

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
29th Legislative Day
Thursday, March 19, 1992

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

Prayer by Reverend E. Lamar Robinson, Christ Church, Kennebunk.

The Journal of Wednesday, March 18, 1992, was read and approved.

SENATE PAPERS

The following Communication:

Maine State Senate
Augusta, Maine 04333

March 18, 1992

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

Dear Clerk Pert:

Please be advised that the Senate today Adhered to its former action whereby it accepted the Majority Ought Not to Pass Report on the 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).

Sincerely,

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

Was read and ordered placed on file.

**PETITIONS, BILLS AND RESOLVES
REQUIRING REFERENCE**

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

Appropriations and Financial Affairs

Bill "An Act to Authorize a General Fund Bond Issue in the Amount of \$10,000,000 for Capital Repairs to State Facilities" (H.P. 1743) (L.D. 2432) (Presented by Representative LIPMAN of Augusta) (Cosponsored by Representative NORTON of Winthrop and Representative AULT of Wayne) (Governor's Bill)

Ordered Printed.
Sent up for Concurrence.

ORDERS

On motion of Representative WHITCOMB of Waldo, the following Joint Order: (H.P. 1744)

Ordered, the Senate concurring, that Bill, "An Act to Impose a Limit on Campaign Contributions," H.P. 785, L.D. 1117, and all its accompanying papers, be recalled from the legislative files to the House.

Was read.

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

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: This Order is the result of a discussion that occurred in the front of the House last evening and resulted in my withdrawing an amendment to the bill in order for the bill to proceed. The Order relates to a piece of legislation that died when the legislature itself went out of business last July. This brings back before the House a matter that was never debated last year. I urge your adoption of the Order.

I request a roll call.

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

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

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

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: Perhaps I should explain a little bit about what the intent of this legislation was last year. In fact, the amendment that was on our desk and has been on our desks the last couple of days mirrors the legislation, not exactly, but in close terms. This is a piece of legislation that begins to address the concerns that many of us have and many in the public have relative to the influences of political action committees regarding the campaign process.

I think this piece of legislation starts us down the road of more responsible control of the public perception of how campaigns are financed for the Maine Legislature. The intent is not to go beyond our own ranks in policing how we receive monies, how the monies are accounted and how we control the influences as they are perceived by the public regarding the political process. It seems to me, above all other subjects, those of us in public office have come to be distrusted in the way monies are handled. It certainly goes without saying that the public is very suspicious of how we receive monies in the campaign process and even how we make financial decisions after we are elected to office.

Last night we did move along a piece of legislation that further tightens the controls and the reporting of political contributions. But, the one sore spot and the one spot that will gain us a great deal of additional negative publicity as the campaign season proceeds is the matter of political action committees. They are distrusted by the public and are, frankly, a matter of scorn around the halls of the legislature.

It is against this backdrop of distrust that I

ask you to bring this piece of legislation before the bodies for consideration, improvement, amendments certainly would be welcome and eventual passage.

We enter a season when we will be under intense public scrutiny. We enter a season when we all know that we as individuals, as an institution, have perhaps an all time low in public approval and public trust. There could be no better time than this time to take a step and say that we will remove some of that distrust, distrust that is not entirely all our fault, but still a distrust, by limiting the influence of political action committees. The political action committees have been allowed to supercede the power and the abilities of the political parties.

This piece of legislation could begin a restoration of public confidence so I urge its passage.

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

Representative LAWRENCE: Mr. Speaker, Men and Women of the House: I would urge you to vote against this Joint Order for several reasons. First of all, this is a bill we considered during the last session. It was voted out of the Legal Affairs Committee "Ought Not to Pass" by a majority of the committee.

Second of all, as the good Representative said, we had a bill in this session dealing with election laws but never once was this idea brought up to the committee as an amendment to that bill when it could be discussed by the committee and when it could be considered in a reasonable fashion. Only now at the very end of this session is it being offered to be recalled from the legislative files or as an amendment to go around the committee process. We have carefully crafted election laws and yes, I am one who feels there needs to be reform. Well, we need to look at all the election laws. We have to look at how state parties raise their money and how they spend their money. We have to look at how political action committees raise their money and spend their money. This bill is a radical approach, it is not comprehensive, it doesn't address all the problems, it probably will create more problems than it addresses and I urge you to defeat this Joint Order.

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

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

Is this exactly what the amendment was last evening on a \$100 limit?

The SPEAKER: Representative Tracy of Rome has posed a question through the Chair to Representative Whitcomb of Waldo who may respond if he so desires.

The Chair recognizes that Representative.

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: The motion before us is to recall the legislation from last year from the file.

The SPEAKER: The Chair recognizes the Representative from Hampden, Representative Richards.

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

I guess my question is directed toward Representative Lawrence. You indicated that it would create more problems and that was debated in committee. However, I am not sure what problems those were. So I can make an informed decision as I

how I am going to vote on that -- what problems are you talking about?

The SPEAKER: Representative Richards of Hampden 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, Men and Women of the House: As I understand the bill, it would limit all contributions to \$100. This would allow people who have substantial amounts of wealth to contribute to their own campaigns and finance their own campaigns with a large amount of money and put other people who don't have those resources at a disadvantage.

Also, because of the way the current election laws are structured, it would allow political parties to set up through the state party a slush fund that doesn't have to report these contributions to funnel large amounts of contributions to its state political party into legislative races and we would never know about it.

As I said, this bill is not comprehensive. It only addresses one problem, it doesn't look at all the election laws. It is one that our committee carefully discussed and decided it was too microscopic to really address the problem.

This bill, if it should be brought back in, should be brought back in at the start of the session so it can be taken up by the committee, so we can look at the entire election laws and structure them to achieve what the Representative wants to achieve. I don't disagree with what he wants to achieve, I agree with it, we ought to look at public financing in elections. We ought to look at all these different kinds of things, but to bring a bill like this in four days before we adjourn, is absolutely incomprehensible to try to refashion our election laws that we spent so much time on in only four days at the end of the session.

The SPEAKER: The Chair recognizes the Representative from Madawaska, Representative McHenry.

Representative MCHENRY: Mr. Speaker, Ladies and Gentlemen of the House: I fully agree with the Minority Leader that we should be recalling this bill. I also agree with the Representative from Kittery that it is late in the session, it is the eleventh hour Republican way of doing things. I hate to say it but it is true. We, the Democrats, have finally caught on how to use the PAC and they don't like it. That is the honest truth.

I don't like PAC's, I don't like us being bought off. That is why I am very strong for a unicameral body because the lobbyists would not have any influence on us. Presently, all they have to do is get to 18 Senators and they get what they want.

If we are honest about this, let's ban all lobbyists from attending any hearings unless two-thirds of the committee request them. We can do that if we are honest. We can ban all these lobbyists for or against you, ban them from this House, the other body and the hearings. We can do it but we don't wish to do it. Let's be honest, it's political.

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

Representative TRACY: Mr. Speaker, Ladies and Gentlemen of the House: I would like to pose a question through the Chair.

Does this limit just for PAC's or does this \$100

limit apply to relatives or friends?

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

The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: The legislation is intended to limit contributions to \$100 to outside sources of funding. I am attempting to read exactly the wording, "A person, political committee, other committee, corporation, or association may not make contributions to the candidate aggregating more than \$100 per election in this state." So, it is aimed primarily at the PAC's but limits donations from other sources as well.

I would like to respond to a couple of other points that have been made to clarify why this is in at the eleventh hour as was suggested by the good Representative from Madawaska. This piece of legislation was before this House last session on May 13th. It pleases me that the good Representative from Kittery now agrees with me on the concept because I had the suspicion last year when his two seatmates tabled this piece of legislation every single day from May 13th until the legislature went out of session last July, that he and the Democratic leadership were working to stop this legislation. I don't mean to be cynical but it certainly had that appearance.

Frankly, my process this time was to try to avoid the stonewalling of discussion that occurred last year. As you saw, I attempted to bring the concept up as an amendment to the finance bill which has gone through and which I think covers the concerns that he has about so-called slush funds in political parties. Both political parties, the local, county and state level will be, as a result of legislation that we worked on together in his committee now forced to tell all, frankly at a good deal of inconvenience, but it is certainly opening up the process.

The reason this amendment is here now is to allow a discussion of the concept. It seems to me the comment made that only rich people can afford election if there are limitations on the amount of monies, particularly monies from PAC's, flies in the face of some of the recent political history in this state. Two people who I know who are millionaires who have tried in the political process to gain election have had that used against them very effectively. Two names that I can think of more recently would be Linda Bean and Neil Rolde, both of whom knew that they had a great deal of money and the public knew that and, frankly, it didn't get them to the office to which they aspired.

Again, if this concept were before the House could be amended to alleviate some of the fears — we are not talking about passage, we are just talking about it being allowed to be brought up for discussion, which was not allowed last year.

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

Representative JALBERT: Mr. Speaker, Ladies and Gentlemen of the House: I can see the frustration that our good committee chair, the Representative from Kittery, senses. What gets me is that we spent hours and hours in committee hearings — go with this and then to find out at the last minute somebody felt well maybe they thought of something else. Maybe a

younger person can afford to spend time and waste all the time they have, but I am at the age now where I don't think I want to die in this House just because somebody thought of something at the last minute. Where were all these people when we took this thing up?

Furthermore, I take it as a personal affront that I don't have the intelligence or the moral conviction to say no. It is up to me to say no. I have said no to people who have offered me money. That is the only thing you need to do. Let's give the people of this state some semblance of intelligence, they know who will get elected. I think we have seen situations where campaign limitations did nothing. Now they are trying to say that Linda Bean Jones was one of these that used a lot of money. She flaunted it so badly that people saw through that and that was a perfect example. In the case of Neil Rolde, I think more or less, they realized that he was going up against a Senator that had been there for many, many years, heavily entrenched.

What I say now, when somebody comes in at the last minute and says, I thought of something else I should have brought it up — we have been here since last January, hopefully we will go home next week but not at the rate we are going. Now, if anybody on the other side of the aisle has a lot of time to waste to be able to stay here, I will call on them come the end of May to help me put my garden in because I don't think we will be done by then.

I would say at this time, why wasn't this brought up at the committee hearings?

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 respond to some of the comments that were previously made by Representative Whitcomb.

My problems is, and I am not a partisan person and I don't want to turn this into a partisan issue, but the issue about the state political parties was brought up because what was done with the Republican leadership in the legislature last time and the fact that they hid all the contributions to the legislative fund through the state party. The good Representative was not there when we discussed it, he was not one iota of help in our discussing whether or not state parties ought to report contributions. That is why that was brought up and that shows the reason why we should not be discussing election laws at the last minute because changes to funding laws can easily give one person or one party a distinct advantage. They deserve to be discussed in the light of day where all interests can be discussed and we can determine a fair way to limit contributions.

We had a commission set up to study campaign financing and it had a majority of members of the other party on it. They came back and said they didn't want to do anything on public financing. They wanted to study it. It was made up of former Congressman David Emery, it was made up of the chairman of the Republican Party now. They came back and said, let's not do anything, let's study it.

I am ready to do something about campaign financing. When we have a serious bill in at the start of the session, we will do something about it. We will not bring it in at the end of the session and try to do something that is going to give certain people advantages over other people which is unfair to the democratic process. I would urge your support

in opposing this Joint Order.

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

Representative MICHAEL: Mr. Speaker, Ladies and Gentlemen of the House: I personally have not seen a more important opportunity come before this body since I have been back here than this opportunity which we have before us today. I think we should bring this bill back. It will be our last chance to bring something home that causes genuine reform to this system that systematically has degraded over the past 10 years or so.

Some of you will remember back when you first ran for the legislature and it cost a couple grand at the most, maybe a thousand bucks to run for this body. If you ran for the Senate and you raised \$5,000, you could win. Now if you want to run for the Senate this year, you had better be prepared to raise \$30,000. If you run for the House, I am hearing \$10,000, \$6,000 — that kind of money. That is crazy. It is out of control and we have neglected our duty to rein in the system.

I don't care about all the excuses everybody has about that it should have come in early, we should have done this, we should have done that. I agree with Representative McHenry perhaps in his conclusion as to why the Republicans are behind it, I don't care about that either. I just want this bill up here and I want us to have an opportunity to vote on some kind of campaign finance reform. This is what is killing the system here, the money is killing the system here. You can't see it maybe because you have been in the middle of it for a long time so I put this proposal out to you — vote for this in lieu of term limitations. Think about it. If you don't do some kind of reform here, the public is going to wind up pushing you out with term limitations. If we can't reform ourselves, we don't deserve to be here.

I wasn't here last year, I didn't vote on this bill and I want a chance to vote on campaign finance reform. That is exactly the issue I would like to tackle in this legislature. To me, this is just a blessing to think that this bill is coming before us.

One other thing, I can't believe that there is a campaign finance bill possibility before this body and the Republicans are going to vote for it and the Democrats are going to vote against it. Damn it, my party better not vote against it.....

The SPEAKER: The Chair would ask the Representative to take his seat.

The Chair recognizes the Representative from Waldo, Representative Whitcomb.

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: I only want to speak again to respond to some comments that came from the Committee Chair that suggested that I did not participate in the process of improving the Campaign Finance Laws. It should be mentioned on the Record to the House that I did speak at the public hearing in favor of the piece of legislation that does require the two political parties to expose where their funds come from and where they go. I am not entirely clear as to the reference he made about lack of support for that bill.

The final comment is that the reason this is late is because we tried, or I tried, others tried, to have this discussion last year and the discussion was never allowed.

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

Representative STEVENS: Mr. Speaker, Men and Women of the House: Could we have the Committee Report read please?

The SPEAKER: The Chair would advise the Representative that the Report is in the files and not available.

The Chair recognizes the Representative from Mexico, Representative Luther.

Representative LUTHER: Mr. Speaker, Ladies and Gentlemen of the House: This bill is probably not a very good bill but it could be worked on. It is late in the day but everything we do up here of very much importance seems to me comes in late in the day.

