

# MAINE STATE LEGISLATURE

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**LEGISLATIVE RECORD**  
OF THE  
**One Hundred And Fifteenth Legislature**  
OF THE  
**State Of Maine**

**VOLUME VI**

**SECOND REGULAR SESSION**

House of Representatives  
March 10, 1992 to March 31, 1992

Senate  
January 8, 1992 to March 9, 1992

ONE HUNDRED AND FIFTEENTH MAINE LEGISLATURE  
SECOND REGULAR SESSION  
24th Legislative Day  
Wednesday, March 11, 1992

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

Prayer by Father Valmont Gilbert, Saint Bernard's Catholic Church, Rockland.

The Journal of Tuesday, March 10, 1992, was read and approved.

**PETITIONS, BILLS AND RESOLVES  
REQUIRING REFERENCE**

**Reported Pursuant to Public Law**

Representative MACOMBER for the Joint Standing Committee on Transportation, pursuant to Public Law 1991, chapter 522 ask leave to submit its findings and to report that the accompanying Bill "An Act to Implement the Recommendations of the Motorcycle Driver Education Study Committee" (EMERGENCY) (H.P. 1723) (L.D. 2412) be referred to the Joint Standing Committee on Transportation for public hearing and printed pursuant to Joint Rule 18.

Report was read and accepted.

Under suspension of the rules and without reference to a committee, the bill was read once and assigned for second reading Thursday, March 12, 1992.

**REPORTS OF COMMITTEES**

**Ought to Pass as Amended**

Representative MAHANY from the Committee on Taxation on Bill "An Act Concerning the Registration of Truck Campers" (H.P. 1598) (L.D. 2260) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1072)

Report was read and accepted, the bill read once.

Committee Amendment "A" (H-1072) was read by the Clerk and adopted.

Under suspension of the rules, the bill was read the second time, passed to be engrossed as amended by Committee Amendment "A" (H-1072) and sent up for concurrence.

**Ought to Pass as Amended**

Representative JOSEPH from the Committee on State and Local Government on Bill "An Act to Amend the State's Unclaimed Property Act" (H.P. 1569) (L.D. 2211) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1073)

Report was read and accepted, the bill read once.

Committee Amendment "A" (H-1073) was read by the Clerk and adopted.

Under suspension of the rules, the bill was read the second time, passed to be engrossed as amended by Committee Amendment "A" (H-1073) and sent up for concurrence.

**Ought to Pass Pursuant to Joint Order (H.P. 1507)**

Representative JOSEPH from the Committee on State and Local Government on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Hancock County for the Year 1992 (EMERGENCY) (H.P. 1724) (L.D. 2413) reporting "Ought to Pass" - Pursuant to Joint Order (H.P. 1507)

Report was read and accepted, the Resolve read once.

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

**CONSENT CALENDAR**

**First Day**

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

(H.P. 1540) (L.D. 2173) Bill "An Act to Clarify the Requirements for Providing Accessible Housing" Committee on Housing and Economic Development reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1071)

(H.P. 1622) (L.D. 2285) Bill "An Act Concerning Landfill Operation on Certain Islands and to Correct an Error in the Landfill Operation Laws" Committee on Energy and Natural Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1076)

(H.P. 1461) (L.D. 2073) Bill "An Act to Conform the Maine Income Tax Law for 1991 with the United States Internal Revenue Code" (EMERGENCY) Committee on Taxation reporting "Ought to Pass"

(H.P. 1464) (L.D. 2076) Bill "An Act to Make Revisions in Marine Resource Laws" Committee on Marine Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1079)

(H.P. 1605) (L.D. 2267) Bill "An Act to Address Periodic Crises in the Preparation and Mailing of Checks to Clients of the Department of Human Services and to Ensure Priority Payment of Foster Care Expenses" Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1080)

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

(H.P. 1693) (L.D. 2373) Bill "An Act Regarding a Piscataqua River Basin Council" Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1081)

On motion of Representative Lawrence of Kittery, was removed from Consent Calendar, First Day.

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

Committee Amendment "A" (H-1081) was read by the Clerk.

On motion of Representative Lawrence of Kittery, tabled pending adoption of Committee Amendment "A" (H-1081) and later today assigned.

**PASSED TO BE ENGROSSED**

**As Amended**

Bill "An Act to Provide a Private Remedy for Violation of the Lead Poisoning Control Act" (H.P. 1515) (L.D. 2127) (C. "A" H-1066)

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.

**FINALLY PASSED**

**Constitutional Amendment**

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) (H. "A" H-1032 to C. "A" H-932)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being a Constitutional Amendment, and a two-thirds vote of the House being necessary, a total was taken. 92 voted in favor of same and none against, and accordingly the Resolution was finally passed, signed by the Speaker and sent to the Senate.

**ENACTOR**

**Emergency Measure**

**Later Today Assigned**

An Act to Implement the Jobs Creation Bond Package (H.P. 1708) (L.D. 2389) (S. "C" S-595)

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

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

**PASSED TO BE ENACTED**

An Act to Create the Commission on Transferring County Jails to the State (H.P. 998) (L.D. 1447) (H. "B" H-1037 to C. "A" H-979)

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

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

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: Before the House enacts this piece of legislation, I wonder if we could have an explanation as to the activity that this commission is expected to encompass in the cost?

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

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

Representative ANTHONY: Mr. Speaker, Ladies and Gentlemen of the House: I will try to answer that question. This bill, as you know, has an amendment to the Committee Amendment, House Amendment "B" (H-1037) and pursuant to that, the commission will look at the feasibility of transferring county jails to the state. It specifically provides that it should identify the respective duties and responsibilities of the state and counties under the correctional system as they exist on the effective date of this act and as they could exist if a complete transfer of the county jails to the state were to occur. It shall examine and evaluate the feasibility of other alternative divisions, duties and responsibilities between the state and counties, determine the current and potential cost to the people of the state and benefits to the counties and overall effect on the people of this state of all the options set forth.

In that sort of posture, this commission would be able to look at a broad range of possibilities of how we can better implement the county jail system in with the state correctional system. This could include a transfer directly to the state, it could include changing the funding of them. As you know, the county jails are now totally funded through the property tax with the exception of when they hold state inmates through the community corrections act. It could be a significant and substantial property tax relief measure for people in the various municipalities. It could do that whether or not the actual control of the county jails were transferred because this group would be coming up with a proposal, it would have to come back to this legislature and would have to be enacted in a future legislative session. It would be making an interim report as well as a final report. I believe that is the substance of what was asked.

Representative Luther of Mexico requested a roll call vote.

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

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

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

ROLL CALL NO. 339

YEA - Adams, Aliberti, Anthony, Bell, Cahill, M.; Carroll, D.; Cashman, Chonko, Coles, Constantine, Cote, Crowley, DiPietro, Dore, Duffy, Erwin, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gurney, Gwadosky, Hale, Handy, Heeschen, Hichborn, Hoglund, Holt, Jacques, Joseph, Ketover, Kontos, Larrivee, Lawrence, Lemke, Lord, Macomber, Mahany, Manning, Martin, H.; Mayo, McHenry, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Nadeau, Nutting, O'Dea, Oliver, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Pouliot, Richardson, Saint Onge, Simonds, Simpson, Skoglund, Swazey, Tardy, Townsend, Treat, Wentworth, The Speaker.

NAY - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Bennett, Boutilier, Butland, Carleton, Carroll, J.; Clark, H.; Daggett, Donnelly, Dutremble, L.; Farnum, Farren, Foss, Garland, Greenlaw, Hanley, Heino, Hepburn, Hichens, Hussey, Jalbert, Kilkelly, Kutasi, Lebowitz, Libby, Look, Luther, MacBride, Marsano, Marsh, Merrill, Morrison, Murphy, Nash, Norton, O'Gara, Ott, Parent, Pendexter, Pendleton, Pines, Plourde, Poulin, Powers, Reed, G.; Reed, W.; Ricker, Salisbury, Savage, Sheltra, Small, Spear, Stevens, A.; Stevenson, Strout, Tammaro, Tracy, Tupper, Vigue, Waterman, Whitcomb.

ABSENT - Barth, Bowers, Cathcart, Clark, M.; Duplessis, Farnsworth, Hastings, Kerr, Ketterer, Lipman, McKeen, Michael, Pineau, Rand, Richards, Rotondi, Ruhlín, Rydell, Stevens, P..

Yes, 67; No, 65; Absent, 19; Paired, 0; Excused, 0.

67 having voted in the affirmative and 65 in the negative with 19 being absent, the bill was passed to be enacted, signed by the Speaker and sent to the Senate.

#### ORDERS OF THE DAY

##### UNFINISHED BUSINESS

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

SENATE DIVIDED REPORT - Majority (9) "Ought Not to Pass" - Minority (4) "Ought to Pass" as amended by Committee Amendment "A" (S-596) - Committee on Legal Affairs on Bill "An Act to Develop a Statewide Voter Registration File" (S.P. 811) (L.D. 2010)

- In Senate, Minority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-596).

TABLED - March 10, 1992 (Till Later Today) by Representative LAWRENCE of Kittery.

PENDING - Motion of same Representative to accept the Minority "Ought to Pass" as amended Report.

On motion of Representative Lawrence of Kittery, retabulated pending his motion that the House accept the Minority "Ought to Pass" as amended Report and later today assigned.

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

SENATE DIVIDED REPORT - Majority (7) "Ought Not to Pass" - Minority (6) "Ought to Pass" as amended by Committee Amendment "A" (S-585) - Committee on State and Local Government on Bill "An Act to Repeal the Laws Governing State Investments in Companies Doing Business in South Africa" (S.P. 868) (L.D. 2215)

- In Senate, Minority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-585).

TABLED - March 10, 1992 (Till Later Today) by Representative JOSEPH of Waterville.

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

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

Representative JOSEPH: Mr. Speaker, Men and Women of the House: We have come to the day of reckoning, we have come to the day when we are going to discuss whether or not this legislature is going to repeal a list of sanctions on South Africa.

The amendment that is before you to describe the actions of the other report would simply say that we would list the sanctions when South Africa would create a multi-party transitional government and we urge you to vote for the Majority "Ought Not to Pass" Report.

We have discussed this issue just recently when we talked about selective purchasing of items from corporations doing business in South Africa. At that time, we were discussing the actions of the Chief Executive of this state and we failed to override his veto.

It is very interesting that currently on March 17th of this year, next Tuesday, a very appropriate holiday where another government is in disarray because of factional fighting. On March 17th in South Africa, there will be a vote whether or not to adopt a multi-party transitional government. It is not like the vote you would take here in the United States or in any other Democratic country. This is a "white's only" vote. Therefore, Mr. Mandela will not be able to vote. Therefore, Mrs. Mandela will not be able to vote. Can you accept that? I cannot. I would urge you not to lift those sanctions when in fact a transitional multi-party government is in place. It will only be enough when every person in South Africa has a vote. It will only be enough when each person as an individual can be employed. It will only be enough when the majority of South Africans can vote, the black majority. Yes, South Africa has a serious problem that you and I cannot tolerate. Yes, they have good intentions and they are moving in the right direction but this vote is premature.

