disagree that the health care reforms are needed and I don't think that a referendum will do us any good. I see it as a needless and useless act.

Our Senators that are representing us in Congress, and I think nobody will argue that the agenda for national health care reform is set in Congress, and I think that our Senators are involved in that. I think this referendum will not do anything. I think we all agree that some reforms are needed so I would ask you to support me on the motion to indefinitely postpone this bill.

Representative Mayo of Thomaston requested a roll call.

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

Representative PARADIS: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will vote against the motion to indefinitely postpone this legislation. I have heard it said before in this House that referenda questions don't mean anything and they are not going to do anything. I can remember just a few odd months ago there was a turnpike referendum question that the opponents said, this is not going to mean anything and it is not going to stand for anything and, lo and behold, an overwhelming majority of the people of this state said, we need a different transportation policy in this state and that referendum question passed. We are seriously debating transportation policy in this state because the citizens of this state asked for it.

This referendum question which I am proposing in the 12 to 1 report from the Committee on Banking and Insurance puts out to the voters of this state where the people of New Jersey had a chance to answer in their referendum last November — the people of New Jersey when asked, should the Congress of the United States pass some sort of universal, comprehensive national health insurance, 78 percent of the people of that state said yes. In the next door state of Pennsylvania, an unknown appointee to the United States Senate ran on a pledge that the Sixth Amendment to the Constitution provide legal counsel for indigent people, people too poor to afford a lawyer charged with a criminal wrongdoing, have to have a lawyer paid for by the state. He said, "Why is it when someone gets sick and can't afford to pay, there isn't a National Health Insurance Policy there to cover everybody? If we can put you in jail and have to get you a lawyer, why can't we put you in the hospital and give you a doctor?" He won an overwhelming victory against Attorney General Thornburg of the United States. His name is Harris Warford, a year ago that was not a household word, today Senator Warford sits in the United States Senate overwhelmingly elected to a term because he pledged to support and work for as national health insurance.

This referenda question does not speak of any bill. Senator Cohen has advocated major reforms after he narrowly won re-election two years ago, not

pledging to do anything about health insurance. Neil Rolde made it the cornerstone of his campaign, if Senator Cohen is listening today. George Mitchell sits on the Finance Committee, he has been talking about national health insurance and no one has been listening. Since last November, people have started to listen. The Presidential campaigns this year have talked about national health insurance, people are starting to listen.

I want the people of this state, who do not have a senatorial election this November, to be able to mark their ballot and say to our two Representatives in the First District and the Second District and the candidates who are opposing them, we feel that some form of comprehensive national health insurance is needed. We can no longer afford in this state to go it alone.

If you watched 60 Minutes three days ago, you saw an expose' on the Oregon health plan. The President of the Senate in Oregon is a physician and he said that until there is a national health insurance plan, states like Oregon are going to have to try to do something but we cannot afford to do it alone and Washington doesn't seem to be able to care. If we make it a national agenda and I would encourage the other 48 states in this Union to put on their ballot this November when the President of the United States is running for re-election — "Do you favor some sort of comprehensive national health insurance?" Then I think people will start to listen.

The biggest thing we fear, whether it is the legislature or the Congress is the people voicing their opinions. That is our greatest fear because we are going to have to listen. We are listening to transportation policy because of that initiated bill. Well, this referendum bill is going to catch attention.

I urge you to defeat the motion to indefinitely postpone because those arguments are stale, they are not worthy to be considered and they ought to be defeated.

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

Representative SMALL: Mr. Speaker, Ladies and Gentlemen of the House: I am planning to vote for this referendum. I don't feel that it is really going to have much effect because I think it is probably going to get a 100 percent approval because all we are asking is, "Do you favor a national health care program?" I don't think there is a person in this state that doesn't think there needs to be some sort of reform in this area. Something needs to be done.

I think if you really wanted to send Congress a message and give them some assistance and guidance, you would have asked the question, "How much are you willing to spend on this and how will we pay for it?" I think those are the two issues that are really dividing Congress now, not do we need it, but how do we afford it and how best to pay for it. So, I think probably, while this is a "feel good" type of bill that we have talked about before and it will probably get 100 percent voter approval, I really don't think it is going to tell Congress anything that they don't already know.

