

# 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  
25th Legislative Day  
Thursday, March 12, 1992

SPECIAL SENTIMENT CALENDAR

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

Prayer by Doctor James Haddix, All Souls Congregational Church, Bangor.

The Journal of Wednesday, March 11, 1992, was read and approved.

In accordance with House Rule 56 and Joint Rule 34, the following item:

Recognizing:

Coach Tom Lablonde and the members of the Lewiston High School "Blue Devils" Hockey Team, winners of the Class A State Hockey Championship; (HLS 885) by Representative ALIBERTI of Lewiston. (Cosponsors: Representative HANDY of Lewiston, Representative BOUTILIER of Lewiston, Senator BERUBE of Androscoggin, Representative RICKER of Lewiston, Representative POULIOT of Lewiston, Senator GAUVREAU of Androscoggin)

On motion of Representative Aliberti of Lewiston, was removed from the Special Sentiment Calendar.

On further motion of the same Representative, tabled pending passage and later today assigned.

SENATE PAPERS

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 to Provide for Job Retention and Job Creation" (S.P. 948) (L.D. 2414)

Bill "An Act to Adopt the Recommendations of the Maine Jobs Commission" (EMERGENCY) (S.P. 949) (L.D. 2415)

Came from the Senate, referred to the Committee on **Housing and Economic Development** and Ordered Printed.

Were referred to the Committee on **Housing and Economic Development** 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. 829) (L.D. 2133) Bill "An Act Pertaining to the Assessment of Fees on Nuclear Power Plants" Committee on **Energy and Natural Resources** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-610)

(H.P. 1643) (L.D. 2306) Bill "An Act to Ensure the Availability of Ferry Service in Casco Bay" (EMERGENCY) Committee on **Utilities** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-1082)

(H.P. 1666) (L.D. 2342) Bill "An Act to Ensure the Long-term Stability of Sheltered Group Homes in Maine" (EMERGENCY) Committee on **Human Resources** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-1084)

(H.P. 1671) (L.D. 2347) Bill "An Act to Amend the Radioactive Waste Laws" Committee on **Energy and Natural Resources** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-1090)

(H.P. 1497) (L.D. 2109) Bill "An Act to Clarify the Administrative Practices of the State Tax Assessor Pertaining to State-issued Licenses" Committee on **Taxation** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-1093)

There being no objections, the above items were ordered to appear on the Consent Calendar under the listing of Second Day later in today's session.

Non-Concurrent Matter

Bill "An Act Creating the Victims' Compensation Board" (H.P. 1265) (L.D. 1834) which was passed to be engrossed as amended by Committee Amendment "A" (H-965) as amended by House Amendment "C" (H-1074) thereto in the House on March 10, 1992.

Came from the Senate with that Body having insisted on its former action whereby the Bill was passed to be engrossed as amended by Committee Amendment "A" (H-965) as amended by Senate Amendment "B" (S-599) thereto in non-concurrence.

On motion of Representative Paradis of Augusta, the House voted to Insist.

Non-Concurrent Matter

Bill "An Act to Encourage Private Sector Investment in Tourism" (S.P. 911) (L.D. 2331) on which the Minority "**Ought Not to Pass**" Report of the Committee on **Housing and Economic Development** was read and accepted in the House on March 9, 1992.

Came from the Senate with the Majority "**Ought to Pass**" Report of the Committee on **Housing and Economic Development** read and accepted and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-611) in non-concurrence.

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

PASSED TO BE ENGROSSED

Bill "An Act to Implement the Recommendations of the Motorcycle Driver Education Study Committee" (EMERGENCY) (H.P. 1723) (L.D. 2412)

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

**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:

Bill "An Act Regarding a Piscataqua River Basin Council" (H.P. 1693) (L.D. 2373)  
 TABLED - March 11, 1992 (Till Later Today) by Representative LAWRENCE of Kittery.  
 PENDING - Adoption of Committee Amendment "A" (H-1081)

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

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

An Act to Implement the Jobs Creation Bond Package (EMERGENCY) (H.P. 1708) (L.D. 2389) (S. "C" S-595)  
 TABLED - March 11, 1992 (Till Later Today) by Representative GWADOSKY of Fairfield.  
 PENDING - Passage to be Enacted.

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

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

SENATE DIVIDED REPORT - Majority (9) "Ought 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 11, 1992 (Till Later Today) by Representative LAWRENCE of Kittery.  
 PENDING - Motion of same Representative to accept the Minority "Ought to Pass" as amended Report.

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

Representative TUPPER: Mr. Speaker, Ladies and Gentlemen of the House: I urge you to vote no on the pending motion so that we may go on to accept the Majority Report.

I am speaking for the town and city clerks. A centralized voter registration will cost over \$2 million to implement. They have done research on this and it will be a yearly cost to taxpayers of between \$350,000 to \$450,000 and will not create a better registration system.

Allowing citizens to register at the office of the Secretary of State or at any municipal office in this state can be accomplished with the present voter registration system. The purging and maintenance of voting lists will not be easier and certainly will not reduce municipal costs. The only advantage to this legislation is it will allow political campaigns to obtain voting lists for the entire state or any municipality at the office of the Secretary of State. This will reduce revenues to the municipalities. We do not need this legislation now or in the future.

I urge you to accept the Majority Report and vote against the pending motion.

The SPEAKER: The Chair recognizes the Representative from Kittery, Representative Lawrence.

Representative LAWRENCE: Mr. Speaker, Men and Women of the House: I think there is a lot of confusion about what this bill actually does. This bill does not create a statewide voter registration file. It does not require people to register to vote with the state or in any municipality.

What this bill does is allow the Secretary of State's office to look in and to study the possibility of whether or not there is a cost savings to the state and to the municipalities of establishing a statewide voter registration file. There has been no talk about requiring people to register at the Secretary of State's office or at any municipality.

What we are looking at is, if there is a cost savings in having town clerks (who are computerized) report their computerized list to the Secretary of State, they still maintain the list, have the Secretary of State put them all up in one voter file and use that to find people who are registered in duplicate municipalities, people who haven't been striken off one list. It allows the Secretary of State to look into whether or not they can pay for that cost of that computerization through selling those lists statewide. It sets up no voter registration file, it just allows the Secretary of State's office to look into whether or not there is cost savings for the state and for the municipalities in setting up a statewide voter registration file.

When the clerks opposed this, they did not understand what the bill does. I talked to many clerks afterwards who have no objection to us studying the issue, have no objection to the ideas I have talked about. What they reacted to was their thought that the state was going to take away their ability to register voters and to maintain their own list. That is not the purpose of this bill. This bill is only a study.

Last week, I purchased a voting list for the town of York. I lived there seven years ago and I was still registered as a voter in the town of York despite having lived in Kittery for the last seven

years and been a registered voter in Kittery for those last seven years. The Secretary of State wants to study whether or not they can increase the efficiency of voting lists and save money for the state and the municipalities. I would appreciate your support for this motion.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: The kind gentleman from Kittery, my House Chair, has very eloquently simplified an otherwise mess. This will be a mess. This will require every town clerk to report the voting list to the Secretary of State. The Secretary of State will determine who should come off the list. In other words, if they make up their mind over there that someone hasn't voted in the town of Lisbon for four years, automatically the name comes off. That is what has happened in some small towns.

As the Chairman of the Town Clerks' Association, Mr. Berube from Lewiston said, "Don't be fooled when they say it will cost nothing. The minimum figure is \$3 million." Now look at it — you are going to set up a central computer system, you don't do that with a pencil and a piece of paper.

Let's look at the small towns of which many of you people represent that don't even have a town office, it is handled in someone's house. How is that town clerk supposed to keep track of these things (with no computer) and notify the Secretary of State? I just had four people come in today and register to vote. I had four people come in and change their party affiliation. I had four people come in and drop all party affiliation completely. For two years, we have been trying here to downsize the government. For eight years, we have tried to keep the government off the people's backs in the small towns. This is just the opposite. We are setting up a beautiful big bureaucracy in the Secretary of State's office. They will be coming back saying they want a computer. Every clerk in every town will pick up the phone and say, this is it, because they won't have a computer. I have yet to see the government in the years I worked for the state that anytime you increase something it doesn't cost more money.

I think the gentlelady from Orrington hit the nail on the head — the only ones who will benefit from this will be the two major parties who can go up to the Secretary of State's office and say, we want to see the voter list for the town of Lisbon, the town of Bucksport, the town of Waldoboro or whatever and have it in a few minutes. That is all it is going to do but who will pay for it? I say let's go back — the town clerks and the registrar's of voters are doing a good job now, they know everyone. It may be all right for the big cities but look at your small towns (and some of you people represent as many as a dozen) where the town clerk's office is in her home. I know in my neighboring town of Durham it wasn't until a year and a half ago that the Town Clerk, Connie Footman, finally got an office in a new town office they built. She used to do it in her kitchen.

I say again to go along with the Majority Report. This is an 8 to 4 report, the Majority Report, "Ought Not to Pass."

The SPEAKER: The Chair recognizes the Representative from Kittery, Representative Lawrence.

Representative LAWRENCE: Mr. Speaker, Men and

Women of the House: I rise only to correct three misstatements by my good friend, Representative Jalbert of Lisbon. First of all, this bill does not cost one cent. It is not \$3 million, it is not \$100, it costs nothing. It is absorbed within the cost of the Secretary of State's office. It does not set up a statewide voter registration file. Even if it did set up a statewide voter registration file, we would have to vote on that. They would come back with a recommendation, we would have to vote for it. I don't think anyone in my personal belief wants the state to strike people off the voters list. I just want them to notify the town of Kittery and the town of York when Mark Lawrence is listed on both of their voters lists. How many people in this body have a lot of dead wood on their voters list, voters who are registered in two municipalities? It is only logical and rational to use technology to try and do that. It may well be that the Secretary of State will come back and say it is just not profitable to do this, it is just not wise to do this at this point, not enough towns are computerized to do this at this point.

This is just a no cost study. It is good government, it is looking for efficiency in state and local government.

I did talk to the Chair of the Town Clerks' Association, it is not the Clerk from Lewiston, it is the Clerk from Wells and I talked to Marion Noble and Marion Noble originally opposed the bill. When I talked to her again, I explained what we were thinking about and she said that may actually save the clerk's time and money if we are notified of duplicate voters on voters lists.

I urge you to support the Minority "Ought to Pass" motion.