Again, I urge you to accept the Majority "Ought Not to Pass" Report.

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

Representative LOOK: Mr. Speaker, Ladies and Gentlemen of the House: You may ask why is this legislature concerned with the country of South

Africa. I asked that question myself five years ago. That was when the legislature of that time voted to direct the money managers of the Maine State Retirement System to divest funds of that system from companies doing business in South Africa if those companies did not uphold certain requirements. Since that time, South Africa has developed into a much changed nation and many other countries are lifting economic sanctions against them.

This act represents international acceptance of the irreversibility of the country's change to a multi-racial democracy. The major laws that upheld race segregation and discrimination have been abolished. Apartheid is on its last leg. The pressing need now is to wipe out apartheid's unfortunate economic legacies and to bring those who have been disadvantaged by it into a new era of opportunity, equity and fairness. South Africa must expand its economy to achieve this critical goal and, while the major task and responsibility of that of South Africans, there are also opportunities for foreign investments to play a role while they find opportunities for attractive returns.

The new South Africa will provide its citizens with a just and democratic political order, free from all forms of domination, oppression or discrimination. This is the goal to which the South African Government is committed. Such a commitment demands not simply reform but fundamental restructuring. The government is committed to a flourishing social market oriented economic system as the only way to establish equity in South Africa's diverse society and to solve the daunting problem of allocating more resources to the millions of needy people.

International economic sanctions have caused problems especially in the areas of divestment and restrictions on credit inhibiting growth and causing unemployment. But, they have also have advantageous effects such as encouraging self-reliance and strict monetary control. The basis for a sound economy exists but what is needed urgently is economic growth that will outpace South Africa's population explosion, provide jobs for the growing number of unemployed and help meet the expectations of the country's disadvantaged citizens.

The current unemployment rate there is about 42 percent. Prohibiting our investments there is not in our best interests as well as theirs. We are advised that the present requirement to have all of our funds divested by July 1 of this year is proving to be a financial loss to our own retirement fund. Such losses are of major concern now in this time of our own financial woes. Forcing this divestment by July 1 is not a wise move. We should not expect South Africa to develop to our expectations in such a relatively short time. Our own nation has been 200 years in its achievements. Shouldn't it be our desire to help other countries to achieve their goals towards a free nation? Now is the time to show confidence in their ability and not inhibit their development. I urge you to vote against the motion pending.

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

Representative KILKELLY: Mr. Speaker, Men and Women of the House: I would urge you to accept the Majority "Ought Not to Pass" Report on this bill. There are several reasons that I think are important

— the previous speaker mentioned, why is this country concerned? To me, that is absolutely the bottom line of the legislation that created divestiture. This country is concerned because we are a free people. We are a free people that are able to speak our mind and to be concerned about the people who do not have the same kinds of freedoms that we have. It is amazing to me that when the vote is taken on March 17th in South Africa that people of color will not be able to vote. People will not be able to vote, not because they won't know the issues, not because they don't understand what is going on, not because they are too young to have the ability to make decisions, but because of their color. That is the only reason those people will not be able to vote.

South Africa has changed, it has changed because of the pressure that has been put on the country by other countries, by states and by local governments as well. If the State of Maine were to adopt this piece of legislation, we would be the first state to independently repeal divestiture. The only other state that has repealed divestiture did so because their legislation locked it to the federal position and the federal position has been changed. That should not be a reason for us to follow along.

When we heard the bill in our committee, one of the issues that was raised had to do with equal pay for equal work. I was intrigued by that and I asked the gentleman that was speaking who was from consulate, can you explain that? He said, "Well, it is important, it is important that people who are doing work receive equal pay." I had just read an article about schools and I asked how that reflected in schools? He said, "What do you mean?" I said, it was my understanding that there is in fact only one school in South Africa that currently accepts children regardless of race. There are schools for black children, there are schools for white children. The conditions in those schools are very, very different. The stories that we heard about the conditions in the black schools included broken windows, having to share slates and chalk, not having enough books or maybe not any books. That is a deplorable situation. Children coming out of a school system like that are not able to compete with children that are coming out of the white school system that has adequate books, adequate teaching staff, warm, well-lighted classrooms, that is not equality. Equality is doing things, regardless of race, providing equal access to education, to employment. That is what this country stands for and I pray that that is what this state stands for.

I urge you please to accept the Majority "Ought Not to Pass" Report on this bill. Let's look at this issue later on when changes have been made, when black people in South Africa can vote. When they have an opportunity for self determination, I will be the first person to be here and say let's support that economy, let's do everything that we can but this is not the time, this is the wrong message to be sending.

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

Representative ADAMS: Mr. Speaker, Men and Women of the House: As you may well expect, I who try to speak very rarely on the floor in this chamber, have always chosen to speak upon this particular item because it is of grave concern to me. In my own district, I have more non-whites and non-traditional Mainers living there than probably in any other part

of the state. Some of them are South African exiles and refugees. I speak with them regularly, I live near them everyday.

I will make only two simple points, we can reduce both of the very quickly. Number one, to issues of pocketbooks and number two, to issues of principle.

Look at the pocketbook, if we will. Since 1987, Maine has had on the books a law and a policy that has allowed us to divest itself slowly of our holdings in companies that do business in South Africa, quietly and effectively over a five year period that will conclude this July. This is a long enough track record to look back and see how we have done. How have we done? In a report given just in January to our own Aging, Retirement and Veterans Committee, the Director of the Maine State Retirement System pointed out that last year the Maine State Retirement System profited \$484 million dollars — made \$484 million. The assets in that retirement system are now at \$2.5 billion, the greatest it has ever been in the history of the State of Maine out performing four of the broadest market indexes including the famous Standard and Poor, overall. Overall returns are up to 24 percent, one of the best (bar none) in New England, "substantially exceeding all expectations" from the Executive Director. Our Maine State Retirement System has done so well, in fact, that the Maine State Retirement System is now in the process of buying a 50 acre lot and building upon it a 60,000 square foot office building at the cost of \$5 million to \$7 million. The Maine State Retirement System itself may or may not choose to move into that building. They are buying it and building it purely as an investment and a darn good one.

The Maine State Retirement System operates under a state law which requires they behave as "prudent persons", that is making no investment in our state's name that a prudent person would not. I think they have acted prudently and they have done very well and they have done all of that within the framework of the 1987 law which requires that as of July, all our investments in South Africa will be down to zero.

Are we going to act that prudently ourselves? That takes me to our last and my final point, that one of principle. Previously I told you of my experiences with the visit that the South African ambassador to the United States paid me personally in the City of Portland with his bodyguard. The South Africans have been traveling the United States trying to find any state to be the first to withdraw its sanctions against their country. In all cases as was with ours, the exchanges have been, so far as I have been able to find, very polite, very pointed and sometimes notably unpleasant.

Over 150 states, localities, counties, and municipalities have sanction laws of one kind or another on the books today in the United States, at least 27 states, 25 counties, 101 cities, the Virgin Islands, etcetera. Maine is standing proudly on that list but we have never stood alone. Because of that, in 1987, we looked at the track record made by the Government of South Africa and in 1992, we have had several opportunities to look at it again.

I wish to place carefully on the Record why I come down on the side that I do. Has apartheid been abolished in that country? On the books, yes. All those people born after a certain date in 1991 will no longer be classified according to the old system of four or five tiers of color. But, all those

people born before that day, the entire population of the country of about 30 million people, still live under that system of classification until they die because it is so deeply embedded in the system. We who live in a country ruled by law with courts that are blind to color have no idea what it is like to live in another country where your race may not be printed on your passport but it is imprinted in all parts of your lives. The pension system in South Africa is paid and based entirely on race. You are paid and treated according to your color. It is still that way. Your medical benefits are based on your race. There are 14 ministers and four different ministries of health depending upon your race. You may have to get up to four or more approvals to get a simple vaccination.

The Group Areas Act has in fact been abolished but local powers have now been transferred to local areas to determine who may live where depending upon, and this is a quote, "whether or not it will bring down the standard of living in the area." I have said before and I say again, do you have any doubt how that vote is going to go in a country where only whites have the vote? The Internal Security Act was amended in June of 1991 so that you may no longer have the police state that we had become to associate with South Africa, but detention without trial is still possible and it is still law there. If the detention is renewed every ten days, not in a public court, but in a private hearing with only you and the magistrates present.

I don't think necessarily I have to go on that long anymore. I will point out to you though that as the South Africans have traveled this country trying to find one state, one municipality, someone to be the first to lift sanctions so that they may use it for their own publicity purposes, this has been the result. December 17th, they visited West Virginia; West Virginia voted them down. January 15th of this year, they went to North Dakota and appeared before the investment board there, a state very similar to ours in size and racial population and the amount in their state retirement system, they were voted down. In fact, the Lieutenant Governor of North Dakota called me, he is Chairman of their investment board, to point out that so difficult and offensive was the action of the South Africans who appeared before his board in that country that he is preparing a document to complain about their actions to the United States State Department. January 22, Florida — down. February 3rd, Maine, we are talking about it. February 5th, Missouri — down. The very same day that they appeared here in Maine in the Boston papers the headlines quote Mr. Mandela as pointing out that he hoped that sanctions would continue until such day as there is a multi-racial government — the very day that they were here.

I don't believe that I need go on too much longer. Clearly, another nation that will one day take its place among the great nations of the earth, South Africa, is working toward that last mile of taking its place in the line of nations that it belongs, to have. That last mile is going to be longer, it is going to be crowded with perils to be negotiated, it is strewn with land mines, booby traps, false roads, which is exactly why, as I speak to you today, corporations like Xerox, Kodak, our own L.L. Bean still do not invest in that country because of so many uncertainties. It is exactly why the United States Conference of Mayors still urges all

states and all cities to leave their sanctions in place until there is further action. It is exactly why Archbishop Desmond Tutu urges sanctions stay in place, Desmond Tutu who can win a prize, but cannot vote in his own country. That is why Nelson Mandela urges that these sanctions stay in place. He can spend 27 years in prison but he cannot vote in his own country and, indeed, is not a human being in the eyes of his own country because the constitution recognizes only whites.

Given all of that, this is why the Nation of South Africa is ranging this country looking for one domino to fall first. This is exactly the blank check that you and I are being asked to put your name to on that light board in a few moments. This is the blank check you are being asked to put our state's name to. This is what we are being asked to do with the future, sight unseen, without reservation, without any ability to revise or correct to say "but if" or "if only" after we do it, to be the first to embrace what a majority of the South African nation itself has not yet embraced leaving Maine's action as of tomorrow morning to be manipulated and used for its own private purposes by an all white, foreign government whose own ambassador to the United States cannot travel this country to meet one lone legislator without the presence of armed bodyguards.