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

Representative BENNETT: Mr. Speaker, Friends and Colleagues of the House: Whatever happened to writing letters and placing phone calls? I am for

ice cream and apple pie and for motherhood, and as Representative Mitchell described it, I am for national health insurance. The issue here is whether or not we should have a referendum on this, not whether or not we should have national health insurance.

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

I would like to pose a question to the House Chairman of the Banking and Insurance Committee — what is the fiscal note on this bill, for the Record?

The SPEAKER: The Representative from Norway, Representative Bennett, has posed a question through the Chair to the House Chair of the Committee, who may respond if she so desires.

The Chair recognizes the Representative from Augusta, Representative Paradis.

Representative PARADIS: Mr. Speaker, Men and Women of the House: This bill is suggested to go out to referendum this November when we have a national election. There is going to be an election this November, there is no way that we can get out of that. There is a \$7,000 fiscal note because for every question on there, the Secretary of State advises that it costs about \$7,000. I don't see that as a real issue.

Now if you want to give \$7,000 to the people of this state for their telephone bills to Washington or postage stamps to write to Senator Cohen and Senator Mitchell and Congresswoman Snowe and Congressman Andrews, I don't think we have enough out of \$7,000. I think this is the cheapest way for us to do that. We are going to have an election anyway, this isn't a Special Election, we are going to have several questions on the ballot, many of them proposed by that restructuring commission because it will take constitutional amendments to make changes. We have an issue that is tabled today on the House Calendar, Item 10-1, that is going to be on the ballot.

In answer to the other question that was raised by the good Representative, the industrialized countries, the developed countries of the Western Hemisphere, spend 7 percent of their GNP on health care but not the United States, not the leader of the free world, not the strongest, political and military power in the world today — we spend 12 percent of our GNP, 12 percent of our gross national product, and it is increasing at a rate of 17 percent per year and we are getting less health care for our dollar today than we did 20 years ago. Only South Africa has a worst record for health care for their citizens than the United State of America. What a category to be in where we judge the state of a person's health by the size of a person's wealth. The only country in the world that can claim the same advantage of the United States is South Africa. I resent being included in that category as I hope most of you do. There is no reason that we have to spend 12 percent of our dwindling GNP on health care when France, Italy, Great Britain, Norway, Sweden and Germany spend only 5 to 7 percent of their GNP. There is no reason. We can do it cheaper if everybody is included, not just the rich, not just those who have good paying jobs, not just those who are covered by government policies — we have to include everybody.

A few years ago, I went to speak to a very wealthy constituent of mine who runs a good-sized business in this city and I asked him about universal coverage, not any one particular plan, universal coverage. He told me, and this is several years ago,

about five years ago, I am in favor of national health insurance now for the first time because I am paying for those who aren't covered. Every time my Blue Cross/Blue Shield goes up, I am paying for the coverage of the people who go into the hospitals to get health care but don't pay for it because they can't afford to. Our rates are going up because someone has got to pick up the tab. The rollover has to be paid by somebody, it is time that we acknowledge that. I think the people of this state if they are allowed an opportunity to vote on this question are going to say, maybe not 100 percent although I would like to agree with the Representative from Bath that it would be 100 percent, but something to the tune of 80 percent like in New Jersey. Then the politicians in Washington and their lobbyists for the different associations that are against this are going to start to listen. Nothing is stronger than the ballot.

I urge you to defeat the motion on the floor.

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

Representative KETOVER: Mr. Speaker, Ladies and Gentlemen of the House: I rise only because I am hearing questions about, where are the people, why can't they write letters and why can't they call their Congress people? Ladies and gentlemen, you know and I know that this issue has been around a long time. I think it has been around for about 20 years now. People have really been concerned about health insurance. They said we had a crisis but everybody said, well, we will solve that problem. They thought it would go away with time, but you know and I know, that health care has become a major crisis in this country. Maybe the deficit could be a second runner up to health care in this country.