We passed a bill out here 19 to 123, it got creamed in the other body without any debate. I think that was Severin Beliveau's money talking. We have a chance to change that here. I think we should change it.

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

Representative MARSANO: Mr. Speaker, Men and Women of the House: I must admit that the debate this morning has been very interesting and has certainly not been along party lines. The thing that strikes me so much about this is that we hear this limitation on funding coming from one of the major Democratic candidates for President, the former Governor from California. It seems to me as though he, just a few weeks ago in the caucuses in this state, received the overwhelming support of the members of the Democratic party and that was one of his major focal points. Now, if that was good enough for him, I would think it would be good enough for the Democratic members of this House who would want to see this bill brought back solely for the purpose of having this issue debated with respect to the bill itself.

I would remind you, as I have so often, that all too frequently we see the opportunity to debate something lost because of the procedural devices that are available in this House. We should look by that this morning, recall this bill, debate it fairly on its merits and, if the merits are there as the Representative from Waldo has suggested and if the logic of Governor Brown prevails in this state before and prevails now, perhaps something can be done for Maine yet.

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

Representative GRAY: Mr. Speaker, Ladies and Gentlemen of the House: I hope you will vote for this. Representative Luther mentioned the vote that came from here and to the Senate.....

The SPEAKER: The Chair would advise the Representative that you are not to use the name of the other body.

Representative GRAY: Thank you Mr. Speaker: I hope you will support it because I believe we have a chance for change. Maybe this isn't the right bill, I haven't seen it, but I do believe there is a problem here.

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

Representative COLES: Mr. Speaker, Men and Women of the House: If you look at this bill closely, you will see that it is a very unfair bill. For example in the first paragraph, it says there is a \$100 limitation except for contributions to yourself, your spouse or your political party. That means your mother, your father, your brother, your sister, your

children, your cousins, aunts and uncles, none of them can give you more than \$100 even if they have no interest in what you do and they live out-of-state and just want to help you out. It also says that anyone who doesn't have a spouse, a legal spouse, can't receive a contribution from any companion or long time friend who has no personal or political interest. It also says you can give as much as you want to to a political party and then they can pour it out in large amounts. It also says, instead of one PAC giving \$1,000 to a candidate, you simply have to organize 10 PAC's and give the same candidate \$100 from each one. This isn't going to close a loophole, this is going to create a whole bunch of new loopholes. It is going to create distortion in the system because essentially, bringing this up right now is not a serious proposal in my opinion, it is a red herring and an attempt to deceive the voters into thinking they are proposing to do something right when in fact it does nothing whatsoever.

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

Representative MAYO: Mr. Speaker, Ladies and Gentlemen of the House: I rise today as the sponsor of two pieces of reform legislation that are making their way through this body. I want to remind this House that maybe we can focus on some of the positive things we have done this session — they both came out of committee unanimously so there wasn't a lot of discussion on them and maybe we can talk about a few of the provisions that are contained in those pieces of legislation.

First of all, there was a bill that came from the State Government Committee unanimously that I sponsored that equalized the membership on the Commission on Governmental Ethics. As we all know, the commission presently is made up of four Republicans and two Democrats, those six people choose a seventh person to serve as chair. The Commission approached me last summer and asked me to put in a bill to equalize membership, in other words, to give the Republican Party of this legislature two more seats on that commission. Now, that might be an odd thing for a House Majority Leader Whip of another party to sponsor but I did it and I did it proudly because I thought it was the right thing to do. That is a positive thing that we are going to do this session. We are going to equalize that commission, we are going to make the parties equal in the deliberations. Let's not try to demagogue this issue and talk about all our failings but try to talk about some of the positive things that we have done.

Let's look at the election law bill that we amended yesterday. Out-of-state political action committees could go on and influence elections in this state anyway they wanted to under current law, they wouldn't have to report a single nickel to this state, not one nickel. Under the bill that we put through this legislature last night or started through the process last night, for the first time, out-of-state political action committees that have activities in the State of Maine will be reporting to our Commission on Governmental Ethics. We will have full and complete disclosure. That is something that we didn't have before.

Reference was made to political parties. Political parties, until this legislation goes through this legislature, have been exempt from all reporting requirements. They did not have to show where their money came from or where it went in terms

of elections. The only way you could find out contributions of political parties was to go look at every individual campaign report and figure out where the money came from but all it would say was the political party, you would never know where the contribution originated from. Under legislation that is going through this legislature, we will have full and complete disclosure.

This issue here today, I am afraid, has dissolved into a partisan finger-pointing, bickering event. Presidential politics has been dragged into it, Maine politics has been dragged into it and we don't need it at this time in the legislature. This issue has been around, was around last year, here we are a few days from adjournment and we have dissolved into this ugly political debate. It is not necessary, there are all kinds of other things in this piece of legislation that I worked on for over six months in conjunction with the Commission on Governmental Ethics, in conjunction with people who work in the State Elections Bureau, with staff of the legislature and with legislators. I worked closely with members of both political parties on this issue. We got a unanimous report from committee and here we are at the final hour after we have made some great strides trying to throw partisan political issues into the question.

The bill that the Representative from Waldo wants to recall from the files will not solve a thing, it will only mask it. What we need in this state is complete and honest disclosure. We have made a giant step forward with the legislation that is coming forward.

I would ask you to reject this Order for what it is, vote no and let's move on and deal with the serious issues that are facing this legislature and not this.

Representative Whitcomb of Waldo was granted permission to address the House a third time.

Representative WHITCOMB: Mr. Speaker, Men and Women of the House: Briefly again to respond, I am pleased that the Representative from Thomaston has thrown his considerable political weight behind some of the issues regarding campaign ethics. Last year, as many members of the House will recall, Senator Webster had a piece of legislation that would have made the Governmental Ethics Committee balanced and it was killed on a largely partisan vote. So, I am pleased that this year he has chosen to sponsor and improve that piece of legislation and now it is going through on a bipartisan unanimous vote because it certainly appeared that last year the Democratic party killed that piece of legislation.

Again, I support the efforts that he has made and I would hope that he would lend his support to the efforts that I have tried to make over two years and he has not even allowed it to be debated in this body.

The SPEAKER: The Chair recognizes the Representative from Fairfield, Representative Gwadosky.

Representative GWADOSKY: Mr. Speaker, Ladies and Gentlemen of the House: I want to comment on a couple of the thoughts and observations made by the Representative from Waldo in that somehow, somewhere, the legislation has not been allowed to be debated. As you remember last year, the Representative from Waldo, Representative Whitcomb, introduced this bill and the bill went through the process, was kicked out of the Legal Affairs Committee, came to this House floor and then the debate began by Representative

Whitcomb who lashed out at several members of this chamber, Democrats and Republicans making serious accusations about their propriety, their ethics, their background in accepting various contributions. I tabled the bill at that point in time, discussed it with him at that point in time, that given the time of the session, being close to the end of the session that I intended to table that for a period of time for fear of the type of debate that would occur, very similar to this, at a time when we are trying to wrap the end of the session. As you might remember, Representative Whitcomb was very free in making accusations about committee chairs in this chamber, very free about making accusations about Democrat and Republican individual members, about their lack of morale because of various campaign related issues.

It is a very difficult area to be involved in. There are those who would suggest, over the course of the years, that Representative Whitcomb as a member of the Joint Standing Committee of Agriculture, has been involved in many agriculture issues over the years, issues dealing with milk, issues dealing with chemicals and never once do I remember that the Representative from Waldo abstaining from those issues as a member of that committee. There are people who can make accusations about any of us as individuals from time to time by virtue of the fact that we are a citizens' legislature. Inherent in that means that from time to time, we are going to deal with issues that we are more familiar with than not and there is a great risk and danger by suggesting that individuals are stonewalling or not.

We have made some great strides with some legislation this year. I think this is a bill that can be worked at some point. I frankly think that the success of a Jerry Brown or others has been from saying that I voluntarily agree not to accept more than \$100. I think that each of us should do the same thing. That is the easiest thing to do. We can attempt to consider a piece of legislation at the last hour without nuances. I don't know where this legislation has been since January, there was nothing that would have prohibited anybody from putting an Order in in the first week of January or the second week of January.

I think the easiest thing for all of us to do now, if we feel strongly about this issue, is just simply to say I will not accept more than \$100 from any political action person, committee, individual, company, organization or affiliated group.

There are people here today who spoke in favor of this legislation, in favor of recalling this legislation that have in fact received in excess of \$100 from political committees in this state, from the Democratic campaign committees and the House Republican campaign committees and yet they have been removed from consideration in terms of how this bill is read or how it finally would be developed.

I think that the Representative from Kittery, Representative Lawrence, is absolutely right that there are a lot of nuances that would have to be developed, have to be worked on in this bill given the time of the session, given the fact that we have got an issue named Workers' Comp, a budget hole of \$27 million, major restructuring proposals before the State Government Committee, a variety of other issues to deal with — how much time do we want to be distracted at this point from this issue?

It is an important issue, it is an issue of growing importance. I think the simplest thing that

we can do now as individuals is simply say, I won't accept more than \$100 and announce that in your campaign for those of you who are choosing to run for reelection. That is the best statement, the most positive statement you can make to your constituents back home. I think we can avoid the type of debate — I really fear that we all know about the credibility of this institution and our state is not alone, every state in the nation is going through the type of credibility that this legislature as an institution is going through right now and it is going to continue to go through that until we turn that around. We have the ability to change that if we have the will to change that, we can make things better if we choose to do that. I think we can start now. I think this is an issue that needs to be laid aside. I think we need to get on with the other issues and I think that there are alternatives before us that can allow us to deal with this issue as I have described them.

The SPEAKER: The Chair recognizes the Representative from Mexico, Representative Luther.

Representative LUTHER: Mr. Speaker, Ladies and Gentlemen of the House: No one is saying that this is a good bill. This is probably not a good bill. We get bills here and we change them completely, new name, new title, new everything. This is a vehicle, if there is another vehicle coming in, then we don't need this one, but why not at least look at this one?

As an aside, if you will allow me, I see nothing for the Republicans to smirk about, I am sure fat cat lobbyists are just as firmly entrenched on the second floor although they may not be the same lobbyists.

The SPEAKER: The Chair recognizes the Representative from Paris, Representative Hanley.

Representative HANLEY: Mr. Speaker, I would like to pose a question to the Chair.

To the Speaker or to the Majority Leader, I have a question regarding L.D. 1117, the bill in question. Maybe my mind is a little bit foggy as to exactly what the history of this bill is but as I remember, it was tabled, I was wondering what the final disposition of this bill was, were we finally allowed to take a vote on this bill?

The SPEAKER: The Chair would advise the Representative that if he had been present at that time...

Representative HANLEY: Point of personal privilege.

I was here during that time, Mr. Speaker.

The SPEAKER: Then the Chair has no need to respond to the question.

Representative HANLEY: Mr. Speaker, I would pose a question to the Chair or to the Majority Leader of this body.

The SPEAKER: The Speaker has just responded. You may pose it to the Majority Leader, if you so desire.

Representative HANLEY: To the Majority Leader if he would be willing to indulge me — my memory, even though I was here during the process from May 14th when it was tabled through the end of the session when we finally adjourned, I cannot remember the disposition of this bill, did we in fact have an opportunity to vote on L.D. 1117?

The SPEAKER: Representative Hanley of Paris has posed a question through the Chair to Representative Gwadosky of Fairfield who may respond if he so desires.

The Chair recognizes that Representative.

Representative GWADOSKY: Mr. Speaker, Men and Women of the House: If I thought for one moment that the Representative didn't know the answer to that question, I would be happy to respond. The fact is he does know the answer to that question. There are members of a particular political party that chose to shut down state government last year during the month of June. At that time, when that particular party chose to shut down state government, every bill that was currently before us died. That is the simple answer to your question.

The SPEAKER: The Chair recognizes the Representative from Paris, Representative Hanley.

Representative HANLEY: Mr. Speaker, Men and Women of the House: I would assume from the answer from the Speaker and the Majority Leader that in fact we did not have an opportunity to vote on L.D. 1117 and, therefore, I would applaud Representative Michael in his having been elected in a new election and having not had an opportunity before, I too would join with Representative Michael and say I would like an opportunity to vote on this bill having been denied the opportunity last session when it was introduced.

I would just like to point out to the members of the House that under Joint Rule 4, to recall this from the files does require a two-thirds vote of the House.

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

Representative RICHARDSON: Mr. Speaker, Members of the House: As a legislator who is utterly committed to campaign finance reform, I want to say clearly and emphatically why I am opposed to reconsidering this in this environment and opposed to passage. The two hallmarks of campaign finance reform are full of possible disclosure of the sources of income and the reduction of the concentration of power and the narrow control to special interests that that implies.

This bill would facilitate regressive steps in both of those areas simply because there would be individuals who would be assembling large numbers of \$100 checks to dispense to a diverse group of candidates. That collector of those checks and the dispenser of those checks would nowhere file or register his or her name or what institution, body or economic interest group they were representing. So, the result is that there would be less disclosure of the checks made because the collector of the checks would not be disclosing his or herself. The result would be that the \$1,000 contributor would now be quietly be giving out ten \$100 checks and coordinating more efforts in that direction. So, it would be a regressive bill in terms of campaign finance reform.

Secondly, in the concentration of it, it would be clear that the people who collected those \$100 checks would be deconcentrators of control and power rather than the diverse system of reporting and finance contributions that we have now. This is a bill that is in opposition to campaign finance reform in its present form and that is why it has to be taken in the context of all of the laws that we deal with regarding election reform. That is why I oppose it, it is on the substance of it and it is also for that reason and linked to that reason that I think that we have to address seriously the issue of campaign finance reform, obviously not in the next week, but

in the next legislature.