When we have seen some action, then we may take action. When we see some results, then Maine can act. I have said it before and I will say it again, you need not worry what the sanctions are about if you look into your own heart. If you have French ancestry, if ever your ancestors worked in the mills in Waterville or Biddeford or Winslow, you know what prejudices are about. If you are Scandinavian and your family worked in the woods because they were considered to have strong backs and weak minds anywhere in this state, you know what the bill is all about. If you are Irish, you may well remember that even in the days of your grandfathers, "Irish Need Not Apply" in many parts of this state for any job, the signs themselves being on the doors of all the buildings.

Men and women of the House, we are being asked to sign a blank check, I think it is the wrong check.

I urge you to support the motion made by the Chairperson, Representative Joseph, to accept the Majority "Ought Not to Pass" Report.

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

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: After the last presentation, it seems only fair that we present a few comments that might help balance the presentation that has been made by several of the speakers in regard to the issue of South Africa.

It has been characterized that the Ambassador of South Africa came and attempted to bully his way through the Maine Legislative process in getting the sanctions dropped. I only want the Record to reflect that the Ambassador and those who accompanied him to my office, at least in that office, with the utmost, in terms of their presentation, in terms of their gentleman approach to the issue, in terms of their manners and in terms of their sincerity of wanting only the best for the people of their struggling nation.

The Ambassador himself, an individual who has made his whole 42-year political career based on abolition of the racial policies of that nation was

here pleading with the people in this state and, as we heard from the previous speaker, the people of other states or even cities who have adopted such policies, to change the sanctions that have imposed such poverty on their nation. Faced with, as we have been told, a 42 percent unemployment, reasonable people around the world would make the same kind of plea to provide some economic lifeblood to those in their nation who are at the greatest economic disadvantage.

It has been interesting to me to hear the characterizations of the upcoming election because, as I have understood the various communications that have come from the Nation of South Africa, the majority of the various ethnic groups in that nation have approved of the upcoming vote and the method of the upcoming vote. It is the sincere belief of most parties involved that with this vote the new constitution will emerge that will allow all the people to vote. It is apparent at least that the majority of the committee felt that they are very content to allow the people of this nation to wallow in poverty for a few more years until whatever policies and constitutional changes are made or come to the satisfaction of the people of this state and others who feel that it is their right to judge what is a correct constitution or what is fair for all the people. So be it, and chances are this vote will reflect that, but it is an economic situation that we should not cast our vote without considering the impact that we have on some very impoverished people in a nation that is struggling to improve the plight of its people.

The SPEAKER: The Chair recognizes the Representative from Gorham, Representative Larrivee.

Representative LARRIVEE: Mr. Speaker, Men and Women of the House: The good Representative mentioned that we would wait and yes, I will wait. One thing that I will wait for is one man, one vote. That is a simple principle, it is not held in South Africa, it does not occur there now. Until there is one man, one vote, I won't support investment in South Africa.

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

Representative LEMKE: Mr. Speaker, Men and Women of the House: I will just respond briefly to what the gentleman from Waldo said, then equally briefly, I will say something else.

Number one, I don't question the good manners of the Representatives from South Africa. Historically, it is a fact that slave owners from the south had good manners. That did not justify their system.

Secondly, I am sure it is true that South Africa has wallowed in poverty and the black people in particular have suffered and it is because of the system of apartheid.

I really think this is one of those issues, however, that transcends politics, transcends economics or even personalities, it is at base an issue of principle and politics and economics and even personalities, I suppose, can be compromised but principles cannot.

In 1854, Abraham Lincoln said, "No man is good enough to govern another man without that other's consent." That was the issue then, that is still the issue today.

We cannot and I think we should not cast a vote today that in any way, shape, or manner sanctions apartheid continuation for one month, one day, one



minute. The question has been raised, why should we care? I think we should care because Maine's commitment in this area is very clear, it is a commitment that has been written in sweat and blood and we should not one iota erase from that commitment.

So, I urge you today to vote to accept the Majority "Ought Not to Pass" and I request a roll call.

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

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

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

ROLL CALL NO. 340

YEA - Adams, Anthony, Bell, Bennett, Boutilier, Cahill, M.; Carleton, Carroll, D.; Cashman, Chonko, Clark, H.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Donnelly, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Gean, Goodridge, Gould, R. A.; Graham, Gray, Gurney, Gwadosky, Hale, Handy, Heeschen, Heino, Hichborn, Hogle, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Kilkelly, Kontos, Larrivee, Lawrence, Lemke, Lipman, Luther, Macomber, Mahany, Manning, Martin, H.; Mayo, McHenry, Melendy, Michael, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Madeau, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Plourde, Poulin, Pouliot, Powers, Richardson, Ricker, Saint Onge, Sheltra, Simonds, Simpson, Skoglund, Strout, Swazey, Tamaro, Tardy, Townsend, Tracy, Treat, Tupper, Vigue, Wentworth, The Speaker.

NAY - Aikman, Aliberti, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Butland, Carroll, J.; Farnum, Farren, Foss, Garland, Greenlaw, Hanley, Hepburn, Hichens, Kutasi, Lebowitz, Libby, Look, Lord, MacBride, Marsano, Marsh, Merrill, Murphy, Nash, Norton, Ott, Parent, Pendexter, Pendleton, Pines, Reed, G.; Reed, W.; Salisbury, Savage, Small, Spear, Stevens, A.; Stevenson, Waterman, Whitcomb.

ABSENT - Bowers, Cathcart, Clark, M.; Duplessis, Hastings, Kerr, Ketterer, McKeen, Pineau, Rand, Richards, Rotondi, Ruhlman, Rydell, Stevens, P.

Yes, 92; No, 44; Absent, 15; Paired, 0; Excused, 0.

92 having voted in the affirmative and 44 in the negative with 15 being absent, the Majority "Ought Not to Pass" Report was accepted in non-concurrence and sent up for concurrence.

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

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

TABLED - March 10, 1992 (Till Later Today) by Representative MAYO of Thomaston.

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 fourth matter of Unfinished Business:

An Act to Protect School Students from Potential Harm (H.P. 1541) (L.D. 2174) (S. "A" S-568 to C. "A" H-968)

TABLED - March 10, 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 fifth matter of Unfinished Business:

An Act to Govern Residential Propane Gas Suppliers (S.P. 898) (L.D. 2317) (C. "A" S-584)

TABLED - March 10, 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 sixth matter of Unfinished Business:

An Act Requiring the Provision of Information to Victims of Gross Sexual Assault (H.P. 359) (L.D. 513) (C. "A" H-963)

TABLED - March 10, 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 seventh matter of Unfinished Business:

An Act to Revise the Maine Horticultural Laws (H.P. 1498) (L.D. 2110) (C. "A" H-986)

TABLED - March 10, 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 eighth matter of Unfinished Business:

Bill "An Act Relating to Unredeemed Deposits" (H.P. 1519) (L.D. 2131) (C. "A" H-1034)  
TABLED - March 10, 1992 (Till Later Today) by Representative TREAT of Gardiner.  
PENDING - Passage to be Engrossed.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Treat.

Representative TREAT: Mr. Speaker, Men and Women of the House: I move that this bill be indefinitely postponed along with all accompanying papers.

I don't lightly stand here and move indefinite postponement of a bill that has received strong support from the committee that it went to. This piece of legislation has significant consequences for the environment and it was never reviewed by the committee that generally looks at that policy, the Energy and Natural Resources Committee. Moreover, it significantly cuts the budget of a key agency of this state, the Waste Management Agency, along with some other programs and it will not be reviewed by the Appropriations Committee. Therefore, I think it is appropriate that this matter be discussed here so that everybody knows what they are voting on. I would urge you to vote against it because I believe that it is not a good bill.

This is a bill that basically cuts \$65,600 from both the Waste Management Agency, a piece of it from the Department of Environmental Protection Solid Waste Program, and a small piece out of the revolving loan fund for recycling equipment. If this were a bill that cut that amount of money in order to balance the budget deficit that we are facing now in order to provide homeless shelters or mental health services, perhaps I would look at it differently. But, it is a bill that takes that money and gives it directly to two beer distributors, Anheuser-Busch and Coors that happen to produce refillable bottles. This is money that does not belong to them, it belongs to the State of Maine. I think we should think very carefully before we make this type of transaction.

This bill involves the bottle bill float. I don't know how many people are really familiar with this issue so I want to discuss it a little bit. The bottle bill float or unredeemed deposits is deposit money that has never been returned to the consumer that bought the bottle or can. It has remained in the hands of wholesalers and distributors. Last year, we passed a law that said that 50 percent of this money should come to the state to help fund programs that are very important to us, solid waste programs that are right now helping out towns that face tremendous burdens financially in terms of dealing with their solid waste problems. What this bill would do would be to exempt certain manufacturers, certain distributors of beer that package that beer in refillable containers. It would say that they could keep the entire 5 cent deposit that is not returned as opposed to just the 2.5 cents that the law currently allows.

Right now, we are in the midst of a lawsuit in which these same distributors and others are claiming that the state has no right to any of this money. Coincidentally, the judge in that case, Judge Alexander, ruled yesterday that the state has an absolute right to this money and that it does not

belong to the wholesalers and distributors. I believe what is happening here is that these people are seeing the writing on the wall and trying to get the same money based on the argument that they are promoting the environment.

I would just like to read very briefly from Judge Alexander's decision because I want it to be very clear in your mind that this money does not belong to these entities and it never really has legally. It is basically a windfall that they have kept over the years and that we need it and we deserve it and the law has upheld that in order to run our state government. Judge Alexander said, "The consumer or any person in possession of the container after the consumer has always had the right to return the funds, to return of the funds upon presentation and that right being established by statute. The Legislature has now regulated a portion of the remainder fund to be dedicated to uses in areas that have likely faced the burden of the remaining abandoned containers. This does not affect the taking of any distributors property, this redemption or recycling fund being a creation of legislative regulatory power, never became the property of the distributors except by default. The legislature has modified that default by further control over this fund with a 1991 legislation. The distributors have no property interests in the unclaimed redemption fund except that which the legislature chooses to give or default to them."

One thing that you should be aware of is that the language in this bill specifically negates some of that language in the existing law that makes it very clear that the state owns this money and whatever happens on this, I believe the bill will have to be amended to deal with that language so that we don't jeopardize our case right now which is going to be appealed, both sides have committed earlier that they would appeal it.

What is the rationale for this bill then? As I have presented it, it just takes money from the state and gives it to the beer distributors. The sponsors and supporters say that by allowing refillable container distributors to keep all of the five cent float that they will promote refillable bottles, they will make more of these, they will use them more often and that will be good for the environment because they are refillable containers. I certainly can see that if they are refilled several times — the state has said at least five times — are better than bottles that are recycled because they use less energy and are basically better for the environment. There is absolutely no proof that this will happen. First of all, the financial incentive is miniscule. The money involved, although to the state it is a very big amount of money for what we use it for, the solid waste management, it is a very small amount when you are looking at the budget of Anheuser-Busch or Coors. \$65,000 comes out to one tenth of one cent per refillable container that they sell. Moreover, no company testified before the committee that they would be willing to return to refillable containers if they were given the entire five cent amount. In fact, industry discussions with the Waste Management Agency, either they just don't think consumers like refillable bottles because they are glass and more and more people are going to the lighter weight and more convenient containers such as aluminum or plastic and that the only way we will get more refillables is to really do a major consumer advocacy

and get people to change their minds about it and be willing to put up with the different products.