We need to take that action. This is a good proposal. I think if we the citizens of the State of Maine send a very loud message to Congress that the 50 other states will do the same thing. It has been a grass roots campaign that has been working to solve the health care problem in this state as you know. They say maybe it is the poor that has been behind this because they can't afford health care but you know, many, many doctors who I have talked to over the years are in support of universal health care. So, this is not just an issue for a small portion of the population out there, this is an issue that affects every single one of you and your constituents. No matter if you are rich or poor, we all want good health care. This is an issue that costs the country \$260 billion and that is a phenomenal amount of money that we pay every single year for health care. I would think that this is the way that we could send a very loud and strong message to Congress to say that we do not want to have this problem anymore. My good friend, Representative Paradis, is correct in all the things he told you. I think most of you know that and I would agree with him that we would like to see 100 percent — wouldn't that be terrific? Wouldn't that be great for the future generations, that we knew we could have a health care program that could do a lot of prevention out there? Wouldn't that save us a lot of money?

I would urge you strongly to vote in favor of this referendum. Even though you feel \$7,000 may be a lot of money for a referendum, I think it is a small amount of money to help a whole lot of people.

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

Pendleton.

Representative PENDLETON: Mr. Speaker, Ladies and Gentlemen of the House: I just would like to point out a few things coming from a nurses perspective. Although I really believe that the intention of this referendum is very noble, I think there are a few things that we need to remember. There are many, many components to affordable health care and a national health insurance program can mean different things to different people. It seems to me that it would be more reasonable to offer a complete plan to include all the aspects of affordable health care. The Maine State Nurses Association has endorsed the National Nurses Association's agenda on health care reform, which was unveiled last Spring in our state. The American nurses have long supported a national effort to create a health care system that assures access, quality and services to affordable health care costs.

In the agenda, the National Nurses Association's agenda which we endorsed in this state as nurses, we called for a basic corp of essential health care services to be available to everyone. We called for a restructure of the health care systems that would focus on the consumer and their health care with services to be delivered in familiar and convenient sites such as schools, work place, and home. We also called for a shift from the predominant focus on illness and cure to the orientation toward wellness and care. It would seem to me that just putting out a referendum and saying, hey, we need more health insurance dollars is not really the answer.

I think everyone is right in thinking that we probably would get 100 percent support on a national health care insurance system but I think we really have to look at the whole picture and I think that it would be wise for us to vote for indefinite postponement so we can go forward and have a comprehensive plan that we can offer to people with some suggestions for improvement, not just money.

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

Representative HEPBURN: Mr. Speaker, Ladies and Gentlemen of the House: I hate to speak in opposition to my colleague from Scarborough but I feel I have to today. I think we should oppose this motion and put this bill into a posture where we could amend it so we can also ask the people if they are in favor of the death penalty, legislative term limitation and I would also like to know if they would like to add about 500 extra moose permits as well next year.

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 Scarborough, Representative Pendexter, that L.D. 2333 and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 328

YEA - Bailey, H.; Bennett, Duplessis, Greenlaw, Hanley, Hichens, Lebowitz, Libby, Lipman, Marsh, Pendexter, Pendleton, Pines, Salisbury, Stevenson, Whitcomb.

NAY - Adams, Aikman, Aliberti, Anderson, Anthony, Ault, Bailey, R.; Bell, Boutilier, Butland, Cahill, M.; Carroll, D.; Carroll, J.; Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, Donnelly, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Farnum, Farren, Foss, Garland, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gurney, Gwadosky, Hale, Handy, Hastings, Heeschen, Heino, Hepburn, Hichborn, Hoggund, Holt, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kontos, Kutasi, Larrivee, Lawrence, Lemke, Look, Lord, Luther, MacBride, Macomber, Mahany, Manning, Marsano, Martin, H.; Mayo, McHenry, Melendy, Michael, Michaud, Mitchell, E.; Morrison, Murphy, Nadeau, Nash, Norton, Nutting, O'Dea, O'Gara, Oliver, Ott, Paradis, J.; Paradis, P.; Parent, Paul, Plourde, Poulin, Pouliot, Powers, Reed, G.; Reed, W.; Richards, Ricker, Rotondi, Ruhlman, Rydell, Saint Onge, Savage, Sheltra, Simonds, Skoglund, Small, Spear, Stevens, A.; Strout, Swazey, Tammaro, Tardy, Townsend, Tracy, Treat, Tupper, Vigue, Waterman, Wentworth, The Speaker.

ABSENT - Barth, Bowers, Carleton, Cashman, DiPietro, McKeen, Merrill, Mitchell, J.; Pfeiffer, Pineau, Rand, Richardson, Simpson, Stevens, P..