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

Representative JOSEPH: Mr. Speaker, Men and Women of the House: I have listened patiently for 65 minutes to this debate. Time is short. We do want to adjourn early to save the taxpayers of this state money. We have important business to do in this legislature, let's get on with the real business of the State of Maine. It offends me to go through this pompous partisan political posturing and bickering. It offends me to hear people's personal wealth debated on the floor of this House. The legislative process permits consideration of these items, these issues and all other issues. If we don't respect that process, how can we expect others to respect that process?

We should not pass this Joint Order and I urge you not to pass this Joint Order.

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

Representative MICHAEL: Mr. Speaker, Ladies and Gentlemen of the House: We would just like an opportunity to vote on this bill. We spent about an hour talking about whether or not we are going to recall the bill itself. We probably could have debated the thing and passed it up or down in not much more time than that so I don't have much sympathy to this whole notion about "oh, we want to get out of here so quickly and end the legislative session, we just don't have time to debate one more bill" and it just happens to be on campaign contributions. I know that it is an uncomfortable issue but, you know, even if it takes a couple of hours, we can spare a couple of hours and go home to our districts two hours later.

I will take the bait from my fearless leader in the corner who challenged us to give up whatever we want to give up. I will give up PAC money, it will be the second time that I have run for office that I have given it up and I will limit my contributions to \$100 because I plan to do that anyway. I will take no corporate money, which is a law that exists on the federal level. I will tell you something, I can get away with it and Jerry Brown can get away with it because (you mentioned Jerry Brown) he is Jerry Brown, you see, but can the guy from San Francisco, Larry Agran get away with it? I don't think so. Can Joe Blow get away with it? I don't think so. John Michael can get away with it because I have been around and I can raise money as far away as Finland if I have to. I will get the hundred bucks in and I will get the money up to run and probably most of you can do it too if you want to.

I have been involved in this jury bouncing and I have thought about, what about the system itself? It is one thing to have a well-known figure taking a hundred dollar contribution but it is something else when you think in terms of opening up the system so that it becomes a fair democracy again. That is what we are missing. Are we going to have this system fair, are we going to give other candidates, potential candidates against us, a fair playing field? I am not afraid to run against people, I am not afraid to give them a fair shot at us. We should consider those same things.

Look, we just want a chance to vote on this bill.

By the way, I understand some House members have even spent up to \$22,000 to get elected in this body. That's a lot of money.

It is a simple issue, I am highly offended that the Democrats are the obstructionists to letting this bill in today. I am highly offended, I am incredulous, I can't even believe it. I leave for five years, I come back and the whole thing is screwy, it is unbelievable.

Please bring this bill back in, it is not going to hurt, you can vote against this and I think you probably don't want to vote against it, I don't know, but I want to vote for it and I am going to make a big stink about this thing if we don't get this bill in, I promise you.

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

Representative BENNETT: Mr. Speaker, Friends and Colleagues of the House: I agree with the previous speaker that the ideas behind this bill deserve consideration today in this legislature. By opening this up, I think we are going to opening our windows for a breath of fresh air to discuss an issue that the people want us to discuss this year.

I have heard a lot of things today and I got to say, come on fellow Representatives, we all know how the procedural tactics work in this body and in this legislature. I have heard some criticism of the Republican side — well, Republicans do not control the schedule in this legislature. As a Republican, I resent the statements that we have control over the schedule in this process.

The case in point is the questionable status of L.D. 66 before this body. I would ask the Speaker if I may pose a question.

The SPEAKER: The Representative may not, the pending question is on this bill and this Order.

The Representative may proceed to debate that question.

Representative BENNETT: Mr. Speaker, Men and Women of the House: I think the people in this state....

The SPEAKER: Is the Representative discussing this bill and this Order?

Representative BENNETT: Yes, I am, Mr. Speaker.

The SPEAKER: Please restrict your remarks to the issue before the House.

Representative BENNETT: Mr. Speaker, Men and Women of the House: I believe that when we consider the question that is before us today, regarding whether we should recall this bill from the files, we should be considering it in the broader context of the procedural tactics that are used in this place such as that as used in L.D. 66 to derail....

The SPEAKER: The Representative will take his seat. The Chair will advise members that the Chair has absolutely no intentions of allowing this body to become a circus.

A roll call has been ordered. The pending question before the House is passage of L.D. 1117 (a 2/3 vote necessary). Those in favor will vote yes; those opposed will vote no.

ROLL CALL NO. 364

YEA - Aikman, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bennett, Butland, Carleton, Carroll, J.; Donnelly, Duplessis, Farnum, Farren, Foss, Garland, Gray, Greenlaw, Hanley, Hastings, Heino, Hichens, Kutasi, Lebowitz, Libby, Lipman, Look, Lord, Luther, MacBride, Marsano, Merrill, Michael, Murphy, Nash, Norton, Parent, Pendexter, Pendleton, Pines, Plourde, Reed, G.; Reed, W.; Richards, Salisbury, Savage,

Small, Spear, Stevens, A.; Stevenson, Strout, Tupper, Vigue, Whitcomb.

NAY - Adams, Anthony, Bell, Boutilier, Cahill, M.; Carroll, D.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Daggett, DiPietro, Dore, Dutremble, L.; Erwin, Farnsworth, Gean, Goodridge, Gould, R. A.; Graham, Gurney, Gwadosky, Hale, Handy, Hichborn, Hoglund, Holt, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kontos, Larrivee, Lawrence, Lemke, Macomber, Mahany, Manning, Martin, H.; Mayo, McHenry, McKeen, Melendy, Michaud, Mitchell, E.; Mitchell, J.; Nadeau, Nutting, O'Dea, O'Gara, Oliver, Paradis, P.; Paul, Pfeiffer, Poulin, Pouliot, Powers, Rand, Richardson, Ricker, Rotondi, Rydell, Saint Onge, Sheltra, Simonds, Simpson, Skoglund, Stevens, P.; Swazey, Tamaro, Tardy, Tracy, Treat, Waterman, Wentworth, The Speaker.

ABSENT - Aliberti, Bowers, Crowley, Duffy, Heeschen, Hepburn, Marsh, Morrison, Ott, Paradis, J.; Pineau, Ruhlin, Townsend.

Yes, 54; No, 84; Absent, 13; Paired, 0; Excused, 0.

54 having voted in the affirmative and 84 in the negative with 13 being absent, the Joint Order failed of passage.

REPORTS OF COMMITTEES

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

Representative JOSEPH from the Committee on State and Local Government on Resolve, for Laying of the County Taxes and Authorizing Expenditures of Kennebec County for the Year 1992 (EMERGENCY) (H.P. 1742) (L.D. 2431) reporting "Ought to Pass" - Pursuant to Joint Order (H.P. 1507) (Senator BUSTIN of Kennebec - of the Senate - Abstained)

Report was read and accepted, the Resolve read once.

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

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

SECOND READER

Later Today Assigned

Bill "An Act to Authorize Construction on a Wharf in Long Lake at Naples" (H.P. 1741) (L.D. 2429)

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

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

SECOND READER

Later Today Assigned

Bill "An Act to Allow Municipalities to Appeal the New State Valuation" (EMERGENCY) (H.P. 1692) (L.D. 2372)

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

On motion of Representative Cashman of Old Town, tabled pending passage to be engrossed and later today assigned.

At this point, the Speaker appointed the following members to escort the Agricultural Queens to the Rostrum:

Christine Johanson, Maine Blueberry Queen, escorted by Representative Savage of Union.

Darcie McElwee, Maine Potato Blossom Queen, escorted by Representative Bell of Caribou.

Rene Belanger, Maine State Grange Queen, escorted by Representative Chonko of Topsham.

CHRISTINE JOHANSON: Good Morning! As Speaker Martin already introduced me, I am Christine Johanson, I am from Appleton. Last August, I was crowned the 1991 Blueberry Queen of Maine. I am sponsored by Nash Farms who are also from Appleton.

The blueberry industry is very important to the State of Maine because it is a renewable resource and because Maine is the largest producer of wild blueberries in the United States. In 1990, there was a record-breaking crop of 75 million pounds and last year it was 40 million pounds.

The industry is taking progressive steps towards preserving the environment with fly-strip testing and monitoring of the bands. (applause)

DARCIE McELWEE: Good Morning! I am delighted to be here today celebrating Maine's agriculture.

While growing up in Aroostook County, my participation in the traditional harvesting of potatoes was an enlightening experience for me. I immediately became familiar with the true meaning of hard work, yet I grew to have an appreciation of the heritage surrounding me.

This past year I have learned a great deal through traveling and working with the Maine Potato Board. During my attendance at Springfield's Big E, as well as the Produce Marketing Association Convention in Boston, I was able to see not only the fascinating process of production and sales in the agriculture industry, but also its effect on our economy.

Maine's agriculture provides both profit and employment as well as beauty and pride. Through my experiences, I have found that these qualities are often forgotten and, therefore, our land is taken for granted. I truly believe agriculture could lead us to a promising future with a little support and a great deal of optimism. Thank you. (applause)

RENE BELANGER: My name is Rene Belanger, I am from Topsham. I have been State Grange Queen since

last July. I am going to tell you a little bit about Grange and a little bit about agriculture.

The Grange was founded over 100 years ago in the teachings of agriculture. Today, these lessons are as important as ever. Agriculture is not only the topic that is discussed in Grange, we also have Junior Grange, Youth Grange, women's activities, legislation and deaf awareness. The Grange emblem — seven sides represent the seven degrees that we have and the seven founders. P of H stands for Patrons of Husbandry. The sheaf, the wheat, represents the recognition of importance of agriculture. Although Grange is not emphasized as agriculture anymore, it is still used in a big part of agriculture. It is unfortunate that farmers of Maine today have to struggle to make a living, maybe it could be a sign of the times or maybe it is just a sign of agriculture going out. The farmers who are sticking to it are feeding Maine, America, worldwide. Agriculture is all around us, it is not just the food we eat, it is the trees we sit under to get out of the sun to make the shade, it is the plants we plant in the Spring and the animals all around us. Thank you. (applause)

The SPEAKER: On behalf of the members of the House, I would like to thank all of you for coming today to represent Maine's agriculture.

Subsequently, the Queens were escorted out of the House of the House by their escorts, amid applause, the members rising.

At this point, the Maine Farm Bureau Queen presented the Speaker with a basket of Maine foods.

CARLA PHILLIPS: On behalf of the Maine Farm Bureau and all of Maine agriculture, we would like to present the Speaker with this basket of Maine produced foods and Maine-made foods. (applause)

The SPEAKER: Thank you very much!

FINALLY PASSED

Constitutional Amendment

RESOLUTION, Proposing an Amendment to the Constitution of Maine to Protect Revenues Raised by the Department of Inland Fisheries and Wildlife (H.P. 1686) (L.D. 2366) (C. "A" H-1102)

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

Representative Tracy of Rome requested a roll call vote.

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

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

The SPEAKER: The pending question before the House is final passage. This being a Constitutional Amendment, a two-thirds vote of the House is necessary. Those in favor will vote yes; those

opposed will vote no.

ROLL CALL NO. 365

YEA - Adams, Aikman, Aliberti, Anderson, Ault, Bailey, H.; Bailey, R.; Barth, Bell, Bennett, Boutilier, Butland, Cahill, M.; Carroll, D.; Carroll, J.; Cashman, Cathcart, Chonko, Clark, H.; Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, DiPietro, Donnelly, Dore, Duplessis, Dutremble, L.; Erwin, Farnum, Farren, Foss, Garland, Goodridge, Gould, R. A.; Graham, Greenlaw, Gurney, Hale, Hanley, Hastings, Heino, Hichborn, Hichens, Hogle, Holt, Hussey, Jacques, Jalbert, Joseph, Kerr, Ketover, Ketterer, Kilkelly, Kontos, Kutasi, Larrivee, Lawrence, Lebowitz, Lemke, Libby, Look, Lord, Luther, MacBride, Macomber, Mahany, Martin, H.; Mayo, McHenry, Merrill, Michael, Michaud, Mitchell, E.; Mitchell, J.; Murphy, Nash, Norton, Nutting, O'Dea, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pendexter, Pendleton, Pfeiffer, Pines, Poulin, Pouliot, Powers, Reed, G.; Reed, W.; Richards, Ricker, Rotondi, Rydell, Saint Onge, Salisbury, Savage, Sheltra, Simonds, Simpson, Skoglund, Small, Spear, Stevens, A.; Stevenson, Strout, Swazey, Tamaro, Tardy, Tracy, Treat, Tupper, Vigue, Waterman, Wentworth, Whitcomb, The Speaker.

NAY - Anthony, Carleton, Gean, Gray, Gwadosky, Handy, Heeschen, Lipman, Manning, Marsano, Melendy, Nadeau, Rand, Stevens, P..

ABSENT - Bowers, Duffy, Farnsworth, Hepburn, Marsh, McKeen, Morrison, Ott, Parent, Pineau, Plourde, Richardson, Ruhlin, Townsend.

Yes, 123; No, 14; Absent, 14; Paired, 0; Excused, 0.

123 having voted in the affirmative and 14 in the negative with 14 being absent, the Resolution was finally passed, signed by the Speaker and sent to the Senate.