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

Representative DAGGETT: Mr. Speaker, Men and Women of the House: I would like to refer to a comment that was made just before I stood up and that is that this is a no cost study. I would suggest to you that there is no such thing as a no cost study. Sometimes we tend to look at work that other people do and not put a value on the time and effort involved. There would indeed be a cost, it may not be a fiscal note but it would be some agency's time, some agency's effort, and some agency's cost.

I would suggest to you that there is absolutely no reason that this study could not be held by those interest groups who would like to see it pass. This does not require legislation. Those groups that are interested in seeing the development of a statewide voter registration file are free to set up a study. They may spend their own money, they may use their own offices, they may use their own staff, they may get those people who wish to be involved in this to join them in a study, can spend their time on it, and bring the information back to us another time.

The main reason that I opposed this is that I think the economic times that we are in requires us to take a careful look at any bill and decide whether or not it is a priority. Simply put, I do not believe that in these fiscal times a study to develop a statewide voter registration file reaches a high priority in my mind.

I would suggest that if you look at this issue and you consider it to not be a high priority that you put up a red light.

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

Representative JALBERT: Mr. Speaker, Men and Women of the House: In response to my good friend, the Representative from Kittery, I would like to know how he can draw the conclusion that the Secretary of State is in a better position to determine who should be on the voting list in the town of Wells or the town of Lisbon? They sit up here in Augusta and who will flag them to say look, so and so shouldn't be on that list. That is done on the local level. That is all I mean.

I wish to thank the Representative from Augusta who brought up the point that there is no such thing as a free meal here.

I may have made a misstatement, I said the Chair of the Clerks' Committee, the former Chair Mr. Berube of Lewiston, who is renown for his expertise on these matters. He came before the committee and said, now wait a minute here, let's put up the red light. When they start saying it will cost practically nothing, you can bank on \$3 million. I say again, there is no such thing as a free meal.

All this does — to repeat myself and as the good lady from Orrington said, only the two major parties will benefit from this because they can pick up the phone and get a list of the voters in the town of Lisbon or whatever town it is.

I would ask that you not support the motion "Ought to Pass" so we can vote "Ought Not to Pass."

The SPEAKER: The Chair recognizes the Representative from Eliot, Representative Hichens.

Representative HICHENS: Mr. Speaker, Members of the House: I would just like to respond to the good Representative from Kittery who cited the fact that he was on both the voting list in York and Kittery. I would remind him that when he signed the card to become a voter in Kittery, he had to sign where he had been previously voting and that town clerk should have in turn notified the York committee that he was no longer a resident of York and could not vote there. We do not need a state registry of voters to keep those things in line. I hope you will vote against the pending motion.

The SPEAKER: The Chair recognizes the Representative from Saco, Representative Nadeau.

Representative NADEAU: Mr. Speaker, Men and Women of the House: I am not an attorney, I don't really aspire to be an attorney, however, I have to cross-examine a couple of things here. A couple of comments were made — okay, there is no such thing as a free lunch. This proposal only asks for the Secretary of State's staff to look into the feasibility. It may not be all that feasible. We are just asking to do that step. Before we mandate anything, if in fact a mandate will happen, this body or our successors are going to vote on this. There is nothing being dictated to anybody.

One of the comments that was made by a previous speaker was that we have many towns where there really is no town office. The clerk or the wearer of seven different hats operates out of his or her home. That may very well be true. That sounds to me like a perfect reason to look into the feasibility. If in fact municipalities were able to keep track of who is coming in and going out and keeping the list updated, then we probably wouldn't even be talking about this. The fact is it is not happening either because certain people don't really have the desire to or because they just don't have the information that they would need to do such a thing.

If a statewide voter list was established, then

Guy Nadeau the candidate, would have no problem going to my town hall and paying \$500 for a computerized list that I knew was pretty darn accurate. Right now, it makes absolutely no sense for a candidate, in most instances, to go to a town office and purchase a voter list. The thing really doesn't accomplish what the candidate hopes that it would accomplish. Therefore, I would like you to consider those facts and support the Chairman of the Legal Affairs Committee.

Mr. Speaker, I request a roll call.

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

Representative TUPPER: Mr. Speaker, Men and Women of the House: In answer to the good Representative from Saco, if you think the Secretary of State's office should do the study and we are in an economic crunch, then I think that we could probably eliminate a position because we are trying very hard to use all our valuable time this year on things of importance.

I urge you to vote no on the pending 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 Representative Lawrence of Kittery that the House accept the Minority "Ought to Pass" Report. Those in favor will vote yes; those opposed will vote no.

## ROLL CALL NO. 345

YEA - Adams, Anthony, Cahill, M.; Carroll, D.; Cashman, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Dore, Erwin, Gean, Goodridge, Gould, R. A.; Graham, Gwadosky, Heeschen, Hichborn, Hogleund, Holt, Jacques, Joseph, Ketover, Kontos, Larrivee, Lawrence, Lemke, Luther, Mahany, Manning, Mayo, McHenry, Melendy, Michael, Michaud, Mitchell, E.; Mitchell, J.; Nadeau, O'Dea, Oliver, Paradis, J.; Paradis, P.; Paul, Pfeiffer, Pineau, Powers, Richardson, Saint Onge, Simonds, Simpson, Skoglund, Swazey, Tammaro, Townsend, Tracy, Treat, Wentworth, The Speaker.

NAY - Aikman, Aliberti, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bell, Boutillier, Butland, Carleton, Carroll, J.; Cathcart, Crowley, Daggett, DiPietro, Donnelly, Duplessis, Dutremble, L.; Farnum, Farren, Foss, Garland, Gray, Greenlaw, Hale, Hanley, Hastings, Heino, Hichens, Hussey, Jalbert, Kilkelly, Kutasi, Lebowitz, Libby, Look, Lord, MacBride, Macomber, Marsano, Marsh, Martin, H.; Merrill, Morrison, Murphy, Nash, Norton, Nutting, O'Gara, Ott, Parent, Pendexter, Plourde, Pouliot, Reed, G.; Reed, W.; Richards, Ricker, Salisbury, Savage, Sheltra, Small, Spear, Stevens, A.; Stevenson, Strout, Tupper, Vigue, Waterman, Whitcomb.

ABSENT - Bennett, Bowers, Duffy, Farnsworth, Gurney, Handy, Hepburn, Kerr, Ketterer, Lipman, McKeen, Pendleton, Pines, Poulin, Rand, Rotondi, Ruhlin, Rydell, Stevens, P.; Tardy.

Yes, 60; No, 71; Absent, 20; Paired, 0; Excused, 0.

60 having voted in the affirmative and 71 in the negative with 20 being absent, the motion did not prevail.

Subsequently, the Majority "Ought Not to Pass" Report was accepted in non-concurrence and sent up for concurrence.

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The Chair laid before the House the fourth item 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 11, 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.

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

An Act to Govern Residential Propane Gas Suppliers (S.P. 898) (L.D. 2317) (C. "A" S-584)  
TABLED - March 11, 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.

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The Chair laid before the House the sixth item 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 11, 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.

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

Bill "An Act to Finance Rapid Employment Opportunities for the People of Maine" (S.P. 946) (L.D. 2410)  
- In 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) (Committee on Housing and Economic Development suggested)  
TABLED - March 11, 1992 (Till Later Today) by Representative GWADOSKY of Fairfield.

PENDING - Reference.

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

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#### TABLED AND TODAY ASSIGNED

The Chair laid before the House the first Tabled and Today assigned matter:

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 11, 1992 by Representative JACQUES of Waterville.  
PENDING - Passage to be Enacted.

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

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The Chair laid before the House the second 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 11, 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 Monday, March 16, 1992.

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The Chair laid before the House the third Tabled and Today assigned matter:

HOUSE DIVIDED REPORT - Majority (8) "Ought Not to Pass" - Minority (5) "Ought to Pass" as amended by Committee Amendment "A" (H-1083) - Committee on Utilities 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)  
TABLED - March 11, 1992 by Representative CLARK of Millinocket.  
PENDING - Acceptance of Either Report.

On motion of Representative Clark of Millinocket, retabled pending acceptance of either report and specially assigned for Monday, March 16, 1992.

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#### BILL HELD

Bill "An Act Relating to Unredeemed Deposits"

(H.P. 1519) (L.D. 2131) (C. "A" H-1034)  
 - In House, Passed to be Engrossed as amended by  
 Committee Amendment "A" (H-1034)  
 HELD at the request of Representative KILKELLY of  
 Wiscasset.

On motion of Representative Kilkelly of  
 Wiscasset, the House reconsidered its action whereby  
 L.D. 2131 was passed to be engrossed as amended by  
 Committee Amendment "A" (H-1034).

On further motion of the same Representative,  
 tabled pending passage to be engrossed and specially  
 assigned for Monday, March 16, 1992.

On motion of Representative Paradis of Augusta,  
 the House reconsidered its action whereby it voted to  
 insist on Bill "An Act Creating the Victims'  
 Compensation Board" (H.P. 1265) (L.D. 1834).

On motion of the same Representative the House  
 voted to Insist and ask for a Committee of Conference.

The Chair laid before the House the following  
 matter: An Act to Institute a Pheasant Stamp Program  
 for Cumberland and York Counties (H.P. 1555) (L.D.  
 2193) (H. "A" H-1012) which was tabled earlier in the  
 day and later today assigned pending passage to be  
 enacted.

Subsequently, L.D. 2193 was passed to be enacted,  
 signed by the Speaker and sent to the Senate.

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

**SENATE PAPER**

The following Joint Order: (S.P. 951)

ORDERED, the House concurring that when the House  
 and Senate adjourn, they do so until Monday, March  
 16, 1992, at three o'clock in the afternoon.

Came from the Senate, read and passed.

Was read and passed in concurrence.

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

**CONSENT CALENDAR**

**First Day**

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

(H.P. 1634) (L.D. 2298) Bill "An Act to Allow the  
 Separation of Certain Islands in Casco Bay from the  
 City of Portland" Committee on State and Local  
 Government reporting "Ought to Pass" as amended by  
 Committee Amendment "A" (H-1095)

On motion of Representative Richardson of  
 Portland, was removed from Consent Calendar, First  
 Day.

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

Representative RICHARDSON: Mr. Speaker, I move  
 that this bill and all accompanying papers be  
 indefinitely postponed.