Yes, 16; No, 121; Absent, 14; Paired, 0; Excused, 0.

16 having voted in the affirmative and 121 in the negative with 14 being absent, the motion to indefinitely postpone did not prevail.

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

Committee Amendment "A" (H-1015) was read by the Clerk and adopted and the bill assigned for second reading later in today's session.

The Chair laid before the House the following matter: Bill "An Act to Provide Community Rating of Health Insurance Providers" (H.P. 507) (L.D. 701) (H. "A" H-1014 to C. "A" H-1007) which was tabled earlier in the day and later today assigned pending the motion of the Representative from Belfast, Representative Marsano, that L.D. 701 and all its accompanying papers be indefinitely postponed.

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

Representative MARSANO: Mr. Speaker, I request leave of the House to withdraw my motion.

The SPEAKER: The Representative from Belfast, Representative Marsano, withdraws his motion to indefinitely postpone.

On motion of Representative Boutilier of Lewiston, the House reconsidered its action whereby Committee Amendment "A" (H-1007) was adopted.

The same Representative offered House Amendment "B" (H-1035) to Committee Amendment "A" (H-1007) and moved its adoption.

House Amendment "B" (H-1035) to Committee Amendment "A" (H-1007) was read by the Clerk.

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

Representative BOUTILIER: Mr. Speaker, Ladies and Gentlemen of the House: I will make this brief.

What the amendment does is create a sunset on the Majority Report and that sunset would go into effect July 1, 1995. It would basically make sure that this legislature again revisits this issue at a time when the ratcheting down of the band or percentages that are within the community rating process are equal to what they are in Vermont right now which is at 20 percent.

I am going to state upfront what my intention is, I have said it to the Chair, I have said it to the members of the Committee, I have said it to individuals who are opposed to the bill, I do not feel comfortable with community rating at all anyway, but I am also not comfortable with the situation we have right now in terms of health insurance coverage. Small business owners, the ones who have good ratings, are getting somewhat of a better deal right now but, in my mind, over time that's not going to occur. Their costs are going to rise and rise fairly quickly.

A community rating approach is a way to ratchet down the increase or the rapidity of that increase. In some ways, it is good; in some ways, I think it has some negatives. What the sunset does is make us revisit the issue. One thing that I have learned in eight years in this House in terms of health care policy as well as working in the private sector in the health care field is that health care changes very, very quickly. The situation we have today might be totally different from the situation we will have five years from now. I think in terms of health care insurance coverage, we need to be aware of that and be constantly revisiting the issues and come up with the best way to do it.

Another issue that I think is not dealt with if we maintain the status quo and that means to either kill this community rating bill or to create a community rating bill which has no effect, and that is the problem of the rising pool of uninsured individuals out there and uninsured businesses.

I have heard discussions where people tell me how the uninsured pool is rightly uninsurable. Well, if you define uninsurability today, it is wholly different from the definition that was there five years ago. In fact, this week there has been a major announcement that insurance carriers throughout the country are going to, on a retrospective basis, review all policies held by women who had breast implants. The reason, they state, is, why should we insure the risk of an elective surgery? That wasn't the case a year ago but there were still women out there with breast implants and insurance companies were still insuring them. Now, they are "uninsurable." There are hundreds of other cases out there of individuals who, a year or two years ago, were insurable and they are going to slowly be displaced from the market and not be insurable. I think that is wrong. The fact is that that kind of callous disregard for a human need is not appropriate. I will say again, I don't think necessarily that community rating, based on a zero percent band, is appropriate but we have to look at alternatives to what is there now.

What I am proposing to do in this amendment is allow us a time frame in which to look at it that is appropriate. I think three years is an appropriate way to measure those effects. I think taking another look at it before it gets to zero is also appropriate and we can use examples in other states (like Massachusetts and Vermont) which have community

rating but are not ratcheting down to zero. There is no doubt that they will look at that issue again and we should as well so I would hope that you would vote for the pending motion and go on to pass the bill as amended.

The SPEAKER: The Chair recognizes the Representative from Vassalboro, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, Men and Women of the House: I would like to express my sincere thanks to Representative Boutilier for adding invaluable to this debate. Our committee was very concerned, we never put it on because we had not agreed on what the sunset should be. He has presented an extraordinary, reasonable approach and it lets us try something and yet it keeps us in charge before community rating is at flat zero. I would like to commend him and I urge your support for his amendment.