The \$65,000 here is — I think something political going on. When you look at the amendment, it doesn't just evenly take this money out of the Waste Management Agency. What it does is say, we are going to take most of this money out of the siting office. Well, that is politically smart. How many people here are big fans of the siting office? It is not the most popular office in the Waste Management Agency. They didn't target recycling. Everyone loves recycling but the siting office is the one that is going around trying to find a special waste landfill site so why not go after them and everyone will agree. Well, I have had my problems with the Waste Management Agency, I have even represented a town that was selected by that agency as a site for an ash landfill. But, I don't think that is a reason to cut their budget by \$44,000. One of the concerns that I had over the siting process last time was they went out and hired a consultant as cheap as they could and they got what they paid for. They didn't get a very good search. That had data that wasn't accurate, they didn't go onto the sites enough because that costs more money. Cutting their budget is not going to make the siting process better. In fact, it targets the same fund that is going to be used to refund money to those towns that dug into their pockets to provide the technical expertise on this siting process that the agency hadn't done yet. That is a real concern as well.

There is a bill that is wending its way through the process, my understanding is that it has come through committee and it will address the siting process, reorganize it and also provide some financial help to these towns. This is money that would be available for that purpose, yet we are going to cut it here today without it having been considered by the Energy and Natural Resources Committee, without it being considered by Appropriations.

I think that this bill just makes no sense, it doesn't help the environment, it isn't going to increase the use of refillables, it doesn't improve the state's other efforts to recycle and handle solid waste. It could interfere with a lawsuit and, therefore, reduce the amount of money coming to the state budget and cause a problem for us in the future. I hope that you will vote with me to indefinitely postpone this bill.

Mr. Speaker, I request a roll call.

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

Representative SHELTRA: Mr. Speaker, Ladies and Gentlemen of the House: We went over this bill quite extensively. By the way, I might add that I am very proud of my committee, they are very conscientious and very knowledgeable. As a matter of fact, we have people on the committee that are involved in that particular field.

In the testifying that came about, Sherry Huber herself testified in front of the management committee and she spoke neither for nor against this bill so she didn't imply that this was going to hurt her committee. As a matter of fact, there has been a lot of talk throughout the legislature that, through restructuring, this committee might be done away with and something else might take its place, namely the DEP, so let's not kid ourselves.

As far as the beverage companies, they have gone

all out to comply with our wishes to clean up the environment.

I don't know if many of you have gone through one of these beverage plants and have seen for yourself the enormous expenditures that they have gone through to comply with the Bottle Bill. It has been very extensive and this is one way, the committee felt and I felt, that we could at least show our approval for the efforts that they have given. She has already mentioned the local, we have others on the committee that I am sure is going to speak, but I know that this is going to encourage the beverage people to further aid us in the recycling program.

I hope that you will defeat the present motion and go along with the bill as it was unanimously passed in the committee.

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

Representative TOWNSEND: Mr. Speaker, Men and Women of the House: Very briefly, let me give you some background on, not this particular bill, but where this bill came from.

In the past legislature, my freshman year, I put in a bill that would collect the so-called Windfall Profits from Bottle Companies. The bill came out of committee as a bill to make them report. On advice, I also put in that bill a Class D for false reporting.

In the public hearing, distributor after distributor, walked up to that committee and said that there is no money there. Also, after the bill had passed this House and the other body and went to the Governor, they had it recalled from the Governor's desk. They wanted the Class D crime for a false reporting removed, I don't know why, but they did. Nonetheless, it stayed intact.

When the report came in to the Department of Agriculture, there was \$3.2 million dollars there under the old bottle bill so this is just some of the facts that I wanted to refresh you on on the original bill.

I would also point out that you have on your desks a statement on this from the Maine Waste Management Agency. I wasn't at the hearing so I don't know what went on down there but I would urge indefinite postponement of this bill and all its papers.

The SPEAKER: The Chair recognizes the Representative from Bridgton, Representative Kutasi.

Representative KUTASI: Mr. Speaker, Ladies and Gentlemen of the House: We worked on this bill in our committee like our chairman said and we even appointed a subcommittee to work on this bill. I am involved in this industry, I own a redemption center, and I just want to ask the people in the House, what does the Maine Waste Agency stand for? It stands for recycling.

Here we have a situation where these people, the beer industry predominantly, using bottles over and over again until they basically self-destruct. It is a thicker bottle of glass — I don't know if you have had the opportunity to see the differences in beer bottles but I have. Owning a redemption center, you see them all day long, but it is a thicker bottle, it is more expensive to buy. There have been allegations to the fact that Anheuser-Busch does not really reuse these bottles, they just recycle them. Those allegations are false, ladies and gentlemen. When the beer driver comes to my redemption center, he wants those reusable bottles separated, he puts them in a separate bay in his truck and he puts the

breakable bottles in another bay in his truck. They call them FRB's, refillables, and they go back to Anheuser-Busch in Nashua somewhere to get refilled. If any of you buy any of these beverages in New Hampshire, you will see that they don't even use these bottles, they use a very thin glass over there that they break and recycle. Here is one of the only states in the country that uses this thicker glass bottle to reuse.

National Distributors in this state says, if this law is not repealed, they are going to go through the thinner bottle instead of the thicker bottle so it will just get crushed. Maine Beverage in Portland right now is almost to the point of bankruptcy because they can't get rid of this glass. I remember in my town, not too many years ago, we used to get \$15 a ton for glass. We had 55 gallon drum barrels there and we used to get \$15 a ton. Now that the market has been so saturated, they don't give you anything for the glass and they don't even want the green glass anymore, all they want is clear and brown. I don't even know what to do with our green glass, they haven't found a market for it.

Here we have an opportunity to reduce the waste by giving these people to refill these containers and might give an incentive for people to use more refillable containers so we would reduce our glass consumption because there is no market yet for glass. We have flooded it so much that it has just gone down to the point where nobody wants anymore. It takes years to create these market and Maine Beverage is going under because of this whole situation. So, let's reduce some of their load by encouraging the refillable containers.

Representative Treat says it is going to reduce the Maine Waste Agency by 65,000 — that number has been from 30,000 to 65,000 and it has been going back and forth, nobody knows what that number is. This is the escheat law, as they call it, and has only been intact for about nine months now. There are distributors and wholesalers saying that they are getting more in returnables than they are spending out for containers so what happens at the end of the year? The state owes those people money because they took back more returnables than they sent out. I have no doubt in my mind that we are going to end up owing the distributors money in this state because they are going to be taking in more than they are selling.

With our proximity in New Hampshire, most of those containers marked there "a nickel deposit" — I have a redemption center about 18 miles from the border of New Hampshire and I have no idea where those containers came from, all I see is they have a nickel deposit on them and I am going to pay the guy a nickel deposit. So, most distributors, especially in southern Maine, are taking back more returnables than they are spending out. Can you imagine the state forking over a few thousand dollars to these distributors while we have the budget problems that we have? This escheat law doesn't work, I would like to repeal the whole thing but we are going to repeal this part of it hopefully today to encourage these people to use refillable containers.

I urge you to vote no on the pending motion.

The SPEAKER: The Chair recognizes the Representative from Arundel, Representative Wentworth.

Representative WENTWORTH: Mr. Speaker, Men and Women of the House: One of the things that has been a big issue in the discussion so far is the issue of

accountability and I think that is an important one here on this measure. We are talking about offering an incentive to distributors to use more refillable bottles and I would like to know and I would pose this in the form of a question — if this bill, as is currently written, contains any language that would assure the people of Maine that the nickels that we don't get back for our bottles that are going to go to these distributors now are going to actually produce the incentive. If we don't get an increased use in refillable bottles because of this provision, then is there any language that would automatically repeal the giveaway that is in this bill?

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

The Chair recognizes the Representative from Bridgton, Representative Kutasi.

Representative KUTASI: Mr. Speaker, Ladies and Gentlemen of the House: I didn't hear the Representative's question or didn't understand it — if he could repeat, please?

The SPEAKER: The Chair recognizes the Representative from Arundel, Representative Wentworth.

Representative WENTWORTH: Mr. Speaker, Ladies and Gentlemen of the House: Is there any language in this bill that would assure that we actually see an increase in refillable bottle usage in this state by giving this money back to the distributors? If we don't see any increase, are they automatically going to lose this giveaway that is in the bill?

The SPEAKER: The Representative from Arundel, Representative Wentworth, has reposed his question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Bridgton, Representative Kutasi.

Representative KUTASI: Mr. Speaker, Ladies and Gentlemen of the House: As far as I know there is no incentive to increase the use of reusable containers. Basically, this reduces the fact that they have to pay the escheat law onto the reusable container or the refillable container. That's all this does.

They still have to pay the 2 1/2 cents on everything else that is not refillable.

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

Representative COLES: Mr. Speaker, Men and Women of the House: You have heard how there is a difference between the refillable bottles and bottles that are actually being refilled. I think you just heard also there is no requirement in this bill that documents that the bottles are being refilled as these people claim they are. So, they may end up taking his money without doing what they are supposed to do.

I want to add one other point which probably the members of the Business Legislation Committee and other members of this body weren't aware of. The Energy and Natural Resources Committee, just a couple of days ago, reported out a unanimous "Ought Not to Pass" on a bill which would require the Maine Waste Management Agency to reimburse towns for their direct substantive participation in any sited actions by that agency. That is going to cost the agency some money and this bill is going to take money away from that agency, it is going to make it harder for them to reimburse towns for direct substantive

participation if a town is potentially targeted as a site for a landfill.

I also wanted to mention that the Maine Waste Management Agency does two things, one is it recycles and the other thing it does, as we all ought to know by now, it is charged with siting and developing landfills to serve the people of this state. The only alternative to having the Maine Waste Management Agency do that is to reopen the whole business to the private market and allow private commercial operations to go wherever they wish to go. The Maine Waste Management Agency has done a good job generally on the recycling aspects of its responsibilities. Its first effort at siting was not done very well at all. The Energy Committee spent quite a lot of time exploring with that agency what went wrong and what they are going to do about it. They seem, by and large, on the right track. One of their major failings the first time around was they tried to do it on escheat and you cannot site a facility like this, which is going to cause so much anxiety wherever it is sited, by trying to shortcut the scientific and technical work. That scientific and technical work costs money, quite a lot of money. Once again, if we take money away from the agency, we are going to further inhibit because they have any too much money right now to do the job they are supposed to do. We are going to inhibit their ability to reimburse towns who are potential landfill sites and their ability to find a proper site.

I hope you will support the pending motion.

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

Representative HøGLUND: Mr. Speaker, Ladies and Gentlemen of the House: I happen to think this is a good bill and the reason I sponsored it was simply because I was trying to do something to protect our natural resources. We talk about money but no one has mentioned our natural resources.