Mr. Speaker, Men and Women of the House: The  
 bill, as it now comes before us, provides for the  
 separation of one island in Casco Bay, Long Island,  
 from the city of Portland if a certain procedure is  
 followed. The procedure allows for an arbitration  
 panel to set the terms and conditions of that  
 separation, settling the issues of debt and the dump  
 and other issues that will ultimately be a key in the  
 separation of a part of a community from another  
 community. If, when that arbitration panel produces  
 the terms and conditions of the separation, then that  
 island will vote whether or not it wishes to separate  
 from the city of Portland. The residents of the city  
 of Portland will not vote on that issue, residents of  
 the islands will vote. That is the issue that is  
 before us today in the beginning process of  
 separating out of the city of Portland, sections that  
 are more fiscally capable and constitutionally in a  
 manner that does not take in account the whole of the  
 city.

There are individuals in the balcony today who  
 are extremely sincere in their commitment to islands  
 and island life and in particular to their island.  
 There are other residents, part-time residents of the  
 island, that are cynical about this issue who will  
 essentially see what the deal of the arbitration  
 panel is and, if it is good from the point of view of  
 property owners on the island, they will work to pass  
 it and, if it is bad they will say, well, we tried.

There are some island residents who are confused  
 by the whole process. There are some who are focused  
 just on money and there are others who don't care  
 about money and are entirely sincere in their views  
 and their love for island life and year-round island  
 life and that island in particular.

This bill came before the committee and before  
 this body in an awkward and confusing manner. There  
 are lots of opinions about who said what to whom and  
 who was representing whom, what in fact the city  
 council of the city of Portland wanted and didn't  
 want, I heard all kinds of interpretations of it.  
 Suffice it to say that it is almost impossible to go  
 back and select one decision in the process. In  
 fact, city council when it voted, most members of the  
 council were committed to some sense of a democratic  
 vote on the island but most of them wanted to know  
 the terms and conditions by which that vote would be  
 taken, on what it would be taken and what the  
 decision would be.

It is confusing. Some of the minor issues were  
 resolved in committee, as I see it, but the major  
 issues, the dump issue, for instance, now apparently  
 revolves around whether or not a sentence can be  
 found in a letter that said that, years ago, the city  
 of Portland would be responsible for that dump. If  
 in fact a bureaucrat wrote a letter in which there  
 was a sentence that said the city of Portland took on  
 a commitment to close the dump, that could be a  
 massive involvement. That might extend to all the  
 residents of Portland, the obligation to close that



dump because of that sentence. It is unclear and I don't know for a fact and nobody knows how the arbitration panel would treat such a sentence if it was written. We all know the terms and conditions of closing dumps are changing, difficult and involved. The obligation of that has not been settled by this bill.

The other major issue that has not been settled by this bill that is left to an arbitration panel, which like all panels will get out of bed one morning and make some fundamental decisions, and if it is well handled by one side or the other or if the bed gotten out of generated a good mood or a negative mood that day, the major issue such as the debt of the city of Portland will be resolved. What does one do about that? What does one do about assets on the mainland? What does one do about those negotiations? Long Island is .94, less than one percent of the value of the city of Portland — what does that mean for the implications of the debt? It has not been resolved in this bill. It has been handed to an arbitration panel and when that arbitration panel decides, those island residents will have declared and established their residency and will vote probably 9 to 1 or 1 to 9 on the issue deciding, depending on the results of the arbitration. Of course, keep in mind, there is an enormously sincere, caring people on the island who value their island life and will want to try to preserve it, no matter what the costs are, even though this issue came up because of a politically catastrophic reevaluation that took place a year ago.

This bill provides for the removal of a finger from Portland, constitutionally, decided by an arbitration panel. That finger, if it is to come off should come off in a discussion between the body, the whole community and the finger. The body, in this case, will continue to live. I can live without one finger, we all can, we could still function but when the vote and the decision is made by the arbitration panel and then is ratified or not ratified by the finger, that has very serious implications for the whole community. I have to raise the perspective that the committee did not look on with favor which is the distinction between any community when we attempt to have a separation of a piece of it. We have certain parts of the community that are the pay-in's and certain parts of the community that are the net receivers — where do we start to draw the line in the separation of the community?

Long Island is a beautiful, special place. I have been on it four times and looked at property on it once when I came to this community over a decade ago. It was truly a special place. I have parts of my district that are also unique and distinct. Stroudwater Village, which in some parts, precedes the city of Portland as a distinct village. They would love to separate too. The reality for them is that they feel it is a distinct neighborhood. The reality for them is, what is the constitutional definition of the community and how do we separate a piece of it? You say this is .94 percent? Those sincere individuals have done a tremendous job of impressing the committee with their sincerity. They have been around the legislature, they have done a magnificent job at working their cause and I appreciate and respect that. But, there is a vital, constitutional decision that is being set in process here today and that lays to the mechanism of an arbitration panel and ultimately to a vote in which

the whole community will be dependent upon the skills of their negotiators and the arbitration panel and by the judgment of those arbitration as to resolving the fundamental issues, which in this case are the matter of the dump and the debt of the city. Those issues will be settled by that panel.

There is a unanimous committee report on this. I do expect it to pass. I think it is tragic and I think it is important to say it on the floor. We have other islands, I don't like slippery slope arguments but clearly the legislature has passed the kind of judgment, if it passes this, and the State of Maine has in which the city of Portland, the non-Long Island residents, are only dependent upon the skills of their arbitration participation to achieve equity in this issue. There are other islands. The title of the bill refers to islands in Casco Bay but you should know that Cushing Island is not now a part of this discussion but it will be next year. Peaks Island is not now a part of this discussion but it will be next year. There are two other islands called The Diamonds and they will be part of this discussion and there is another small island, Cliff Island, that will be part of this discussion down the road. So, we have set a pattern in process which is that the State of Maine has the decision, taking away home rule, in those areas of arbitration to make a decision and the pattern it has chosen is not to focus on the details, the dotting of the i's and the t's, and that was the assumption under which I thought we were originally operating, that all those negotiations had to be completed before it made it to the floor of this body. In fact, we are proceeding to a vote on this issue and I feel, and I say it for the Record, the pending significant amendment of this bill, the pending changes that I am not now aware of, and even despite my empathy for the conscientious citizens of Long Island, many of them who are not looking at this as a financial calculation, who have sat that aside and come to this body in terms of local self-determination and I am sure you will hear effective discussions from those who hold that point of view on this floor. Even despite those strong instincts, this is a beginning of a tragedy in a form of emasculation to the city of Portland and I feel that should be said for the Record.

Mr. Speaker, I do request the yeas and nays.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: In twelve years in this legislature, I don't think I have seen a piece of legislation that has upset me more than this one.

Let me give you an example of what is going to happen if this legislation goes through. I am going to name some places in this state and I would be willing to bet that between now and the year 2000 there will be bills in dealing with them, Kittery Point, Biddeford Pool, Prouts Neck, South Casco, Frye Island, Chebeague Island, Merepoint and these are the areas that I know and I am sure that there are others areas in your particular hometowns or your districts that could say the same thing. Because our valuations went up and we are not getting the services that we think we should have, we want to secede, folks, we want to get away from the big city or the big town.

This proposal all started because the valuations in the city of Portland went up on the islands but, ladies and gentlemen, they went up in my hometown and

my house as they did in every single residence on the mainland. How does the mainland secede? Do we secede from the State of Maine? No. How would you like to go back home in a few years and tell your people that you voted for a piece of legislation that is going to allow your hometown to pay for a dump in another town that used to belong to you but will no longer belong to you. Stop and think about that. A dump that you no longer own, you've got to pay for.

This issue is moving much too quickly. The arbitration that is going to be held because this bill will be held after we get out of here, we have no idea what is going to be in that arbitration and what decisions are going to be made.

I have three or four people in my legislative district who live on Long Island and I am sure they are not going to vote for me next time around but I hope the people next door to them vote for me because I am here fighting for them who have their only home, which is their full-time home, not their summer home. This material you have here is being passed out by the summer residents. I have a young lady sitting up in the balcony who stopped me three days ago and wanted to talk to me. She said, "I didn't understand." I said, "Why don't you wait?" She said to me, "You don't understand, arbitration will take care of this." I said, "If it is the problem of your taxes, are you not getting the circuit breaker? Are you not talking advantage of that?" She looked at me with dazzled eyes. I said to her, "By the way, are you a resident of Long Island?" "No," she said, "I'm a summer resident." I said, "By the way, where do you live?" She said, "I live in Massachusetts."

So what is going to happen? It is possible that the citizens of Portland on the mainland are going to be paying more in their taxes so that people who have summer residences on Long Island will pay less. There are some full-time residents on Long Island who have real problems with this piece of legislation. You know, what are they going to do about the fire boat? As the city manager indicated, if the islands go, does Portland need a fire boat? It is quite expensive to have a fire boat. When we are cutting back, should we have a fire boat if we no longer have the islands? As the good Representative from Portland, Representative Richardson said, if this bill goes through, you know that down the road, four or five other islands will follow.

I would suspect that the Representative from Cumberland should be looking at this real closely because Chebeague could be following them. He shakes his head no but I think he had better watch it. I think everybody else in this body ought to be watching it because there are parts of your hometown or your districts that could be doing the same identical thing, once this thing starts rolling.

It is unfortunate that this legislature hasn't been able to get a handle on the property tax problem and that we have to deal with such things as secession.

The man who has been leading this charge happens to be Mark Green. Mark Green is an individual who resides, according to the voter registration, on Long Island but where does he work? He works in Massachusetts. Where does his wife work? She works in Massachusetts also. Where are their children educated? They are educated in Massachusetts but yet, to make it clear and to make it clean, he resides on weekends back in Maine. Is that fair? Should one community, because another community wants

to get out, be burdened down the road? I don't think so.

I would be willing to bet that when this vote is taken in November there will be an awfully lot of summer residents who will become full-time residents of Long Island. All of a sudden, there are going to be people who decided, boy that's the greatest place to live in the wintertime, and they will probably be there for that vote or, quite frankly, they will probably be there with an absentee ballot and be back in Massachusetts or in other parts of the state.

I hope you really take a hard look at this because I think this is the start of many of these bills to come.