ENACTOR

Emergency Measure

Later Today Assigned

An Act Concerning the Bureau of Intergovernmental Drug Enforcement (H.P. 1629) (L.D. 2292) (C. "A" H-1106)

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

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

ENACTOR

Emergency Measure

Later Today Assigned

An Act to Repeal a State Mandate Requiring a National Plumbing Code (H.P. 1681) (L.D. 2361) (C. "A" H-1105)

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

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

ENACTOR

Emergency Measure

Later Today Assigned

An Act Relating to Gambling (H.P. 1685) (L.D. 2365) (S. "A" S-620 to C. "A" H-1056)

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

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

ENACTOR

Emergency Measure

Later Today Assigned

An Act to Implement the Recommendations of the Motorcycle Driver Education Study Committee (H.P. 1723) (L.D. 2412) (S. "A" S-630)

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

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

ENACTOR

Later Today Assigned

An Act to Amend the Election Laws (S.P. 820) (L.D. 2019) (H. "A" H-1104 to C. "A" S-617)

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

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

ENACTOR

Later Today Assigned

An Act Creating the Victims' Compensation Fund (H.P. 1265) (L.D. 1834) (H. "C" H-1074 to C. "A" H-965)

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

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

ENACTOR

Later Today Assigned

An Act Relating to Unredeemed Deposits (H.P. 1519) (L.D. 2131) (H. "A" H-1123 to C. "A" H-1034)

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

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

ENACTOR

Later Today Assigned

An Act to Ensure That Funds Collected from Restitution Are Deposited in Interest-bearing Accounts (H.P. 1536) (L.D. 2169) (C. "A" H-1112)

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

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

ENACTOR

Later Today Assigned

An Act to Provide Accountability for Certain Purchased Services Related to Substance Abuse (H.P. 1630) (L.D. 2294) (C. "A" H-1041)

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

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

The Chair laid before the House the following matter: Bill "An Act to Authorize Construction on a Wharf in Long Lake at Naples" (H.P. 1741) (L.D. 2429) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

Representative Simpson of Casco offered House Amendment "A" (H-1165) and moved its adoption.

House Amendment "A" (H-1165) was read by the Clerk and adopted.

The bill was passed to be engrossed as amended by

House Amendment "A" (H-1165) and sent up for concurrence.

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

SENATE PAPER

The following Joint Order: (S.P. 961)

ORDERED, the House concurring that when the House and Senate adjourn, they do so until Monday, March 23, 1992, at nine o'clock in the morning.

Came from the Senate, read and passed.

Was read and passed in concurrence.

CONSENT CALENDAR

First Day

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

(H.P. 1721) (L.D. 2407) Bill "An Act to Amend the Date for Compliance with the State's River Color Standards" Committee on **Energy and Natural Resources** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (H-1162)

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

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

SENATE PAPER

Bill "An Act to Establish Economic Recovery Tax Credits" (EMERGENCY) (S.P. 960) (L.D. 2430)

Came from the Senate, referred to the Committee on **Taxation** and Ordered Printed.

Was referred to the Committee on **Taxation** in concurrence.

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

SENATE PAPERS

Non-Concurrent Matter

Bill "An Act to Extend the Appraisal License Effective Date" (EMERGENCY) (H.P. 1734) (L.D. 2422) which was passed to be engrossed in the House on March 17, 1992.

Came from the Senate passed to be engrossed as amended by Senate Amendment "A" (S-645) in non-concurrence.

The House voted to recede and concur.

CONSENT CALENDAR

First Day

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

(S.P. 915) (L.D. 2352) Bill "An Act to Grant Immunity for Directors of Rural Electrification Cooperatives" Committee on **Judiciary** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-641)

(S.P. 897) (L.D. 2311) Bill "An Act to Amend Various Provisions of the Laws Governing Solid Waste Disposal Facilities" (EMERGENCY) Committee on **Energy and Natural Resources** reporting "**Ought to Pass**" as amended by Committee Amendment "A" (S-642)

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

JOINT ORDER - Relative to the Joint Standing Committee on State and Local Government considering proposing an amendment to the Constitution of Maine to provide for a unicameral Legislature (H.P. 1732)
TABLED - March 18, 1992 (Till Later Today) by Representative MAHANY of Easton.
PENDING - Passage.

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

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

An Act Pertaining to the Assessment of Fees on Nuclear Power Plants (S.P. 829) (L.D. 2133) (C. "A" S-610)
TABLED - March 18, 1992 (Till Later Today) by Representative GWADOSKY of Fairfield.

PENDING - Motion of same Representative to Reconsider Passage to be Enacted.

On motion of Representative Gwadosky of Fairfield, retabled pending his motion that the House reconsider passage to be enacted and later today assigned.

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

Bill "An Act Concerning the Structure and Operation of the Seed Potato Board" (H.P. 1712) (L.D. 2397)
TABLED - March 18, 1992 (Till Later Today) by Representative MAYO of Thomaston.
PENDING - Adoption of Committee Amendment "A" (H-1150)

Representative Tardy of Palmyra offered House Amendment "A" (H-1159) to Committee Amendment "A" (H-1150) and moved its adoption.

House Amendment "A" (H-1159) to Committee Amendment "A" (H-1150) was read by the Clerk and adopted.

Committee Amendment "A" (H-1150) as amended by House Amendment "A" (H-1159) thereto was adopted.

Under suspension of the rules, the Bill was read a second time, passage to be engrossed as amended by Committee Amendment "A" (H-1150) as amended by House Amendment "A" (H-1159) thereto and sent up for concurrence.

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

Bill "An Act to Impose a Sales Tax on All Items Sold at Flea Markets Except Those Sold by Nonprofit Organizations" (H.P. 1651) (L.D. 2314)
- In House, passed to be engrossed as amended by Committee Amendment "A" (H-1137) on March 17, 1992.
- In Senate, Bill and accompanying papers indefinitely postponed in non-concurrence.
TABLED - March 18, 1992 (Till Later Today) by Representative GWADOSKY of Fairfield.
PENDING - Further consideration.

On motion of Representative Cashman of Old Town, the House voted to Adhere.

TABLED AND TODAY ASSIGNED

The Chair laid before the House the first 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 18, 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 23, 1992.

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

HOUSE DIVIDED REPORT - Majority (10) "Ought Not to Pass" - Minority (3) "Ought to Pass" as amended by Committee Amendment "A" (H-1149) - Committee on Human Resources on Bill "An Act to Prohibit the State from Entering into Residential Treatment Facility Contracts That Give Preference to Former Patients of State Mental Health Institutes" (H.P. 1637) (L.D. 2300)
TABLED - March 18, 1992 by Representative MANNING of Portland.
PENDING - Motion of same Representative to accept the Majority "Ought Not to Pass" Report.

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

Representative DORE: Mr. Speaker, Men and Women of the House: I would hope that you would reject the Majority "Ought Not to Pass" Report so that we could go on to accept the Minority Report. This is my legislation and I am going to just briefly tell you why this legislation is here.

The AMHI Consent Decree includes a class of people and the class of people consist of class members or all persons who, on or after January 1, 1988 were patients at AMHI and all persons who will be admitted to AMHI in the future be subject to the limitations set forth in the Consent Decree. So, the Consent Decree covers everyone who has been through AMHI since January 1, 1988. What that means is if you were in AMHI prior to January 1, 1988, you are a non-class member and you are not subject to the same benefits. The trouble with this scenario is that if you are a person who suffers chronic mental illness and you have either been in AMHI prior to January 1, 1988 or you have used your community psychiatric hospital, one would assume that you don't have the same benefits but let's go further on in the Consent Decree. Item 37 says, "The plan shall verify with supporting data that in meeting the class members identified needs, defendants shall not deprive non-class members of services solely because they are not members of the class."

This legislation was put in because there are people who suffer persistent mental illness who utilize community hospitals or who have utilized AMHI but haven't been there since January 1, 1988. Those persons, because of the way the department has been handling the development of group homes, are not entitled to access to living in group homes that are designed for the mentally ill.

Again, I will take this opportunity to cite to you a contract that the department has for a group home. I want to tell you something - Maine people, three years ago, approved a bond issue from the Maine Housing Authority for housing for people with mental illness. The bond issue didn't say housing for AMHI class members only; the bond issue said, do you want to support housing for persons with mental illness in

the community? Maine people voted for this bond issue. Maine people who knew neighbors and friends who had a mental illness voted for this bond issue and now they find out that that neighbor or that friend who hasn't been to AMHI since January 1, 1988 and can't go into the group home that is funded with the bond issue. Why? The department has language in the contract for the group home and what does the language say? The language says that the facility of a six-bed residential treatment facility established by the department is solely to serve persons who have been unable to leave AMHI because of the lack of sufficient support in the community. Although selection of particular clients rest with the provider, no person other than a current AMHI resident may be admitted to the program without prior approval of the contract administrator. What does that language mean? It means the only people who can have access to those group home beds that were approved in a bond issue by the Maine people are people coming out of AMHI who have been there since January 1, 1988 and there is the discrimination. We are now creating a two-tiered system. We have an AMHI Consent Decree that says you cannot create a two-tiered system and we have contracts for group homes that they fact create two-tiered systems so that is what the legislation is meant to do - if you are a schizophrenic, your a schizophrenic whether you have been to St. Mary's Hospital or the Regional Hospital in Brunswick or a hospital in Portland. AMHI is not an issue here, the issue is, do you need group home beds? It isn't, are you a class member or not a class member but do you need a group home bed? If there is a bed available, it ought to be available to anyone regardless of whether or not they are a member of the class.

That is what I did with the legislation. The committee took a look at it and there was a Minority Report that made changes that recognized that there is a particular preference that maybe ought to be given to class members. I don't know if I would agree with that entirely but I can understand the need to meet the needs of the Consent Decree and empty AMHI. What I understood was, in meeting the needs of the Consent Decree to empty AMHI, you are not allowed to discriminate or totally lock out people in the community who have severe and persistent mental illness who maybe needs that group home bed but can't get it because they haven't been in AMHI.

Let me tell you just one final thing, there is a way around this. The way around this, and family members well know what is exempt in contact with people in the Alliance of the Mentally Ill, is that you claim your family member is violent so that you can get them into AMHI for a couple of days and now they are members of the class. What a ridiculous way to run a mental health system. You have to actually claim something that isn't true about a family member just to get them into a class because we have a Consent Decree that says there shouldn't be discrimination against non-class members. So, I would hope that you would vote against the Majority Report and go on to accept the Minority Report.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: Let me say at the outset that the good Representative from Auburn certainly has good intentions. She certainly has been one of

the leaders in this state in dealing with the mentally ill.

The committee did take a hard look at this piece of legislation. The department did come over and testify against it but we talked to the department because we thought we needed to have something to address Representative Dore's problem. What the committee decided to do is to go along with what the department had proposed after a couple of workshop sessions and that was to put a rider in all contracts.

I would like to read the rider to you that is for all contracts for mental health facilities. "The department agrees to fund the provider in the amount of (a certain amount of money) to operate an intensive psychiatric group home located at a certain area. The provider agrees to provide so many units of community residential services in the contract. The facility is a five or ten bed or whatever residential treatment program established by the department to serve persons with severe and persistent mental illness who might otherwise require a more restrictive institutional setting. Although selection of particular clients rests with the provider, no persons may be admitted to this program without prior approval of the department's contract administrator. Persons served in this program may or may not be class members and may or may not be current AMHI patients. Referrals will be based on individual needs and compatibility with services offered through this program. The facility has been designed and will be staffed at a high level to provide sufficient support and services to persons who require sufficient structure. Provider's staffing will be in accordance with its budget submission for the contract period. Providers will provide all staff training, clinical and administrative supervision and evaluation necessary and appropriate to perform the services under this agreement. As part of its operation of the facility, the provider will provide or arrange for all appropriate staff training to assure the operation of a high quality group home. Department funding provided by this agreement for the operation (number of residents) is limited to application to the approved expenses of the program as documented in the above budget submitted by the provider and referenced in Section IV of this agreement. No part of department funding (there is a blank because they have to fill in all this) specifies for this operation (blank) program and for the residential planning and development activities detailed below may be used for any other purpose without written consent of the Contract Administrator."

The majority of the committee decided to go along with the rider on the contract. The department felt comfortable with this rider, they agreed to start with this, and that is why the majority of the committee felt that they didn't need this piece of legislation.

I would hope that you would go along with the "Ought Not to Pass Report.

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

Representative CLARK: Mr. Speaker, Ladies and Gentlemen of the House: I would urge you to think very carefully about the contract that my good chair has read to you. Think about whether that contract is enough to ensure that we do not create a two-tiered system for Maine's mentally ill. Think about whether you want the contract officer, who in

fact is trained to be a contract officer and not to evaluate the severity of mental illness, to make a decision about every individual admission to every group home in this state. If that rider is accepted, that's what is going to happen. Every time there is a bed available in any group home in this state, the provider has to call his or her contract officer, not somebody who is trained in mental illness, not the medical director, but the contract officer to see if that placement is appropriate. That's your alternative today, ladies and gentlemen, to vote for that rider a the contract that the Representative from Portland has just read to you or to vote against the Majority Report and go on to accept the Minority Report, which will put into law language that is already in the Consent Decree that says that we cannot discriminate against non-class members.

So, I urge you to vote against the pending motion so that we can go on to accept the Minority Report.

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

Representative BOUTILIER: Mr. Speaker, Men and Women of the House: This is an issue that I have spent a lot of time thinking about and was aware that Representative Dore had entered it into the session and it is also an issue that directly impacts another issue that I am concerned about and that is another Decree that we have had in our state called the Pineland Consent Decree. In my opinion and in my four years that I have served on the Human Resources Committee with Representative Clark and Representative Manning, that issue came up several times and we have yet to deal with that issue. I think we have created a two-tiered system for the population that was affected by the Pineland Consent Decree.

Now if what I said makes you think that I am going to vote for Representative Dore's bill, let me restate the opinion that I have — the chair of the committee is correct that I think we need to let the Consent Decree go forward. Representative Clark is correct that it does have language in it already that protects these groups and I think we have to let them go forward, create the group homes, create the settings that can in fact downsize the institutions that we all want to downsize, which is why we had a Consent Decree. If there is a situation created similar to what the Pineland Consent Decree has created, then we ought to have an omnibus bill that affects both Consent Decrees and deal with it in that way, in a comprehensive way, because we have not followed through with the Pineland Consent Decree the way that I think we should and this Consent Decree hasn't even begun to be implemented. We need to let that go forward and if discrimination occurs and if disincentives for placements of non-AMHI, BMHI residents occur, we need to address it. I think it is too soon now so I am willing to go along with the chair of the committee in this regard.

But, if those changes do not take place, if those discriminations do occur, then I would be standing here today fighting for Representative Dore's bill and fighting for a bill very similar to deal with the other population I don't think we have addressed with this bill and that is the population affected by the Pineland Consent Decree.