I think if we have businesses who are environmentally responsible, are complying with the laws, rules and regulations regarding the environment, that we ought to give them 50 percent of the float money back. What I was trying to do is give businesses the incentive to continue to recycle and reuse. Some of these companies, regardless of how small or how big they are, they are truly reusing and recycling so, therefore, if we give them the incentive to continue, maybe other businesses will do the same. I believe if they are reusing and recycling and complying that our natural resources will also be saved and that is the thing that I actually sponsored the bill for. I think that that is our most important thing, that our natural resources and what we truly said we would like people to do, reuse and recycle.

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

Representative SHELTRA: Mr. Speaker, Men and Women of the House: One thing I forgot to mention was that, in the last session, the redemption centers were really hurting and we raised their fee a penny per bottle, which was going to help them survive and it did. We had lost about 50 percent of the redemption centers. In so doing this, we really hurt the beverage companies and they suffered. They were against this bill so you can see that we are concerned with the environment and that is exactly why we went the way we did. Consequently, I urge you to defeat the pending motion and to go along with the

majority with a unanimous "Ought to Pass" Report.

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

Representative LORD: Mr. Speaker, My Learned Colleagues: I urge you to vote against the pending motion. To me, this is recycling at its best. We have given incentives to towns, we have given incentives to other industries to recycle. Now that we have a couple of companies recycling, you know as well as I do, it has cost them more money to bring those bottles in, put them through a washer and sterilizer. That's why dairies went to plastic bottles because it was costing them so much to go ahead and recycle the glass bottle. But here we are, we have companies who are doing this and, for heaven sakes, this is something that is good. It has taken stuff out of the landfills. You have heard about what glass is bringing and the drudgery it is on the market — let's give incentives to companies that are doing a good job.

I urge you to down this motion.

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

Representative COLES: Mr. Speaker, Men and Women of the House: I would like to make very clear that this is not an issue about recycling. All containers collected under the deposit law are recycled. This is a question of reuse, which is a high priority on the state's official Waste Management policy. The real question is, are these bottles that are designed for reuse being reused or are they simply being treated like every other container being crushed and recycled? There is no requirement in this bill and no requirement in state law for the people who want this break from us to demonstrate that they are in fact reusing these bottles with the requisite of five times rather than simply recycling them. It is not an issue of recycling, it is an issue of reuse.

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

Representative BELL: Mr. Speaker, Ladies and Gentlemen of the House: I spent my entire career in the supermarket business, as I have said, so I am a fairly good authority on the retail part, especially beer that has been mentioned here. The bottles, I believe, that have been mentioned we call bar bottles. You will find that all your bars use these returnable bar bottles. I challenge you to go into any of the local markets and see if you can buy yourself some bar bottles because there are very few markets who use them. The only time I would sell them is when someone had a special and had a real hot price on beer I would bring them in. It is the only time you could sell them. People don't care for those tall bar bottles on a retail level so my question is, what percentage of the glass that they claim is going to be used on returns on beer is the total? I believe it is very, very small.

The SPEAKER: The Chair recognizes the Representative from Bridgton, Representative Kutasi.

Representative KUTASI: Mr. Speaker, Men and Women of the House: Representative Bell points out the fact that bar bottles — it is not only bar bottles, it is a bottle that is called an FRB that is used by Anheuser-Busch that they sell, Budweiser, Michelob and all these other beverages in a 12 ounce tall necked bottle with a twist cap. It is a thicker glass, it is called an FRB. It is not a bar bottle, it is a reusable glass, it is a little thinner than a bar bottle and is used about five to seven times. A

bar bottle probably is used ten, fifteen, or twenty times but this glass is used about five to seven times.

The SPEAKER: The Chair recognizes the Representative from Winslow, Representative Vigue.

Representative VIGUE: Mr. Speaker, Ladies and Gentlemen of the House: Just to give you a little information on the number of bottles in the state, these are 12 ounce bottles. Industry-wide, they amounted to 39,238,668. Of this amount, 1.9 million were not returned, which amounts to \$98,000 and if you take 50 percent of that, you are looking at \$49,000 so this is what is really involved.

As far as the fees that are paid by the different companies, we have 58 companies in the state. Of these companies, they paid us in the first quarter of 1992, they were late in paying, it was \$289,463.61. The consensus amongst the companies right now is that the next quarter will be a negative amount, which means that we will have to pay the companies back. In the first period they paid us, Aroostook Beverage had \$6,243 that we owed them and we owed Coors Brewing \$3,535. Quaker Oats Company, \$19,422 that we owed so in the next reporting period, the feeling is that we will owe the companies some money. This is the reason I would urge you to vote against the pending motion.

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

Representative MICHAUD: Mr. Speaker, Men and Women of the House: I hope you will support the pending motion before you today. I am not going to speak on the refillability of what is recyclable, I am going to speak to the dollars. Being a member of the Appropriations Committee, I have become more and more aware of the bills that come and go before this body and what effect it will have on the funding for the General Fund. Even though this is not General Fund money, what might happen, what could happen is that this agency needs money, they will come before the Appropriations Committee and request money. We can refuse to give them any money or we can vote to appropriate additional money to the agency.

I don't think this is a time to start making changes in dedicated accounts as far as deappropriating money. When the agency was established, the Appropriations Committee had given the agency \$800,000 which is a loan. My concern here is, if we take more money away from the agency, then it will be longer and longer before that loan is paid back to the General Fund. Not only that, I think the state has had the fortune of winning too many court cases but it did win this court case. It will be appealed and I do not want to have any legislation going through this body that will affect the outcome of that appeal so I would hope that you would go along with the pending motion that you currently have before you and defeat this bill.

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

Representative Hوجلund: Mr. Speaker, Men and Women of the House: I wanted to kind of clear up a matter with my good friend from Millinocket, Representative Michaud. The courts have decided and if they do that it ought to be the state's money, that is good. I agree with that and I am glad that it is happening that way. The only thing that I am saying is that we have to have the economy, business and the environment working together, we can't

penalize them and fine them if they are willing to work and do the right things. We have to do something to keep business going and clean up our environment. We talk about the natural resources, we talk about the landfills and, at the same time, we have businesses who are willing to do things to save our natural resources. I think we ought to work with them and maybe have other businesses and other industries do the same because, in the long run, it would be less costly to the state.

We are talking about \$65,000, that is all we are talking about today because there are only a few companies that are reusing and are truly trying to recycle.

I urge you to vote against the pending motion.

The SPEAKER: The Chair recognizes the Representative from Gardiner, Representative Treat.

Representative TREAT: Mr. Speaker, Men and Women of the House: I just wanted to clarify something. There was some question about the Waste Management Agency's position on this bill. As I understand it, at the public hearing the agency came in and said that they were neither for nor against, they did not take a position. Subsequently, after hearing the testimony and reviewing the information that was provided to the committee, they determined that in fact in their view, this was not going to increase the number of refillable bottles and other containers and, therefore, they decided they were against this bill. I have distributed to you a statement from the Waste Management Agency on that point and I hope you will read it and consider it and vote for the pending motion to indefinitely postpone this bill.

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 Gardiner, Representative Treat, that L.D. 2131 and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

## ROLL CALL NO. 341

YEA - Adams, Aikman, Anthony, Ault, Bennett, Butland, Cahill, M.; Cathcart, Chonko, Coles, Crowley, Daggett, Farnsworth, Foss, Garland, Gean, Goodridge, Gray, Hale, Handy, Hanley, Heeschen, Hepburn, Hichborn, Holt, Kilkelly, Lawrence, Lemke, Luther, Mahany, Manning, Marsh, Michael, Michaud, Mitchell, E.; Mitchell, J.; Morrison, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Parent, Pendleton, Pfeiffer, Powers, Richardson, Salisbury, Simonds, Simpson, Small, Swazey, Townsend, Treat, Wentworth, The Speaker.

NAY - Aliberti, Anderson, Bailey, H.; Bailey, R.; Barth, Bell, Boutilier, Carleton, Carroll, D.; Carroll, J.; Cashman, Clark, H.; Cote, Donnelly, Dore, Duffy, Duplessis, Dutremble, L.; Erwin, Farnum, Farren, Gould, R. A.; Graham, Greenlaw, Gurney, Gwadosky, Hastings, Heino, Hichens, Hوجلund, Hussey, Jacques, Jalbert, Joseph, Ketover, Ketterer, Kontos, Kutasi, Larrivee, Lebowitz, Libby, Lipman, Look,

Lord, MacBride, Macomber, Marsano, Martin, H.; Mayo, McHenry, Melendy, Merrill, Murphy, Nadeau, Nash, Norton, Ott, Paul, Pendexter, Pines, Plourde, Poulin, Pouliot, Reed, G.; Reed, W.; Ricker, Saint Onge, Savage, Sheltra, Skoglund, Spear, Stevens, A.; Stevenson, Strout, Tamaro, Tardy, Tracy, Tupper, Vigue, Waterman, Whitcomb.

ABSENT - Bowers, Clark, M.; Constantine, DiPietro, Kerr, McKeen, Nutting, Pineau, Rand, Richards, Rotondi, Ruhlin, Rydell, Stevens, P..

Yes, 56; No, 81; Absent, 14; Paired, 0; Excused, 0.

56 having voted in the affirmative and 81 in the negative with 14 being absent, the motion did not prevail.

Representative Treat of Gardiner moved that L.D. 2131 be tabled until later in today's session.

Representative Coles of Harpswell requested a roll call on the tabling motion.

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 Gardiner, Representative Treat, that L.D. 2131 be tabled until later in today's session. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 342

YEA - Adams, Anthony, Bennett, Cahill, M.; Carroll, D.; Cathcart, Chonko, Cote, Daggett, DiPietro, Duffy, Erwin, Farnsworth, Gean, Goodridge, Gould, R. A.; Gwadosky, Handy, Heeschen, Hepburn, Hochborn, Holt, Jacques, Joseph, Ketover, Kontos, Larrivee, Lawrence, Lemke, Mahany, Manning, Marsh, Mayo, Melendy, Michael, Michaud, Mitchell, E.; Mitchell, J.; Norton, O'Gara, Paradis, J.; Paradis, P.; Parent, Plourde, Powers, Richardson, Saint Onge, Simonds, Simpson, Swazey, Townsend, Treat, Wentworth.

NAY - Aikman, Aliberti, Anderson, Ault, Bailey, H.; Bailey, R.; Bell, Boutillier, Butland, Carleton, Carroll, J.; Cashman, Clark, H.; Coles, Donnelly, Dore, Duplessis, Dutremble, L.; Farnum, Farren, Foss, Garland, Graham, Greenlaw, Gurney, Hale, Hanley, Hastings, Heino, Hichens, Hogle, Hussey, Jalbert, Ketterer, Kilkelly, Kutasi, Lebowitz, Libby, Lipman, Look, Lord, Luther, MacBride, Macomber, Marsano, Martin, H.; McHenry, Merrill, Morrison, Murphy, Nadeau, Nash, Ott, Paul, Pendexter, Pendleton, Pines, Poulin, Pouliot, Reed, G.; Reed, W.; Ricker, Salisbury, Savage, Sheltra, Skoglund, Small, Spear, Stevens, A.; Stevenson, Strout, Tamaro, Tardy, Tracy, Tupper, Vigue, Waterman, Whitcomb.