Recently, I read in the paper where the assessor on a little island off Boothbay charged the community hall as a full-time for-profit organization. Even the town selectmen were against it but the assessor, under the state rules I guess, is the person who has the final decision in that area. I wonder whether or not that little island, and they had a real nice story about that little island, will look at this piece of legislation and say, do we really need Boothbay? Can't we secede and do our own thing? I don't know how many towns we have in this state but if this thing continues, we are going to have a lot more. There are going to be a lot more towns, I guarantee you. We talk about governing ourselves — this only came about because of the revaluation in the city of Portland. The man who led the charge on Peaks Island and who had the nerve to sit there in front of the city council and rip up his revaluation and make big headlines, personally told the city manager when they were negotiating or talking about this, that he is making out fairly well with his circuit breaker and that is what the circuit breaker is all about, ladies and gentlemen. When the valuation of your home goes up, you should be able to use the circuit breaker. If you are a summer resident, you ought to be able to pay for your taxes and if you can't, it ought not to be the burden of the people back on the mainland. By the way, most of the people on the mainland can't afford a summer residence. Those are the people who are struggling. Most of the people on the island are all summer residents. There are very few full-time residents there and most of those, I would be willing to bet, are all taking advantage of the circuit breaker.

I hope you really stop and think before you vote for this. I know it is a unanimous committee report but stop and think about your own hometowns and the areas that you represent. There are areas in your areas that could do the same thing and how would that affect you? This piece of legislation will probably be the boiler plate for future secessions. Stop and think how you would like to go home and explain to your people that you voted for a piece of legislation that could, down the road, make you pay for a dump that you no longer own. How do you think you would feel going door-to-door and saying, we have got to pay for the Long Island dump but didn't we lose that three years ago? Oh yeah, we did, but the legislature said we had to pay for the dump.

The SPEAKER: The Chair recognizes the Representative from Waterville, Representative Joseph. Representative JOSEPH: Mr. Speaker, Ladies and Gentlemen of the House: This is a very important bill to a certain group of people. We could call it "The Long Island Tea Party Bill" because in fact exactly what happened at the Boston Tea Party in 1773

is occurring here in Maine. What has happened is that a group of citizens, upon its revaluation of their property and Portland city's property, did say to themselves that that was unacceptable. However, when they met as a group, they discussed the issues of being independent from the city of Portland, they discussed the issues of the revaluation and the costs to them. They discussed the issues of services delivered to Long Island residents by the city of Portland. If you think they did this lightly, I want to hold up for you to see how they prepared for the State and Local Government Committee all of the research that was necessary. They looked at all of the questions of separation, they looked at all of the questions of maintaining their own government, they looked at all of the costs and they asked their State Representative to please put in a piece of legislation. That legislation truly, as you just heard, was to include Peaks Island. However, the State and Local Government Committee decided that each island is unique and what is appropriate for one island is not appropriate for another. In fact, each island or any other community in this state that would request separating from another municipality would have to come to the Maine Legislature and deal with that question on their own merits.

There is so much to say about this piece of legislation because, to me and to the State and Local Government Committee, this is democracy in action.

Cushing Island came to the State and Local Government Committee and asked to become a village corporation. It was denied. Their homework was not done. They did not present a good case. Peaks Island came to the State and Local Government Committee and to the Maine Legislature and asked to amend the Long Island Bill but they had not done their homework, they had not answered the questions, and they had not researched the issue as well as the people on Long Island.

We heard from the residents of Long Island, it was a very long hearing, approximately 6 hours. Their presentation was thoughtful, it was thorough, it was sincere. You have heard comment about an arbitration panel and if you would only look at your amendment, the amendment says that the city of Portland will name an arbitrator, that the Long Island residents will name an arbitrator and one neutral arbitrator will be selected jointly by the other two arbitrators to discuss and decide upon the issues that are remaining. The dump issue is the remaining issue. However, the Portland City Council, by a majority vote, I believe it was 8 to 1, voted to support this Long Island bill. The city council members also testified, two of them in opposition of the proposed legislation, because of the fear that you have just heard, the fear that this will be contagious, the fear that many other island communities will want to separate from the city.

The State and Local Government Committee insisted that there would be no financial burden to the property taxpayers of the city of Portland because of this Act. We asked for conformation of this, we asked for this to be a guarantee. It was not the intention of the State and Local Government Committee to put any additional financial burden on the residents of the city of Portland. Does it make sense to any of you here to have the city of Portland vote on this? You have 65,000 voters (approximately) in the city of Portland, you have just a few hundred residents of Long Island — would that be a fair

vote? No. We did not think that that would be a fair vote and we believe that those points remaining after two full days of meetings between the city government, councilors and the city administrator and the Long Island residents agreed to the terms in this amendment to the original bill.

I urge you not to indefinitely postpone this piece of legislation, it is a good piece of legislation, it is a piece of legislation that will allow this community to become its own community, have its own government and be responsible for its own services.

I also need to address the issue of the fire boat or a landing or a wharf — those are questions that came before the committee but those are negotiable questions. Long Island residents will not have any right to any of these services or facilities, they will have to negotiate with the city of Portland or they will have to contract with the city of Portland or if there is no fire boat, they will then have to have some sort of fire prevention of their own on the island. We believe that all of the questions have been answered. There has been separation after separation from different communities. In most recent years, it was Ogunquit from Wells. The former Representative, Alberta Wentworth, was very instrumental in dealing with that issue.

I urge you again not to indefinitely postpone this bill. We have worked long and hard on this bill, we have answered all the questions that have been raised by those two opponents of the bill that have spoken to you this morning.

On motion of Representative Kilkelly of Wiscasset, tabled pending the motion of Representative Richardson of Portland that L.D. 2298 and all its accompanying papers be indefinitely postponed and later today assigned.

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(H.P. 1683) (L.D. 2363) Bill "An Act Concerning Water Utilities" (EMERGENCY) Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1094)

(H.P. 1457) (L.D. 2069) Resolve, to Assist High-risk Students Committee on Education reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1096)

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

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The Chair laid before the House the following matter: Recognizing: Coach Tom Lablonde and the members of the Lewiston High School "Blue Devils" Hockey Team, winners of the Class A State Hockey Championship; (HLS 885) which was tabled earlier in the day and later today assigned pending passage.

Subsequently, was read, passed and sent up for concurrence.

The Chair laid before the House the following matter: Bill "An Act Regarding a Piscataqua River Basin Council" (H.P. 1693) (L.D. 2373) which was tabled earlier in the day and later today assigned pending adoption of Committee Amendment "A" (H-1081).

Subsequently, Committee Amendment "A" (H-1081) was adopted.

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

Representative Lawrence of Kittery offered House Amendment "A" (H-1098) and moved its adoption.

House Amendment "A" (H-1098) was read by the Clerk and adopted.

The bill was passed to be engrossed as amended by Committee Amendment "A" (H-1081) and House Amendment "A" (H-1098) and sent up for concurrence.

The Chair laid before the House the following matter: An Act to Prevent the Poaching of Aquaculture Products (EMERGENCY) (H.P. 1562) (L.D. 2200) (C. "A" H-1016) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Mitchell of Freeport, under suspension of the rules, the House reconsidered its action whereby L.D. 2200 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-1016) was adopted.

The same Representative offered House Amendment "A" (H-1100) to Committee Amendment "A" (H-1016) and moved its adoption.

House Amendment "A" (H-1100) to Committee Amendment "A" (H-1016) was read by the Clerk and adopted.

Committee Amendment "A" (H-1016) as amended by House Amendment "A" (H-1100) thereto was adopted.

The bill was passed to be engrossed as amended by Committee Amendment "A" (H-1016) as amended by House Amendment "A" (H-1100) thereto in non-concurrence and sent up for concurrence.

The Chair laid before the House the following matter: An Act to Govern Residential Propane Gas Suppliers (S.P. 898) (L.D. 2317) (C. "A" S-584) which was tabled earlier in the day and later today assigned pending passage to be enacted.

On motion of Representative Sheltra of Biddeford, under suspension of the rules, the House reconsidered its action whereby L.D. 2317 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" (S-584) was adopted.

The same Representative offered House Amendment "A" (H-1099) to Committee Amendment "A" (S-584) and moved its adoption.

House Amendment "A" (H-1099) to Committee Amendment "A" (S-584) was read by the Clerk and adopted.

Committee Amendment "A" (S-584) as amended by House Amendment "A" (H-1099) thereto was adopted.

The bill was passed to be engrossed as amended by Committee Amendment "A" (S-584) as amended by House Amendment "A" (H-1099) thereto in non-concurrence and sent up for concurrence.

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

#### CONSENT CALENDAR

##### Second Day

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

(S.P. 829) (L.D. 2133) Bill "An Act Pertaining to the Assessment of Fees on Nuclear Power Plants" (C. "A" S-610)

(H.P. 1643) (L.D. 2306) Bill "An Act to Ensure the Availability of Ferry Service in Casco Bay" (EMERGENCY) (C. "A" H-1082)

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

(H.P. 1666) (L.D. 2342) Bill "An Act to Ensure the Long-term Stability of Sheltered Group Homes in Maine" (EMERGENCY) (C. "A" H-1084)

On motion of Representative Pouliot of Lewiston, was removed from the Consent Calendar, Second Day.

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

Committee Amendment "A" (H-1084) was read by the Clerk and adopted and the bill assigned for second reading Monday, March 16, 1992.

(H.P. 1671) (L.D. 2347) Bill "An Act to Amend the Radioactive Waste Laws" (C. "A" H-1090)

(H.P. 1497) (L.D. 2109) Bill "An Act to Clarify the Administrative Practices of the State Tax Assessor Pertaining to State-issued Licenses" (C. "A" H-1093)

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

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

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

The Chair laid before the House the following matter: (H.P. 1634) (L.D. 2298) Bill "An Act to Allow the Separation of Certain Islands in Casco Bay from the City of Portland" Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1095) which was tabled earlier in the day and later today assigned pending the motion of Representative Richardson of Portland that L.D. 2298 and all its accompanying papers be indefinitely postponed. (Roll Call Requested)

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

Representative KILKELLY: Mr. Speaker, Men and Women of the House: I would hope that you would not indefinitely postpone this bill. I serve on the State and Local Government Committee and we did sit through six hours of public hearing on this issue. I was absolutely impressed with the organization and the ability shown by the folks from Long Island in looking at this issue. This is not something that has been rushed into, it is not something they have taken lightly. Each topic that they addressed had a subcommittee and each subcommittee filed a report and the Chair came before us to talk about the issue, whether it was health and human services, education, public safety or general government. They presented very good arguments for the proposal that they were presenting to our committee. What I heard in their discussion was a small town that was very concerned about small town needs and having to deal with government that was concerned about 60,000 people. That has been very difficult for them. They want to be self-determined, they want to be able to make decisions within their small town that affect their small town independently.