Subsequently, House Amendment "B" (H-1035) to Committee Amendment "A" (H-1007) was adopted.

Committee Amendment "A" (H-1007) as amended by House Amendment "A" (H-1014) and House Amendment "B" (H-1035) thereto was adopted.

The bill was passed to be engrossed as amended by Committee Amendment "A" (H-1007) as amended by House Amendment "A" (H-1014) and House Amendment "B" (H-1035) thereto and sent up for concurrence.

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

SENATE PAPERS

Unanimous Ought Not To Pass

Report of the Committee on Energy and Natural Resources reporting "Ought Not to Pass" on Bill "An Act Prohibiting the Driving or Parking of Vehicles on Ice-covered Bodies of Water" (S.P. 216) (L.D. 543)

Report of the Committee on Fisheries and Wildlife reporting "Ought Not to Pass" on Bill "An Act to Provide Additional Funding for the Department of Inland Fisheries and Wildlife Through Increased License Fees" (S.P. 912) (L.D. 2332)

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

Non-Concurrent Matter

Bill "An Act Concerning Authorization to Consent to Powers of Attorney" (H.P. 1287) (L.D. 1857) which was passed to be engrossed as amended by Committee Amendment "A" (H-964) in the House on February 27, 1992.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-964) as amended by Senate Amendment "A" (S-572) thereto in non-concurrence.

The House voted to recede and concur.

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

(Off Record Remarks)

(At Ease to 4:30 p.m.)

The House was called to order by the Speaker.

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

CONSENT CALENDAR

Second Day

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

(S.P. 881) (L.D. 2253) Bill "An Act to Provide for the Annual Apportionment of the Kennebec Sanitary Treatment District's Operation Costs on a 3-year Average"

(S.P. 875) (L.D. 2236) Bill "An Act Concerning the Degree Granting Authority of Husson College" (C. "A" S-565)

(S.P. 888) (L.D. 2281) Bill "An Act to Change the Term Secondary Vocational Education to Applied Technology and Adult Learning" (C. "A" S-564)

(H.P. 1604) (L.D. 2266) Bill "An Act to Amend the Laws Governing the Practice of Hairdressing" (EMERGENCY)

(H.P. 1412) (L.D. 2024) Bill "An Act to Clarify the Law Governing Contracts of Adhesion" (C. "A" H-1019)

(H.P. 1600) (L.D. 2262) Bill "An Act to Require the Issuance of Motor Vehicle Insurance Identification Cards" (EMERGENCY) (C. "A" H-1020)

(H.P. 1433) (L.D. 2045) Bill "An Act Concerning Funding of Indian Schools under the Act to Implement the Maine Indian Claims Settlement" (C. "A" H-1022)

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

(H.P. 1419) (L.D. 2031) Bill "An Act to Ensure the Retention of Utility Easements in Foreclosure Proceedings" (C. "A" H-1023)

On motion of Representative Mayo of Thomaston, was removed from the Consent Calendar, Second Day.

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

Committee Amendment "A" (H-1023) was read.

On motion of Representative Mayo of Thomaston, tabled pending adoption of Committee Amendment "A" (H-1023) and specially assigned for Thursday, March 5, 1992.

(H.P. 1466) (L.D. 2078) Bill "An Act to Require a Right-to-cure Notice in Residential Mortgages" (C. "A" H-1024)

On motion of Representative Mayo of Thomaston, was removed from the Consent Calendar, Second Day.

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

Committee Amendment "A" (H-1024) was read.

On motion of Representative Mayo of Thomaston, tabled pending adoption of Committee Amendment "A" (H-1024) and specially assigned for Thursday, March 5, 1992.

(H.P. 1465) (L.D. 2077) Bill "An Act to Correct an Inconsistency Between the Maine Employment Security Law and the Federal Unemployment Tax Act" (C. "A" H-1025)

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.

PASSED TO BE ENGROSSED

As Amended

Bill "An Act to Prevent the Poaching of Aquaculture Products" (EMERGENCY) (H.P. 1562) (L.D. 2200) (C. "A" H-1016)

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

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

**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:

Taxation

Bill "An Act to Reestablish the Mining Excise Tax Trust Fund Board of Trustees" (H.P. 1714) (L.D. 2399) (Presented by Speaker MARTIN of Eagle Lake) (Cosponsored by Representative MAYO of Thomaston, Senator HOLLOWAY of Lincoln and Representative MADEAU of Saco) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

Ordered Printed.
Sent up for Concurrence.