The SPEAKER: The Chair recognizes the Representative from Alfred, Representative Gean.

Representative GEAN: Mr. Speaker, Men and Women

of the House: Our committee spent a lot of time looking into various parts of what this bill might accomplish and I think Representative Manning is absolutely correct in his presentation.

On the other hand, I think Representative Dore and Clark are certainly accurate in what they are trying to portray here. The reason I signed on to the Minority position has not to do with the essence of the bill really, it has to do with what Representative Clark presented a moment ago, that a provider in the community as a private, non-profit corporation organized to provide residential treatment services to persons with mental illness, they may select the clients to be interviewed and assessed for admission. However, it is a contract officer in this building across the way who has the authority to make the final decision as to who will be admitted and who will not be admitted. Personally, I am not willing to leave that final bit of authority up to a contract officer in a building here when the program and the clients are a long ways away from here.

I would urge you to defeat the Majority "Ought Not to Pass" Report so we can present and pass the Minority Report.

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

Representative DORE: Mr. Speaker, Ladies and Gentlemen of the House: I just want to clarify one more matter for Representative Boutilier who is concerned that if there is in fact discrimination that he would be voting with me, I would like him to know that the language that I initially read restricting the AMHI residents specifically refers to contracts for a group home in Lewiston. How do I know this? Because I am on the Board of the Tri-county Mental Health and I asked to see a copy of the contract. So, there is discrimination because that contract has language that says you've got to be a former AMHI only.

I still have major problems with their new language and I hope you support the Minority Report but the interesting thing about the department's new language, and I don't think the committee members necessarily know this, this is only going to pertain to new contracts. When they told me it was only going to pertain to new contracts, I said, "Oh, that bond money from the Maine Housing Authority for the mentally ill, 90 percent of your contracts with that bond money have already been signed." I was told, "Gee, the contracts have already been signed, it can't be changed." I said, "Oh yes, you can change the contract." They said, "I've got to call the AG's office and I'll get back to you." I said, "You can change any contract after it has been signed, you do an addendum and all the parties agree. The only problem with changing it would be if your community provider said no, we only want to restrict this into this narrow group." So I said, "Go back to your people you have contracts with, your providers, and you change the contract because 90 percent of your contracts are already signed so what are you giving me, 10 percent for people in the community perhaps to have any reasonable hope of access, when the voters of Maine wanted all mentally ill people to have access to these group homes?" They said, "Well, we'll get back to you."

You know, that Department of Mental Health is always going to get back to me when they are winning. When I call them and say I think I am going

to file a Class action lawsuit Commission Glover. Will you tell me where you want to be served the papers? Then they get back to me right away and you know what they said? They said, "Susan, we are going to take up the discriminatory language." Well, that was last July and we have been through my having to put in a bill and we have been through a Divided Report on this bill and they have been waiting and waiting and waiting this out. This July we will find out where they want to be served the papers for a Class action lawsuit. I think that is the wrong way to spend mental health dollars. I think the right way is to provide access to supportive living environment for people in the community. I have done just about everything I can to get this department to spend mental health dollars on the mentally ill instead of fighting with community people who want to see access to group homes.

They haven't gotten back to me on the matter of whether the contract language is going to apply to the old contracts, Representative Manning, and I don't think they have gotten back you either but let me know if they have. I believe that the contracts now are only going to be the new contracts, which means that 90 percent of their contracts will have restrictive language that discriminates solely to benefit people who are coming out of AMHI.

Thank you ladies and gentlemen, I hope you will vote for the Minority Report.

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

Representative MANNING: Mr. Speaker, Ladies and Gentlemen of the House: Most of you realize if you have been here for awhile that I don't take mental health lightly. I have been dealing with this since the days of the AMHI hearings. We have dealt with it on our committee but the majority of the committee feel that this is the way to go.

The good Representative from Alfred talked about a contract administrator — well, I can't imagine that a contract administrator, without some input from other individuals in that department, are in the region, that's just willy-nilly going to appoint somebody to a certain place. I have a little more faith in that department, especially under the new leadership of Commissioner Glover, I think he has come a long way. I don't agree, though, on some of the issues going with the Consent Decree, I think we signed it too quickly, but I think they need to have some latitude to deal, not only with the Consent Decree, but also with the people that aren't affected with the Consent Decree.

I would hope that you would go along with the Majority Report and give that department a little help in trying to deal with this problem.

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

Representative TREAT: Mr. Speaker, Men and Women of the House: I think this is a very difficult issue and, as you can see, there is two points of view and both points of view are very valid ones.

The committee struggled with this and I think that those on the Majority Report basically made a decision that, to put this kind of language in law, could possibly cause more harm than good. For that reason, we resisted putting this into law and decided to go along with the contract language that the department came up with.

Under the Consent Decree, there is a schedule by which the department in the State of Maine must

provide a certain number of beds in the community along a certain schedule. As you all know, this has been very difficult to see happen. We are behind schedule, we have had a lot of trouble making sure that savings achieved by downsizing the institutions have actually gone into community programs. It is very important that there is an ability to measure whether or not those services are being provided and have been provided. Therefore, there is a need to be able to say that some beds are for Consent Decree class members.

I was concerned because the attorneys for the class felt very uncomfortable with this language. It is true that there is language in the Consent Decree that says that across the state services may not be denied to non-class members solely for that reason. This language is somewhat different. If you look at it, it says basically that any contract cannot make that distinction. That is a little different than looking at it as the average across the state, it is looking at it contract by contract. I have some concerns that that may in fact interfere with the ability to provide the services for the Consent Decree that we must, under law, provide.

The point about whether or not that language is retroactive, certainly that may be something that we can address if that is the concern trying to make the contract language apply to additional facilities. If that is the concern, that is something that we could address either informally or by holding this bill in some way until that is dealt with by the department. But, adopting this language is not necessarily the way to achieve that.

On the point about contract officers accepting or rejecting participants in these programs, it is my understanding from the testimony to our committee from the department, that basically what the department does is approve a list of individuals who may go into those different facilities and it is up to the operators of the facilities to make the final decision. They can reject individuals because they are not appropriate for that particular group home, for example, so that does leave authority in the hands of the operator.

I think this is a complicated issue and I really would urge that you vote with the Majority "Ought Not to Pass" Report. We don't want to cause more harm than good here and I think there is that potential. We want to provide services for everyone but this simply isn't the way to do it.

Representative Dore of Auburn was granted permission to speak a third time.

Representative DORE: Mr. Speaker, Ladies and Gentlemen of the House: There are two other things I would like say. First, I would request a roll call.

The second thing I would like to point out to you is that the bond money that is being used to pay for the AMHI Consent Decree and no matter what the Majority Reports says and their intentions toward the mentally ill, I don't think I have cast any aspersions on their intentions today and I know their intentions are truly noble and there is a tremendous effort going on to implement the AMHI Consent Decree and I am not trying to block implementation. In fact if you recall, I read you language from the AMHI Consent Decree saying no discrimination, no two-tiered system.

I think one of the things that failed to be mentioned today is that the bond money that your voters approved of back home for homes for the

mentally ill was approved of before the AMHI Consent Decree, that the dollars being used to fund the AMHI Consent Decree and only the AMHI Consent Decree, 90 percent of the contracts already have this restrictive language — that bond money was pre-AMHI Consent Decree money. Your voters didn't say, let's fund the AMHI Consent Decree by providing housing for the mentally ill for an AMHI — your voters said, let's fund housing for the mentally ill, period. I think your voters back home feel that someone with a chronic mental illness is someone with a chronic mental illness, whether they are in a psychiatric ward in your community or whether they are in AMHI.

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

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

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

ROLL CALL NO. 366

YEA - Adams, Aikman, Anderson, Ault, Bailey, H.; Barth, Bell, Bennett, Boutillier, Butland, Carleton, Carroll, D.; Carroll, J.; Chonko, Clark, H.; DiPietro, Donnelly, Duplessis, Erwin, Farnsworth, Farnum, Farren, Foss, Garland, Goodridge, Gould, R. A.; Graham, Gray, Greenlaw, Gurney, Gwadosky, Hanley, Hastings, Heino, Hichborn, Hichens, Jalbert, Ketterer, Lawrence, Lebowitz, Lemke, Libby, Look, MacBride, Manning, Marsano, Mayo, McHenry, Merrill, Michaud, Mitchell, E.; Murphy, Nash, Norton, O'Gara, Oliver, Paradis, J.; Paradis, P.; Paul, Pendexter, Pendleton, Pfeiffer, Pines, Plourde, Poulin, Pouliot, Powers, Reed, G.; Reed, W.; Ricker, Rydell, Saint Onge, Savage, Simonds, Small, Spear, Stevens, A.; Stevenson, Strout, Tamaro, Tardy, Tracy, Treat, Tupper, Vigue, Waterman, Wentworth, Whitcomb.

NAY - Aliberti, Anthony, Bailey, R.; Cahill, M.; Cashman, Cathcart, Clark, M.; Coles, Constantine, Cote, Crowley, Daggett, Dore, Dutremble, L.; Gean, Hale, Handy, Heeschen, Hoglund, Holt, Hussey, Jacques, Joseph, Kerr, Ketover, Kilkelly, Kontos, Larrivee, Lipman, Lord, Luther, Macomber, Mahany, Martin, H.; McKeen, Melendy, Michael, Mitchell, J.; Nadeau, Nutting, O'Dea, Parent, Rand, Richardson, Rotondi, Salisbury, Simpson, Skoglund, Stevens, P.; Swazey.

ABSENT - Bowers, Duffy, Hepburn, Kutasi, Marsh, Morrison, Ott, Pineau, Richards, Ruhlin, Sheltra, Townsend, The Speaker.

Yes, 88; No, 50; Absent, 13; Paired, 0; Excused, 0.

88 having voted in the affirmative and 50 in the negative with 13 being absent, the Majority "Ought Not to Pass" Report was accepted. Sent up for concurrence.

By unanimous consent, all matters having been

acted upon except those held were ordered sent forthwith to the Senate.

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

HOUSE DIVIDED REPORT - Majority (11) "Ought to Pass" as amended by Committee Amendment "A" (H-1154) - Minority (2) "Ought Not to Pass" - Committee on Energy and Natural Resources on Bill "An Act to Establish the Motor Vehicle Emission Inspection Program" (H.P. 1645) (L.D. 2308)

TABLED - March 18, 1992 by Representative JACQUES of Waterville.

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

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

Representative MITCHELL: Mr. Speaker, Ladies and Gentlemen of the House: I want to begin by thanking Representative Jacques for tabling this bill yesterday.

I have been a member of the Energy and Natural Resources Committee ever since I came to this legislature and I have been there when a lot of environmental issues and programs were formulated. I have always taken a great deal of pride in personally supporting measures in this legislature that led to a cleaner environment for its citizens.

With this particular issue, I am disagreeing with the majority of the committee. I think Representative Powers and I may be kicked out of the Sahara Club for the position we are taking but nonetheless, I think that this bill is serious mistake.

The bill before you would require every person in the six southern counties of the state, not the people who live in northern Maine, to submit their automobiles every other year to a state exhaust inspection program that would be operated by a private contractor to the Department of Environmental Protection. It is a program that the proponents will insist is necessary because if we don't do it, the federal government will do something to us to make it bad. I think the first major objection to this bill is that it divides the state into two areas, theoretically it is the attainment area for ozone and the non-attainment area for ozone. If you are the non-attainment area where most of the citizens of the state live, you are going to have to have your vehicle inspected.

I was always told that the reason southern Maine was a non-attainment area for ozone was that there was a lot of pollution south and west of us, especially in Massachusetts and it blows into Maine. In Massachusetts, they are going to institute this same program so, if they institute that program in Massachusetts, it may be unnecessary in southern Maine.

When you go to have your car inspected at the DEP Licensed Automobile Exhaust Inspection station, you are going to have to pay a fee to the private company which has a contract with the Department of Environmental Protection to run that. The department sent out a flyer in a packet and it listed the fees in all the states and I asked Dennis Keschl, who is the Director of the Air Bureau, how much he thought

the fee in Maine would be and he said probably between \$17 and \$24 that you would have to pay every year. I looked over the sheet of paper that lists all the states that have programs and I noticed that only two states have fees of more than \$25 or more than \$18 for that matter. Those were the states of Alaska and the state of California. I asked if it was unreasonable to amend the bill to say that whatever the fee is in Maine, it should be no more than the medium of any other state and the answer was no, they couldn't do that, they don't know enough yet to set the fee. They needed this sort of wide open exemption to set this fee in the law which they would charge every citizen of the state who has an automobile. It only seems reasonable that if we are going to set fees, we ought to know what they are.

The committee got a little frustrated and finally set the maximum fee of \$30. Thirty dollars is a little bit less than Alaska charges but more than any other state charges, states with a lot of air pollution.

The program is only going to apply to the southern part of the state, it is not going to apply to the north. Once you get your vehicle inspected at the DEP Automobile Exhaust Inspection Station, there has to be some sort of indication that it has been inspected and the Department wasn't sure yet what they were going to do to indicate that. Some people thought you might have a sticker on your windshield but the Department said that they thought it would be a good idea to have a stamp on the back of your automobile registration form but since you only have to have your car inspected under this program every other year and you have to register your car every year, there is going to be a problem there. Furthermore, in the amendment of the bill on your desks, if you look at the bottom of Page 2 and the beginning of Page 3, if you don't show this certificate in case you are stopped by an officer of the law, it is prima facie evidence that the vehicle is out of violation and you are subject to the penalties of Title 29, Section 2501.

There is also a situation where a person moves from a non-attainment area for ozone, say Eagle Lake to my town of Freeport, and Eagle Lake is an attainment area so you don't have to have the inspection there, so if you lived in Eagle Lake in January and in February you moved to my town of Freeport which is a non-attainment area, and registered your car in Freeport, your automobile inspection is due in May or June and you get stopped between February and May or June, you have committed a crime and you are subjected to the penalties in this Title 29, Section 2501 for whatever reason, I don't know. It is a real problem.