The committee, often, as we discussed this bill, expressed concern about how we are dealing with other islands, what is happening with other islands and we kept coming back to the bottom line that this is one bill that deals with one situation. There were bills that were rejected that had to do with other islands, there was an amendment to this bill that would have concerned another island and that was also rejected. So, we remained focused on the fact that this was one island, this was one situation and that this situation would be looked at independent of anything else. I think that that is very important for you to understand.

Certainly in the beginning of the coming together of the folks on Long Island, the issue of taxes was the catalyst but I believe it was only the catalyst, it was what brought people together, it was what brought them together to talk about other things and as they began to talk about other needs, they started looking at other things. I am not convinced that the taxes are going to go down significantly on Long Island. I am not convinced that this is going to be a great economic boom to Long Island in terms of reducing their taxes, at least in the short-term, but I felt that the committee made very good sense in not

micromanaging the situation. Our committee could have sat there for days on end trying to get enough basic information to then go on and get more specific information to make the decision. It made much more sense for the committee of the legislature to make the policy decision. The policy decision is, yes, the people of Long Island should have an opportunity to take a look at the information and to decide if this is what they want to do or not. The issues that are unresolved, the issues of debts and assets and other things, should be worked out through the arbitration process. That's important.

Voter registration has been raised as an issue — how many people are going to go to Long Island and claim that that is their residence and vote there? That's a voter registration issue, that should not be confused in this issue. That may be a problem in other parts of the state, we certainly have seen lots of bills in terms of voter registration and what we are going to do about that. That should not confuse this issue. This issue is very clearly — should the people of Long Island be able to have an opportunity to vote on whether they should become a town or not? I believe that we have sat this up in such a way that the information will be available to them so that the time they do go to vote, all of it will be there. It is not the position of the State and Local Government Committee that it should cost the city of Portland any money. It is not to penalize the city of Portland, it is to allow residents of Long Island to make a decision about independence. That decision about independence is very clear throughout our entire history, all the way from the time when we decided as a small entity, a small finger if you will of Great Britain, that we wanted to be independent. The State of Maine in 1820 became independent. Communities have become independent, it is a growth process, it is a process in which people in a certain area decide that they are ready, that they want to go ahead with it and I believe that the information that we saw from the folks on Long Island certainly proved to me without a doubt that they were ready to look at all the information and they were ready to make this decision.

If there are folks on the island who are opposed to this, that's fine, they will vote, that is our process. Everyone will have an opportunity to vote.

I would urge you not to indefinitely postpone this bill and to allow the citizens of Long Island an opportunity for self-determination.

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

Representative Hوجلund: Mr. Speaker, Ladies and Gentlemen of the House: Today is an historical moment for me in Portland because I am going to have to actually debate and go against half of my colleagues living in the city and the delegation. I, for one, believe that the majority rules in this state and in this country so, therefore, I believe that the islanders have the right to vote whether they want to secede from the city of Portland. I have attended the hearings and I have attended most of the workshop meetings, I have worked with the city and I have worked with the islanders and I think that State and Local Government did a very good job at trying to compromise and come up with the best solution for both the people of the island and the people of the mainland.

I represent the people on the mainland. This is not my bill. It is Representative Rand's bill, she

could not be here today but I agree with her and told her I would carry her cause for her today.

This is a bill that I think the people have a right to vote. The taxes will be paid by the islanders up until the day that they leave. The day they leave, then the taxes belong to them.

The dump and everything else, including the landings, the debts on both the city and the island side, will go into binding arbitration because in workshop after workshop, the people could not decide. Portland couldn't decide and the islanders couldn't decide as a matter of percentages in debt service. The dump — I feel compelled to tell you that I disagree terribly with Representative Manning and I am worried. I sit on the Energy and Natural Resources and I worry about dump closings, I know that it is very costly but at the same time, the dump is nearly closed. It needs to be capped. There is money put aside of \$39,000 and whether that will take it or not, the city of Portland said that they will give that to them but the object is that they want to put that in binding arbitration to discuss that and work together on it.

I would urge this body to please vote no on the indefinite postponement and allow those people to have the right to vote and to say what they would like to do with their lives and their hopes in their town.

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

Representative TUPPER: Mr. Speaker, Ladies and Gentlemen of the House: I would commend the State and Local Government Committee. I would like to speak on this having spent some time on Long Island and I have relatives that live there. Long Islander's are fighting for a way of life. According to the Island Institute, at the turn of the Century, Maine had over 300 year-round island communities and Long Island is one of 14 left. I think it is too bad to take away a way of life in the State of Maine that we have had.

Working together, these people have made a tightly knit community and they provide a large portion of their own services.

I would like to say to Representative Manning that my sister-in-law wrote much of the information that you received and her family were on Long Island way back to the Revolutionary times and are still on the island. Why shouldn't the island secede from their mother city? Well, an island is a symbol of independence and of individuality, of freedom, integration and safety, a world of one's own where all can be ordered according to one's heart desire, large enough to encompass an individual ambition and dreams but small enough for complete knowledge.

I urge you to vote no on the pending motion.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: Earlier there was testimony that this is a unique and separate and distinct situation. If you think that is unique, separate and distinct, when Peaks Island comes in next year, I would be willing to bet the same issue will be in there. This is boiler plate special.

The Utilities Committee I think now has boiler plate language dealing with the water districts that we deal with. Well, this is going to be called the Boiler Plate Special for Secessions because Peaks Island is going to come in next year, guaranteed,

because the committee said, you don't have your act together, come back next year. Cushing will be back next year and there will be other towns.

If you believe that this is a good idea, put yourself in my position. My taxes went up, what do I do, do I secede? No, I pay them.

The dump — the good Representative from Portland disagrees with me — well, the good Representative has only been around a little less than 8 years, I have been around 12 years and I have been dealing with health issues for 12 years so I am a little more concerned about health issues than the dump but I think it is pretty tough when I have to deal with my own city and my own dumps in my own city, Representative Hoglund. How are my people going to pay like your people? That's my concern, folks. Who is going to pay? There is no guarantee that Portland is going to end up paying more. If you think that we aren't, then vote for it. I hope if you think we are, then you will give us some consideration.

I would just as soon see this bill die and come back next year because at least we would know exactly what is going on.

The pressure put on the State and Local Government Committee to get bills out was the pressure to go with arbitration. I just hope that you take a hard look at this.

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

Representative KETOVER: Mr. Speaker, Men and Women of the House: I do have some constituents who live on Long Island who have spoken to me. They also live on the mainland and some of them feel deeply concerned about the issues that Representative Manning talked about. I sat on the committee and listened that whole six hours when State and Local Government came to Portland. I have talked to the islanders individually and collectively along with the Portland delegation.

Representative Manning was not at that six hour meeting in Portland. We saw how they organized, did their homework and prepared for this day to come.

I, too, have very deep concerns about my property taxes in my district because it is one of the highest in the city. My people cannot afford one more dime of property tax increase. I think you have heard us say that before. I have thought about this for a long time, I have read the information they gave me, and I can truthfully tell you that I am not happy about them leaving the city of Portland. I would like them to stay with the city of Portland but I believe it is their right to choose to vote to do what they want to do as long as there is arbitration, as long as the debt is taken with them. I believe that they understand that clearly.

They have been coming up here now for quite awhile and a lot of them have gotten a very good education about the process. A lot of them now understand how it works and yet there are a lot of people who live on that island who are summer residents. I had some problems about how they should vote, if it should be the summer residents or just the people who live there year-round. I am still not quite sure how that should work but, as a child, I grew up on Little Sebago and our family had a share, we were all owners of the dam and how the water was leveled and how it wasn't, but we owned a piece of that lake. We cared about the lake and our surroundings and we all had a vote. I only lived in my summer camp in the summertime, I wasn't a

year-round resident, I was a summer resident for 29 years so I can understand the feelings and the compassion that some of these people have. Many of these folks have lived on these islands for generations and generations and want their children to live on these islands for generations.

So, I would urge you to support and respect their feelings, even though in my heart and I do this with a deep heart, vote to let them do what they want. I would hope that you would vote against the indefinite postponement.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Sedgwick, Representative Gray.

Representative GRAY: Mr. Speaker, Men and Women of the House: As a member of the State and Local Government Committee, I think it is important because the Portland delegation is torn apart on this issue and I want to explain why and how I voted on this. I voted for the separation for two reasons, one, I believe in home rule and that they have the opportunity and the right to secede.

Secondly, I vote yes on the question because 7 to 1 the council people in Portland said it was the right thing to do. The hard part for me was putting everything into arbitration, making sure that we were protecting both sides. I believe we have done that.

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

Representative LOOK: Mr. Speaker, Ladies and Gentlemen of the House: You have heard arguments on both sides of this issue but please remember that secession of areas from towns is far from new. All over this state over the last 200 years, towns have split up and become new towns. There have been issues that have had to be dealt with and this is the case with Long Island. Let me assure you that those people on Long Island know very well what they are doing. They know the pitfalls before them and they are capable and willing to address them. They are going to work for themselves on Long Island and have their independence.

My town was a mother town and, over the years, there have been three separate towns that have seceded from it. We are all surviving and one of those was an island, the Island of Beals, and let me assure you that the State of Maine knows where the Island of Beals is and they are surviving very well.

The problem of taxation, the value of the property is a problem statewide and this was a concern there but I am sure that it will be handled in a very honest and straightforward manner. Those people paying the high values that they do did really not feel that they were getting the services for which they were entitled compared to other areas and I hope you will vote for this island to become a town on its own. Please vote against indefinite postponement.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Wilton, Representative Heeschen.

Representative HEESCHEN: Mr. Speaker, Ladies and Gentlemen of the House: I had not intended to speak on this bill. In fact, I had intended to support the bill but listening to some of the prior speakers and the debate, I realize that there are a lot of things that the State and Local Government Committee did not really adequately address. It is true that Long Islanders did magnificent work in working out the details of operation as a separate town but it is my personal belief that the State and Local Government Committee did not adequately consider the precedent

setting nature of this legislation. Neither did we adequately consider the implications to state education funding and tax policies of having tax wealthy areas secede from other areas of the state. An interesting aside is that some of the figures that were presented to us suggested these were presented by the island committee suggested that Portland would be better off without them because then the state would make up the education funding because of their lower value. Well, we didn't really get any confirmation or rejection of this suggestion.