ABSENT - Barth, Bowers, Clark, M.; Constantine, Crowley, Gray, Kerr, McKeen, Nutting, O'Dea, Oliver, Pfeiffer, Pineau, Rand, Richards, Rotondi, Ruhlin, Rydell, Stevens, P.; The Speaker.

Yes, 53; No, 78; Absent, 20; Paired, 0; Excused, 0.

53 having voted in the affirmative and 78 in the negative with 20 being absent, the motion to tabled did not prevail.

Subsequently, the bill was passed to be engrossed

as amended by Committee Amendment "A" (H-1034) and sent up for concurrence.

The Chair laid before the House the ninth 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 10, 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.

TABLED AND TODAY ASSIGNED

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

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

TABLED - March 10, 1992 by Representative JACQUES of Waterville.

PENDING - Passage to be Enacted.

On motion of Representative Jacques of Waterville, under suspension of the rules, the House reconsidered its action whereby L.D. 2126 was passed to be engrossed.

On motion of the same Representative, under suspension of the rules, the House reconsidered its action whereby Committee Amendment "A" (H-957) was adopted.

The same Representative offered House Amendment "A" (H-1077) to Committee Amendment "A" (H-957) and moved its adoption.

House Amendment "A" (H-1077) to Committee Amendment "A" (H-957) was read by the Clerk and adopted.

Committee Amendment "A" (H-957) as amended by House Amendment "A" (H-1077) thereto was adopted.

The bill was passed to be engrossed as amended by Committee Amendment "A" (H-957) as amended by House Amendment "A" (H-1077) thereto in non-concurrence and sent up for concurrence.

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

Resolve, Concerning the Removal of Residential Underground Oil Tanks (EMERGENCY) (H.P. 1614) (L.D. 2275) (C. "A" H-1003)

TABLED - March 10, 1992 by Representative RICHARDS of Hampden.

PENDING - Final Passage.

This being an emergency measure, a two-thirds



vote of all the members elected to the House being necessary, a total was taken. 103 voted in favor of same and none in the negative, the Resolve was finally passed, signed by the Speaker and sent to the Senate.

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

An Act Regarding the Time and Temperature Sign Located in Portland (H.P. 1606) (L.D. 2268) (C. "A" H-951)  
TABLED - March 10, 1992 by Representative WHITCOMB of Waldo.  
PENDING - Passage to be Enacted.

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

Representative OTT: Mr. Speaker, Men and Women of the House: I move that L.D. 2268 and all its accompanying be indefinitely postponed.

I ask that we look at this bill one last time before voting. I think that this is an issue that is bigger than just whether or not we are going to attempt to save the Portland time/temperature sign. To me, it is an issue of whether or not we want to carve out an exception to our billboard law. As I stated in previous debate, it was a law that was crafted in the 1970's and 1980's and was characterized as being a bold, new step to try to make Maine a more scenic state than the rest of the country, one of three states that has a billboard law. We have enjoyed, I think, the landscape that reflects the efforts that were made by the legislators at that time and now we are going to say we want to carve out an exception because some supporters and sponsors in the Portland area feel that they need some legislation to provide for the maintenance expenses of what they consider to be a landmark sign. To me, the issue is whether or not we should be maintaining the integrity of our billboard law, a law as I said that was carefully crafted to not only consider what we would do about the blight that was being caused by the signage on our roads and byways but also, at the same time, to fashion a uniform and fair procedure that would allow the business community to permit them to sign on off-premises. We call it the OBDS, the Official Business Directional Sign and it provides a level playing field for all business.

I come from York and I have driven past that sign a number of times and since the debate started on this bill, I paid particular attention to it each time I have gone by, whether it was early morning hours, in the evening, or sometime in the afternoon. It seems to me that it provides an opportunity to run another ad atop of one of Portland's skyscrapers. When I look at that sign, I see to the right of it a sign that says, Sonesta, which is atop of the Sonesta Hotel and one that says Casco Bank, which is atop of the Casco Bank building and another that says, One, which I imagine was from the Maine Savings Bank building and maybe that is what Portland people like to see atop of their skyscrapers.

To me, it would be a serious departure from our billboard law. It might provide other cities like Augusta, Bangor, Bath to put some signs atop of their skyscrapers. I don't deny nor think it was a bad

effort on the part of the supporters of this legislation or the people in Portland who wanted to provide some mechanism to save this sign but I think their efforts are misdirected. I would suggest that maybe their energies should be channeled in the private sector. I can't believe that a city the size of Portland and the surrounding areas couldn't provide some private funds to support the maintenance costs for that sign. Maybe you could run some type of contest, maybe you could provide that initials of people's names be flashed on that sign — perhaps one day a month, anything to me would be better than putting up a sign that says "Rent Avis" or "Buy Bud" or maybe "Jolly John" with the exception of one of his letters.

I don't want to see us go back to the stick litter that existed in the 1960's and the 1950's. Please support the pending motion.

Mr. Speaker, I ask for a roll call.

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

Representative KETOVER: Mr. Speaker, Ladies and Gentlemen of the House: I rise in hopes that you will not support this motion of indefinite postponement.

As I travel around, I see many, many signs out there advertising businesses. It is interesting to see that they too have the time and the temperature on all of their signs. I could go into any one of your towns and I will find a sign that has the time and the temperature and an advertisement plastering their name of their business all over the place. If that is the case, then I think that we should banish all of those time and temperature signs all over the state because that is unfair.

I just heard that we should do it through the private sector. Well, that has been tried and if you have been down in downtown Portland lately, try and find many businesses down there. You will find that Porteous's is closed, Benoit's is closed, Owen Moores is closed, and Rines is closed. Empty office buildings — thanks to the many things that have happened in this state and the economy, there aren't many businesses left in the city of Portland. Yes, we are rich in buildings and we are rich in empty buildings and we are rich in empty condo's but we are not rich in business as you all think.

I just him say, if you do it through the private sector, you could maybe flash their names up there who donated money. What's the difference? I don't want any advertising up there either but I do want to see the time and temperature sign there because it has been there for 28 years. It is something that has been there and people are used to seeing that. We are here because we need to be here to ask for your support. Otherwise, we would not be here if we didn't need your support. Believe me, at \$10,000 a year, it is not easy to collect that money every single year to support the time and temperature sign.

I would hope that you would give the city of Portland an opportunity to keep that sign as other towns have their time and temperature signs.

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

Representative Hوجلund: Mr. Speaker, Ladies and Gentlemen of the House: I hate to get up again but it seems to my city's issues today. That time and temperature sign has been on that building for 28 years. It is located in the heart of downtown Portland. As you people from the outer part of



Portland and surrounding counties and towns drive through Portland, you say that you can see that — of course, you ought to, I-95 goes right through our city on both sides. If you are in a boat, you can see it too because we are on the waterfront so ladies and gentlemen, wherever you are in that city, you will see that sign. That sign is like a landmark, it has been there for 28 years, it was there before the 1977 billboard law was put in. It has been there after the billboard law was put in because it is truly an exemption, it is not a billboard, it is part of the building. It was part of the bank building and it said, the time, the temperature and "the bank." Unfortunately, the bank does not support the bank, the bank has moved. We would like to have something else up there. No, we are not going to have "Hey Bud", "More Demos" or "More Reps" or whatever — the city of Portland is a beautiful place to live, it is unique, we care what goes on out in our city. There are skyscrapers and there are sign on those buildings just as they are in your towns except they are not as tall. We are a city and I ask you please to vote against this indefinite postponement motion and allow this to be enacted because it truly is part of Portland and it would be lost without it.

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

Representative MACOMBER: Mr. Speaker, Ladies and Gentlemen of the House: I will be very, very brief. I think this sign has been very thoroughly debated both today and last week. There are just a couple of corrections I wanted to make, we are not talking about signs, the billboard law and in particular we are talking about one specific sign that has been in the same location for 28 years. It has never caused any problems, there has never been any complaints and is looked upon as a public service announcement with the temperature and the time.

The other thing I would like to correct is the impression that this is a Portland city bill. I think if you will look at the bill, it is the unanimous committee report out of the Transportation Committee. The people on the Transportation Committee come from Calais, Van Buren, Milo, Corinth, Farmington. There was one legislator on the committee who came from Cumberland County, one of the 13 comes from Cumberland County and there are none from Portland so I wish you would forget the impression this is strictly a Portland bill, it is not.

I hope you will vote against the indefinite postponement.

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

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

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

Representative BOUTILIER: Mr. Speaker, Men and Women of the House: I represent part of the city of Lewiston and on the edge of the city, you can just barely see the time and temperature sign in

Portland. In my district, we can't and I want to tell you why I (on the committee) voted for this bill.

There were members from the public who came forward and asked Representative Macomber and others to sponsor this bill and they talked about the law as it is now. "The Bank" was always the advertising that was on that sign because "The Bank" represented Casco Northern Bank and it was on the Casco Northern Bank building but Casco is no longer in that building. The law allows right now that, if a business rented even 20 square feet of that building in one office, they could put advertising in that sign. That would be on-premise. Technically, the people that were raising dollars to maintain this sign could have gotten all the businesses that chipped the \$10 and \$20 and the individuals who chipped in \$10, \$20, \$25, \$30 and \$100 could have formed a co-op in one office space in one small room in that building and had them advertising that. At our hearing, they stated that they felt that was not the way to deal with this issue. The way to deal with this issue was to be upfront about what they wanted to do, come to the legislature and ask for an exception to this landmark and continue to maintain and operate this sign.

We wrote the language of the bill so it was very specific, the sign has to be maintained, repaired and operated the same as it is today and the day before and in fact to January 1st of this year. So, they can't change the dimensions, the way it operates, or change it into some neon different looking sign. It has to be the same type, has to have the same voltage, the same type of second of intervals for each of the items, time/temperature and the two words which cannot exceed four letters. We have kept everything the same way that it was.

In my opinion, if we turn this bill down today and it does not go forward to be signed, in fact those businesses will do what they have to do and that is rent one office space in that building and find businesses that want to do it and you would see "The Bank", "Buy Bud", or whatever it is that the businesses spend in there. I think the way to deal with this issue is to do it upfront, make an exception in the law for only sign time in the state and those businesses know that they are not going to be able to put up things like "Buy Bud" or "Vote Dem" because this legislature will respond accordingly and I would vote for it as well to not let that exception occur if those kind of abuses occur in the future.

I would urge you to vote against the pending motion and get this silly issue away from this body.

The SPEAKER: The pending question before the House is the motion of the Representative from York, Representative Ott, that L.D. 2268 and all its accompanying papers be indefinitely postponed.