If you fail the test at the station, the Department of Environmental Protection has the authority to go out and order you as a citizen to perform up to \$450 worth of repairs on your automobile to bring it into compliance. If the cost is more than \$450, they a right to waive it, but they have a right and they say to make some minor suggestions as to small things you can do to your car to bring it up so that its exhaust is better for the environment, they don't limit that. They say in the bill, "Repairs to ignitions and exhaust systems" and I have seen some repairs and adjustments to ignitions and exhaust systems that are a lot of money and it well might be \$449, just under the \$450. The problem is that they can already spend up to \$450 and the

advantage of spending that money might just be incremental. The department has made a commitment to solve that problem but they haven't brought their proposal to us now. They just have no plan.

Another problem with this bill is that it exempts a lot of vehicles. Personally, I have always been bothered when I follow a smokey truck down the highway but they are all exempt because they are over 10,000 pounds gross vehicle weight.

I own a diesel Volkswagen Jetta, it is a wonderful car, it is the best car that I have ever owned, I have a 165,000 miles on it and it runs like a charm. Luckily, it is exempt because it is a diesel. When I started it on Tuesday morning, there was a huge cloud of blue smoke that came out of the exhaust. The smoke cleared up after awhile and the vehicle took me to Augusta and brought me home in the evening and I am sure that if this program was in effect and if, unfortunately, my Volkswagen was not one of the exemptions, (luckily it is) I would have to go spend \$450 so thank heavens, my Volkswagen is exempt from this particular law. A lot of vehicles that do a lot of polluting are exempt but gasoline vehicles are not exempt. Any vehicle that was manufactured before 1968 is exempt so if you are driving an old car, you might get by.

The proponents of this bill say that it is a Federal mandate, that we have to do it and if we don't do it, we are going to get into some trouble from the Environmental Protection Agency but the Department of Environmental Protection could not or at least would not ever provide any written evidence of what they were going to do to the State of Maine if we didn't comply with the law. The real reason that I am against this program is that we are in the middle of a deep, deep recession and we are going to ask people to spend up to \$30 and if it is up to \$30, you know darn well that it is going to be \$30 to have their vehicle inspected every other year and then the DEP can order you to go out and spend up to \$450 to fix it. I don't know what kind of districts you represent — I think that many people think that I represent a wealthy district but I know people in my district who live on Social Security and who only get \$450 a month, have an old car that probably isn't going to pass this program and only drive it to the Grange, to the grocery store and to church on Sunday. Probably 2,000 or 3,000 miles a year and they are going to have to give up their car once it fails this inspection. What do you say to the guy who is working for minimum wage of \$4.00 to \$5.00 an hour who needs his car to go to work? Are you going to say that the DEP is going to tell you that you have to spend \$450 to bring this car up to standard? In my district in Freeport, we don't have any public transportation and a lot of people work at Bath Iron Works, they work in Lewiston or they work in Portland and it is pretty tough hitchhiking out there now. They are going to have to give up their jobs. They are going to have to work for two or three weeks just to get the money to fix their car to bring it into compliance with the DEP regulations. I think it is just a terrible, terrible thing to do to the poor people of this state at this particular time.

The program may be worthwhile but every time you ask the DEP a question they said, we haven't had time to figure that out yet, we are going to work on it and we will bring it back to you next year but we do want the authority to do it.

I asked the Director of the Air Bureau why he

hadn't figured out a program to exempt poor people and he said, "Oh, we thought about that but we couldn't figure out a way to do it yet." I don't think that they have thought very hard about it, I think they want this program and if you vote for it today, you got it, it starts in 1994 or 1995 and it is going to go on forever. I would like to look at it next year and tell the DEP to sit down, think it over, think hard about it, and bring back a proposal that has all the details outlined carefully so that we know what we are going to charge the people and if your repairs are over \$450, what repairs you are going to have to make and what effect having the same program implemented in Massachusetts and New Hampshire is going to have on the non-attainment area in southern Maine.

So, I hope you vote against the pending motion.

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

Representative BELL: Mr. Speaker, Ladies and Gentlemen of the House: I was just looking at the fiscal note on this and it says the emission and inspection fees and inspection station license fees will increase dedicated revenue by approximately \$3.6 million annually beginning in fiscal year 1993-1994.

I will make my comments short — with the history of DEP, I don't care to have them in my car so I am going to vote no.

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

Representative MURPHY: Mr. Speaker, Men and Women of the House: First of all, I want to thank Representative Mitchell from Freeport for bringing this to our attention of what this legislature or one committee anyway, the majority of it, plans on doing to the people back in the six southern counties of this state. I cannot believe that we want to put this money on to the hard working people of southern Maine. I know many people in my district who are working people with two, three and four children and they have to have two cars to go to work. They are not new cars. The one I can think of has an 1985 Escort, she has four children and her husband has a pickup truck that is in the late 1970's that his Dad gave him. They both work and they both have to have cars and I doubt that they would pass. This is almost \$1,000 on to those people. There is no way that they can come up with a thousand dollars. You are taking food out of their children's mouths, you are taking their property taxes away from the home that they are trying to build.

I just cannot believe that we would do this and we don't even know what it is going to do, whether it is even going to help and we have no way of having any of the questions answered that Representative Mitchell brought up.

I move that this bill and all its accompanying papers be indefinitely postponed. I would request a roll call.

The SPEAKER: The Chair recognizes the Representative from Coplin Plantation, Representative Powers.

Representative POWERS: Mr. Speaker, Fellow Members of the House: I am at a loss for words. I have got to hand it to my seatmate, Representative Mitchell. He is absolutely right in everything that he said.

This is probably the biggest high tech scam to come down the pike since the Savings and Loan scandal. Let me tell you, if they impose this upon

us, we will wish to God that there was another Savings and Loan scandal. This is the most discriminatory piece of legislation that I have seen since I have been here. I mean it really stinks.

Representative Mitchell didn't leave me a great lot to say but I am going to elaborate just a moment and everybody in here knows that I really detest long debates but on this one, I think you are going to forgive me. This is probably something that will burn your ears but let me go on anyway.

This piece of legislation is poorly put together and with absolutely no forethought to the future. It is so discriminatory. Stop and look, they want to take the seven counties to the south of us — here is another Portland bill, ladies and gentlemen. You want to pick on Portland? This is it! You are going to take down their flashing sign, you are going to take the time and weather away from them? Now you are going to take their automobiles away from them. Good Lord, is there no end to picking on the people in the city? Good Lord, I hate cities, I am a country boy, you've got to know that. I drive a hundred miles every night just to get out of this stinking place. I don't know who else in here would that, I didn't really need to throw that in but this is an important issue. I know that there has to be some working people in those seven counties — if this was statewide, I could probably swallow the lump but this picking on people in the city. I know they have a problem with the air emissions, I know that they have a problem breathing in the summertime but this isn't going to do it.

I am going to try and be briefer, I am going to try and cut out a lot that I really intended to say. Has anybody here lifted the hood of their automobile lately? Lift the hood of your automobile and take a look at the garbage that is in underneath your hood. They have taken old bean cans, plastic bottles, balls and miles of plastic tubing — some of it just comes out of one end of the can, goes half a mile around your motor three or four times, and comes back in. That ought to tell you something. You can take all of this garbage that is in there and take it all out of there and nothing happens. Your car runs better, feels better, acts better, it doesn't do anything. Go a step further — what about your catalytic converters? There has been a lot of doggone automobiles burn up with those things. They don't do anything. Some of them cost \$500, think about that. I took mine off and threw it away, I don't want it. It is illegal to do that. You go to an inspection station and they find out you've done that, they can fine you. I'm serious. You think about these things. I am doing this so you will really think about what is coming down.

I am going to cut off two or three paragraphs here because I hate long debates, but I want you to listen to this one. Talk about your mandates, when are the people in the State of Maine going to get backbone and nerve enough to stand up to the federal government and tell them to take a hike? They are not operating with any money that the federal government generated. Do you know any government in existence that operates on their own money? If they are going to use our highway funds or any kinds of funds to blackmail us into accepting this thing or swallowing this thing, I say, good riddance, you are going to give it to some other country anyway, we can get along maybe without that little bit but we don't need this dumped down on us.

In another light, let me go another paragraph, if the federal government was really serious — in essence, I really believe that seriously we do have a problem with our environment but this is not the way to cure it.

Many years ago, you could buy Amoco gas, you could in my area anyway and that Amoco gas was pretty clean burning material because you could burn it in a lantern, we didn't have electricity so we used it in a lantern in the kitchen. Nobody every died from the fumes of that lantern, pretty good fuel. All of a sudden it vanished, you couldn't buy it anymore. So, I found out about gasohol, 50 percent alcohol, 50 percent unleaded gasoline. All the time that I used it, I had no problem with freeze-ups, I had no problem with my automobile, moisture problems — everything worked fine. It cost a little more as did Amoco gas but that also vanished from existence, you can't buy it anymore. If our government was serious about cleaning up our atmosphere, the technology is available. Go to Detroit, don't come to Portland, don't come to Lewiston, don't come to Lisbon, don't come to Farmington, don't come anywhere in the State of Maine, go to Detroit, tell them that the next buggy that comes down the assembly line, zero emissions, zero.

Thirty years ago, they had a carburetor that a guy invented to put on to an automobile that would give you 60 miles to the gallon of gasoline. You know why you don't have them on your car? Because Exxon, Texaco, Shell Oil, the big oil companies bought it up, took it in the middle of the ocean and sunk it. You never heard about it much.

Then here ten years ago, a guy dreamed up another carburetor that would do basically the same thing with seven moving parts and they called it the Fish Carburetor, you can buy it, it's expensive but you can buy one that will give you 50 to 60 miles to the gallon in your automobile and very little emissions. Why have they not exploited it? Why isn't it on your automobile? A game, the oil companies don't want you to have a carburetor on an automobile that won't use up a lot of their oil and gasoline, that is why.

Seriously, I am going to cut this off, I have to. You had better think about this long and hard when you push that button today or you are going to bring something down upon you that will really stick to you for a long, long time.

The technology is out there but why should the working people in the southern part of this state take it in the neck one more time?

I thank you for your indulgence.

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

Representative TRACY: Mr. Speaker, Ladies and Gentlemen of the House: I understand why Representative Powers goes by me like a rocket up on 27, because he has no catalytic converter.

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

Representative JACQUES: Mr. Speaker, Men and Women of the House: It is unfortunate that the issue that is a very serious issue has been relegated to a joke here this morning. I've got to say that probably the level of debate on an issue such as this has reached an all time low in my tenure in the legislature.

I really find it offensive that someone would insinuate that the majority of the Committee on

Energy and Natural Resources would purport to perform this hoax or this joke on the people of the State of Maine. I submit to you that whether you want to admit to it or not, whether you think this issue is amusing or not, there are people in the State of Maine who suffer dearly from ozone. They are children with asthmatic problems, they are the elderly of this state and, whether you want to stick your head in the sand or not, it is a serious problem.

I will submit to you that probably the proposal that was put forth by the air bureau is not the best there ever was. If you are content to sit back and do nothing and wait for the federal government to come along and mandate another program on you because the state failed to respond in a responsible manner, so be it.

It just amazes me that last session we spent hours debating plastic versus paper and the serious environmental consequences of such and you would make light of the most serious environmental problem, not only in this state or this country, but in the world next to the protection of our drinking water. I assure you that I will not be beating my head against the wall on this issue if you want to make a joke out of it, because then you can go back and explain to the people in your district who have problems breathing and the children whose parents spend thousands of dollars trying to take care of them because indeed we have problems with ozone in the State of Maine.

The reason the bill deals with seven counties and the working people in those counties is because those are the seven counties that they call the non-attainment area. During 1988, the State of Maine experienced the worst ground level ozone since the new measurement techniques were introduced in 1979. Violations of the Federal Ozone Air Quality Standards were measured on 17 days and violations of a stricter state standard here in Maine were measured on 49 days. The monitoring station at Cape Elizabeth recorded 269 violations of the state standard on 35 days and 35 violations of the federal standards on 11 days. The 1988 readings also included the highest ever recorded value of ground level ozone at Isle au Haut, part of Acadia National Park. This is two and a half times the state's standard. These levels are comparable to levels released in New Jersey, New York, Connecticut and Massachusetts.

The committee tried to deal with the problem by the only method that was put forth to us. You can whack away at it, make fun of it, criticize it all you want, the simple fact of the matter is that unless we, the State of Maine, and the rest of this country, sooner or later, admits to the fact that we, the people who drive cars, and people who drive cars in the State of Maine contribute to very 50 percent of the two things that cause ozone, 51 percent in one category, 53 percent in another. We can put the controls on big business, say that big business is a problem, blame everybody but ourselves but the simple fact of the matter is that half of the problem comes from you and I driving our cars.

All this bill was was an attempt to get you to go and have your vehicle checked out so, if mechanical improvements could do just a little bit to help reduce the problems with ozone, it would be done. If you don't like that, fine. If you don't think that we have a problem, that is okay, that is up to this House. And, as Representative Powers said, you are going to push the button. But, when you look at the

big scheme of things and the hours we spent on plastic versus paper bags and all these other major, major environmental issues, life and death situations, and you make fun of ozone, which is a direct control of the air that you, your children, your grandparents, your parents breathe, you can make fun of it all you want, there is not a creature on the face of this earth that can live without being able to breathe. Next to drinking water, it is the second most serious problem.

Make fun of it if you want, kill the bill if you want but I think it is irresponsible as could be but that is just my opinion. Laugh, make your jokes, don't deal with the problem, blame everybody else but it is still going to be there and sooner or later, you are going to have to deal with it. I am going to have to deal with it, you are going to have to deal with it. It won't be up to Moosehead lake, thank God the problem isn't there yet. I can spend most of my time up there and I won't have to suck up that ozone. For those of you who live in southern Maine, you better start paying attention.