There certainly are points to be made in favor of this bill. There is no question that proponents were and are very sincere and well prepared. Posed in terms of right to vote in self-ruling is very persuasive but I still don't really think all questions have been answered. I don't think we ever got hard figures and you are just going to have to be the judge.

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

Representative HØGLUND: Mr. Speaker, Ladies and Gentlemen of the House: What Representative Manning was alluding to I have to answer and I am sorry to get up again because I know this is very boring, it is a Portland bill. Let me explain something to you, I am worried too about the taxes. My valuation went up and the people in my district cannot afford much more on their tax bills. You have heard me get up and you have heard me say this over and over as we plead for more funding but I will tell you this, the State and Local Government Committee gave the tools to both the island and the city to go in and arbitrate so that they can come up with no cost to the city of Portland taxpayers. Hopefully, that mechanism will work and it won't cost the city taxpayers anymore money. I have faith that it can do that.

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

Representative ADAMS: Mr. Speaker, Men and Women of the House: Representative Anne Rand who has the district next to me in Portland is actually the sponsor of the legislation before us today. She is ill and though I am her cosponsor and though I happen to live in Portland, I feel I should quickly point out the only real island in my district holds up the duck house in Deering Oaks Pond and a lovely one it is. However, I was willing to cosponsor the legislation and feel strongly enough about it to stand up and put my oar in the water now because of the things that have been well, I think, set forward by some of the other speakers. If one accepts a right and exercises it, then with it comes certain responsibilities and, to my satisfaction, the islanders have, in every respect in picking up that right, shouldered that responsibility. For that reason, I am asking for you not to indefinitely postpone the unanimous Committee Report achieved after many hours and days of work sessions in this city, each of which I tried to attend all of, collecting all materials from both sides, reading it all in trying to make the best balanced assessment that I could.

The issues have been well researched by both sides. You are getting only a partial dose of what the State and Local Government Committee had to swallow as a whole and being asked not to have to review the whole thing, I would ask that you support their conclusion on the subject.

The bill before us now, the amendment now on your desks, I assure you, contains amendments that were presented by the city of Portland, they were requested by the city of Portland, they were prepared by the city of Portland and they were accepted by the committee unanimously. They were accepted by the islanders after some reluctance, unanimously. All went into the blend that now sets before you on your desks.

I agree that it has not been a dance that both parties have enjoyed equally but they are all in the same hall, even still, now that the music has stopped. The islanders have indeed been well prepared and so has the city of Portland. Chairman Joseph has held up for you the briefing book prepared containing the material that the islanders put together. For those of you who cannot see it, I would assure you it is the same dimension, both in thickness and in height as the green binders that hold the L.D.'s on our desks and it is full. Nine various committees were established by the islanders to study all possible subjects that they would encounter as a town, health care, education, solid waste, even emergency evacuation for which they present eight different alternatives if they should be cut off entirely from the world that would be available to them now and two more that may come on line next year. All of these, they are eager and willing to do for themselves.

The legislature of which we are a part has always supported the right to have a vote on your own destiny. The list of the precedence is long. It starts with, I might add, the power given by the great and general court of our parent state, Massachusetts, for a certain small burg called Portland to separate from the very large town then called Falmouth with a proper division of all responsibilities and all assets at that time. With that right to make that question and that separation came those responsibilities, which those islanders, as I have said, have shown every single preparation and inclination to accept. In doing that, they have asked no more of any one of us as legislators than we ask of ourselves as people or of our own towns every Spring when we gather together in town meetings which are being held even as we speak. Do the islanders fear taxes? Yes, but they fear dependence more. We are not talking about suburbs here, we are talking about an island, one island that is four and a half miles from the mainland, forty-five minutes by boat on a good day, two and a half hours by boat on a bad day as it was two Saturdays ago when I went out to the island to personally inspect every single piece of city-owned property that was there. Once that boat goes, the only access to the entire island is a thirteen and half foot iron-rung ladder bent inward that you must climb from the top of a lobster boat to get to the top of the dock. That is it. The last boat leaves at five-thirty in the evening, there is no other boat, there is no other access to stay upon the mainland and participate in the town council meetings or any of the other meetings that allow Portland's government to work for all its citizens.

I don't believe that the symbolic separation of island and mainland could be made more plain than that thirteen foot iron ladder, which all of them have been trying to scale for now nearly 200 years.

Today what I think we see is the pain and the difficulty that always attends the end of a long marriage. In this case, it is a marriage between the

mainland and an island. Like most marriages, it has had its difficult days. Like many marriages, it comes to a point where you must admit you are either going to have a very painful union or have a more or less friendly separation. I say that it is time, I say that we have the blueprint, I say we give them the opportunity and see how they shoulder the responsibility.

Though I now live in Portland and share with you sometimes the jokes made about the town I do my best to represent, I point out to you that I have every faith that the 200 Long Islanders will be able to successfully govern their own affairs because I come from a town, one of 60 in the State of Maine of size/population of 200 or less, East Stoneham, Maine, which for many years, has indeed been doing just that, very well thank you, all by ourselves, in a small town where the tax base is very tiny because three-fifths of the landmass is owned and taxed less because it is owned by the White Mountain National Forest.

Men and Women of the House, I urge you to support the unanimous Committee Report from the State and Local Government Committee and vote against indefinite postponement of this bill and all its accompanying papers.

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

Representative RICHARDSON: Mr. Speaker, Men and Women of the House: I do not want to extend the debate, I think the decision is basically cast but I just want to make two observations. Many of the analogies of separation were frankly made in simpler days and less complex days. The symptom of that is that the two major issues that are unresolved and to be decided by the arbitration panel are the debt and the dump. The debt is derivative of all the phenomenon of modern government. We know what a nightmare the dump can be on that island and it is left undone and left to be decided by the panels. So, the image of the Tea Party will be a calculation as to whether that arbitration panel has done a good deal. That is, again, not to subtract from the sincerity of the islanders nor the sincerity of city councilors who recognize incredible complexities in bringing this kind of bill from the city of Portland to this body. There was a great deal of complexes in terms of the vote on the issue. I have talked to almost all the councilors in depth on the issue and I appreciate that.

I would urge you to take a look at the constitutional implications of the whole community, the needs of the whole community and what fundamentally happens in the complex world in which we live when certain segments by and large usually the better and well off segments decide to separate themselves from the broader community by only their vote. It is a complex issue.

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

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

The SPEAKER PRO TEM: The pending question before the House is the motion of the Representative from



Portland, Representative Richardson, that L.D. 2298 and all its accompanying papers be indefinitely postponed.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Portland, Representative Gurney.

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

The SPEAKER PRO TEM: The pending question before the House is the motion of the Representative from Portland, Representative Richardson, that L.D. 2298 and all its accompanying papers be indefinitely postponed. Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 346

YEA - Erwin, Heeschen, Holt, Manning, O'Gara, Pfeiffer, Richardson.

NAY - Adams, Aikman, Aliberti, Anderson, Anthony, Ault, Bailey, H.; Bailey, R.; Barth, Bell, Bennett, Boutilier, Butland, Cahill, M.; Carleton, Carroll, D.; Carroll, J.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Donnelly, Dore, Duplessis, Dutremble, L.; Farnsworth, Farnum, Farren, Foss, Garland, Gean, Goodridge, Gould, R. A.; Graham, Gray, Greenlaw, Gwadosky, Hale, Handy, Hanley, Hastings, Heino, Hichborn, Hichens, Hoglund, Hussey, Jacques, Joseph, Ketover, Ketterer, Kilkelly, Kontos, Kutasi, Larrivee, Lawrence, Lebowitz, Lemke, Libby, Lipman, Look, Lord, MacBride, Macomber, Mahany, Marsano, Marsh, Martin, H.; Mayo, McHenry, Merrill, Michael, Mitchell, E.; Mitchell, J.; Morrison, Murphy, Nadeau, Nash, Norton, Nutting, O'Dea, Oliver, Ott, Paradis, P.; Parent, Paul, Pendexter, Pendleton, Pineau, Pines, Plourde, Poulin, Pouliot, Powers, Reed, G.; Reed, W.; Richards, Ricker, Rotondi, Ruhlin, Saint Onge, Salisbury, Savage, Sheltra, Simonds, Simpson, Skoglund, Small, Spear, Stevens, A.; Stevenson, Strout, Swazey, Tammaro, Tardy, Townsend, Tracy, Treat, Vigue, Waterman, Wentworth, Whitcomb.

ABSENT - Bowers, Duffy, Hepburn, Jalbert, Kerr, Luther, McKeen, Melendy, Michaud, Paradis, J.; Rand, Rydell, Stevens, P.; The Speaker.

PAIRED - Gurney, Tupper.

Yes, 7; No, 128; Absent, 14; Paired, 2; Excused, 0.

7 having voted in the affirmative and 128 in the negative with 14 being absent and 2 having paired, the motion to indefinitely postpone did not prevail.

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

Committee Amendment "A" (H-1095) was read and adopted.

Under suspension of the rules, the bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" (H-1095) and sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

At this point, the Speaker resumed the Chair.

The House was called to order by the Speaker.

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 11, 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 the House reconsidered its action whereby the House accepted the Majority "Ought Not to Pass" Report.

The same Representative requested a division on acceptance of the Majority "Ought Not to Pass" Report.

Representative Nadeau of Saco moved that L.D. 2010 be tabled one legislative day.

Subsequently, Representative Nadeau of Saco withdrew his motion to table one legislative day.

Representative Jalbert of Lisbon moved that L.D. 2020 be tabled one legislative day.

The SPEAKER: The Chair will order a vote. The pending question before the House is the motion of the Representative from Lisbon, Representative Jalbert, that L.D. 2010 be tabled one legislative day. Those in favor will vote yes; those opposed will vote no.

A vote of the House was taken.

71 having voted in the affirmative and 53 in the negative, L.D. 2010 was tabled pending the acceptance of the Majority "Ought Not to Pass" Report and specially assigned for Monday, March 16, 1992.

The Chair laid before the House the following matter: Bill "An Act to Encourage Private Sector Investment in Tourism" (S.P. 911) (L.D. 2331) on which the Minority "Ought Not to Pass" Report of the Committee on Housing and Economic Development was read and accepted in the House on March 9, 1992; came from the Senate with the Majority "Ought to Pass" Report of the Committee on Housing and Economic Development read and accepted and the Bill passed to be engrossed as amended by Senate Amendment "A" (S-611) in non-concurrence which was tabled earlier in the day and later today assigned pending further consideration.