Later Today Assigned

Bill "An Act Concerning Site Protection at Former Mining Operations" (H.P. 1715) (L.D. 2400) (Presented by Representative MAYO of Thomaston) (Cosponsored by Senator HOLLOWAY of Lincoln and Representative COLES of Harpswell) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

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

On motion of Representative Mayo of Thomaston, tabled pending reference and later today assigned.

Taxation

Bill "An Act Concerning Technical Changes to the Tax Laws" (EMERGENCY) (H.P. 1716) (L.D. 2401) (Presented by Representative BUTLAND of Cumberland) (Cosponsored by Senator COLLINS of Aroostook) (Governor's Bill)

Ordered Printed.
Sent up for Concurrence.

PASSED TO BE ENGROSSED

As Amended

Bill "An Act Authorizing an Advisory Referendum on Whether the Congress of the United States Should Establish a National Health Insurance Program" (H.P. 1656) (L.D. 2333) (C. "A" H-1015)

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

The Chair laid before the House the following matter: (S.P. 839) (L.D. 2143) Bill "An Act to Reestablish the Rangeley Water District" Committee on Utilities reporting "Ought to Pass" as amended by Committee Amendment "A" (S-566) which was tabled earlier in the day and later today assigned pending the adoption of Committee Amendment "A" (S-566).

Representative Clark of Millinocket offered House

Amendment "B" (H-1040) to Committee Amendment "A" (S-566) and moved its adoption.

House Amendment "B" (H-1040) to Committee Amendment "A" (S-566) was read by the Clerk and adopted.

Committee Amendment "A" (S-566) as amended by House Amendment "B" (H-1040) thereto was adopted.

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

The bill was passed to be engrossed as amended by Committee Amendment "A" (S-566) as amended by House Amendment "B" (H-1040) thereto in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter: RESOLUTION, Proposing an Amendment to the Constitution of Maine to Clarify Succession to the Positions of Treasurer of State and Secretary of State (H.P. 1478) (L.D. 2090) (C. "A" H-932) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Joseph of Waterville, under suspension of the rules, the House reconsidered its action whereby L.D. 2090 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-932) was adopted.

The same Representative offered House Amendment "A" (H-1032) to Committee Amendment "A" (H-932) and moved its adoption.

House Amendment "A" (H-1032) to Committee Amendment "A" (H-932) was read by the Clerk and adopted.

Committee Amendment "A" (H-932) as amended by House Amendment "A" (H-1032) thereto was adopted.

The bill was passed to be engrossed as amended by Committee Amendment "A" (H-932) as amended by House Amendment "A" (H-1032) thereto in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter: An Act to Establish a Voluntary Trauma-reporting System (H.P. 1233) (L.D. 1797) (C. "A" H-915) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Manning of Portland, under suspension of the rules, the House reconsidered its action whereby L.D. 1797 was passed to be engrossed.

On further motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-915) was adopted.

The same Representative offered House Amendment "A" (H-1038) to Committee Amendment "A" (H-915) and moved its adoption.

House Amendment "A" (H-1038) to Committee Amendment "A" (H-915) was read by the Clerk and adopted.

Committee Amendment "A" (H-915) as amended by House Amendment "A" (H-1038) thereto was adopted.

The bill was passed to be engrossed as amended by

Committee Amendment "A" (H-915) as amended by House Amendment "A" (H-1038) thereto in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter: Bill "An Act Concerning Site Protection at Former Mining Operations" (H.P. 1715) (L.D. 2400) which was tabled earlier in the day and later today assigned pending reference.

On motion of Representative Mayo of Thomaston, was referred to the Committee on **Energy and Natural Resources**, ordered printed and sent up for concurrence.

By unanimous consent, L.D. 2399, L.D. 2400 and L.D. 2401 on Supplement No. 4 requiring Senate concurrence were ordered sent forthwith to the Senate.

On motion of Representative Handy of Lewiston, Adjourned at 5:37 p.m. until Thursday, March 5, 1992, at nine o'clock in the morning.