Do what you want.

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

Representative GOULD: Mr. Speaker, Ladies and Gentlemen of the House: Talk about the world turned upside down, one of my friends this morning said to me, "What are you doing on this?" I want to explain to you what I am doing on this. I am a member of the Energy and Natural Resources Committee. It is our obligation to try to do the best that we possibly can to protect the environment for the people of this state. That is why I serve on the committee and that is why I am on this bill.

I agree with Representative Jacques that it is not a perfect bill. Of course it isn't, we never do pass a perfect bill out of here, we always have to come back and tinker and work with it and that is the nature of government. It has been said here that government should do something. What do you think this is? What do you think this august body is? This body is the part of the government of the people of the State of Maine and that is exactly what this government is trying to do.

Representative Jacques talked about the ozone. There is a hole or at least there is supposed to be a hole in the ozone layer. I don't know where it came from but I have read from scientists who supposedly know what they are talking about that this comes from air pollution. I have been told that the air pollution in this state, 50 percent of it, comes from automobiles. What are we going to do? How are we going to stop that pollution? I believe Representative Powers said, go to Detroit. Detroit has put air emission controls in but just like when the car comes from the factory it is tuned up. That tune-up doesn't last for all the years that we own the car. The air emissions mechanical aspects do not last for all the years we own the car. So, somehow we have to make sure that those air emission controls work.

I heard someone else say that the poor people can't afford to spend \$1,000. I couldn't agree with you more, of course they can't. Would it cost \$1,000? No, it would not. The cap is \$450. If you cannot reach attainment of your car for less than \$450, the only thing that you have to do is have the basic thing done such as a tune-up. You do not have to spend money up to \$450, you simply spend what it

costs to do a tune-up. I shouldn't have said "simply" because for some people, the cost of a tune-up is expensive. I realize that, I have children — as I told you before, they can't even afford health care.

By the way, one of my sons suffers from asthmatic bronchitis as does one of his sons. Asthma is on the rise in the world, bronchitis is on the rise in the world. I don't know where this came from, I don't know whether it is a natural progression of the species or whether perhaps it is related and linked to air pollution. I would tend to believe it is linked to air pollution. Therefore, I think it is our responsibility, yours and mine, to do something about it.

You know, the protection of this earth — how should I put this, it is interesting to note that in the six years that I have been here, no one ever complained about sticking it to big companies. That is fine. All I ever heard when I listened to the information that came before us in the Energy and Natural Resources Committee is, let the polluter pay. Okay, so it costs \$300 million, they've got all kinds of money. We used to say that about government, remember? Remember when we used to say, government can spend, they will never run out of money? Guess what folks? Here is one state that has run out of money, the federal government has run out of money, so people can run out of money, you are absolutely right, big businesses can run out of money but if we don't have the polluters pay, who should pay?

I have had people come in front of our committee and say, people are ready to protect the environment, they are ready to recycle, they are ready to pay. Well, like my father-in-law loves to say, "Talk is cheap, it takes money to buy rum." Maybe that is where we are now, maybe we are done talking and maybe we are ready to buy rum.

Why is it that it is only in the southern part of the state? Because we were told this is the area that has not reached attainment and this is the area that needs cleaning up.

Representative Jacques says he is going up to Greenville, up to Moosehead Lake, where the air isn't polluted. Friends, if we don't all start contributing, the air will be polluted. I have no doubt that this is going to spread north. I have no doubt that we are going to require (eventually) cars in the north. Right now, it is not cost efficient to do that. Just remember one thing, it really doesn't matter how I die, it really doesn't matter how you die whether it is from air pollution, whether it is from poison, whether it is from a car wreck, you are still dead. But, some things we can try to prevent, air pollution is one of them.

I apologize to you because this is probably the longest speech that I have ever made on the floor of this House. Representative Ruhlin taught me, the very first time I came here, to keep my speeches to three minutes and I think I have pretty much done that, usually. I do apologize for being so long-winded and maybe creating more air pollution.

But please, no matter how you vote, don't make light of this because if you have ever walked a floor at night with a child in your hand and watch that child not able to breathe and you wondered if they are ever going to get another breath, you know that this is a serious subject. If you don't think this is going to address it, fine. I have have said to

the committee members and Representative Hogle, Senator Titcomb, and others have agreed that this summer we will work to see if we can't come up with a solution to the poor people who can't afford this because it isn't right. I give you my pledge, I am going to keep working. Please, whether you agree with this or don't agree with this, this is not a funny subject. This is a deadly serious subject that deserves your serious consideration. Again, my apology for being long-winded.

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

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

The SPEAKER PRO TEM: The Chair recognizes the Representative from Lewiston, Representative Handy.

Representative HANDY: Mr. Speaker and Members of the House: I am sure I am not going to be as eloquent as the previous two speakers but I will certainly be more poignant as this is a very poignant moment for me because about 15 minutes ago I got called out of the House chamber to take a phone call from my wife. My son has just been admitted to the hospital with a respiratory problem. And, just as the good Representative from Greenville has related to you the stories of parents holding their child in their arms hoping and praying that that child will get their next breath — I have had that experience. I had it last night and the night before. Those of you who would oppose this kind of legislation just don't get it. You just don't get it. You can't get it because you haven't been there. You haven't been there. My wife figured out conservatively what our medical expenses would have been if we had not had insurance, \$4,700 last year alone. What about the families in the state that don't have insurance?

We are fouling up our air, we are fouling up our water, we are fouling up our land and you just don't want to say we have got to face the facts and do something now. We have to face the facts and do something now. It is going to come out of my pocket, I drive one of those cars that would be taxed additionally but I am willing to pay because I know it means perhaps a better environment and a weaning off of our foolishness on cars that guzzle gas and not requiring our auto makers to have cars that have cleaner emissions at least and greater miles per gallon. While my son is in the hospital this week, I will be spending as much time with him, sure, but looking at it simply on the monetary factor as some of you would like to, you don't want to care about the health of children, you don't want to care about the health of human beings. I will put it into your terms okay? \$4,700 in insurance coverage, fortunately, that is not even considering the out of pocket expenses of breathing treatments that we have to have my child have three and four times a day and when he has an asthma attack four and five times a day. What about the electricity for that? I don't get reimbursed for that, that is out of pocket

expense. What about the day care? I have to pay for my child's day care whether he is there or not. Maybe you, Representative Murphy, can afford it but I can't. And we cannot afford any longer to foul our air....

The SPEAKER PRO TEM: The Chair recognizes the Representative from Corinth, Representative Strout.

Representative STROUT: Mr. Speaker: I would request that members of this body not point their finger at other members of this body.

The SPEAKER PRO TEM: The Representative from Lewiston, Representative Handy, may proceed.

Representative HANDY: Mr. Speaker, if I offended the Representative from Corinth, I do apologize.

The fact of the matter is that this is something we can do something about, maybe not for my child but maybe for someone else's child.

Just last Friday my daughter was diagnosed with a reactive airway disorder. Tell me, what does that point to? It is not all genetics. It is the environment that we have control over. Unless we seize control right now, many of you and perhaps your children, if they have the honor to serve here, will be called out of the chamber to answer a phone call like I just had.

I am not terribly accustomed to bringing it down to this very emotional level but I just think it points very dramatically but nonetheless accurately to what we have done. It is not out of our hands yet.

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

Representative LORD: Mr. Speaker, my Learned Colleagues: Folks, do I like this bill? No. Did I vote for this bill? Yes. Why did I vote for this bill? Because the Federal Clean Air Act says we must clean up our air, that is why I voted for this bill.

The EPA has said we have got to do it in a certain time. We have got to have special equipment to do it with. We asked Dennis Keschl when we had the hearing, "Can we put this off a year?" "No," he said, "we have got to go ahead and get contracts out so that these people can have this special equipment to do the job." There is nothing that I want, there is nothing that I like but I think you have got to remember we have passed bill after bill to clean up the water. People can pay for it, the paper companies can pay for it, now it is coming right down to us. We are going to have to pay for it to clean up the air. Is it any worse for us that are polluting the air to pay for it than it is for anybody else who is polluting the air or water to pay for it? It is time we took a stand. You do or you don't.

I don't like to see anybody have to put out this extra money. I have people in my towns that are just as bad off as the rest and I don't consider myself to be rich. If we are going to do a job, we have got to do it. It is time we made up our mind, are you going to do it or are you going to sit on your hands and make excuses? I urge you to pass the bill.

The SPEAKER PRO TEM: The Chair recognizes the Representative from Mexico, Representative Luther.

Representative LUTHER: Mr. Speaker, Ladies and Gentlemen of the House: Air quality is certainly an issue that is dearest to my heart and it is one that I have done a lot of work on. I am very concerned about this issue. I do feel a lot for the people, the men and women who work hard, drive two cars and who don't have the money to fix the car up. Perhaps all those people could get together and chip in and

hire a fat cat lobbyist to kill this bill because that is the way you kill bills down here. Just imagine how much worse this could be if all those cars burned coal for fuel, it could be a lot worse.

I am going to vote for this bill, not because I think it is going to pass, but because I want to be able to look back and say I did do everything I could do on something that I truly believe in.

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

Representative CARLETON: Mr. Speaker, Men and Women of the House: Just to clear up a question that I have in my mind. I had heard reference to a couple of statements that 50 percent of the air pollution comes from automobiles in this state. The question I have for anybody who wishes to answer it is, how much of these air emissions originate from activity that occurs within the State of Maine and how much comes in on the winds from other states?

The SPEAKER PRO TEM: Representative Carleton of Wells has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Waterboro, Representative Lord.

Representative LORD: Mr. Speaker, Men and Women of the House: I don't think I can answer the question thoroughly but we were told during the hearing and workshops that all of the ten northeast states, except two and Maine is one and I think the other one is Vermont. It may be New Hampshire, but there are two states that are not doing this now and it is Maine and one other one. Probably they haven't done a complete job on other states but they are in the process of getting something done.

I can't tell you how much is coming down from Massachusetts or New York but we were told that there is definitely a pollution problem around the Portland area. I don't believe they have it out in Waterboro but there is a problem around the Portland area and because of that pollution problem, we are above the ozone level or air emissions level, we have got to do something.

The SPEAKER PRO TEM: The Chair recognizes the Representative from South Berwick, Representative Farnum.

Representative FARNUM: Mr. Speaker, Members of the House: Most of this pollution appears to be in the summertime when in southern York County population increases three times or more. Most of those cars come from Canada, Massachusetts, New York and other states. Maybe we should stop them from coming. This is not a joke, you want to be serious.

I have two serious problems in my district, one is drinking water in a certain area. The EPA and the DEP have both been working on it for four years and they haven't come to a solution yet. Why should we put them on this? These are my answers to this question.

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

Representative PFEIFFER: Mr. Speaker, Men and Women of the House: One of the direct results of the thinning of the ozone layer is a rise in the incidents of skin cancer, particularly the most deadly form of all which is malignant melanoma. One of the reasons that I go around with a perpetual frown is because I had surgery on my forehead from a malignant melanoma, this is a form of cancer that has a very, very high rate of fatality. So, in addition

to the unpleasantness of the operation and its results, I would like to second what Representative Handy said about the cost, it is extremely expensive and weighed against whatever the cost of improving our cars is I think there is just no question that this is an expense that can be born.

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

Representative HASTINGS: Mr. Speaker, Men and Women of the House: I admit to learning about this last night when I first saw the amendment. Perhaps you saw on television and have read in the paper today the different proposals that are out in other states and including what this bill emanates out of California. The swap of old cars, letting companies buy old cars and trade them in and this gets rid of certain types of emissions, they being 90 percent less effective than new cars in containing pollution, but to this particular amendment, my concern is that we are trying to address something in a very strange way.

The goals are laudable, they are not laughing matters and I would agree with the committee, these are very serious times and only now are we beginning to understand how serious they are. Although, believe me, they are not a problem of just the State of Maine, nor of just New England, nor even just of the United States, they are a global problem.

If we are truly going to try a very innovative emission type control of our automobiles, there are eleven states considering this in addition to California, who has already passed it. I believe the AP this morning listed each one of those states and it said including Maine, then I do not understand the committee's response of looking at only six or seven counties. They can say that that is where the high incidents arise, that is where the levels got too high last summer but believe me, everybody's car is the same whether it is driven over the roads at Fort Kent, Eagle Lake, Houlton, Bangor, Augusta, Lewiston, Portland, Fryeburg or York, it is the same automobile, the same problems.

If we are going to address a problem as part 50 units of the United States, then we should do it statewide. We should not look at York County or Cumberland County or six counties in the southern part of Maine and say "voila" we passed something and it serves to comply with some particular regulation, perhaps, but why, why, if we are looking at the real solution don't we look to it on a statewide basis?

This bill has some flaws to it. How are people on welfare who need the car in rural areas going to get around to look for jobs, to get food, to travel? Many of them drive older cars that smoke. In fact, as I look at some of exemptions in this law, I wonder why (I have always wondered why) trucks that you see smoke galore are always exempted? Maybe there is a different pollution there but I will tell you what is good for the goose is good for the gander and they sure as heck give the look of being much bigger pollutants than my automobile.

I won't vote for this legislation in its form. If somebody wants to amend it and say it is going to apply to all of the state and that the committee is going to look for solutions on how they are going to help people who are below certain income levels look to repairing their vehicles, I will support it 100 percent. It is what we must do but this bill is not what we must adopt. I suggest that you who are in support of this bill from the committee get an

amendment prepared to do those two things and you will gain much more response in this chamber, at least for my way of thinking.

The bill is necessary, it has a laudable goal, but let's get the procedure a little more fair, more complete and more equitable. I only ask for two things, that it apply to the entire state and that the committee agree that it is going to look into some other mechanism to help out people who are poor getting compliance.