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

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

The SPEAKER: The pending question before the House is the motion of the Representative from York, Representative Ott, that L.D. 2268 and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 343

YEA - Aikman, Barth, Carroll, J.; Coles, Constantine, Daggett, Donnelly, Duplessis, Farnsworth, Foss, Garland, Goodridge, Handy, Hanley, Heesch, Holt, Joseph, Lawrence, Lemke, Lipman, Luther, Mahany, Marsano, Marsh, Mitchell, J.; O'Dea, O'Gara, Ott, Powers, Salisbury, Skoglund, Stevens, A.; Tracy, Treat, Tupper, Vigue, Wentworth, Whitcomb.

NAY - Aliberti, Anderson, Anthony, Ault, Bailey, H.; Bailey, R.; Bell, Bennett, Boutillier, Butland, Cahill, M.; Carleton, Carroll, D.; Cathcart, Chonko, Clark, H.; Cote, Crowley, DiPietro, Dore, Duffy, Dutremble, L.; Erwin, Farnum, Farren, Gean, Gould, R. A.; Graham, Gray, Greenlaw, Gurney, Gwadosky, Hale, Hastings, Heino, Hepburn, Hichborn, Hichens, Hoglund, Hussey, Jacques, Jalbert, Ketover, Ketterer, Kilkelly, Kontos, Kutasi, Larrivee, Lebowitz, Libby, Look, Lord, MacBride, Macomber, Manning, Martin, H.; Mayo, McHenry, Melendy, Merrill, Michael, Michaud, Mitchell, E.; Morrison, Murphy, Nadeau, Nash, Norton, Paradis, J.; Paradis, P.; Parent, Pendexter, Pendleton, Pfeiffer, Pines, Plourde, Poulin, Pouliot, Reed, G.; Reed, W.; Richardson, Ricker, Saint Onge, Savage, Sheltra, Simonds, Simpson, Small, Spear, Stevenson, Strout, Swazey, Tamaro, Tardy, Townsend, Waterman, The Speaker.

ABSENT - Bowers, Cashman, Clark, M.; Kerr, McKeen, Nutting, Oliver, Paul, Pineau, Rand, Richards, Rotondi, Ruhlin, Rydell.

PAIRED - Adams, Stevens, P..

Yes, 38; No, 97; Absent, 14; Paired, 2; Excused, 0.

38 having voted in the affirmative and 97 in the negative with 14 being absent and 2 having paired, the motion to indefinitely postpone did not prevail.

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

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

An Act to Institute a Pheasant Stamp Program for Cumberland and York Counties (H.P. 1555) (L.D. 2193) (H. "A" H-1012)

TABLED - March 10, 1992 by Representative MITCHELL of Freeport.

PENDING - Passage to be Enacted.

On motion of Representative Jacques of Waterville, retabled pending passage to be enacted and specially assigned for Thursday, March 12, 1992.

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

SENATE DIVIDED REPORT - Majority (9) "Ought to Pass" - Minority (4) "Ought Not to Pass" - Committee on State and Local Government on Bill "An Act to Implement Constitutional Provisions Restricting the Imposition of Unfunded State Mandates" (S.P. 767) (L.D. 1963)

- In Senate, Majority "Ought to Pass" Report read and accepted and the Bill passed to be engrossed.

TABLED - March 10, 1992 by Representative JOSEPH of Waterville.

PENDING - Acceptance of Either Report.

On motion of Representative Joseph of Waterville, retabled pending acceptance of either report and specially assigned for Thursday, March 12, 1992.

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

Bill "An Act to Clarify the Definition of Certain Vehicles for Insurance Purposes" (H.P. 1644) (L.D. 2307)

TABLED - March 10, 1992 by Representative HEESCHEN of Wilton.

PENDING - Adoption of Committee Amendment "A" (H-1070)

Representative Heesch of Wilton offered House Amendment "A" (H-1088) to Committee Amendment "A" (H-1070) and moved its adoption.

House Amendment "A" (H-1088) to Committee Amendment "A" (H-1070) was read by the Clerk.

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

Representative HEESCHEN: Mr. Speaker, Ladies and Gentlemen of the House: All this amendment does is remove a provision that added an additional registration fee for an electrically powered passenger vehicle. There is no reason to treat electric vehicles any different from internal combustion vehicles. Preliminary inquiry at the Motor Vehicle Division turned up that they thought there might be maybe two of these vehicles around the state. They said that they could program the computer to do a search but it would cost us about \$100 to do that so I didn't think it was worthwhile finding out exactly how many we had.

The Secretary of State's office doesn't know why that provision is there. There is nothing in the Record, either in debate or the Statement of Fact when this was adopted in 1983 as one small part of the Highway Appropriations Bill. One might make a case for incentives for low or non-polluting vehicles at this time but I am not doing that. I am just putting it on par with any other passenger vehicle just to remove the penalties so I urge adoption of House Amendment "A" to Committee Amendment "A."

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

Representative HOLT: Mr. Speaker, Men and Women of the House: I have just been looking over the most recent draft report of the long-range energy planning commission of which I am a member and on Page 60 it says "that we recommend offering discount of tax incentives to Maine residents who purchase qualified vehicles that are powered by electricity or other non-petroleum fuel."

Subsequently, House Amendment "A" (H-1088) to Committee Amendment "A" (H-1070) was adopted.

Committee Amendment "A" (H-1070) as amended by House Amendment "A" (H-1088) thereto was adopted.

Under suspension of the rules, the bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" (H-1070) as amended by House Amendment "A" (H-1088) thereto and sent up for concurrence.

The Chair laid before the House the seventh

tabled and today assigned matter:

HOUSE DIVIDED REPORT - Report "A" (8) "Ought Not to Pass" - Report "B" (4) "Ought to Pass" - Report "C" (1) "Ought to Pass" as amended by Committee Amendment "A" (H-1069) - Committee on Banking and Insurance on Bill "An Act to Authorize More Accessible and Affordable Medical Insurance for Small Employers" (H.P. 1546) (L.D. 2179)

TABLED - March 10, 1992 by Representative MITCHELL of Vassalboro.

PENDING - Motion of same Representative to Accept Report "A" "Ought Not to Pass".

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: It is very difficult I think if you don't read the bill to vote against the title like this one. It is a title that everyone can love and is called "An Act to Authorize More Accessible and Affordable Medical Insurance for Small Employers." Of course, there is not a person in this chamber who doesn't want more affordable and accessible insurance for small employers.

Let's talk about what the bill really does. I think the substance here is that it demands disclosure. I sort of believe in truth in advertising and the title is very misleading. What the bill does is it applies to employers who have less than 24 employees. It offers a small business person the opportunity to save money by offering policies that have deductibles of \$200 to a \$1,000. Ladies and gentlemen, we do not need legislation to allow employers to do that now. They can go today to Blue Cross/Blue Shield or to any other commercial carrier that they wish and they can buy a plan to let their employees have deductibles of this size. From information that we received from the Bureau of Insurance, that is where the major savings comes by letting employees pay more the cost. The percentage of savings attributed to giving a deductible of \$200 up to \$1,000, the savings there are 19 percent.

I suggest to you that many employers don't want that kind of deductible because they know their employees can't afford it but if they do, they can go today and buy that type of policy from Blue Cross/Blue Shield or from a commercial carrier.

The bill also allows co-insurance for non-emergency treatment and it says that you won't have to pay out-of-pocket if you are lucky enough your employer will buy this plan and you won't have to pay anymore than \$2,500 annually. That doesn't sound like affordable insurance to me, perhaps another reason that employers are not so attracted by this type of policy. Again, employers can buy this today, they do not need legislation.

The only thing this legislation does give small employers that they don't have now is the right to exempt chiropractic coverage. That's what this bill is about. It says that no longer would the small employers be liable to cover chiropractic coverage. You cannot say that it is a cost saving if you take that out. Figures from the Bureau of Insurance say one percent so that's what the bill does, it eliminates the mandate for chiropractic coverage.

I would urge you to vote for the "Ought Not to Pass" Report and against this bill which does not provide affordable insurance to anybody.

The SPEAKER: The Chair recognizes the Representative from Wells, Representative Carleton.

Representative CARLETON: Mr. Speaker, Ladies and Gentlemen of the House: I disagree with the good Representative from Vassalboro. This bill is not just about chiropractic coverage, it is about basic health care for people who are employed in small businesses.

Most of the people in this country who have no health insurance are not unemployed. They are employees of small businesses. Some of you may have seen the article in the Kennebec Journal yesterday which carried a story about small businesses and how some of these small businesses do not provide health insurance for their employees. There are various studies out there which show that the major reason for this is the matter of cost. Many small businesses cannot afford to provide even basic health care coverage for their employees. We are having an increasing number of people who are not being covered for health insurance because there are a number of small employers who are dropping health insurance because of the cost. Whenever the costs go up, the number of people who are covered seems to go down so we keep hearing these figures about 33, 34, 35 million people who don't have insurance. Of course the goal I think everybody would like to see is to make sure that we get insurance for everybody and as soon as we work through the political process, we should be able to do that. In the meantime, there is a need for a low-cost managed care health insurance policy that provides some of the things that will prevent illness in the long-term.

This bill provides prenatal and postnatal care, well baby and well child care, primary care, utilization review and a lot of the things that a lot of the experts in the field recognize will reduce costs in the long run.

I urge you to vote against the Majority "Ought Not to Pass" Report so we can adopt the Minority "Ought to Pass" Report.

Representative Martin of Eagle Lake requested a roll call.

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

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

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

Representative HASTINGS: Mr. Speaker, Men and Women of the House: I will be very brief. The only reason that I was strongly and eventually in support of this bill was not because it was attempting to avoid the sufficient coverage that all of us would like to help under our health care but primarily because so many companies and firms are dropping health care because they just cannot afford it.

I asked Blue Cross/Blue Shield to supply me with what companies or number of companies dropped insurance last year for non-competitive reasons. That means that they simply dropped all coverage for their employees in 1991 and they did that for whatever reasons but they did not switch to another company. Blue Cross tells me that 136 firms dropped insurance last year in this state. These are small

firms that would be covered by this particular bill. Of that, that means that 547 more people were not covered by insurance in the State of Maine.

I can't tell you that this bill is going to help everybody or that everybody will take advantage of it but it is another opportunity for small businesses to change their policies to a different rate, a different cost and if they choose, they can continue with a plan to cover their employees. That's all this bill really is affording. It is another link in trying to protect health care for those people in the state until perhaps something broader is developed on a national scale.

I urge you to vote against the pending motion so that you can later adopt the Minority Report.

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

Representative MITCHELL: Mr. Speaker, Men and Women of the House: We are all in agreement that too many people in this state have no health insurance, that businesses can't afford to offer it and if it is offered, workers can't afford to pay their share. That is not the issue.

I would like to pose a question through the Chair to anybody who is opposed to my motion. My question is, what is it in this bill which will allow employers to save money? As I mentioned earlier, employers can already buy policies that have deductibles and co-insurance. They can buy that without this piece of legislation — what is it that you are supporting in this bill that is going to save employers any money other than the elimination of chiropractic services?