Subsequently, the House voted to Adhere. By unanimous consent, ordered sent forthwith to the Senate.

(At Ease to Gong)

The House was called to order by the Speaker.

**CONSENT CALENDAR**

**First Day**

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

(S.P. 319) (L.D. 857) Bill "An Act to Ensure Adequate Resources for Energy Assistance Programs for Low-income Households" (EMERGENCY) Committee on **Human Resources** reporting "Ought to Pass" as amended by Committee Amendment "B" (S-616)

(S.P. 820) (L.D. 2019) Bill "An Act to Amend the Election Laws" Committee on **Legal Affairs** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-617)

(S.P. 837) (L.D. 2141) Bill "An Act to Amend Maine's Underground Oil Storage Tank Laws" (EMERGENCY) Committee on **Energy and Natural Resources** reporting "Ought to Pass" as amended by Committee Amendment "A" (S-613)

(S.P. 814) (L.D. 2013) Bill "An Act to Create a Budget Advisory Committee for Hancock County" Committee on **State and Local Government** reporting "Ought to Pass" as amended by Committee Amendment "B" (S-619)

(H.P. 1686) (L.D. 2366) RESOLUTION, Proposing an Amendment to the Constitution of Maine to Protect Revenues Raised By the Department of Inland Fisheries and Wildlife Committee on **Appropriations and Financial Affairs** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1102)

(H.P. 1524) (L.D. 2153) Bill "An Act to Provide More Efficient and Cost Effective Insurance for Maine State Employees" Committee on **Banking and Insurance** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1103)

(H.P. 1681) (L.D. 2361) Bill "An Act to Repeal a State Mandate Requiring a National Plumbing Code" (EMERGENCY) Committee on **Business Legislation** reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1105)

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

The following items appearing on Supplement No. 6 were taken up out of order by unanimous consent:

**SENATE PAPERS**

Bill "An Act to Repeal the Community Corrections Act" (S.P. 934) (L.D. 2392)

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

On motion of Representative Martin of Eagle Lake, the House reconsidered its action whereby the House voted to Adhere on Bill "An Act to Encourage Private Sector Investment in Tourism" (S.P. 911) (L.D. 2331).

On motion of Representative Lawrence of Kittery, the House voted to Insist and ask for a Committee of Conference. Sent up for concurrence.

By unanimous consent, ordered sent forthwith to the Senate.

The following item appearing on Supplement No. 5 was taken up out of order by unanimous consent:

**SENATE PAPER**

**Non-Concurrent Matter**

An Act to Clarify the Laws Related to Credit Cards (H.P. 1410) (L.D. 2022) (C. "A" H-895) which was passed to be enacted in the House on February 25, 1992.

Came from the Senate passed to be engrossed as amended by Committee Amendment "A" (H-895) as amended by Senate Amendment "C" (S-618) thereto in non-concurrence.

The House voted to recede and concur.

(At Ease to Gong)

The House was called to order by the Speaker.

The Chair laid before the House the following matter: Bill "An Act to Finance Rapid Employment Opportunities for the People of Maine" (S.P. 946) (L.D. 2410); In 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) which was tabled earlier in the day and later today assigned pending reference.

Under suspension of the rules, without reference to committee, the bill was read once.

Senate Amendment "C" (S-612) was read by the Clerk and adopted.

Under suspension of the rules, the bill was read a second time, passed to be engrossed amended by Senate Amendment "C" (S-612) in concurrence.

By unanimous consent, ordered sent forthwith to Engrossing.

The following items appearing on Supplement No. 7 were taken up out of order by unanimous consent:

Senate Amendment "B" (S-600).

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

Under suspension of the rules and without reference to a Committee, the bill was read once.

Senate Amendment "B" (S-600) was read by the Clerk and adopted.

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

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

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: I would ask that before we engross this bill that perhaps someone could explain what the Senate Amendment does and what the potential cost of it may be?

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

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

Representative ANTHONY: Mr. Speaker, Men and Women of the House: The original bill as proposed by Senator Gauvreau would have repealed the Community Corrections Act out of the belief that we had broken faith with our local counties. When we established the Community Corrections Act, we established that state prisoners would be housed in county jails and that the counties would be reimbursed for that. As of right now, we are not reimbursing at 100 percent, we are reimbursing at only about 85 percent. He felt that as a matter of protest he needed to put in that bill because he felt that we had broken faith with the counties.

Senate Amendment "B" strikes the original language of the bill and instead restores a hundred percent funding to the counties for those people who are housed in the county jails under the Community Corrections Act. As to the actual cost of that, I don't have the figures, we are presently paying up to 85 percent of the cost and that additional 15 percent, I don't know the cost of.

Subsequently, the bill was passed to be engrossed as amended by Senate Amendment "B" (S-600) in concurrence.

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**Ought to Pass as Amended**

Report of the Committee on Human Resources reporting "Ought to Pass" as Amended by Committee Amendment "A" (S-615) on Bill "An Act to Amend the Definition of Ambulatory Surgical Facilities" (S.P. 833) (L.D. 2137)

Came from the Senate, with the report read and accepted and the Bill Passed to be Engrossed as amended by Committee Amendment "A" (S-615).

Report was read and accepted, the bill read once. Committee Amendment "A" (S-615) was read by the Clerk and adopted.

Under suspension of the rules, the bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" (S-615) in concurrence.

**Divided Report**

**Later Today Assigned**

Majority Report of the Committee on Human Resources reporting "Ought to Pass" as amended by Committee Amendment "A" (S-614) on Bill "An Act Concerning Long-term Care Recipients" (S.P. 793) (L.D. 1992)

Signed:

Senators: CONLEY of Cumberland  
BOST of Penobscot  
GILL of Cumberland

Representatives: MANNING of Portland  
CLARK of Brunswick  
GEAN of Alfred  
WENTWORTH of Arundel  
SIMONDS of Cape Elizabeth  
GOODRIDGE of Cornville  
DUPLESSIS of Old Town  
TREAT of Gardiner  
PENDLETON of Scarborough

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

Signed:

Representative: PENDEXTER of Scarborough

Came from the Senate with the Majority "Ought to Pass" as amended Report read and accepted and the Bill passed to be engrossed as amended by Committee Amendment "A" (S-614).

Reports were read.

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

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**Non-Concurrent Matter**

An Act Authorizing an Advisory Referendum on Whether the Congress of the United States Should Establish a National Health Insurance Program (H.P. 1656) (L.D. 2333) (C. "A" H-1015) which was passed to be enacted in the House on March 10, 1992.

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

On motion of Representative Paradis of Augusta, the House voted to Adhere.

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The following items appearing on Supplement No. 8 were taken up out of order by unanimous consent:

**REPORTS OF COMMITTEES**

**Unanimous Ought Not to Pass**

Representative NADEAU from the Committee on Taxation on Bill "An Act to Amend the Eligibility Requirements for the Maine Residents Property Tax Program" (H.P. 1621) (L.D. 2284) reporting "Ought Not to Pass"

Representative CHONKO from the Committee on Appropriations and Financial Affairs on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$18,225,000 to Construct a State Aquarium Situated Along the Gulf of Maine" (H.P. 1322) (L.D. 1913) reporting "Ought Not to Pass"

Representative CHONKO from the Committee on Appropriations and Financial Affairs on Bill "An Act Authorizing a Bond Issue in the Amount of \$2,000,000 for the Purpose of Fostering Agricultural Development in the State" (H.P. 1046) (L.D. 1519) reporting "Ought Not to Pass"

Representative CHONKO from the Committee on Appropriations and Financial Affairs on Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 to Provide Funds for the Municipal Capital Investment Fund" (H.P. 549) (L.D. 786) reporting "Ought Not to Pass"

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

**Ought to Pass as Amended**

Representative NADEAU from the Committee on Taxation on Bill "An Act to Clarify the Sales and Use Tax Laws Regarding Items Purchased with General Assistance Vouchers or Food Stamps" (H.P. 1586) (L.D. 2240) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1101)

Report was read and accepted, the bill read once. Committee Amendment "A" (H-1101) was read by the Clerk and adopted.

Under suspension of the rules, the bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" (H-1101) and sent up for concurrence.

The following items appearing on Supplement No. 9 were taken up out of order by unanimous consent:

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act to Amend the Law Pursuant to the Medicare Supplement Insurance Minimum Standards Model Act and to Provide Consumer Information for Purchasers of Insurance (S.P. 840) (L.D. 2144) (C. "A" S-604)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 101 voted in favor of the same and none

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

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act to Provide Broader Immunity to Licensed Facilities and Establishments Donating Food (S.P. 846) (L.D. 2150) (C. "A" S-603)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 103 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act to Clarify the Enrollment Period for the 5-year Medical Liability Demonstration Project and to Clarify Provisions of the Rural Medical Access Program (S.P. 879) (L.D. 2251) (C. "A" S-602)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 103 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act to Amend the Laws Governing Resident-owned Cooperative Mobile Home Parks (H.P. 1522) (L.D. 2151) (C. "A" H-1030)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 102 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act Relating to Ordinary Death Benefits under the Maine State Retirement System (H.P. 1554) (L.D. 2192) (H. "A" H-1053 to C. "A" H-998)

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

an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 102 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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**PASSED TO BE ENACTED**

**Emergency Measure**

An Act to Enhance the Operations of the District Court Violations Bureau (H.P. 1602) (L.D. 2264) (C. "A" H-1057)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 102 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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**PASSED TO BE ENACTED**

**Emergency Measure**

An Act Concerning Septage (H.P. 1638) (L.D. 2301) (C. "A" H-1051)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 106 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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The following items appearing on Supplement No. 10 were taken up out of order by unanimous consent:

**PASSED TO BE ENACTED**

**Emergency Measure**

An Act Concerning the Authority of Podiatrists (H.P. 1682) (L.D. 2362) (C. "A" H-1059)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 103 voted in favor of the same and 1 against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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**PASSED TO BE ENACTED**

**Emergency Measure**

An Act to Establish Municipal Cost Components for Unorganized Territory Services to be Rendered in Fiscal Year 1992-93 (H.P. 1713) (L.D. 2398) (H. "A"

H-1062)

Was reported by the Committee on **Engrossed Bills** as truly and strictly engrossed. This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 106 voted in favor of the same and none against and accordingly the Bill was passed to be enacted, signed by the Speaker and sent to the Senate.