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

Representative COLES: Mr. Speaker, Ladies and Gentlemen of the House: I would like to respond to the previous speaker's concerns. When this bill came before the committee, that was the very first question I asked, why is this only for six counties, why not statewide? Everyone must have asked that question in their own minds. The answer is, if we apply it statewide, it will cost two to three times as much per vehicle tested as it does applying to the six counties proposed. If you wish to triple the cost for each person who undergo the tests, then you should amend the bill to make it apply statewide. The six counties in which it is proposed are the only counties in Maine which are called moderate non-attainment areas, that is they do not meet federal air quality standards for ozone.

It was also a concern expressed by more than one speaker about low-income people, people who can't afford to repair their vehicles. What do these people do now when they fail the vehicle inspection program? If they don't have their vehicle repaired, if they don't have the muffler replaced, if they don't replace the ball joints, a headlight, whatever it is, they can't drive their vehicles then either. If you don't maintain a vehicle at minimum standards in this state, then you cannot operate it.

There were concerns expressed about how you prove you have this if you are stopped by a police officer. You have to carry a car registration, you have to carry an insurance form, this is going to go in the same envelope.

What ever way we act today, there is going to be a significant cost to the people of the State of Maine. Leaving things as they are is going to cost all those people who suffer from respiratory problems because of air pollution. It is not a matter of someone picking up a cost or the state as a whole having to pay the cost that is not already being paid, it is only a matter of who should pay the cost, the people who suffer from the problem or people who cause the problem.

If we want to clean up our air pollution, we have a variety of possible ways to go about it. We can go after the big stationary sources and we can go after the mills. We can go after the small stationary sources, the dry cleaners, the auto shops and so on. If that is our preferred course, fine. If this House prefers that course, fine. The major difference between that course and going after these individual vehicles is that course will cost the people of this state ten times as much money as this course will. The cost per ton of pollution reduction, this way, is \$500. The cost per ton of pollution reduction going after industrial sources is more than \$5,000 per ton.

The Energy Committee didn't have this bill presented to it and say, okay fine, we don't have any questions, whatever you want. We asked questions, the very same questions we are hearing today. We

didn't pass this bill out 11 to 2 "Ought to Pass" — when you look at that report, it is all across the board within the committee. We didn't pass it out 11 to 2 "Ought to Pass" because we didn't care about the people of the State of Maine or we didn't care what was in it or we didn't ask these questions, we passed it out only after we asked all these questions and we got satisfactory answers or sufficiently satisfactory answers.

I personally had some concerns about exactly how the program would work. I thought there were some other alternatives but I was persuaded by other committee members that since the DEP and the State Police have worked out this proposed system based upon actual operating experience in other states, a system in which the experience in other states indicates very clearly is the cheapest and most efficient and effective way to accomplish this goal that I agreed to go along, to put aside my reservations about some of the details of how it will work and give them a chance to make it work.

If we reject this, it will be back next year in very much the same form because any other form is much more expensive and much more inconvenient to many people. If we reject this in the meantime, we will another year — by the way, this doesn't take effect, no one is required until July 1, 1994 to actually have this sticker or certification in their car. The lead time that Representative Lord mentioned is what is going to take up in between and one hopes fervently that we will not be in a recession in 1994, that our economy will have recovered. But, if we do not do this this year, we are going to have another year's worth of poor health, higher health expenses, higher health insurance rates to the extent that automobiles contribute to the respiratory problems in this state, they contribute significantly, we must act in a significant way to deal with it.

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

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

Did the committee consider the adoption of this in a phased manner such as making it applicable most eminently to the lower six counties or seven counties and then a later start-up date of maybe a year or two after to the rest of the state? If not, why wouldn't that be a logical flushing out of the whole bill?

The SPEAKER PRO TEM: Representative Hastings of Fryeburg has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Harpswell, Representative Coles.

Representative COLES: Mr. Speaker, Men and Women of the House: The key element in the cost of operating this system, the cost to the motorist is the number of stations, the level of convenience of access to the station. If you have a lot of stations scattered around the state, the cost goes up a lot because the volume per station goes down so much. There is a formula which will be used to determine the precise number of stations that will be established. It will be somewhere around eight to twelve in that range in these six counties. It will depend in part on what they decide is a minimum convenience factor — shall the station be within the average drive of 15 miles or an average drive of 20 miles etcetera? If you spread them around the state, if you go into less populated counties, which also

tend to be the larger counties geographically, you drastically increase the cost. So, to propose to phase it in now in essence would be to propose to phase in a much higher cost for very little benefit. Sixty percent of the cars in the state are in the six counties involved right now. Only 40 percent are in the remaining ten counties. That geographical dispersion will significantly increase, perhaps double, even triple the cost to the average person if we go into those counties now. That is why we didn't propose a phase-in. That is why we left it to these six counties, the ones which in fact are not attaining air quality standards, the only ones which are not attaining those standards, and left it to see how it will work. If later on, the other counties show that they have become non-attainment counties, begin to violate air quality standards or if in fact the analysis shows that the convenience factor is such you could keep the cost to a reasonable level, we could consider that but at this point, it is not a sensible proposition.

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

Representative KETOVER: Mr. Speaker, Men and Women of the House: I would like to pose a question through the Chair.

I am deeply concerned about the trucking part of it. I am not concerned about the out-of-state trucks but I am concerned about the in-state trucks and if they are going to be exempt and the reason why they are going to be exempt because I think that they could be the worst offenders, far more than cars.

The SPEAKER PRO TEM: Representative Ketover of Portland has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Freeport, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, Men and Women of the House: The committee talked about the exemptions and the whole question of exempting trucks and diesel engines was brought up and the Director of the Air Bureau said that there aren't very many trucks and they don't cause a lot of pollution. There were so few trucks that it wasn't necessary to include them in the program because there would be marginal gain from having trucks in the program. That is why they are not in the bill.

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

Representative NUTTING: Mr. Speaker, Ladies and Gentlemen of the House: I will be brief. We heard statements earlier today that we can bury our heads in the sand and not do anything — well, I believe in its present form this bill does not do enough. I will not support this bill unless trucks are included. I will not support this bill unless it covers the whole State of Maine the way it should.

I am reminded of, in my own district, in the Town of Turner in Androscoggin County, of an elderly couple that is going to have to have their older vehicles probably checked out and some work done to them. Their children, who happen to live 25 feet from them across the street in Hebron, they are not, I guess, a pollution problem. I guess people from Oxford and Piscataquis County never drive their vehicles in the counties that are covered. I guess the wind never blows from Oxford County into Androscoggin. I will support this bill when the whole State of Maine is in the bill.

The SPEAKER PRO TEM: The Chair recognizes the

Representative from Coplin Plantation, Representative Powers.

Representative POWERS: Mr. Speaker, Fellow Members of the House: I would like to apologize for rising a second time. I really didn't intend (and I apologize) to turn this into a circus, there is no mirth in it whatsoever and I don't intend to imply that. I would like to apologize also to Representative Handy, I, too, have had children that were afflicted with asthma and I, too, have held my children in my arms wondering if they were going to take another breath. So, I deeply feel what he is feeling right at the moment. However, it turned out that my children were not asthmatic from the atmosphere or ozone, it was hereditary. There are other forms of asthma and I think that should be considered here.

There is nobody that wants to clean up the environment any more than I do but I don't want to do it at the expense of a few. Until this program goes to the heart of the matter, the beast that is causing the emission — go back to the horse and buggy if you want to, that is all right, I love horses and I could do that but this bill stinks terribly. It is going to pick on a few and it is not going to work. I think I can prove that point to you. Look at the garbage that the automobile industry has put on our automobiles. It simply did not work. Here is the clue, if it did, why do we have the problem with the emission that we have today? Why do we have an ozone problem? If they are serious — I will go with any other bill that they put forward if it is not going to be discriminatory to the very poor and the cities to the south. I will not pick on them anymore.

My apology for standing a second time but I can a third if I have to.

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

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

If I was coming from Aroostook County and I had a 1981 Buick that wouldn't meet the state standards in southern Maine, would my vehicle be prohibited from transgressing and egressing in these southern six counties?

The SPEAKER PRO TEM: Representative Tracy of Rome has posed a question through the Chair to any member who may respond if they so desire.

The Chair recognizes the Representative from Freeport, Representative Mitchell.

Representative MITCHELL: Mr. Speaker, Men and Women of the House: The answer to the question is no. If you live in an attainment area, you can drive your uninspected vehicle in any part of the state.

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

Representative TRACY: Mr. Speaker, Ladies and Gentlemen of the House: I would support this bill if it was not so discriminatory. I say encompass the whole state or don't encompass any part of the state at all.

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

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

I direct my question to Representative Mitchell. I commend him for his position. I would like an explanation, and perhaps I don't understand what I am reading, on Page 5 of the amendment, under Section 2404, Item 2, "Contract for Services: the

Commissioner shall contract with a private entity for the design, construction, equipping, establishment, maintenance and operation of public emission inspection stations" — my question is, is there such a design in existence today or are we asking for the development of a design with the intent that this money will pay for it?

The SPEAKER PRO TEM: Representative Look of Jonesboro has posed a question through the Chair to Representative Mitchell of Freeport who may respond if they so desire.

The Chair recognizes that Representative.

Representative MITCHELL: Mr. Speaker, Men and Women of the House: The answer to the question, as I understand it, is there a design that is already in existence and are we going to pay for it? I assume there is a design and that they are using that design in other states that are implementing this program. The way the program is envisioned to work is that the Department of Environmental Protection would put out a request, people would make bids and, if you got your bid approved, you could go out and open up an inspection station and run it for the state. That is where you would take your automobile into one of these stations and every five years the contract comes up for relicensing. I assume that the money they make out of the fee is going to pay off the investment and the inspection station and whatever other expenses they have.

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

Representative LORD: Mr. Speaker, my Learned Colleagues: To further explain this, these bays or this special station so-called, cost I believe \$150,000. That is where the cost is. Everybody and his brother can't go ahead and put one of these stations in. So, Mr. Keschl or whoever is in the Air Bureau is going to have to go out and contract. Now what they are figuring on is trying to get a station — why they are talking the southern six counties is because 60 percent of the cars are there and they figure one of these stations can service about 25,000 cars a year. That is why you have the figures the way they are between \$17 and \$25 and not to exceed \$30. If you go upstate, you are going to have these further apart and be handling less cars. So, if you do this, your cost has got to be jacked up to pay for it, that's all there is to it. He has got to go out and contract, he has got to receive bids. These stations will not do the work on your car. Your car will go into this bay, they will put the gadgets on it and you will get a printout and the printout will tell you you need new spark plugs, you need a new exhaust system, you need PCT, you might need new valves, new brakes — this is what it is going to tell you. It is a special rig and they cost. I understand now in Massachusetts what the people are doing is that some of the service stations have these (I don't think it is quite as elaborate as this) and the service stations are renting them at \$5,000 a month. You see they have got to get a pretty good amount of money to pay for it. This is what is going to happen.

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

Representative HEESCHEN: Mr. Speaker, Members of the House: The arguments that appear to be being made against this bill because it doesn't apply to the whole state seem to me more than a little reminiscent of some of the arguments against the

bottle bill, that we shouldn't just pick on bottles, we should have a statewide litter control law. I know that most of the Representatives who are speaking in opposition to this bill do believe sincerely that we should include the whole state but I think that we have to do what we can. We have to do what is effective and we should do it now.

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

Representative ADAMS: Mr. Speaker, Men and Women of the House: It is a rare thing that I would rise in opposition to an opinion expressed by my good friend, the Representative from Coplin Plantation, Representative Powers, with his eloquent and liquid logic on this subject. However, the prime sponsor of the bill, Representative Marsh, being not present with us today and certain amendments being spoken about and proposed, perhaps, I think it only proper to give him the courtesy that any one of us would ask for a proposal being discussed in our absence and, therefore, I move that this be tabled for one legislative day.

Subsequently, on motion of Representative Adams of Portland, tabled pending the motion of Representative Murphy of Berwick that L.D. 2308 and all accompanying papers be indefinitely postponed and specially assigned for Monday, March 23, 1992.

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

REPORTS OF COMMITTEES

Ought to Pass as Amended

Representative HUSSEY from the Committee on Transportation on Bill "An Act to Amend Certain Motor Vehicle Laws" (H.P. 1477) (L.D. 2089) reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1163)

Report was read and accepted, the bill read once.

Committee Amendment "A" (H-1163) 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-1163) and sent up for concurrence.

CONSENT CALENDAR

First Day

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

(H.P. 1673) (L.D. 2349) Bill "An Act to Provide Regulatory and Permitting Assistance to Businesses" (EMERGENCY) Committee on Housing and Economic Development reporting "Ought to Pass" as amended by Committee Amendment "A" (H-1164)

(H.P. 1722) (L.D. 2408) Bill "An Act to Implement the Recommendations of the Advisory Committee on Medical Education" Committee on Education reporting

"Ought to Pass" as amended by Committee Amendment "A" (H-1167)

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

The Chair laid before the House the following matter: Bill "An Act to Allow Municipalities to Appeal the New State Valuation" (EMERGENCY) (H.P. 1692) (L.D. 2372) which was tabled earlier in the day and later today assigned pending passage to be engrossed.

On motion of Representative Kilkelly of Wiscasset, the House reconsidered its action whereby Committee Amendment "A" (H-1136) was indefinitely postponed.

The same Representative offered House Amendment "A" (H-1168) to Committee Amendment "A" (H-1136) and moved its adoption.

House Amendment "A" (H-1168) to Committee Amendment "A" (H-1136) was read by the Clerk and adopted.

Committee Amendment "A" (H-1136) as amended by House Amendment "A" (H-1168) thereto was adopted.

The bill was passed to be engrossed as amended by Committee Amendment "A" (H-1136) as amended by House Amendment "A" (H-1168) thereto in non-concurrence and sent up for concurrence.

(Off Record Remarks)

On motion of Representative Jacques of Waterville, Adjourned at 12:35 p.m. until Monday, March 23, 1992, at nine o'clock in the morning pursuant to Joint Order (S.P. 961).