The SPEAKER: The Representative from Vassalboro, Representative Mitchell, has posed a question through the Chair to anybody who may respond if they do desire.

The Chair recognizes the Representative from Wells, Representative Carleton.

Representative CARLETON: Mr. Speaker, Men and Women of the House: My understanding is that a lot of the health insurance policies that are offered to small employers now do not offer managed care. Managed care, utilization review and things of that sort do have the potential to save money. My understanding is that they are not generally available to small businesses and this bill would make them available.

In addition, this bill would save money by eliminating, not only chiropractic mandates, but also all the other mandates that this state has enacted regarding health care. What this state and many other states have done and said is that we are substituting our judgment, we are going to make you provide coverage for certain things whether you want it or not and this increases the cost of health care. This bill would still allow companies to offer these particular benefits but would not require them to. In this respect, small businesses are at a big disadvantage when compared to large businesses because these mandates do not apply to companies which are large enough to self-insure. It is very ironic that we put these mandates on small businesses but yet larger businesses do not have to have them. This is another reason why I think you ought to vote down the Majority Report so we can adopt the Minority Report.

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

Representative GOULD: Mr. Speaker, Ladies and Gentlemen of the House: Think of all the money we could save if we didn't pay doctors. We could save a great deal of money and make health care much more affordable for everybody else if we didn't pay doctors.

I am not trying to be sarcastic but the reason I am here today, and I feel very strongly about it, is the fact that I went to a chiropractor because the doctor did absolutely nothing for me after my accident. I paid a lot more to the doctor than I did to the chiropractor. I am being very, very serious. I realize this isn't my bill but when you feel your life was saved by somebody, then you are going to stand up and defend that profession that saved your life. So, I urge you to support our good Chairman of the Banking and Insurance Committee.

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

Representative PENDEXTER: Mr. Speaker, Men and Women of the House: The goal of this bill is to provide more affordable insurance coverage and make choices for small employers in order to expand and maintain access to health insurance for their employees of small businesses. Before I agreed to cosponsor this bill, I wanted to make sure that the chiropractic services was not the only mandated benefit that was being excluded. It is my understanding that all mandated benefits are excluded in this bill, it is not just chiropractic.

I think we all understand that mandated benefits are particularly burdensome to small businesses because they generally are less able to bear the costs of the increased premiums and they are not large enough to self-insure to avoid the cost of unwanted mandates.

It also reduces the freedom of employers and employees in unions to tailor benefit packages to meet their special needs.

There are two well preventative mandates included in this bill and I think that that speaks for some of the issues we need to start talking about when we start talking about health care. We need to start thinking about preventative measures. It does include well-child care benefits and it also includes mammograms.

I ask you to support this bill.

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

Representative TRACY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to make a clarification for Representative Pendexter. I believe the only one that is excluded from the mandate on this bill is the chiropractor.

I would urge you to accept Report A, "Ought Not to Pass" because what this bill does is absolutely nothing that employers cannot offer to employees now through negotiations or negotiating with an insurance company.

The SPEAKER: A roll call has been ordered. The pending question before the House is the motion of Representative Mitchell of Vassalboro that the House accept Report A "Ought Not to Pass." Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 344

YEA - Aliberti, Anthony, Ault, Bell, Boutilier, Cahill, M.; Carroll, D.; Carroll, J.; Cathcart,

Chonko, Clark, H.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Dore, Duffy, Dutremble, L.; Erwin, Farnsworth, Farnum, Gean, Goodridge, Gould, R. A.; Graham, Gray, Greenlaw, Gurney, Gwadosky, Hale, Handy, Heesch, Hichborn, Hichens, Hognlund, Holt, Hussey, Jacques, Jalbert, Joseph, Ketover, Ketterer, Kilkelly, Kontos, Larrivee, Lawrence, Lemke, Libby, Look, Luther, Macomber, Mahany, Martin, H.; McHenry, Melendy, Michael, Michaud, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Nash, Norton, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Parent, Paul, Pendleton, Pfeiffer, Plourde, Pouliot, Powers, Reed, W.; Richardson, Ricker, Saint Onge, Salisbury, Savage, Sheltra, Simonds, Skoglund, Small, Spear, Stevens, A.; Strout, Swazey, Tamaro, Townsend, Tracy, Treat, Tupper, Vigue, Waterman, Wentworth, The Speaker.

NAY - Aikman, Anderson, Bailey, H.; Bailey, R.; Barth, Bennett, Butland, Carleton, Donnelly, Duplessis, Farren, Foss, Garland, Hanley, Hastings, Heino, Hepburn, Kutasi, Lebowitz, Lipman, Lord, MacBride, Marsano, Marsh, Merrill, Ott, Pendexter, Pines, Reed, G.; Stevenson, Whitcomb.

ABSENT - Adams, Bowers, Cashman, Clark, M.; Kerr, Manning, Mayo, McKeen, Nutting, Pineau, Poulin, Rand, Richards, Rotondi, Ruhlman, Rydell, Simpson, Stevens, P.; Tardy.

Yes, 101; No, 31; Absent, 19; Paired, 0; Excused, 0.

101 having voted in the affirmative and 31 in the negative with 19 being absent, Report A, "Ought Not to Pass" was accepted. Sent up for concurrence.

**BILL HELD**

An Act to Amend the Charter of the Portland Water District (EMERGENCY) (H.P. 1668) (L.D. 2344) (C. "A" H-1002 and H. "A" H-1026)

- In House, Passed to be Enacted.  
HELD at the request of Representative LARRIVEE of Gorham.

The SPEAKER: The Chair understands that L.D. 2344 has been released.

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

**SENATE PAPERS**

Bill "An Act to Finance Rapid Employment Opportunities for the People of Maine" (S.P. 946) (L.D. 2410)

Came from the Senate under suspension of the rules and without reference to a Committee, the Bill read twice and passed to be engrossed as amended by Senate Amendment "C" (S-612).

(The Committee on Reference of Bills had suggested reference to the Committee on Housing and Economic Development.)

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

**Unanimous Ought Not To Pass**

Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act to Require That Sales Tax Exemptions and Tax Credits Benefit the People of the State" (S.P. 940) (L.D. 2402)

Report of the Committee on Taxation reporting "Ought Not to Pass" on Bill "An Act to Reestablish the Tax Credit for Intrastate Airlines" (EMERGENCY) (S.P. 943) (L.D. 2406)

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

**CONSENT CALENDAR**

**First Day**

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

(S.P. 840) (L.D. 2144) Bill "An Act to Amend the Law Pursuant to the Medicare Supplement Insurance Minimum Standards Model Act" (EMERGENCY) Committee on Banking and Insurance reporting "Ought to Pass" as amended by Committee Amendment "A" (S-604)

(S.P. 834) (L.D. 2138) Bill "An Act to Update and Revise the Exemptions under the Maine Bankruptcy Code" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-605)

(S.P. 846) (L.D. 2150) Bill "An Act to Provide Immunity to Nonprofit Institutions That Donate Surplus Food" Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-603)

(S.P. 879) (L.D. 2251) Bill "An Act to Clarify the Enrollment Period for the 5-year Medical Liability Demonstration Project" (EMERGENCY) Committee on Judiciary reporting "Ought to Pass" as amended by Committee Amendment "A" (S-602)

Under suspension of the rules, Consent Calendar Second Day notification was given, the Senate Papers were passed to be engrossed as amended in concurrence.

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

**REPORTS OF COMMITTEES**

**Divided Report**

**Tabled and Assigned**

Majority Report of the Committee on Utilities reporting "Ought Not to Pass" on Bill "An Act to Require a Total Least-cost Energy Plan and to

Establish a Moratorium on Fossil-fuel Fired Electric Generation Facilities in This State" (EMERGENCY) (H.P. 1625) (L.D. 2288)

Signed:

Senators: CLEVELAND of Androscoggin  
CARPENTER of York  
VOSE of Washington

Representatives: LIPMAN of Augusta  
AIKMAN of Poland  
MERRILL of Dover-Foxcroft  
CLARK of Millinocket  
MORRISON of Bangor

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1083) on same Bill.

Signed:

Representatives: HOLT of Bath  
ADAMS of Portland  
LUTHER of Mexico  
KONTOS of Windham  
DONNELLY of Presque Isle

Reports were read.

On motion of Representative Clark of Millinocket, tabled pending acceptance of either report and specially assigned for Thursday, March 12, 1992.

The Chair laid before the House the following item: An Act to Protect School Students from Potential Harm (H.P. 1541) (L.D. 2174) (S. "A" S-568 to C. "A" H-968) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Small of Bath, under suspension of the rules, the House reconsidered its action whereby L.D. 2174 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-968) as amended by Senate Amendment "A" (S-568) thereto was adopted.

The same Representative offered House Amendment "A" (H-1087) to Committee Amendment "A" (H-968) and moved its adoption.

House Amendment "A" (H-1087) to Committee Amendment "A" (H-968) was read by the Clerk.

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

Representative SMALL: Mr. Speaker, Men and Women of the House: This amendment simply changes the word "conviction" to "offenses" so that the bill will only apply to those who commit an offense after the bill becomes a law.

Subsequently, House Amendment "A" (H-1087) to Committee Amendment "A" (H-968) was adopted.

On motion of Representative Small of Bath, Senate Amendment "A" (S-568) to Committee Amendment "A" (H-968) was indefinitely postponed.

Committee Amendment "A" (H-968) as amended by House Amendment "A" (H-1087) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-968) as amended by House Amendment "A" (H-1087) thereto in non-concurrence and sent up for concurrence.

The Chair laid before the House the following item: An Act to Revise the Maine Horticultural Laws (H.P. 1498) (L.D. 2110) (C. "A" H-986) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Tardy of Palmyra, under suspension of the rules, the House reconsidered its action whereby L.D. 2110 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-986) was adopted.

The same Representative offered House Amendment "A" (H-1092) to Committee Amendment "A" (H-986) and moved its adoption.

House Amendment "A" (H-1092) to Committee Amendment "A" (H-986) was read by the Clerk and adopted.

Committee Amendment "A" (H-986) as as amended by House Amendment "A" (H-1092) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-986) as amended by House Amendment "A" (H-1092) thereto in non-concurrence and sent up for concurrence.

The Chair laid before the House the following item: 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) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Jalbert of Lisbon, under suspension of the rules, the House reconsidered its action whereby L.D. 1016 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-924) was adopted.

The same Representative offered House Amendment "A" (H-1091) to Committee Amendment "A" (H-924) and moved its adoption.

House Amendment "A" (H-1091) to Committee Amendment "A" (H-924) was read by the Clerk and adopted.

Committee Amendment "A" (H-924) as amended by House Amendment "A" (H-1091) thereto was adopted.

The Bill was passed to be engrossed as amended by Committee Amendment "A" (H-924) as amended by House Amendment "A" (H-1091) thereto in non-concurrence and sent up for concurrence.

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

Senate.

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On motion of Representative Pines of Limestone,  
Adjourned at 1:00 p.m. to Thursday, March 12,  
1992, at nine o'clock in the morning.

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