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**PASSED TO BE ENACTED**

An Act to Update and Revise the Exemptions under the Maine Bankruptcy Code (S.P. 834) (L.D. 2138) (C. "A" S-605)

An Act to Implement a Comprehensive Ambient Toxics Monitoring Program (S.P. 876) (L.D. 2237) (C. "A" S-598)

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

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**ENACTOR**

**Tabled and Assigned**

An Act Relating to Legislative Confirmation Hearings (S.P. 894) (L.D. 2299)

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

On motion of Representative Paradis of Augusta, tabled pending passage to be enacted and specially assigned for Monday, March 16, 1992.

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**PASSED TO BE ENACTED**

An Act to Ensure the Retention of Utility Easements in Foreclosure Proceedings (H.P. 1419) (L.D. 2031) (H. "A" H-1055 to C. "A" H-1023)

An Act to Ensure the Retention of Utility Lines Crossing Railroad Property (H.P. 1458) (L.D. 2070) (C. "A" H-1036)

An Act to Protect Ground Water Supplies Near Automobile Dismantling, Salvage and Recycling Operations (H.P. 1463) (L.D. 2075) (H. "A" H-1049 to C. "A" H-972)

An Act to Amend the Laws Governing Emergency Medical Technicians (H.P. 1491) (L.D. 2103) (H. "A" H-1050 to C. "A" H-961)

An Act Regarding Recording Requirements for Proceedings Involving Real Estate (H.P. 1512) (L.D. 2124) (C. "A" H-1047)

An Act to Authorize the Granting of Administrative Good Time to Those Inmates Who Are Aggressively Pursuing High School Equivalency

Certificates or the Achievement of Functional Literacy (H.P. 1544) (L.D. 2177) (C. "A" H-1058)

An Act to Exempt Certain Municipalities from Interest Imposed by the State (H.P. 1581) (L.D. 2231) (C. "A" H-1039)

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

The following item appearing on Supplement No. 13 was taken up out of order by unanimous consent:

**PASSED TO BE ENACTED**

**Bond Issue**

An Act to Finance Rapid Employment Opportunities for the People of Maine (S.P. 946) (L.D. 2410) (S. "C" S-612)

Was reported by the Committee on Engrossed Bills as truly and strictly engrossed. In accordance with the provisions of Section 14 of Article IX of the Constitution, a two-thirds vote of the House being necessary, a total was taken. 78 voted in favor of same and 34 against, and accordingly the Bond Issue was passed to be enacted, signed by the Speaker and sent to the Senate.

By unanimous consent, ordered sent forthwith to the Senate.

On motion of Representative Lawrence of Kittery, the House reconsidered its action whereby (S.P. 820) (L.D. 2019) Bill "An Act to Amend the Election Laws" Committee on Legal Affairs reporting "Ought to Pass" as amended by Committee Amendment "A" (S-617) was passed to be engrossed.

Subsequently, the Committee Report was read and accepted, the bill read once. Committee Amendment "A" (S-617) was read by the Clerk.

Representative Lawrence of Kittery offered House Amendment "A" (H-1104) to Committee Amendment "A" (S-617) and moved its adoption.

House Amendment "A" (H-1104) to Committee Amendment "A" (S-617) was read by the Clerk.

The SPEAKER: The Chair recognizes the Representative from Kittery, Representative Lawrence.

Representative LAWRENCE: Mr. Speaker, Ladies and Gentlemen of the House: L.D. 2019 is the omnibus election bill where the Legal Affairs Committee put all the legislation that it unanimously agreed upon, changes to the election laws.

The House Amendment I have offered is a change to that bill that would require the members of your Board of Voter Registration in those towns having a board that are members representing the political parties to be appointed by the political parties rather than the process they are nominated by the political parties now and approved by the Board of Selectmen.

This is a divided issue coming out of the

Committee on Legal Affairs and this amendment, if you choose to accept it, would provide that the political parties in each town have the final say over who the member of the Board of Registration representing that party are. I would urge you to adopt this amendment.

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

Representative WHITCOMB: Mr. Speaker, just a point of clarification to the Chairman of the Committee — in the instance of the communities where there is an election and an emergency where they are unable to contact the chairman of either political party, are there provisions in the amendment or the proposed legislation that would allow for exceptions to this?

The SPEAKER: The Representative from Waldo, Representative Whitcomb, has posed a question through the Chair to Representative Lawrence of Kittery who may respond if he so desires.

The Chair recognizes that Representative.

Representative LAWRENCE: Mr. Speaker, Ladies and Gentlemen of the House: To answer the question, in state law it allows now for the appointment of an alternative member to the member on the Board of Registration so there is already an alternate to that person representing the party on the Board of Registration. So, if something should happen, a member of the Board of Registration pass away or be in the hospital, the alternate would be the one who would serve.

Subsequently, House Amendment "A" (H-1104) to Committee Amendment "A" (S-617) was adopted.

Committee Amendment "A" (S-617) as amended by House Amendment "A" (H-1104) thereto was adopted.

Under suspension of the rules, the bill was read a second time, passed to be engrossed as amended by Committee Amendment "A" (S-617) as amended by House Amendment "A" (H-1104) thereto in non-concurrence and sent up for concurrence.

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

**PETITIONS, BILLS AND RESOLVES  
REQUIRING REFERENCE**

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

**Human Resources**

Bill "An Act to Legalize Marijuana for Medicinal Purposes" (H.P. 1729) (L.D. 2420) (Presented by Representative POWERS of Coplin Plantation) (Cosponsored by Representative LARRIVEE of Gorham, Senator CONLEY of Cumberland and Representative ALIBERTI of Lewiston) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

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

On motion of Representative Paradis of Augusta, was referred to the Committee on Human Resources, ordered printed and sent up for concurrence.

**PASSED TO BE ENGROSSED  
WITHOUT REFERENCE TO COMMITTEE**

Bill "An Act to Authorize the Town of Medway to Sell Certain Land" (H.P. 1725) (L.D. 2416) (Presented by Representative MICHAUD of East Millinocket) (Cosponsored by President PRAY of Penobscot) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.)

(The Committee on Reference of Bills had suggested reference to the Committee on State and Local Government.)

Under suspension of the rules and without reference to committee, the bill was read twice, passed to be engrossed and sent up for concurrence.

**PASSED TO BE ENGROSSED  
WITHOUT REFERENCE TO COMMITTEE**

Bill "An Act to Permit Washington County to Establish a Budget Committee" (H.P. 1727) (L.D. 2418) (Presented by Representative LOOK of Jonesboro) (Cosponsored by Representative FARREN of Cherryfield and Representative BAILEY of Township 27) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

(The Committee on Reference of Bills had suggested reference to the Committee on State and Local Government.)

Under suspension of the rules and without reference to committee, the bill was read twice, passed to be engrossed and sent up for concurrence.

**PASSED TO BE ENGROSSED  
WITHOUT REFERENCE TO COMMITTEE**

Bill "An Act Authorizing Aroostook County to Raise Funds for Renovations to the Aroostook County Jail" (EMERGENCY) (H.P. 1728) (L.D. 2419) (Presented by Speaker MARTIN of Eagle Lake) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

(The Committee on Reference of Bills had suggested reference to the Committee on State and Local Government.)

Under suspension of the rules and without reference to committee, the bill was read twice, passed to be engrossed and sent up for concurrence.

**PASSED TO BE ENGROSSED  
WITHOUT REFERENCE TO COMMITTEE**

Bill "An Act to Amend the Laws Governing Construction of Utility Lines" (EMERGENCY) (H.P. 1726) (L.D. 2417) (Presented by Representative POWERS

of Coplin Plantation) (Cosponsored by Senator WEBSTER of Franklin and Representative BAILEY of Farmington) (Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 27.)

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

Under suspension of the rules and without reference to committee, the bill was read twice, passed to be engrossed and sent up for concurrence.

The following item appearing on Supplement No. 11 was taken up out of order by unanimous consent:

**COMMUNICATIONS**

The following Communication: (S.P. 950)

115TH MAINE LEGISLATURE

March 11, 1992

Senator Stephen C. Estes  
Rep. Nathaniel J. Crowley, Sr.  
Chairpersons  
Joint Standing Committee on Education  
115th Legislature  
Augusta, Maine 04333

Dear Chairs:

Please be advised that Governor John R. McKernan, Jr. has nominated Margaret C. Duncan of Presque Isle and Kathie Leonard of Mechanic Falls for appointments to the Maine Technical College System Board of Trustees.

Pursuant to Title 20-A, MRSA Section 12705, these nominations will require review by the Joint Standing Committee on Education and confirmation by the Senate.

Sincerely,

S/Charles P. Pray  
President of the Senate

S/John L. Martin  
Speaker of the House

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

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

The following item appearing on Supplement No. 12 was taken up out of order by unanimous consent:

**REPORTS OF COMMITTEES**

**Divided Report**

**Later Today Assigned**

Majority Report of the Committee on State and Local Government reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1106) on Bill "An Act Concerning the Bureau of Intergovernmental Drug Enforcement" (EMERGENCY) (H.P. 1629) (L.D. 2292)

Signed:

Senators: BERUBE of Androscoggin  
BUSTIN of Kennebec

Representatives: LARRIVEE of Gorham  
KILKELLY of Wiscasset  
JOSEPH of Waterville  
GRAY of Sedgwick  
HEESCHEN of Wilton  
KERR of Old Orchard Beach

Minority Report of the same Committee reporting "Ought to Pass" as amended by Committee Amendment "B" (H-1107) on same Bill.

Signed:

Senator: EMERSON of Penobscot

Representatives: NASH of Camden  
SAVAGE of Union  
WATERMAN of Buxton  
LOOK of Jonesboro

Reports were read.

Representative Joseph of Waterville moved that the House accept the Majority "Ought to Pass" Report.

On motion of the same Representative, tabled pending her motion that the House accept the Majority "Ought to Pass" Report and later today assigned.

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The following item appearing on Supplement No. 14 was taken up out of order by unanimous consent:

**SENATE PAPER**

**Non-Concurrent Matter**

An Act to Finance Rapid Employment Opportunities for the People of Maine (BOND ISSUE) (S.P. 946) (L.D. 2410) (S. "C" S-612) which was passed to be enacted in the House on March 12, 1992.

Came from the Senate failing of passage to be enacted in non-concurrence.

The House voted to Adhere.

By unanimous consent, ordered sent forthwith to the Senate.

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On motion of Representative Gurney of Portland, Adjourned until Monday, March 16, 1992, at three o'clock in the afternoon pursuant to Joint Order (S.P. 951).